

* Part B *

* Ch. 14 :- Constitution & labour laws *

Directive
principle of
state policy

- Livelihood.
- Distribution of resources.
- Prevention of Contravention of wealth.
- Equal pay for equal work for both men & women.
- Health & strength.
- Women & child are not abused.
- Participation of workers in management of industries.
- Just & humane conditions.
- Youth & childhood protected against exploitation.

* Article 16 :- Equal opportunity in matters of public employment.

- There shall be equal opportunity for every person in matters of public employment.

- No person shall be discriminated on ground of religion, race, caste, sex, place of birth or any of them, with respect to public employment.

- Parliament can make law with regard to a class or classes of employment or appointment to office under government with state or union territory.

- There is reservation of appointment or post for SC/ST or any backward class for employment.

- There shall be person professing a particular religion or belonging to a particular denomination. It simply means such laws can be made that only those persons can practice in any temple / mosque who belongs to that religion.

* Article 19(1)(c) :- Right to form association & union

- Every person have right to become or not to become member of any association or union.

- Reasonable restrictions can be imposed by state

on ground of Restriction

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Sovereignty & integrity of India

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Public offer

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Morality

IMP
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Article 21 :- Right to life & personal liberty

" No person shall be deprived of

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Right to life & Personal liberty

except according to the procedure established by law"

- Restriction :- deprivation shall be as per relevant procedure, but procedure must be fair, just & reasonable.

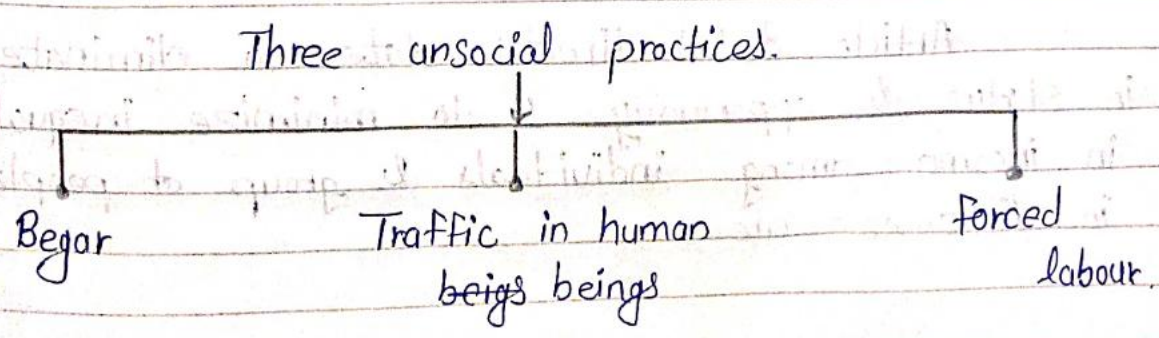
- Right to life & personal liberty means right to make your life meaningful, complete & worth living.

• Directive principles for workers:

- Right to livelihood.
- Right to live with human dignity.
- Right to medical care.
- Right to health.
- Health of labour.
- Sexual harrasment.
- Economic rights.

* Article 23 :- Right against exploitation.

- "According to Article 23, traffic in human beings, begar and other similar form of labour are prohibited and any contravention of this provision is an offence punishable."



- Begar :- Begar means any labour / service where have to compulsory work without any payment.

- Traffic in human beings = It generally means slavery. The buying & selling of human being as if they are chattels is constitutionally illegal.

* Article 24 :-

- " No child below the age of 14 years should be employed to work in factory, mine or engaged in any other hazardous employment "

* Social Justice & Industrial laws.

- Article 38 (1) - Social Justice

Imp " State shall promote welfare of public by securing & protecting social, economical, political justice "

- Article 38 (2) :-

Article 38(2) directs states to eliminate inequality in status & opportunity & to minimize inequalities in income among individuals & group of people living in different areas.

* Article 39 :- "It is duty of state to apply certain principle of social justice & making law."

"Equal pay for equal work."

Article 39 require state to have -

1) To all citizen irrespective of sex equality of adequate means of livelihood.

2) There should be equal work for men & women

3) Health & strength of men & women should be protected.

4) Children & youth must be protected against exploitation.

* Article 41 :- State to make effective provision for securing right to work, education, public assistance in case of unemployment, old age, sickness & disablement.

Social securities are guaranteed in our constitution many laws are made for social securities such as -

- Employee state Insurance Act, 1948
- Maternity Benefit Act, 1961
- Payment of gratuity Act, 1972
- Employees provident funds & miscellaneous provisions Act, 1952.

* Social justice means opportunities in greater major to the poor & needy. However it doesn't mean making rich men poor in order to make poor men rich.

* In industrial laws significant wages given to socio-economic justice. Which aims at having just & equitable solution to employers & workers in order to maintain peace & harmony.

* Constitutional Remedy

If right breach → High Court or Supreme

* Trade union move to High Court?

• Yes, It is decided in case - Jaipur division irrigation employees union Vs. State of Rajasthan

• In the case large number of employees of irrigation department were declared surplus and union challenged it in writ petition.

• The single bench held that fundamental rights of individual are not rights of trade union

• On appeal, the division bench reversed and sent back it to single bench for disposal of writ.