

\* 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

↓  
Sovereignty & integrity of India

↓  
Public offer

↓  
Morality

IMP  
\* Article 21 :- Right to life & personal liberty

" No person shall be deprived of

↓  
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.

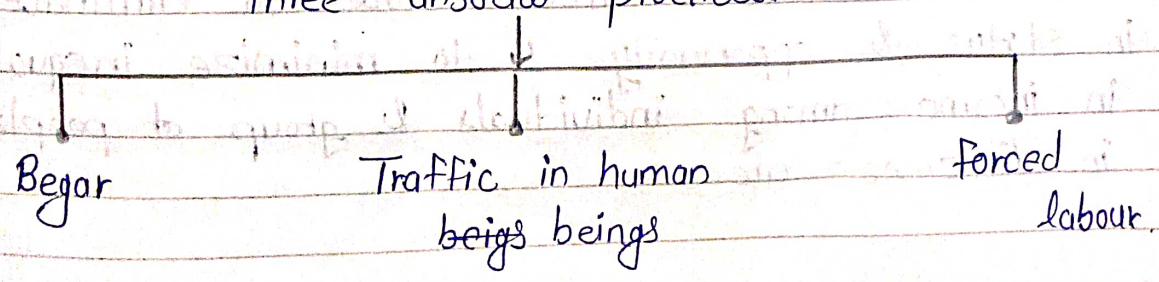
- Sexual harrasment.

- 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."

Three unsocial practices.



• 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.