

MANAGEMENT OF LABOURS AS HUMAN ASSETS*-Madhavi Bobra****Abstract**

There is old relationship between world of legalism and managerial world. The law and management are born together. The rudimentary pillar of development of management sector is law since from the beginning the management has been suffering from the conflict among the workforce in every organisation along with it the solution of conflicts is law which has developed parallel to it. The evaluation of management is solely based on the law since mainly the bone of contention for conflict and confusions are lack of transparency, equality, exploitation etc. and relief of these problem is law which has developed accordingly and implemented on every organisation to resolve dispute. This phenomenon has been occurred in almost countries India is also among them where management and law developed according to need of each other.

Keyword- law, management, behaviour, worker, remuneration, organisation, revolution, development.

Aims and objective-

- The main motive to study law and management is to know how the labours are developed as human resource of an organisation.
- How the Labour who were considered as mere machine but with revolution and consequences of law, status of labours are completely changed from machine to most significant assets of every organisation.

I .INTRODUCTION

The relationship between law and management is completely explained in lucid manner through labour or workforce of an organisation and implementation of law on the workforce. earlier the

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condition of labours was very pathetic and relation between labour and management authority was strained through the years. There is the chain of events in between the development of labours as significant human resource and management authority from labour officer to human resource officer. Every organisational activity is management and management born with civil humanisation law which is clinical discipline. Management is the game of power whose Interpretation is the key to understand the law in management. The environment of organisation consists of 2 things-

- different behaviours, attitudes, value, norms, of workers and authority.
- And these all are governed by the rules and regulations of an organisation.

The conflicts are raised when both the things are not concurrent and adapt each other. and the problem is faced by whole organisation in way of its success or failure thereby the basic motive of organisation is defeated. therefore, every organisation must consider the law which is universally accepted and feasible for both workers and an organisation.

II. PARALLEL DEVELOPMENT OF LAW AND MANAGEMENT

Earlier the revolution by workers for their work was not meant for development of law but management of human force is complex process therefore, gradually law has been formed only on the basis of grievances of workers. The following chain of revolution has taken place for its development-

The gilded age-

The first revolution was started from works of industry in the USA and Europe. And it was spread in india also. it was considered as industrial revolution. This revolution has been explained by historian page smith. the main matter of dispute was that labours were exploited to the extent of machines with minimal wages which were not sufficient for their survival and livelihood. Then, after the peak of exploitation, workers started revolution for improvement in salary and working hours. The situation was very chaotic and required law for regulation. Since here was no law which could maintain the situation. Labours became rebels and went to extent of destruction and violence But no law was introduced that time even USA appointed their army to deal with those recalcitrant labours.ⁱ

But in India 'The trade union act 1926' was passed by virtue of Royal commission of India(1911) under the chairmanship of J.H Whitely. In this act the jobber system was removed and the labour office was appointed to govern the labours now all the problems of labours was solved by the labour officer. Now the interest of labour was protected.

The post-world war era-

The duration of this era was 1945-1960 in which there was no violent revolution on the part of workers but workers silently protest against sing them as materialistic thing. And refused to work. Therefore, the technique of management was realised that management is art of getting things done by people in a manner that desired things ae to be achieved in given resources. Then labours were provided basic necessity, fair wages, food, and other non-monetary incentives like motivation, prize, appreciation etcⁱⁱ.

Social responsibility era-

This era is belonging to 20th century. The most important act was also introduced in this era and drastic change could be seen in this period. The humanistic approach was adopted by owner and many philosophers were in opinion that economic and social environment influence the psychological, physical, and mental capacity of workers. Philosopher owenⁱⁱⁱ had given paternistic approach that that worker' is just like a child and owner is just like a father. Therefore, the owner ought to take care of a worker just like a father takes care of his child. Accordingly, the philosopher owen himself effectuate this concept in his cotton mill factory at Scotland. He introduced facilities which are fundamental and necessary for health and hygiene. He also reduced work hour from 12 to 10 hours.

Apart from philosophers, the acts were introduced in this era-

III. LABOUR LAWS INTRODUCED IN INDIA^{iv}

- **The Payment of Wages Act, 1936** (the Payment of Wages Act) is an Act to regulate the payment of wages to certain classes of employed persons. The Payment of Wages Act seeks to ensure that the employers make a timely payment of wages to the employees working in the establishments and to prevent unauthorized deductions from the wages.

This act also prevent corruption from organisation since officer cannot prevent uneducated workers from their salary.

- **The Industrial Disputes Act, 1947** (the "ID Act") has been enacted for the investigation and settlement of industrial disputes in any industrial establishment. In this era workers were aware about their rights and position. only appointment of labour officer was not sufficient since exploitation was not stopped and unreasonable work hour, insufficient wages were not stopped. This law has solved almost problem of workers.
- **The Minimum Wages Act, 1948** (the Minimum Wages Act) provides for fixing of minimum rates of wages in certain employments. Now the monetary problem has also solved for workers. When workers were satisfies the root of mismanagement removed. Every worker get living wages^v according to skills and work done.

Now all the necessary acts were brought for workers to their monetary rewards but there was still need for no-monetary rewards for improving workers living standard- pension after retirement, participation in management of industry^{vi}, insurance policy for health^{vii} etc.

