Chapter - 5

Dr. Ambedkar's Labour Welfare and Economic Justice and Role of Judiciary

- Dr. Ambedkar's Reflection on the Preamble of the Indian Constitution
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Dr. Ambedkar was nominated to the Viceroy’s executive council as the labour member. He accepted the post in the interest of the masses. Speaking on the occasion, he said, “I assure you that I shall not surrender in the battle, I will have to wage for protecting and advancing the interest of the working class in India in the Executive Council.” This was Dr. Ambedkar’s assurance to the working classes in India on taking charge of labour portfolio in the Viceroy’s executive council, as he realized fully the importance of the role of labour in the economic development of the country.

Dr. Ambedkar adopted three fold approach for dealing with India’s labour problems:

(I) Providing safeguards and social security measures to workers.

(II) Giving equal opportunity to workers and employers to participate in formulating labour policy and strengthening the labour movement by introducing compulsory recognition of trade unions in order to enable labour to play an effective role in the economy of the country.

(III) Establishing a machinery for enforcing labour laws and settling disputes.
The important major functions performed by the ministry of labour, headed by Dr. Babasaheb Ambedkar (from July 1942 to June 1946) may be classified as follows:

(1) Convening of the Indian labour conference and standing labour committee;

(2) Enactment of labour laws;

(3) Establishment of the Chief labour commissioner's organization;

(4) Appointment of the labour investigative committee;

(5) Machinery for fixing minimum wages;

(6) Standing orders in industrial employments, and

(7) Recognition of trade unions.2

During the tenure of nearly four years, Dr. Ambedkar established 'Employment Exchange Centres' to enroll the educated unemployed youth. This was a very important step in the interest of labourers. The skilled and semi-skilled labour technicians, trained under different schemes, could find avenues of employment; otherwise they would have been thrown out in the streets. Upto the date of establishment of these centers, candidates were selected as per the norms of particular institution. These centers created new norms of selection for interviews.

Due to Dr. Ambedkar's deep hearted efforts, various provisions relating to labour welfare were incorporated in the Constitution of
India and these provisions have reflected Dr. Ambedkar’s vision towards labour welfare.

**Dr. AMBEDKAR’S REFLECTION ON THE PREAMBLE OF THE INDIAN CONSTITUTION**

The preamble to the Constitution of India declares India to be a Sovereign, Socialist, Secular, Democratic, Republic. The ‘Sovereign’ denotes that India is subject to no external authority. The term Democratic signifies that India has a parliamentary form of government, which means a government responsible to an elected legislature. The term ‘Republic’ denotes that the Head of the State is not a hereditary monarch, but an elected functionary. The words in the preamble, “we the people of India..... in our constituent Assembly..... do hereby adopt, enact and give to ourselves this Constitution.”, propound the theory that the ‘Sovereignty’ lies in the people; that the Constitution emanates from them; that the ultimate source for the validity of, and the sanction behind the Constitution is the will of the people; that the Constitution has not been imposed on them by any external authority, but is the handiwork of the Indian themselves. The people of India thus constitute the sovereign political body who hold the ultimate power and who conduct the government of the country through their elected representatives.

The two words ‘Socialist’ and ‘Secular’ were not there originally in the preamble but were added to the preamble by the 42nd Constitutional Amendment in 1976.
With the insertion of the word ‘Socialist’ in preamble to the Constitution, ‘Socialism’ can never be a forbidden word, even if concept of ‘socialism’ varies from country to country and from thinker to thinker. There can be no doctrinaire approach to the application of socialistic principles; and there can also be a pragmatic approach. In accordance with the first view, national wealth and means producing it should be under control, irrespective of immediate consequences. In accordance with the second approach socialization should mean absence of exploitation in all its forms, abolition of human disabilities imposed by the age old social injustice and inequalities due to racial intolerance, caste stratification, communal segregation, colour apartheid, economic oppression, bondage of slavery and feudalism. Socialisation of human resources be for the greatest good of the even grate number of people. There should be used for reasons of raising efficiency and expectation of increase in out-put, Gajendragadkar J. in Akadashi\(^3\), and Untwalia J in Excel Wear\(^4\) preferred the pragmatic approach. They felt that it would enable the court to lean more and more in favour of nationalisation and state ownership of industries. India seems to have endeavoured to adopt imperfectly the pragmatic approach.

Socialism bears interspersion in the provisions of the Constitution. The preambulary reference to socialism was intended to ushering in a socio-economic revolution. It is meant to end poverty,
socio-economic exploitation and inequalities. It is intended to do programming of social justice and social welfarism by elimination of inequality in income and status and standard of life. It is intended to provide a decent standard of life to the working people and to provide them social security from cradle to grave. It is intended to promote the objective of lessening exploitation and improving equitable distribution of income. The socialist state should secure and ensure for everyone fair opportunity for education and equality in pursuit of excellence in the chosen avocations without let or hindrance of caste, colour or sex, religion, or undeserved disabilities and liabilities. Articulated in best terms the preambulatory expectation for justice – social, economic and political mandates the state to accord justice to all persons, to secure just and human conditions assuring decent standard of life to all. It promotes meaningful social change for all without no exception whatever. Justice must be done even to the man standing at the lowest level of the social order the poor, the weak, the have not.

In the case of Akadashi Pardhan Vs. State of Orissa,\(^5\) the question for consideration was whether a law creating a state monopoly was valid under the latter part of Article 19(6) which was introduced in 1951. It was pointed out by Gajendragadkar, J. “To the socialist, nationalization or state ownership is a matter of principle and its justification is the general notion of social welfare. To the nationalization or state ownership is a matter of expediency
dominated by considerations of economic efficiency and increased output of production. This latter view supported nationalization only when it appeared clear that state ownership would be more efficient, more economical and more productive. The former approach was not very much influenced by these considerations, and treated it as a matter of principle that all important and nation building industries should come under state control. The first approach is doctrinaire, while second is pragmatic. The first proceeds on the general ground that all national wealth and means of producing it should come under national control, while the second supports nationalization only on grounds of efficiency and increased output.”

