CHAPTER- 6
LEGISLATIVE MEASURES
(Legalistic Approach to Harmonise Industrial Relations)

(A) Introduction:

Labour legislation is one of the most important institutions of modern society. Its origin and growth may be ascribed to several social forces, the most important of which is the development of organised industry, where a considerable number of men, women and children are employed under conditions which tend to be detrimental to their health, safety and welfare and against which they are often unable to protect themselves.

Labour problems constituted a serious menace to the society and needed solution, if not to eradicate then at least to mitigate them in the very beginning. And for this purpose Labour legislation in any country should be based on the principles of social justice, social equity international uniformity and national economy.

Social justice implied two things first. Equitable distribution of profits and other benefits of industry between industry owner and workers. Secondly, providing protection to the workers against harmful effects to their health, safety and morality. Social justice does not mean doing every thing for the welfare of labour to the utter disregard of the employer.

The concept of social security is based on ideal human dignity and social justice. Social security measures are significant from two
view points. First, they constitute an important step towards the goal of a welfare state. Secondly, they enable workers to become more efficient and thus reduce wastage arising from industrial disputes.

According to the report of National Commission on Labour social security has become a fact of life and these measures have introduced an element of stability and production in the midst of the stresses and strains of modern life. It is a major aspect of public policy today and the extent of its prevalence is a measure of the progress made by a country towards the ideal of a welfare state. It is an incentive for development; substituting as it does, hope for fear in the process improving the efficiency of the working force.

Workers are the dominant partners in the industrial undertaking and without their cooperation and good work, discipline, integrity and character, the industry will not be able to produce effective results or profits and it will adversely effect the industrial harmony.

The Government and management fully understand the labour psychology and a change in their outlook and attitude is desired to secure the industrial peace.

Nothing should be done under threat or coercion but on a clear understanding that whatever is good and is due to the labour must be given. Industry owners should treat the workers as co-partners. Similarly workers in the country must fully realise that if they desire to secure their due place in the industrial economy of the country they must think more in terms of responsibilities and duties and not
interpret independence for impertinence and liberty for licence.

In India, a number of labour legislations have been enacted to promote the condition of the labour, keeping in view the development of industry and National economy. These legislations products employees and workers and also dictate directions to keep industrial peace. The legislative measures are:

(B) The Factories Act 1948:

The Factories Act, 1948, provides for the health, safety, welfare and other aspects of workers in factories, the Act is enforced by the state government through their factory inspectorates. The Act also empowers the state government to frame rule, so that the local conditions prevailing in the state are appropriately reflected in the enforcement, provisions have also been made for the workers participation in safety.

(C) Trade Unions Act, 1926:

Trade unions are organisations of workers which work for the maintenance and enhancement of their economic status and improvement in working conditions along with other facilities and benefits. This Act also defines the rights and duties of its members and its application with management within the legal framework.

(D) The Workmen's Compensation Act, 1923:

The growing complexity of industry in this country, with
the increasing use of machinery and consequent danger to workmen; along with the comparative poverty of the workmen themselves renders it advisable that they should be arising from accidents. A legislation of this kind helps to reduce the number of accidents in a manner that cannot be achieved by official inspection, and to mitigate the effect of accidents by provision for suitable medical treatment, thereby making industry more attractive to labour and increasing its efficiency.

(E) **Industrial Disputes Act, 1947:**

The object of the industrial relations legislation in general is industrial peace and economic justice. It depends on harmonious relationship between the labour and management. Therefore, every industrial relations legislation necessarily aims at providing conditions congenial to the industrial peace. The object of the act as laid down in the preamble of the Act is to make provision for the investigations and settlement of industrial disputes, the promotions of measures for securing amity and good relations, the prevention of illegal strike and lockouts, relief to workman in the matter of lay-off, retrenchment and closure of an undertaking and collective bargaining.

(F) **Employees Provident Funds and Family Pension Fund Act, 1952:**

The object of the Employees Provident Funds Act is to provide for the institution of funds for employees in factories and other establishments. The principal duty is laid upon the employer to put
the provident fund scheme into operation and to make contributions of both the employers and employees share. Family Pensions schemes censure the economic support to the family after the retirement/death of the employees.

(G) The Employees State Insurance Act, 1948:

Many social security schemes have been introduced in our country. The Employees State Insurance Act was first of such measures adopted in India to provide for social insurance to the labourers. The Act provides for certain benefits to employees in case of sickness, maternity and employment injury and for certain other matters in relation thereto.

(H) The Minimum Wages Act, 1948:

The object of the act is directed against exploitation of the ignorant, less organised and less privileged member of the society by the capitalists. This Act has been enacted to secure the welfare of the workers in a competitive market by providing for a minimum limit of wages in certain employments. The justification of statutory fixation of minimum wages is obvious; such provisions which exist in more advanced countries are even necessary in India, where worker’s organisations are yet poorly developed and the workers bargaining power is consequently poor.
(I) Other:

Apart from above Acts some Acts are also in practice which provides legal guidelines and directions for smooth running of the industries and harmonising industrial relations.

These are: