

LABOUR & INDUSTRIAL LAW

UNIT – I

Constitutional Dimensions of Industrial Relations & Labour

Constitution • Bonded Labour • Equal Remuneration
Inter-State Migrant Workers • Sexual Harassment at Workplace

Learning Objectives

- 01 Understand the constitutional foundation of labour rights in India
- 02 Explain the Bonded Labour System (Abolition) Act, 1976 and key judgments
- 03 Analyse the Equal Remuneration Act, 1976 and equal pay principle
- 04 Describe the Inter-State Migrant Workmen (Regulation of Employment) Act, 1979
- 05 Examine the Sexual Harassment of Women at Workplace Act, 2013
- 06 Identify landmark Supreme Court decisions expanding labour protections

Constitution and Labour Welfare

The Constitution of India is the foundational source of labour rights and industrial relations law.

Preamble: Justice – social, economic and political.

Fundamental Rights:

- Article 14 – Equality before law and equal protection of laws
- Article 19(1)(c) – Right to form associations or unions
- Article 21 – Right to life and personal liberty (includes right to livelihood and dignity)
- Article 23 – Prohibition of traffic in human beings and forced labour
- Article 24 – Prohibition of employment of children in factories, mines and hazardous employment

Directive Principles (Part IV):

- Article 39 – Equal pay for equal work, health of workers, children not to be abused
- Article 41 – Right to work, education and public assistance
- Article 42 – Just and humane conditions of work and maternity relief
- Article 43 – Living wage and decent standard of life
- Article 43A – Participation of workers in management

Judicial Expansion of Articles 21 & 23

The Supreme Court has given a very wide interpretation to Article 21 and Article 23 in labour matters.

Article 21:

- Right to livelihood is part of right to life (Olga Tellis)
- Right to dignity, health, and safe working conditions
- Right to livelihood cannot be taken away except by just and fair procedure

Article 23:

- Forced labour includes every form of labour for which the worker does not receive minimum wages
- Non-payment of minimum wages = forced labour (People's Union for Democratic Rights, 1982)
- Bonded labour is a clear violation of Article 23

These interpretations have allowed the Court to intervene through Public Interest Litigation and issue continuing mandamus for labour welfare.

Bonded Labour System (Abolition) Act, 1976

Object: To abolish the bonded labour system and free every bonded labourer from any obligation to render forced or compulsory labour.

Key provisions:

- Section 4 – Abolition of bonded labour system
- Section 5 – Agreement, custom etc. to be void
- Section 6 – Liability to repay bonded debt extinguished
- Section 7 – Property of bonded labourer to be freed from mortgage
- Section 10–12 – Vigilance Committees at district and sub-divisional level
- Section 16–23 – Offences and penalties (cognizable)

Every bonded labourer stands freed and discharged from any obligation to render labour.

Landmark Case: Bandhua Mukti Morcha (1984)

Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161

Facts: A letter was written to the Supreme Court highlighting the existence of bonded labourers in stone quarries in Faridabad. The Court treated the letter as a writ petition.

Issues: Whether forced labour violates Article 23; what directions can be issued for identification, release and rehabilitation.

Holding:

- Forced labour is a violation of Article 23
- The Court issued detailed directions for identification, release and rehabilitation of bonded labourers
- State Governments were directed to constitute Vigilance Committees
- Continuing mandamus was issued for monitoring

This case is the foundation of judicial activism in bonded labour matters.

Equal Remuneration Act, 1976

Object: To provide for the payment of equal remuneration to men and women workers and to prevent discrimination on the ground of sex.

Key provisions:

- Section 4 – Duty of employer to pay equal remuneration for same work or work of a similar nature
- Section 5 – No discrimination in recruitment or conditions of service
- Section 6 – Advisory Committee
- Section 7 – Authorities for hearing and deciding claims
- Section 10 – Penalties

The Act gives statutory force to the constitutional principle of equal pay for equal work under Articles 14, 15 and 39(d).

Landmark Case: Mackinnon Mackenzie (1987)

Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa (1987) 2 SCC 469

Facts: Lady stenographers were paid less than male stenographers for the same work.

Issue: Whether the employer can pay different wages on the ground of sex for the same or similar work.

Holding:

- The Supreme Court held that the Equal Remuneration Act applies
- Equal pay for equal work is a constitutional goal
- Difference in wages solely on the ground of sex is prohibited
- Arrears were directed to be paid

The Court strongly affirmed that the Act is a social welfare legislation and must be liberally interpreted.

Inter-State Migrant Workmen Act, 1979

Full name: Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

Object: To regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith.

Key provisions:

- Registration of principal employers (Section 4)
- Licensing of contractors (Section 8)
- Pass book for every migrant workman (Section 12)
- Displacement allowance and journey allowance (Section 14-15)
- Wages, hours of work, residential accommodation, medical facilities, protective clothing
- Liability of principal employer in certain cases
- Inspectors and penalties

Sexual Harassment of Women at Workplace Act, 2013

Full name: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Object: To provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints.