The difference pointed out between the doctrinaire approach to the problem of socialism and the pragmatic one is very apt and may enable the courts to lean more and more in favour of nationalization and state ownership of an industry, after the addition of the word ‘Socialist’ in the preamble of the constitution. But so long as the private ownership of an industry is recognized and governs an overwhelmingly large proportion of socialism and social justice can be pushed to such an extreme so as to ignore to a very large extent the interests of another section of the public namely the private owners of the undertaking. In a state owned undertaking the government or government company is the owner. If they are compelled to close down, they probably, may protect the labour by several other methods
at their command. But in a private sector obviously the two matters involved in running it are not on the same footing. One part is the management of business done by owners or their representatives and the other is running the business for return to the owner for the purpose of meeting his livelihood or expenses.

Independent India's industrial policy was first announced in 1948. This envisaged a mixed economy with an over all responsibility of the government for planned development of industries and their regulation in the national interest. While it reiterated the right of state to acquire an industrial undertaking in public interest, it reserved an appropriate sphere for private enterprise.

The expression 'socialist' was introduced in the preamble by the Constitution (Forty-second Amendment) Act, 1976. In the objects and reasons it was said, the question of amending the Constitution for removing the difficulties which have arisen in achieving the objectives of socio-economic revolution which would end poverty and ignorance and disease and inequality of opportunity, has been engaging the attention of the government and the public for some time. It is, therefore, proposed to amend the Constitution to spell out expressly the high ideals of socialism to make the directive principles more comprehensive. The whole industrial policy of the government was thus made a part of the preamble.
In D.S. Nakara Vs Union of India the Supreme Court has held that the principle aim of socialist state is to eliminate inequality and status and standards of life. The basic framework of socialism is to provide a decent standard of life to the working people. This amongst others an economic side envisaged economic equality and equitable distribution of income.

The goal of the Indian polity is socialism has since been ensured by inserting the word ‘socialist in the preamble. It is to be noted, however, that the ‘socialism’ envisaged by the Indian Constitution is not the usual scheme of state socialism which involves ‘nationalisation’ of all means of production, and the abolition of private property. As then Prime Minister Indira Gandhi explained, “We have always said that we have our own brand of socialism. We will nationalize the sectors where we feel the necessity. Just nationalization is not our type of socialism.”

The Indian Constitution, therefore, does not seek to abolish private property altogether but seeks to put it under restraints so that it may be used in the interest of the nation, which includes the upliftment of the poor. The Constitution envisages a mixed economy but aims at offering ‘equal opportunity’ to all and abolition of vested interests.

The trend of the government is now away from collective ownership of means of production. Power, steel, airways, electricity
and many other fields have been observed for free enterprise. And the Indian economy is marching towards capitalism rather than socialism.

**ECONOMIC JUSTICE AND FUNDAMENTAL RIGHTS OF THE CONSTITUTION**

In the years after the second world war, economic development became a central objective of the countries emerging from colonial rule or semi colonial status, and much of the thinking and activity of international bodies was couched in terms of the problems of assisting newly developing countries in their efforts to catch up.

The concept of economic development was not sharply defined but as used for example by International Bank for Reconstruction and Development, it meant an advance in national and per capita income, increased industrial and agricultural production and productive capacity, increased productivity of labour and a rising level of living for the people in the present or the future.  

In a welfare state, all round development is the task of the state which includes economic justice also. Economic justice would mean the development of a more productive economy which would lift the Indian people from extreme poverty to level of living closer to that of more prosperous and developed countries, to increase the real income of the people sufficiently rapidly to maintain stability in the society and to achieve ‘Socialist pattern of Society’ which means that extremes of wealth would be reduced, centers of private power would
be eliminated or not allowed to develop and the machinery of the state would be used for such economic purposes as might be appropriate in a democratic system.

The Constitution of India and its preamble was the famous expression that the Sovereign Democratic Republic is to secure all its citizens inter-alia “Justice social, economic and political”. The term ‘economic justice’ in the Preamble denotes nothing but India’s resolve to bring socio-economic revolution.

Articles 14, 17, 21, 23 and 24, the fundamental rights of the Indian Constitution, speak of the rights against inequalities and exploitation. Our Apex Court in Randhir Singh Vs. Union of India⁹ declared that although the principle of ‘equal pay for equal work’ is not expressly mentioned by our Constitution to be a fundamental right, but certainly, it is a Constitutional goal under Articles 14, 16 and 39(C) of the Constitution. This right can therefore be enforced in cases of unequal scales of pay based on irrational classification. Further, in Daily Rated Casual Labour Vs Union of India¹⁰ the Supreme Court has pronounced that the daily rated casual labourers who were doing similar work as done by the regular workers were entitled to minimum pay. Classification of employers into regular employees and casual employees for the purpose of payment of less than minimum pay is violative of Articles 14 and 16 of the constitution. Denial of minimum pay amounts to exploitation of labour. The
government can not take advantage of its dominant position. The government should be a model employer.

The principle of equal pay for equal work is also applicable to casual workers employed on daily wages basis. It is not open to the government to deny such benefit to them on the ground that accepted the employment with full knowledge that they would be paid daily wages. Such denial would amount to violation of Article 14.11

Article 17 abolishes 'untouchability' and forbids its practice in any form. The enforcement of any disability arising out of untouchability is to be an offence punishable in accordance with law. Provision against untouchability is a part of not only social justice but economic justice also. Its practice in any form whether on the basis of economic condition or social condition is forbidden and punishable in accordance with law.

Approaching to economic justice, the apex court of India confirmed that right to livelihood is included in Article 21. In Olga Tellis Vs Bombay Municipal Corporation12 popularly known as 'pavement dwellers case', the Supreme Court has held, "it does not mean merely that life can not be extinguished or taken away as, for example, by the imposition and execution of death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of that right, is the right to
livelihood because no person can live without the means of livelihood. If the right to livelihood is not treated as a part of the Constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood. In view of the fact that Articles 39(a) and 41 require the state to secure to the citizen an adequate means of livelihood and the right to work, it would be sheer pendentary to exclude the right to livelihood from the content of the right to life.”

But in Sodan Singh Vs New Delhi Municipal Corporation the Supreme Court adopted a different view. The court held that, the right to carry on any trade or business is not included in the ‘concept of life’ and is not included in the ‘concept of life’ and personal liberty. The court distinguished the rulings of the court in Olga Tellis case and held that it is not applicable in this case.

