LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

(ISSN: 2583-7753)

Volume 2 | Issue 4

2025

CONTEMPORARY ISSUES ON LABOUR LAW REFORM IN INDIA WITH SPECIAL REFERENCE TO NEW LABOUR CODES

Ashutosh Singh Charan[1] & Juhi Agarwal[2]

I. ABSTRACT

Following the implementation of the four new labour regulations intended to streamline and modernize the present regulatory environment, labour regulation overhaul in India has become a controversial and dynamic topic. The Code on Wages, the Industrial Relations Code, the Social Security Code, and the Occupational Safety, Health, and Working Conditions Code all seek to streamline and integrate a variety of different regulations into a single, more unified framework. The reforms have generated discussions about their effects on labour rights and industrial relations, even if their goal is to make it easier for corporations to comply with the law and provide workers more safeguards. Significant improvements are brought about by the reforms, including heightened security specs, streamlined dispute resolution procedures, and unified pay standards. They also seek to close a long-standing vacuum in India's system of employment by broadening welfare payments to gig and freelance employees. Trade unions and labour groups, however, have expressed alarm about these alterations, alleging that the regulations may weaken workers' rights, diminish their ability to negotiate, and make it simpler for companies to hire and fire employees. As a result, the debate over these changes now revolves on the issue of striking a balance between social justice and economic prosperity. With an emphasis on the possible advantages and difficulties presented by the fresh labour rules, this essay critically analyzes the current concerns concerning labour law overhaul in India. Additionally, it examines the wider ramifications for India's labour market, especially in light of technology improvements and globalization. By examining these factors, the research hopes to add to the continuing discussion about whether these changes can accomplish their claimed goals

[1] BA-LLB(H.), ICFAI UNIVERSITY, JAIPUR
[2] BBA-LLB(H.), ICFAI UNIVERSITY, JAIPUR

 (ISSN: 2583-7753)

without endangering the welfare and basic rights of workers.

II. INTRODUCTION

"*The challenge of labour law reform in India lies not merely in drafting new codes but in balancing the aspirations of the workforce with the imperatives of economic growth. True reform will empower workers without stifling enterprise.*"**- Justice V.R. Krishna Iyer**

India is a nation that boasts a considerable workforce in a variety of industries. Together, the formal and informal sectors employ more than 50 crore people. These people are subject to a number of statutes that existed during the British Raj. However, as trends evolved, many of them have lost significance or utility in the present world. Four labour codes are the result of the combination and codification of these many laws.

A. The Need for the Labour Codes

For India to be prosperous, powerful, and Aatmanirbhar, employee empowerment is crucial. The unorganized sector employs 90% of labourers and is not eligible for any social security benefits. To improve the benefits offered to workers in both the formal and informal sectors, labour reforms were required.

The Second National Commission of Labour recognized that India has a multitude of employment regulations in its 2002 report and recommended that these laws be unified into four or five national labour codes.

The Ministry of Labour organized nine tripartite summits between 2015 and 2019 to solicit opinions and suggestions on labour reforms from lawmakers of the State Government, Employers' Organizations, and all National Trade Unions. After reviewing all four legislation, the Parliamentary Standing Committee suggested modifications to the government.

It is also expected that a variety of labour-related improvements will increase company accessibility and generate employment in the country.

Changes to the labour laws in India have long been anticipated. Employers have long demanded the simplification and rationalisation of employment regulations in order

to achieve "ease of doing business." The main justification for the reforms was that *"by reducing the burden of numerous labour rules, they would promote industrial and economic progress. The government of India is currently actively working towards the simplification and integration of all labour laws into a few labour codes, in response to the employers' outcry."* This is one of the key recommendations of the Second National Commission on Labour's Report, which was submitted in 2002.[3]

The Indian Parliament subsequently created and adopted four labour regulations in 2020. A total of forty-four prior labour laws were substituted by these four new labour codes: "*the Industrial Relations Code (IRC), the Code on Occupational Safety and Working Conditions (OSHWCC), the Social Security Code (SSC), and the Code on Wages (WC).*" It is anticipated that the updated labour regulations' relaxation of limitations and expansion of flexibility will strengthen the Indian economy by fostering a more welcoming business environment. Nevertheless, labour unions and other labour-supporting collectives persisted in opposing this move toward labour reforms out of seriousness that the security measures that had been maintained up to this point—many of which came into being in their current form after generations of struggle by concerned stakeholders—would be seriously compromised.