Key provisions:

- Section 2(n) – Definition of sexual harassment
- Section 4 – Constitution of Internal Complaints Committee (ICC)
- Section 6 – Local Complaints Committee
- Section 9–11 – Complaint, conciliation and inquiry
- Section 12 – Action during pendency of inquiry
- Section 13 – Inquiry report and action
- Section 19 – Duties of employer
- Section 26 – Penalties for non-compliance

Landmark Case: Vishaka v. State of Rajasthan (1997)

Vishaka v. State of Rajasthan (1997) 6 SCC 241

Facts: Bhanwari Devi, a social worker, was gang-raped while trying to stop a child marriage. The case highlighted the absence of any law on sexual harassment at workplace.

Holding:

- Sexual harassment of women at workplace is a violation of Articles 14, 15, 19 and 21
- In the absence of legislation, the Supreme Court laid down binding guidelines (Vishaka Guidelines)
- Duty of employer to prevent and provide redressal mechanism
- Guidelines were to be treated as law under Article 141 until Parliament enacted a statute

The 2013 Act is the legislative response to Vishaka and gives statutory shape to the guidelines.

Duties of Employer under the 2013 Act

Section 19 of the Sexual Harassment Act casts important duties on every employer:

- Provide a safe working environment
- Display the order constituting the Internal Committee
- Organise workshops and awareness programmes
- Provide necessary facilities to the Internal Committee
- Assist the woman in filing a criminal complaint if she so desires
- Treat sexual harassment as misconduct under service rules
- Monitor timely submission of reports by the Internal Committee

Non-compliance attracts penalties under Section 26 (fine, and for repeated violations, cancellation of licence or registration).

Key Statutes at a Glance

Statute	Year	Core Protection
Bonded Labour Act	1976	Abolition of bonded labour
Equal Remuneration Act	1976	Equal pay for equal work
Inter-State Migrant Act	1979	Regulation of migrant workers
Sexual Harassment Act	2013	Prevention & redressal of SH

Other Important Judgments

People's Union for Democratic Rights (1982)

Non-payment of minimum wages = forced labour under Article 23. Expansive reading of constitutional protections.

Sanjit Roy v. State of Rajasthan (1983)

Even in famine relief work, minimum wages must be paid; otherwise it amounts to forced labour.

Neera Mathur v. LIC (1992)

Privacy and dignity of women employees; certain questions in declaration forms held violative of Article 21.

Medha Kotwal Lele (2012)

Supreme Court monitored implementation of Vishaka Guidelines across the country.

Role of Public Interest Litigation

Public Interest Litigation (PIL) has been the most important tool for enforcing constitutional labour rights.

Features:

- Letters treated as writ petitions (epistolary jurisdiction)
- Relaxation of locus standi
- Continuing mandamus – Court monitors implementation over years
- Appointment of Commissioners and Committees
- Directions to Central and State Governments

Major PILs in this unit:

- Bandhua Mukti Morcha series
- Vishaka and subsequent monitoring cases
- Cases on minimum wages and forced labour

PIL has converted Directive Principles into enforceable rights in many labour contexts.

Important Sections – Quick Reference

Bonded Labour Act, S. 4 & 6

Abolition and extinguishment of debt

Equal Remuneration Act, S. 4

Duty to pay equal remuneration

Inter-State Migrant Act, S. 12

Pass book for migrant workmen

Sexual Harassment Act, S. 4

Internal Complaints Committee

Sexual Harassment Act, S. 19

Duties of employer

Constitution, Art. 23 & 24

Forced labour & child labour prohibition

Key Takeaways (1/2)



Constitution (Arts. 14, 19, 21, 23, 24 + DPSP) is the foundation of all labour protections.



Bonded labour is completely abolished; debt stands extinguished (Bonded Labour Act, 1976).



Equal Remuneration Act, 1976 makes equal pay for same/similar work a statutory right.



Inter-State Migrant Workmen Act, 1979 protects vulnerable migrant workers through registration, allowances and welfare measures.

Key Takeaways (2/2)



Sexual Harassment Act, 2013 creates mandatory ICC and places clear duties on employers (Section 19).



Vishaka (1997) is the foundational judgment; the 2013 Act gives it statutory form.



Non-payment of minimum wages has been held to be forced labour under Article 23.



Public Interest Litigation and continuing mandamus have been crucial for enforcement of these rights.

Unit-I – Quick Revision

Constitutional Core

Arts. 14, 19, 21, 23, 24 + Arts. 39, 41, 42, 43, 43A

Bonded Labour

Abolition Act 1976 + Bandhua Mukti Morcha

Equal Pay

Equal Remuneration Act 1976 + Mackinnon Mackenzie

Migrant Workers

Inter-State Migrant Workmen Act 1979

Sexual Harassment

Vishaka 1997 + Act of 2013 (ICC + S. 19)

Enforcement Tool

Public Interest Litigation & Continuing Mandamus

End of Unit – I

Constitutional Dimensions of
Industrial Relations & Labour

Next → Unit-II : Wages, Bonus and Gratuity