In a landmark judgment in D.K. Yadav Vs J.M.A. industries the Supreme Court reaffirmed that the right to life enshrined under Article 21 includes the right to livelihood. The Supreme Court held that the procedure prescribed for depriving a person of livelihood must meet the requirement of Article 14, that is, it must be right, just and fair and not arbitrary, fanciful or oppressive.

Articles 23 and 24, the fundamental rights of the Indian Constitution, speak of the rights against exploitation. Centuries of
internal and external exploitation of the Indian people have produced the tragedy of massive poverty and destitution throughout the length and breadth of India. Article 23 of the Constitution of India prohibits traffic in human being and beggar and other similar forms of forced labour.

"Traffic in human beings" means selling and buying man and women like goods and includes immoral traffic in women and children for immoral or other purposes. Though slavery is not expressly mentioned in Article 23, it is included in the expression 'traffic in human being'. Begar and 'other forms of forced labour' are also prohibited by this Article. 'Begar' means involuntary work without payment. The protection is not confined to beggar only but also to 'other forms of forced labour'. It means to compel a person to work against his will.

In People's Union for Democratic Rights vs Union of India the Supreme Court considered the scope and ambit of Article 23 in detail. The court held that the scope of Article 23 is wide and unlimited and strikes at 'traffic in human beings' and 'begar' and 'other forms of forced labour' wherever they are found. No one shall be forced to provide labour or service against his will even though it be under a contract of service. Payment of wages less than the minimum wages would also be regarded as forced labour. Giving a very expensive interpretation to Article 23, Bhagwati J, said, "the word 'force' must
therefore be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wages.”

Therefore, a complaint that minimum wage is not being paid to the workmen by the contractors, is in effect and substance, a complaint against violation of the fundamental right of the workmen under article 23. The government can not ignore violation of equality and economic injustice to the workmen, the government is under an obligation to ensure that the contractor observes the concerned statutes and does not breach the equality clause.

In Sanjit Roy Vs State of Rajasthan, payment of wages lower than the minimum wages to persons employed on famine relief work has been held invalid under Article 23. In the words of Bhagwati J, “...........where a person provides a labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the meaning of the words ‘forced labour’ and attracts the condemnation of Article 23.” Whenever any labour or service in taken by the state from any person, whether he is affected by drought and scarcity conditions or not, the state must pay at least, minimum wage to him on pain of violation of Article 23. The state can not take advantage of the helpless condition of the
affected persons and exact labour or service from them on payment of less than the minimum wage.

Considering the problem of prisoners as a workman, the Supreme Court held that labour taken from prisoners without paying proper remuneration was 'forced labour' and violative of Article 23 of the Constitution. The prisoners are entitled to payment of reasonable wages for the work taken them and the court is under duty to enforce their claim.21

In Rohit Vasvada Vs General Manager, IFFCo22, the Gujrat High Court has stated that when due to economic compulsions, workman are forced to work under inhuman or sub-human conditions, without the safeguards, facilities and amenities secured to them under the law being made available to them irrespective of wages paid to them and their apparent consent, the labour employed will be forced labour.

Marching towards the economic justice and labour welfare, the Supreme Court in Salal Hydro-Project Vs Jammu and Kashmir23 found that the workmen employed on the project were being denied the rights and benefits ensured to them under various labour laws. The provisions of the Inter-state Migrant workmen (Regulation of Employment and conditions of service) Act, 1979 were not being implemented at all and violations of the Minimum Wages Act and the Contract Labour Act were also taking place. The court directed the
central government to ensure that the contractors at the project implemented the various labour laws.

A serious socio-economic problem in India has been that of bonded labour. Bonded labour system is unconstitutional under Article 23 of the Constitution as it can be regarded as a form of forced labour. To give effect to Article 23, parliament enacted the Bonded Labour System (Abolition) Act, 1976. The Act is an attempt to do economic justice to the working class of the society.

Inspite of the Constitutional and legal provisions abolishing bonded labour, the implementation of the law has been very tardy at the administrative level as all kinds of vested interests make themselves felt in this area. There are many difficult problems involves in eradicating such bonded labour. The slow implementation of the law had given rise to several judicial pronouncements by way of public interest litigation. In Bandhua Mukti Morcha Vs Union of India\textsuperscript{24}, the Supreme Court said, ".... The pernicious practice of bonded labour has not yet been totally eradicated from the national scene and that it continues to disfigure the social and economic life of the country at certain places...... A large number of them belong to scheduled castes and scheduled tribes account for the next largest number while the few who are not from scheduled castes or scheduled tribes are generally landless agricultural labourers".
The court further said, It is absolutely essential – we would unhesitatingly declare that it is a Constitutional imperative – that the bonded labourers must be identified and released from the shackles of bondage so that they can assimilate themselves in the main stream of civilized human society and realize the dignity, beauty and worth of human existence. The process of identification and release of bonded labourers is a process of discovery and transformation of non-beings into human beings..... this process of discovery and transformation poses a serious problem since the social and economic milieu in which it has to be accomplished is dominated by elements hostile to it. But this problem has to be solved if we want to emancipate those who are living in bondage and serfdom and make them equal participants in the fruits of freedom and liberty..... it is not right on the part of the concerned governments to shut their eyes to the inhuman exploitation to which the bonded labourers are subjected.”

On the question of identifying bonded labour, in Neerja Choudhry Vs Madhya Pradesh, the court has said “Whenever it is found that any workmen is forced to provide labour for no remuneration or nominal remuneration, the presumption would be that he is a bonded labour unless the employee or the state government is in a position to prove otherwise by rebutting such presumption.” The court directed the state government to make a vigorous effort to identify and rehabilitate the bonded labourers. If not
rehabilitated, they would soon relapse into the state of bondage. It is the plainest requirement of Articles 21 and 23 of the Constitution that bonded labourers must be identified and released and on release, they must be suitably rehabilitated. The court emphasized that any failure on the part of the government, whether central government or state, in implementing the provisions of the Bonded labour system (Abolition) Act, would be the clearest violation of Article 21 apart from Article 23.

