

Horizons of New Industrial Jurisprudence – A critique of the Law and reality

Dr. Durgambini A Patel*

Tremendous efforts are needed to formulate, and regulate dynamically, the national industrial policies. To catch up the international bus, adequate suitable legislations need to be re-enacted from time to time to ensure industrial peace and a conducive climate in which the policy may easily thrive. The globalization of the Indian economy, which began in 1991, lead to privatisation and liberalization of the economy and had its immediate and deep impact on the industrial world. Today, industries of infinite varieties are spring up. The State is slowly withdrawing as an entrepreneur using the process of disinvestments. The day has arrived when the legislative machinery of the State needs to respond to the industrial and market forces. There are clear signals coming from the judiciary, which now seems to be less active in evolving pro-labour jurisprudence. However, the industrial jurisprudence that developed during the 60's and 80's cannot be altogether buried to die a silent death. We need to balance between the old and new and with this intention the paper is written to included:

* Reader, Department of Law, University of Pune, Pune-7.

- 1) Historical aspect to show the colonial influence.
- 2) The dynamic pro-labour jurisprudence.
- 3) Slow but steady changes due to globalization.
- 4) Relevancy of existing laws with current market forces and need for amendments.

In this context the present Industrial Relation Laws like the ID Act, Trade Union Act and the judicial Law there in will be critically examined. The Law (Legislative and Judicial) as a product of political, international and economic influences existing in the nation in recent time will be explored. The complete theme of the research paper is intended to analyse the present scenario on the touch stone of the critical legal studies movement.

Email: durgapatel@unipune.ernet.in