These following acts were passed for social security act-

- **The Employees' State Insurance Act, 1948** (the ESI Act) is a social welfare legislation enacted with the objective of providing certain benefits to employees in case of sickness, maternity and employment injury. In terms of the provisions of the ESI Act, the eligible employees will receive medical relief, cash benefits, maternity benefits, pension to dependants of deceased workers and compensation for fatal or other injuries and diseases.
- **The Employees Provident Funds and Miscellaneous Provisions Act, 1952** (the "EPF Act") provides for the institution of provident funds, pension funds, and deposit-linked insurance funds for employees.
- **Payment of gratuity act 1972.**

In an organisation, workers include both males and females and the necessity of both the gender are different. Now there was need to enact the laws for women and for equality on the basis on sex, class etc.

The following acts were passed by the government to maintain the fairness equality, justness, and impartiality in every organisation so that there should not be any conflict or dispute on mismanagement.

- **The Maternity Benefit Act, 1961** (Maternity Benefit Act) this act was enacted solely in interest of working women where in certain circumstances, women are given 24 weeks leave before or after the childbirth. They are also given some kind of benefits like bonus, maternity leave and so on.

A pregnant woman is also allowed not to do laborious work or continuous long hour work During the period before one month or 6 weeks before the of expected delivery. Additionally, the employer cannot terminate the women during or on account of such absence.

- **The Equal Remuneration Act, 1976** this act provides equal right to men and women regarding remuneration. Employer cannot discriminate on the basis of gender, caste, class, religion, etc. between men and women while paying remuneration as well as in appointment.

There is also need to prohibit acts which are against the general norms and against public policy.

- **The Bonded Labour System (Abolition) Act, 1976** (Bonded Labour Abolition Act) it is also known as a prohibiting legislation which is enacted in order to abolish the bonded labour system. Additionally, the purpose of this act is to prevent the economic and physical exploitation of the weaker sections of the society, and matters connected therewith or incidental thereto.

The Constitution of India also tried to protect the child labour through incorporation of provision. Article 23 expressly prohibits the forced labour and employment of a child below the age of 14 years in work in any factory or mine or engagement in any other hazardous employment.

The policy of the Government is to ban the employment of children below the age of 14 years in factories, mines and hazardous employments and to regulate the working condition of children in other industries.

- **The Sexual Harassment at Workplace (Prohibition, Prevention and Redressal) Act, 2013 (SHW Act)** was enacted by the Parliament to provide protection against sexual harassment of women at workplace and prevention and redressal of complaints of sexual harassment and for matters connected therewith.

The SHW Act makes it mandatory for every organization having 10 employees and more to constitute an Internal Complaints Committee (ICC) to entertain complaints that may be made by an aggrieved woman.

The most important sexual harassment act was passed when female worker was harassed by male worker. The laws are to be enacted on the basis of needs of workers as well as authority also. And the conflict in the organisation can be in any way between workers and workers and authority. When legislation feels to enact law on reasonable grounds, can enact laws provided the laws should not be contrary to natural justice, constitution and existing laws^{viii}.

From these above acts the environment of an organisation remains peaceful and well regulated.

The most prominent philosopher Maslow who gave this theory in which he states that workers have different objective and their objectives must be fulfilled in order to keep them motivated. Because only motivated people can work at their best capacity. Therefore, in order to utilise the full capacity of workers the organisation must fulfil their needs which are given below-

The revolution of workers was only for these basic needs. And the laws which are enacted are also on the basis of these needs. Laws made organisation to compulsorily follow these acts.

Now in the modern time, organisations appoint human resource manager whose sole motive is to solve the grievances of employees and keep them motivated. The ultimate motive of human resource manager is to regulate the law in an organisation in such a manner that there is no chaos, corruption, opaqueness.

IV. CONCLUSION

It can be concluded that management and law go side by side. And as per managerial needs substantial changes has also been brought up with revolution. In order to maintain the enacted laws, the management and workers have to be the part of each other it means both have to fulfil the requirements of each other. since the cycle is run through both the wheels likewise, the organisation operates from active participation from both sides keeping in mind the laws. Sometimes government intervention is also necessary in organisation when the right of organisation or workers is violated. Thus, organisation in order to achieve the main goal labour law must be followed this will increase their efficiency and effectiveness. Thus, laws will lead to organisational success.

End notes:

ⁱⁱ History of Human Resource Management: It's Importance in Adding Value to Organizational Success in Gaining Competitive Advantage by Mubeen Mujahid [ISSN 2222-1905 (Paper) ISSN 2222-2839 (Online)].

ⁱⁱ Labor Management Relations by Amir Razi, Muhammad Ramzan, Syed Atif Ali, Huda Khan & Zain HassanOnline[ISSN: 2249-4588 & Print ISSN: 0975-5853].

ⁱⁱⁱ History, Evolution and Development of Human Resource Management: A Contemporary Perspective by Dr. Ruth Tubey, Kipkemboi Jacob Rotich, Dr. Alice Kurgat. [ISSN 2222-1905 (Paper) ISSN 2222-2839 (Online)].

^{iv} Labour Law in India: Structure and Working by Debi s saini.

^v Article 43 provides that “the State shall endeavor to secure, by suitable legislation or 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 enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

^{vi} Article 43A provides 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, establishments or other organization engaged in any industry.

^{vii} Article 47 provides that the State shall regard ‘the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties . . .

^{viii} Labour Law in India: Structure and Working by Debi s saini.