Infact, economic injustice is a threat to the society. Thus, economic democracy consists economic justice and Dr. Ambedkar emphasized that if economic democracy does not exist, the whole structure of political democracy would be demolished. Considering this issue the Supreme Court declared that the state is under a Constitutional obligation to see that there is no violation of fundamental rights of any person, particularly when he belongs to the weaker sections of the community and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him. Both the central government and state government are therefore bound to ensure observance of various social welfare and labour laws enacted by parliament for the purpose of securing to the workmen a life of basic human dignity in compliance with the Directive Principles of State Policy,28
Another Fundamental Right under Article 24 of the Constitution of India prohibits employment of children below the age of 14 years to work in any factory or mine or engage in any other hazardous employment. In Asiad case\textsuperscript{29}, the Supreme Court has emphasised that Article 24 embodies a fundamental right which is plainly and indubitably enforceable against everyone. The Supreme Court rejected this contention that the construction industry was not a process specified in the schedule to the Employment of children Act, 1938. The court held that the construction work is hazardous employment and therefore under Article 24 no child below the age of 14 years can be employed in the construction work even if construction industry is not specified in the schedule to the Employment of Children Act, 1938. The court has reiterated this ruling in Salal Hydro-Project Vs Jammu and Kashmir case\textsuperscript{30}, construction work being hazardous employment, children below 14 years can not be employed in this work because of Constitutional prohibition contained in Article 24.

In pursuance to the eradication of child labour, the Employment of Children Act, 1938 and the Child Labour (Prohibition and Regulation) Act, 1986 have been enacted. The Employment of children Act 1938, prohibits employment of children below 14 years of age in railways and other means of transport. The Indian Factories Act, 1948, Mines Act, 1952, The Merchant Shipping Act, 1958, the Motor Transport Workers Act, 1951, the Plantation Labour Act, 1951, the

In a significant judgement in M.C. Mehta Vs State of Tamil Nadu\(^1\) the Supreme Court has held that children below the age of 14 years can not be employed in any hazardous industry, mines or other works and has laid down exhaustive guidelines how the state authorities should protect economic, social and humanitarian rights of millions of children, working illegally in public and private sectors. Doing economic justice to the child labour, the court directed setting up of Child Labour Rehabilitation Welfare Fund and asked the offending officer to pay for each child a compensation of Rs. 20,000 to be deposited in the fund and suggested a number of measures to rehabilitate them in the phased manner.

The court further directed that the liability of the employer would not cease even if he would desire to disengage the child presently employed and asked the government to ensure that an adult members of the child’s family get a job in a factory or anywhere in lieu of the child. In those cases where it would not be possible to provide jobs, the appropriate government would, as its contribution, deposit Rs.5000 in the fund for each child employed in a factory or mine or in any other hazardous employment.
The court pointed out that in case of getting employment for an adult, the parent or guardian shall have to withdraw the child from the job. Even if no employment would be provided, the parent shall have to see that his child is spared from the requirement of the job as an alternative source of income, interest income from deposit of Rs. 25,000, would become available to the child's family till he continues his studies up to the age of 14 years.32

One step forward from the Supreme Court decision the Campaign Against Child Labour (CACL), a non-government organization, demanded "domestic and hotel sectors" must be declared as hazardous sector. There was a gradual shift of child labour towards the manufacturing and service sectors, though the majority remained in the agrarian sector. The campaign considered child labour to be closely linked to poverty and unemployment and would therefore give specific emphasis on payment of "living wages" to parents in agricultural and other unorganized sectors.

ECONOMIC JUSTICE AND DIRECTIVE PRINCIPLES OF STATE POLICY WITH REFERENCE TO LABOUR WELFARE

The Directive Principles of State Policy contained in Chapter IV of the Constitution of India is the mirror of Indian polity through which one can make an estimate of the expectation of the people of India. They are, the embodiment of the ideals and the goals towards which the state is expected to govern the country.
Directive principles engagingly elaborates the welfare concepts which the government shall have to take into consideration while administering the country. 'Directives' are directed for an idealistic society, it aims at achieving social solidarity devoid of any difference owing to caste, colour and creed. Society at large is the local point of analysis.34

The Directive Principles lay down certain social, economic and political principles, suitable to peculiar conditions prevailing in India. They constitute a very comprehensive political, social and economic programme for a modern democratic state leads to a welfare State. Describing the objectives of a welfare state Dr. Ambedkar aptly said, We have established political democracy, it is also the desire that we should lay down as our ideal economic democracy. We don't want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to lay down an ideal before those who would be forming the government. The ideal is economic democracy, whereby, so far as I am concerned, I understand to mean one man, one vote. The question is, have we got any fixed idea as to how we should bring about economic democracy? There are various ways in which people believe that economic democracy can be brought about, there are those who believe in individualism as the best form of economic democracy; there are those who believe in having a socialistic state as the best form of economic democracy;
there are those who believe in the communistic idea as the most perfect form of economic democracy.

Now, having regard to the fact there are various ways by which economic democracy may be brought about, we have deliberately introduced in the language that we have used, in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking, with regard to the reaching of the idea of economic democracy, to strike in their own way, to persuade the electorates that it is the best way of reaching economic democracy, the fullest opportunity to act in the way in which they want to act.

It is no use giving a fixed, rigid form to something which is not rigid, which is fundamentally changing and must, and having regard to the circumstances, and at times keep on changing. It is, therefore, no use saying that the directive principles have no value. In any judgement, the directive principles have a great value, for they lay down that our ideal is economic democracy. Because we did not want merely a parliamentary form of government to be instituted through the various mechanism provided in the Constitution, without any direction as to what our economic ideal or as to what our social order sought to be, we deliberately included the directive principles in our Constitution...... Our object in framing the Constitution is really two fold: (1) to lay down the form of political democracy and (2) to lay
down that our ideal is economic democracy and also to prescribe that every government whatsoever is in power, shall strive to bring about economic democracy."\(^{35}\)

Today we are living in an era of welfare state, which seeks to promote the prosperity and well-being of the people. The directive principles strengthen and promote this concept by seeking to lay down some socio-economic goals for the welfare of the people.

Article 38(1) of the Constitution of India provides that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social economic and political, shall inform all the institutions of the national life. This directive reaffirms what has been declared in the preamble to the Constitution, according to which the function of the Republic is to secure to all its citizens social, economic and political justice. To secure justice to the people under the law, court with broad powers have been established in the country. Thus, Article 38 envisages, not only legal justice but socio-economic justice as well.

