

NEW LABOUR CODES

- An Introduction

Introduction

Those who are in medical profession, medical students, nurses & technicians may not have knowledge about labour laws as they are not talked in social media as discussed for public laws. Hence the following introduction would equip the readers to understand and appreciate my talk on "New Labour Codes" on 06-02-2021.

2. There were villages, small hamlets during 1784 in all nations when goods were exchanged under 'barter system'. When the steam engine, motors, electric energy were invented, small entrepreneurs were formed - Factories - Textile Mills, Iron and Steel Enterprises were created. Organized similar like workshops called industry - then concentration of such factories became 'towns' 'cities' where a new class of workmen, unskilled, semi-skilled, skilled became employees who earn 'monthly' 'weekly' and 'daily' wages from one person called - "employer". The employer-employee relation became a deciding factor later. No working hours for men; children irrespective of their age were employed on paltry wages but in long working hours; men were employed for 15 hours to 18 hours per day, wages were paid in kind i.e., employer will give a role of clothes as wages which should be sold by the worker to get wages for that month. Large discrepancy existed

between the wages of men and women for the same or similar work. No proper toilets, restrooms for men and women - no safety norms for machines resulting deaths of many workers; but no compensation paid.

3. No maternity benefit nor any leave; no leave for workers 'No work, No pay' logic was there. Long hours of work resulted the workers to dwell in huts in and around the factory which created a new class of people in many Countries. There are many Industrial Revolutions:

1784 - First Industrial Revolution

1870 - Second Industrial Revolution

1969 - Third Industrial Revolution.

But during 20th century, many countries followed 'democracy' as their political tool to rule their people; voting rights vested with the poor brought majority leaders - as Prime Minister or President of a nation which paved the way towards the Welfare of workmen / employees.

INDIAN SCENARIO

IN INDIA

1. Factories Act, 1948

Brought safety, health and hygiene as mandatory.

2. Payment of Wages Act, 1936

It mandated payment of wages within one 'wage period' i.e., 30 days no payment in kind; deductions listed.

3. The Minimum wages Act, 1948

It prescribed minimum wages in four categories, viz, city, municipality, town, village. Below which no payment even the workmen agree.

4. The Payment of Bonus Act 1965

A minimum bonus is mandated even the company goes on loss: otherwise quantum negotiated.

5. The Equal Remuneration Act, 1976

Equal remuneration prescribed for men and women.

6. The Industrial Disputes Act, 1948

It creates labour court / Industrial Tribunal to dispose disputes arising out of service matters, strike, layoff, retrenchment, dismissal etc.,

7. Workmen Compensation Act, 1923

Now Employees Compensation Act, 1923

It mandates the quantum of compensation for death or injury caused during the course of employment.

8. The Maternity Benefit Act, 1961

Special provision has been made for working women both in Industry and establishments

9. Payment of Gratuity Act, 1972

Special payment is mandated depending upon the number of years of service of the employee in an organization.

10. The Employees Provident Fund and Miscellaneous Provisions Act, 1952

Provident fund, Pension scheme and insurance scheme are special provisions favourable to workmen - employer has to contribute a share.

11. Employees State Insurance Act, 1948

Provides insurance cover to the contributor (employee) where the employer also contributes.

There are hundreds of such welfare laws pertaining to special class of workmentlike mines workers, cine worker, construction workers, etc.

ADVANTAGES

- 1) There are hundred and more laws which are now comprised into **four codes** just like substantive law and procedural laws which are easy to follow, refer and resolve the matters.
- 2) Each law created separate authority to deal with this. Therefore too many number of cases pending before different number of judicial authorities. Now it put a full stop.
- 3) The four codes stipulate web-based supervision / inspection.
- 4) License duration and Registrations simplified and extended.

5) Disposal of disputes / complaints centralized with localized arbitration / councils etc.

6) Civil suits barred.

DISADVANTAGES

1. Worker / employees may lose permanent / regular status.
2. Fixed period employment is allowed; no employer shall make any regular employee, 'job guarantee' is no more.
3. The system of *'hire and fire'* maybe proper in less populated countries where eligible workmen are less where employment opportunities are more.

Whereas, countries like India, it would create pessimism, uncertainty, confusion as enough opportunities are not available.

CONSEQUENCES:

- 1) Employers become deciding factor in the labour market.
- 2) The bargain power between the employer - employee has been taken away where employee loses all his identity with the company / society.

3) The workmen / employee may likely to loose his self-respect, dignity of labour and participation with full application of mind and liking; but become a mere 'subject' equivalent to a machine / robot. If a machine is defective, it can be thrown out; fixed-time employment shall pave the way for that situation.

With these comments, you can now listen to my lecture on new codes.

(The expression about the new codes are my personal views.)

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