



RAMA UNIVERSITY

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FACULTY OF COMMERCE & MANAGEMENT

COURSE: MBA 3rd SEMESTER

SUBJECT: LABOUR LEGISLATIONS

SUBJECT CODE: MBAHR01

LECTURE: 2

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Lecture-2



NATURE OF LABOUR LEGISLATION

- **Products of Industrial Revolution:** The labour legislations are the products of Industrial Revolution and they have come into being to take care of the aberrations created by it. They are different from common legislations, because they come to alleviate special disorders created by specific circumstances. Therefore, they are specific and not general in orientation, philosophy, and Notes concept.
- **Regards Individual as a worker:** Labour legislation regards individuals as workers, whereas the general legislation regards him a citizen. The principles governing labour legislations are more influenced by the postulates of social justice than general justice. Workers are the weaker class of industrial society and have suffered long at the hands of employers. Therefore, these sets of legislations go out of the way in protecting workers and securing justice to them. The influences of 'discriminative justice' and 'distributive justice' can be clearly seen over them. All the labour legislations are heavily skewed towards labour and they are specifically designed like that.
- **Deals with problems of Labor:** Labour legislation seeks to deal with problems arising out of occupational status of the individual. Consequently,

such problems as hours of work, wages, working conditions, trade unions, industrial disputes etc. come to be the main subject matter of labour legislations. Thus, the behaviour of the individual or his groups is the function of labour legislation as of any other legislation. But under labour legislation, the individual is affected in the capacity of a worker or an employer. Therefore, the persons who are neither the employers nor the workers are least affected directly by labour legislation. To make the point clear, a few examples are necessary. A legislation regarding working conditions such as the factory legislation or laws regarding payment of wages or compensation for work injury or employment of women or children impinges upon the individuals as workers and the employers. On the contrary, a law regarding ownership of property or a law relating to the marriage or sales tax affects him as a citizen.

- It Is Role –Relation: Individuals have different roles to perform and different laws are designed for regulating the different roles. It is the role-relation that determines whether a particular legislation falls under the category of labour legislation, social legislation or general legislation. All these legislations try to meet the specific objectives of their respective target groups that are (a) to provide subsistence, (b) to aim at abundance, (c) to

encourage equality, and (d) to maintain security.

- **Regulates Conditions of Labor:** As labour legislations are to regulate the conditions of labour in the industrial milieu, it is required to be adjusted as per the changing requirements of industry. This has to be done more frequently than the general legislation where changes are not that swift. Unless labour legislations are subjected to frequent revision and not left to continue as they are, they become obsolete and irrelevant. The Indian Labour Legislations are the best example. Most of them have become outdated as the required revisions have not been affected and gaps have been created between the expectation of industrial society and the institution of labour legislation.
- (a) Not only contractual obligations, but beyond it by creating new rights and obligations. (b) Labour Law can operate along with General Law. A 'theft' can be dealt by Labour Law as well as IPC (c) No jurisdiction of civil courts

Factors Influencing Labour Legislations

There are a number of factors that had direct or indirect influence on the labour legislations. They are:

1. **Early Exploitative Industrial Society:** The early phase of industrialization was

an era of unbridled individualism, freedom of contract and the laissez-faire, and was characterized by excessive hours of work, employment of young children under very unhygienic and unhealthy conditions, payment of low-wages and other excesses.

The conditions of life and labour in the early periods of industrialization in India were extremely rigorous – hours of work were excessive, and the industrial labour drawn from the rural areas was severely exploited. The early factory and labour legislation in India resulted from the need for protecting the interests of the foreign industrialists and investors. In the tea plantations of Assam and Bengal, where life and work became extremely intolerable, workers started deserting their place of work for their village homes.

The earliest labour legislation, the Tea District Emigrant Labour Act, 1832 and Workmen's Breach of Contract Act, 1859 were designed more for the purpose of ensuring a steady supply of labour to the tea gardens in Assam than for protecting the interests of the laborers. The latter Act made the desertion of the tea gardens by the laborers, a criminal offence. This was despite that fact that the conditions of life and work in the tea gardens were extremely difficult and strenuous.

The first Factory Act of 1881 resulted from the complaints of the Lancashire textile magnates, against competition by the cotton textiles produced in the Indian mills because the labour employed by them was extremely cheap. The main idea behind this legislation was to increase the cost of production of Indian textiles by reducing the hours of work and improving other working conditions, but they were incidental to the main purpose of the protection of the interests of the Lancashire industrialists.

2. Early Administrators and the Civil Servants in India were drawn from England: They brought with them the pragmatism of the British society and were steeped in the English tradition. So, the pattern of Indian labour legislation has closely followed that of England with a big time lag. The cotton textile industry was the first to come under the purview of the Factories Acts in both the countries, though their scope at the early stages was very restricted. Other pieces of labour legislations enacted during the period such as the various amendments to the Factories Act, the Workmen's Compensation Act, 1923, the Indian Mines Act, 1923, the Indian Trade Unions Act, 1926, the Payment of Wages Act, 1936, the Employment of Children Act, 1938, among others, have followed the British pattern. Naturally, such excesses could not have continued for long without protest

and without demand for reforms.

3. **Growth of Trade Unionism:** The Trade Union movement which springs from industrial revolution has been another factor that quickened the growth of labour legislations. On the one hand, their demands for protection of the interests of the working class led to legislations in the field of wages, hours of work, women's compensation, social security and other areas; on the other hand, their growth necessitated legislations for the regulation of industrial disputes, their prevention and settlement and trade union rights and privileges. Trade unions have been as much conditioned by labour legislations as they have conditioned them.
4. **Political Freedom End of Colonial Rule and Extension of Adult Franchise:** Gradual extension and adoption of universal adult suffrage placed in the hands of the working class, a powerful instrument to influence the cause of state policy. Their representatives started espousing the cause of labour and getting progressive legislations passed. The workers used their political powers for betterment and amelioration of their lots.
5. **Rise of Socialist and Other Revolutionary Ideas:** The exploitation of labour was inherent in the capitalist economic system, so, the revolutionists advocated overthrowing the capitalist system. The echo of the slogan, "the

workers of the world unite, you have nothing to lose but your chains", reverberating throughout the capitalist world, sent a shudder among the conservative and capitalist circles to protective labour legislations came as safe alternatives. They readily grasped labour legislations as antidote to the spread of revolutionary ideas. The Fabian Society of England, the establishment of socialist and communist parties in many countries and first and second internationals strengthened the trend for progressive labour legislations.