The Constitution (44\textsuperscript{th} Amendment) Act, 1978 inserted a new directive principle in Article 38 of the Constitution that is Article 38(2) directs the state to strive, to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also group of people
residing in different areas or engaged in different vocations. The new clause aims at equality in all spheres of life. It would enable the state to have a national policy on wages and eliminate inequalities in various spheres of life.

In Air India Statutory Corporation Vs United labour Union a three judges Bench of the Supreme Court has explained the concept of social justice as well as economic justice enshrined in Article 38 as follows, “the preamble and Article 38 of the Constitution envisages social justice as the arch to ensure life to be meaningful and livable with human dignity. ..... The aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation and Constitutional goal. ..... The Constitutional concern of social justice as an elastic continuous process is to accord justice to all sections of the society by providing facilities and opportunities to remove handicaps and disabilities with which the poor, the workmen etc. are languishing and to secure dignity of their person.

The court further said, “social and economic justice in the context of our Indian Constitution must, therefore, be understood in a comprehensive sense to remove every inequality and to provide equal opportunity to all citizens in social as well as economic activities and in every part of life”.

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DIRECTIVES TO BE FOLLOWED BY THE STATE FOR SECURING ECONOMIC JUSTICE

Article 39 requires the state, in particular, to direct its policy towards securing:

(a) that all citizens, irrespective of sex, equality have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strengths;

(f) that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 39 has six clauses, all the clauses are very important for the establishment of a welfare state. Article 39(a) speaks in reference of adequate means of livelihood, everyone whether he or she is equal right. The law does not discriminate on the basis of sex.
Article 39(b) and (c) are very significant provisions as they affect the entire economic system of India. Article 39(b) contemplates measures to secure equitable distribution of community resources. Such provision does not mention either movable or immovable property. The actual expression used in Article 39(b) is material resources of the community'. The term material resources is wide enough to cover not only natural or physical resources but also movable or immovable properties. In Sajeev Coal Company Vs Union of India38, the Supreme Court declared that the coal is one of the most important known source of energy and, therefore, a vital national resource.

The word 'distribution' in Article 39(b) is to be given an expansive interpretation. It does not mean that the property of one should be taken over and distributed to others. This is only one mode of distribution but not the only mode. Nationalization and different type of taxes invested in welfare works are also a distributive process as it prevents concentration of wealth in the hands of a few and thus benefits the society at large.

Article 39 (c) contemplates measures for preventing concentration of wealth and means of production in a few private hands. In Assistant Commissioner Vs B and C Company39, the Supreme Court observed that, “Taxation of capital and wealth under
entry 86, list I is appropriate method for preventing concentration of wealth as envisaged by Article 39(c).

Articles 39(b) and (c) do not have reference merely to acquisition of land. Their objective is to prevent concentration of wealth in any one individual. In V. Parthasarathi Vs State of Tamil Nadu\textsuperscript{40}, the Madras High Court observed that, “When the state takes over bus transport from private hands, the beneficial effects resulting therefrom will be passed on to the community at large and this fulfills the objectives of Articles 39(b) and (c).

In Sonia Bhatia Vs State of Uttar Pradesh\textsuperscript{41}, the Supreme Court observed that, the concentration of large blocks of land in the hands of a few individuals is contrary to Articles 39(b) and (c). Therefore, legislation for agrarian reforms and abolition of Zamindari system do fulfill the objectives enshrined under Articles 39(b) and (c).

In Sasthi Pado Vs Anandi Chowdhry,\textsuperscript{42} the Patna High Court said that, “it can hardly be disputed that the legislation for securing one of the objects of clauses (b) and (c) of Article 39 of the Constitution of India must be held to be the legislations in the interest of general public.”

**Equal pay for equal work:**

Article 39(d) of the Constitution contemplates the principle “equal pay for equal work”. Pursuant to an Article 39(d), parliament
has enacted the Equal Remuneration Act, 1976. The directive contained in Article 39(d) and the Act passed thereto has been judicially enforced by the court.

Emphasising the importance of the principle of 'Equal pay for Equal work' the Supreme Court in Randhir Singh Vs Union of India⁴³, pronounced that, "it is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right. But it certainly is a Constitutional goal. Article 39(d) of the Constitution proclaims equal pay for equal work for both men and women" as a directive principle of state policy. 'Equal pay for equal work' for both men and women means equal work for everyone and as between the sexes. ..... To the vast majority of the people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay.

Doing economic justice the court further said, "construing Articles 14 and 16 in the light of the Preamble and Article 39(d), we are of the view that, the principle 'equal pay for equal work' is deducible from those Articles and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification though those drawing the different scales of pay do identical work under the same employer"⁴⁴.
Expanding the principle, the Supreme Court in D.S. Nakara Vs Union of India\textsuperscript{45} observed that, "where all relevant considerations are the same, persons holding identical posts may not be treated differently in the matter of their pay merely because they belong to different departments. If that can not be done when they are in service, can that be done during their retirement? Expanding this principle, one can confidently say that if pensioners form a class, their computation can not be by different formula affording unequal treatment solely on the ground that some retired earlier and some retired later.

In Surinder Singh vs Engineer-in-Chief, C.P.W.D.\textsuperscript{46} the Supreme Court has suggested that the doctrine, 'equal pay for equal work' is required to be applied to persons employed on a daily wage basis. They are entitled to same wages as are paid to similarly employed employees. It can not be said that doctrine of 'equal pay for equal work' is a mere abstract doctrine' and that it is not capable of being enforced in a court of law. The central government, the state governments and like wise, all public sectors undertakings are expected to function like model and enlightened employers and arguments the principle of equal pay for equal work is an abstract doctrine which can not be enforced in a court of law should ill-come from the mouths of the state and state undertaking."
Therefore, 'Equal pay for equal work' is not a mere demagogic slogan. It is Constitutional goal capable of attainment through Constitutional remedies.47

Another provisions relating to welfarism are envisaged under Articles 39(e) and (f). Judicially enforcing such Articles by the Supreme Court in M.C. Mehta vs State of Tamil Nadu 48, observed that, “the children below the age of 14 years can not be employed in any hazardous industry, mines or other works.” The Supreme Court has laid down exhaustive guidelines how the authorities should protect economic, social and humanitarian rights of millions of children. The court directed the setting up of Child Labour Rehabilitation Welfare Fund and Rs. 20,000 would be paid by the offending employers. Court further directed that an adult member of the child’s family would get job in a factory or any where in lieu of the child. If it would not be possible to provide jobs the appropriate government would, as it compensation, deposit Rs. 5000 in the fund for each child labour.49

The court further observed, “strictly speaking a strong case exists to invoke the aid of an article 41 of the Constitution regarding the right to work and to give meaning to what has been provided in Article 47 relating to raising of standard of living of the population and
Articles 39(e) and (f) as to non abuse of tender age of children and giving opportunities and facilities to them develop in healthy manner.\textsuperscript{50}

The verdict gives a new hope to the children of the country that a beginning is being made to honour the mandate in Articles 24, 39 (e) and (f), 41, 45 and 47 of the Constitution of India.

Despite the Constitutional provisions and various legislative enactments which prohibit child labour, still it is a very big problem and has remained unsolved even after 59 years of independence.

The task is big, but not as to prove either unwieldy or burdensome. The financial implication would be such as to prove damper because the money after all would be used to build up a better India.\textsuperscript{51}

**FREE LEGAL AID :**

Article 39A obligates the state to secure that the operation of the legal system promotes justice, on the basis of equal opportunities and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This directive shows that justice must be received to everyone even if the person is very poor.
In Sheela Barse vs State of Maharashtra the Supreme Court has emphasized that legal assistance to a poor or indigent accused is a Constitutional imperative mandated not only by Article 39A but also by Articles 14 and 21. In the absence of legal assistance, injustice may result. Every act of Injustice Corrodes the foundations of democracy.

'Legal aid' have now been held to be fundamental right under article 21 of the Constitution available to all prisoners and under trials and has been enforced by the courts through various pronouncements.

In State of Maharashtra vs Manu Bhai Pragji Vashi the Supreme Court widened the scope of the right to free legal aid. The court held that in order to provide "the free legal aid", it is necessary to have well-trained lawyers in the country. This is only possible if there are adequate number of law colleges with necessary infrastructure, good teachers and staff. It is the duty of the government to permit establishments of duly recognised private law colleges and afford them grants-in-aid on similar lines on which it is given to government recognized law colleges.

Legal aid is connected with social justice. In India, it is to be understood not only in matters of providing assistance for filing litigation but it has also acquired a meaning of wide import. Economic condition, socio-political awareness and basic democratic values also
contribute to the awakening of a consciousness for the success of freedom available through the doors of justice.

Krishna Iyear, J., in M.H. Hoskot of Vs State of Maharashtra\textsuperscript{55} declared “this (legal aid) is the state’s duty and not government’s charity.”

RIGHT TO WORK:

The Constitution of India embodies the concept of welfare state and distinctly refers the welfare of the labourers.

Article 41 of the Constitution provides that, “the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want”.

In Daily Rated Casual Labour Employed under P&T Department Vs Union of India, the Supreme Court emphasized the importance of security of work and observed, “of those rights the question of security of work is of utmost importance. If a person does not have the feeling that he belongs to an organization engaged in production he will not put forward his best efforts to produce more. That sense of belonging arises only when he feels that he will not be turned out of employment the next day at the whim of management. It is for this reason it is being repeatedly observed by state who are in charge of economic
affairs of the countries in different parts of the world that as for as possible security of work should be assured to the employees so that they may contribute to the maximisation of production. It is again for this reason that managements and the governmental agencies in particular should not allow workers to remain as casual labourers or temporary employees for an unreasonable long period of time.”

In Jackob M. Puthuparambil vs Kerala Water Authority the Supreme Court expressed the concern about the working classes of the country. The court was held that, “India is a developing country. It has a vast surplus labour market. Large scale unemployment offers a matching opportunity to the employer to exploit the needy. Under such market conditions the employer can dictate his terms of employment taking advantage of the absence of the bargaining power in the other. The unorganized job seeker is left with no option but accept employment on take-it or leave-it terms offered by the employer. Such terms of employment offer no job security and the employee is left to the mercy of the employer. Employers have betrayed an increasing tendency to employ temporary hands even on regular and permanent jobs with a view to circumventing the protection offered to the working classes under the benevolent legislations enacted from time to time. One such device adopted is to get the work done through contract labour.” Providing job security to the workers, the Supreme Court further observed, “It is in this back drop that we must consider the request for regularization in service.”
It is clear that directives under Article 42 of the Indian Constitution provides the basis of the large body of labour laws but still right to work is only a dream to millions of unemployed persons. In U.P.S.E Board Vs Hari Shanker, referring to Articles 42 and 43 of the Constitution, the Supreme Court has emphasized that the Constitution expresses a deep concern for the welfare of the workers. The Court may not enforce directive principles as such, but they must interpret laws so as to further and not hinder the goals set out in the directive principles.

Extending the scope of Article 42, the Supreme Court in D.B.M. Patnaik Vs State of Andhra Pradesh has suggested that Article 42 may benevolently be extended to living conditions in jails. The barbarous and subtle forms of punishment, to which convicts and undertrials are subjected to, offend against the letter and spirit of our constitution.

**LIVING WAGE:**

Though directive principles are not like fundamental rights, but they have played very important role in formulating the policies of the country, particularly in the field of labour welfare.

The directive principles contained in Articles 42 and 43 demonstrates that the Constitution makers deep concern for the welfare of the workers. Article 43 requires the state to endeavor to
secure, by suitable legislation economic organization, or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full employment of leisure and social and cultural opportunities. In particular, the state is to promote cottage industries on an individual or co-operative basis in rural areas.

A ‘living wage’ enables the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter, but a measure of frugal comfort including education for children, protection against ill health, requirements of essential social needs, and a measure of insurance against the misfortunes including old age. A ‘minimum wage’ on the other hand, is just sufficient to cover the bare physical needs of a worker and his family. Minimum wage is to be fixed in an industry irrespective of its capacity to pay.

In Bijoy Cotton Mills Ltd. Us State of Ajmer61 the Supreme Court emphasizing the importance of ‘living wage’ and observed, “it can scarcely be disputed that securing of living wages to labourers which ensure not only bare physical subsistence but also the maintenance of health and decency, is conclusive to the general interest of the public. This is one of the directive principles of state policy embodied in article 43 of our Constitution.”
In Hindustan Antibiotics Vs Their workmen\textsuperscript{62}, the Supreme Court has rejected the argument that, the pattern of wage fixation in case of government companies in public sector should necessarily be different from companies in private sector, arguing that Articles 39 and 43 would be disobeyed if distinction is made between the same class of labourers on the ground that some of them are employed in state enterprises and others in private enterprises.

In Jalan Trading co Vs D.M. Aney \textsuperscript{63}, the Supreme Court pronounced a landmark decision and has held that, a statutory obligation to pay the statutory minimum bonus by the employers to the employees even when the employer sustained loss has been held to be reasonable and in public interest, with in the meaning of Articles 19(6) and 302. What is reasonable depends on a variety of circumstances, but what is important is that the directive principles of state policy in part IV of the Constitution are fundamental to the governance of the country. Therefore, what is directed as state policy by the founding fathers (like Dr. Ambedkar, Nehru etc.) of the Constitution can not be regarded as unreasonable or contrary to public interest even in the context of articles 39 or 302. It follows that payment of bonus, being in implementation of Article 39 and 43 of the Constitution, is reasonable.

It has now been generally accepted that living wage means that every male earner should be able to provide for his family not only the
essentials but a fair measure of frugal comfort and an ability to provide for old age or evil days.\textsuperscript{64}

In All India Reserve Bank Employees’ Association Vs Reserve Bank of India\textsuperscript{65} the Supreme Court declared that, “it may thus be taken that our political aim is living wage’ though in actual practice living wage has been an ideal which has eluded our efforts like an ever-receding horizon and will so remain for some time to come.”

The Court further stated that, “our wage structure has for a long time been composed of two items (a) the basic wage, and (b) a deares allowance which is altered to neutralize, if not entirely, at least the greater part of the increased cost of living. This does not solve the problem of real wage. At the same time, we have to beware that too sharp an upward movement of basic wage is likely to affect the cost of production and lead to fall in our exports and to the raising of pieces all round. There is a vicious circle which can be broken by increased production and not by increasing wages.\textsuperscript{66}

The court suggested that, “what we need is the introduction of production bonus, increased fringe benefits, free medical, educational and insurance facilities. As a counterpart to this capital must also be prepared to forgo a part of its return. There is much to be said for considering the need-base formula in all its implications for it is bound to be our first step towards living wage.”\textsuperscript{67}
Reference has already been made to D.S. Nakara Vs Union of India. A scheme of pension making liberal provision for those retiring after a specified period and as well as those retiring before that date was held to be discriminatory. The court invoked Article 14, 38(1), 39(c), and (d) 41 and 43 (3) and even the word ‘socialist’ in the Preamble to reach this result.

In Express News Papers Vs Union of India the Constitutionality of the Working Journalist Act, 1955 was challenged. The Act was enacted the conditions of service of persons employed in newspaper industry upholding the legislation, the court held that the Act was passed to ameliorate the services of workmen in the newspaper industry and therefore, imposes reasonable restriction on the right guaranteed by Article 19(1) (g). The court observed, “though the living wage is the target, it has to be tempered, even in advanced countries by other considerations, particularly the general level of wages in other industries and the capacity of the industry to pay..........In India, however, the level of the national income is so low at present that it is generally accepted that the country can not afford to prescribe a minimum wage corresponding to the concept of a living wage. However, a minimum wage even here must provide not merely for the bare subsistence of living. But for the efficiency of the worker. For this purpose, it must also provide for same measure of education, medical requirements and amenities.”
In Standard Vaccum Refining Co. Vs Its workmen, the workmen claimed bonus equivalent to nine months total earnings on the ground that there was a big gap between wage actually received and the living wage. The employers contended that they were paying the workmen a living wage and they were not entitled to any bonus. The tribunal held that the wages paid were fair but that there was still a gap between the actual wage and the living and awarded bonus equivalent to five months basic wages. The employers had failed to establish that they were paying a living wage to the workmen. Even the highest average wage paid by the employers was much below the standard of the living wage though it was above the need-based wage.

Further, the Supreme Court observed, “it is true that industrial adjudication so far has consistently emphasized the fact that the payment of bonus is intended to fill the gap between actual wages and the living wage. Obviously no occasion has so far arisen to consider whether a claim for bonus can be made even after the standard of living wage has been attained because no employer has so far succeeded in showing that a living wage standard has been reached.”

In Burmah Shell Oil Storage and Distributive Co of India Ltd. Vs Their workmen, The Labour Appellate Tribunal had occasion to consider the content of the living wage. In that connection, it referred to the report of the fair wage committee, and held that “the level of
national income in India is so low that the country is unable to afford to prescribe by law a minimum wage which would correspond to the concept of a living wage. The rudder is set in the direction of living wage. But the destination is not yet within the sight, the gradual emergence of welfare state will naturally help put even here progress is necessarily slow."

To widening the scope of living wage, it has been held to furnish the principles by which unfair labour practices can be judged. The Allahabad high court stated that, "it was not possible to lay down an exhaustive test of unfair labour practices. It could be stated as a working principle that any unfair labour practice which violated the principles of Article 43 of Indian Constitution and other provisions of the Constitution which referred to descent wage and living conditions for workman ...... would tend to lead to industrial strife."73

Living wage is not a static concept therefore its monetary value can not be fixed .The measurement of the living wage standard in terms of money has not been prescribed by law of the country nor...... it has been determined any where in any scientific basis. It would be inexpedient and unwise to make an effort to concretise the said concept in monetary terms........ Indeed it may be true to say that in an under developed country it would be idea to describe any wage structure as containing the ideal of the living wage. Though in some cases wages paid by certain employees may appear to be higher than those paid by others.74
In deciding the question as to whether the living wage has been introduced by any employer normally, it would be necessary to examine the wage structure paid to the relevant working class as a whole.\textsuperscript{75}

It is remarked by the Supreme Court in Workmen Vs the Management of Reptakos Brett and co. Ltd,\textsuperscript{76} that a living wage has been promised to the workers under the Constitution and a ‘socialist’ frame work to enable working people a decent standard of life, has further been promised by the 42\textsuperscript{nd} Amendment.

Describing the actual position of living wage the Supreme Court observed “a living wage has been promised to the workers under the constitution. The workers are hopefully looking forward to achieve the said ideal. The promises are pilling up but the day of fulfillment is nowhere in sight. Industrial wage, looking as a whole has not yet risen higher than the level of minimum wage.”\textsuperscript{77}

The court further observed that, “it is indeed a matter of concern and mortification that even today the aspirations of a living wage for workmen remain a mirage and a distant dream.”\textsuperscript{78}

It is now an accepted doctrine that labour is the backbone of the nation particularly in the area of self reliance. It means that the welfare of the working classes is not a human problem but a case
where the success of nation's economic advancement depends on the co-operation of the working classes to make better India.

Moving to one step forward, the constitution of India in the form of Article 43A declares that, "the state shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishment or other organizations engaged in any industry."

This is sign of living and developing concept of industrial Jurisprudence carving out a new pattern of socio-economic justice and labour welfare to the workers. It is under this strain that the Supreme Court observed that, "statutory interpretation, in the creative Indian context, may look for light to the lodestar of Part IV of the Constitution that is Articles 39(a) and (c) and Article 43. Where two judicial choices are available, the construction in conformity with the social philosophy of Part IV has preference."

The concept of a company has undergone radical transformation in the last few decades. The traditional view of a company was that it was a convenient mechanical devise for carrying on trade and industry, a mere legal frame work providing a convenient institutional container for holding and using the powers of company management. But the new social values which recognized the role of the state as an active participant in the social and economic life of the
citizen in order to bring about general welfare and common good of
the community. With this change in socio-economic thinking, the
developing role of companies in modern economy and time increasing
impact on individuals and groups, through the ramifications of their
activities, began to be increasingly recognized. It began to be realised
that the company is a species of social organization, with a life and
dynamics of its own and exercising a significant power in
contemporary society............the old nineteenth century view which
regarded a company merely as a legal device adopted by share holders
for carrying on trade or business as proprietors has been discarded
and a company is now looked upon as a socio-economic institution
wielding economic power and influencing the life of the people.\textsuperscript{80}

It is not only the share holders who have supplied capital who
are interested in the enterprise which is being run by a company but
the workers who supply labour are also equally, if not, more interested
because what is produced by the enterprise is the result of labour as
well as capital. Infact, the owners of capital only limited financial risk
and otherwise contribute nothing to production while labour
contributes a major share of the product. While the former invest only
a part of their moneys, the latter invest their sweat and toil, infact
their life itself. They (workers) are not mere vendors of toil, they are
not a marketable commodity to be purchased by the owners of capital.
They are producers of wealth. They supply labour without which
capital would be impotent and they are at the least, equal partners with capital in the enterprise.81

Our constitution has shown profound concern for the workers and given them a pride of place in the new socio-economic order envisaged in the Preamble and the directive principles of state policy........Article 43A which is intended to herald industrial democracy and in the words of Krishna Iyer J. mark “the end of industrial bonded labour.”82

The court’s approach is very much clear on the issue of contribution of labour in the enterprise. The Supreme Court in National Textile Worker’s Union Vs P.R. Ramakrishnan83 held that “the Constitutional mandate is clear and undoubted that the management of the enterprise should not be left entirely in the hands of suppliers of capital but the workers should also be entitled to participate in it;”

The court emphasized that after insertion of Article 43A in the Constitution, this is wrong to say that, workers should have no voice in the determination of the question whether the enterprise should continue to run or be shut down under an order of the court. It would indeed be strange that the workers who have contribution to the building of the enterprise as a centre of economic power should have no right to be heard when it is sought to demolish that centre of economic power.”84
The court further stated that “Our Constitution has expressing rejected the old doctrine of the employers’ right to hire and fire. The workers are no longer ciphers; they have been given pride of place in our economic system. The worker’s right to be heard in a winding up proceedings has to be spelt out from the Preamble and Articles 38 and 43-A of the Constitution and from the general principles of natural justice.”85

In Panch Mahal Steel Ltd Vs Universal Steel Traders86, the court pointed out, “this is a particularly unfortunate facet of the principle that the interest of the members and not of those (workers) whose livelihood is in practice much more closely involved.”

Mr. N.A. Palkivala, the famous jurist of India pleaded for repeal of the Payment of Bonus Act. In its place he suggested “creation of a trust with workers being allowed to hold certain percentage of share capital of the company, say about 10% - for so long as the workers were employed by the company. The dividend income of the trust would be more than the bonus. He described the scheme as profit sharing by the workers through participation in the enterprise.”87

Another provision in the shape of Article 46, speaks about Welfarism and socio-economic Justice. It obligates the states to promote with special case the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled
Castes and Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.

In this hungry world the weaker cannot afford the luxury of finery of speech when the happier few can afford. In the realistic temper of bargaining between two wings of an industry both management, a rich class and workers, the weaker of the society, belong equally to the industry, for if one owns the other produces, a feeling of partnership must prevail to persuade the two sides to trust each other than rush to find flaws in the language used. Such is the spirit of give and take which must inform industrial negotiation if peace and production are the bonafides and national development the great concern.

Krishna Iyer J. rightly pointed out that, “Indian justice, beyond Atlantic liberalism, has a rule of law which runs to the aid of rule of law. A life, in conditions of poverty in plenty, is livelihood, and livelihood is work with wages. Raw societal realities not fine spun legal niceties, not competitive market economics but complex protective principles shape the law when the weaker working class sector needs succor for livelihood through labour.”

Indian courts in their various pronouncements adopted directly or indirectly Dr. Ambedkar’s thoughts on labour. Dr. Ambedkar always suggested that the programmes for the poor and down-
trodden particularly working class of Indian society should be made a central part of any planning process. In any effort towards planned economic development, the poor and down-trodden had to be given the central place. Dr. Ambedkar suggested that the main thrust of the plan must concern labour. The courts adopted this approach various times in their pronouncements.
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