Adoption of all four codes would mean that certain protective laws that are already in effect would become redundant. Clearly, these results in the sense of losing employment rights, regulations, and welfare programmes that were acquired through hard work. Opponents of labour reforms believe that merely combining different laws into labour codes is insufficient to: "**(a)** *ensure that all workers in different industries are subject to the regulatory framework of labour laws*; **(b)** *simplify the legal system to make legal actions in employment-related matters more approachable*; and **(c)** *guarantee easier compliance and increased transparency of labour laws.*" Additionally, it is noted that someworker rights at work might be eroded as a result of these laws.[4]

[3] "Report of the Second National Commission on Labour with Emphasis on Rationalization of Labour Laws & Unorganized Labour, 2002."
[4] Gopal Guru, New Labour Codes & their Loopholes, 40 (2020).

Perceived Labour Shortcomings and Frets

The majority of labour unions and proponents of the working class consider the new labour rules to be "anti-worker," given that some of its provisions have broad consequences. For example, strikes are forbidden under the new Code on Industrial Relations, 2020 (IRC) if 60 days' notice is not given, if notice is given within 14 days, and if conciliation, arbitration, or tribunal proceedings are pending.

It is believed that these strict procedure for calling a strike would make it harder for trade unions to mobilise employees and strengthen their position as a collective bargaining unit. Despite this mistrust of worker groups and unions, the new Code requires every industrial establishment to have a negotiating council or negotiating union, effectively establishing trade unions' presence at the national level through statute. The effectiveness of these mandates and initiatives will not become clear until these regulatory frameworks are put into place.[5]

According to the ruling in ***Syndicate Bank and Ors. v. K. Umesh Nayak***[6], The Industrial conflicts Act, 1947 (ID Act) attempts to govern the concept of strikes without limiting workers' freedom to go on strike, as the nation's highest court ruled that demonstrations are the result of lengthy clashes between employers and employees. The updated IRC, 2020, essentially reduces the choices for a valid strike. The new Code shifts the focus from the Industrial Dispute Act, which prioritizes employee welfare, to the convenience of conducting business.

Social security programs for the unorganized labour market have so far been developed by the state government. Since the Social Security Code, 2020 (SSC) went into effect, the central government has begun to share this responsibility in an arbitrary and partial manner. "*Section 109 (1) states that the Central Government is in the midst of establishing and alerting unorganized workers with regard to suitable social services concerning: (i) life and disability insurance; (ii) health and maternity benefits; (iii) old age*

[5] Soumya Jha & Ulka Bhattacharya, With New 'Industrial Relations' Code, What Does the Future Look Like for India's Trade Unions? (September 20, 2021).
[6] Syndicate Bank & Ors. v. K. Umesh Nayak, AIR 1995 SC 319.

protection; (iv) education; and (v) any other benefit that the Central Government may from time to time determine is appropriate."

According to Section 109 (2), It is the responsibility of the State Government to regularly create and publicize appropriate support programs for unorganized labourers. These initiatives may include, but are not limited to, provident funds, workers advancement, injuries at work reimbursement, dwellings, eldercare homes, funeral assistance, and education for children's programs. Even while this Code may have made it easier to provide workers with social security and help by creating many organizational structures, including federal and state social security boards as well as a special board for gig/platform workers[7], it has instead created an environment conducive to obscurity.

B. Revising The Framework: Limited Additional Concerns

In addition to the problems already listed, there are a lot of particular worries regarding the way the new labour regulations have altered the structure of labour law. An attempt is made to address and analyze a few of these issues in this section.

Lack of conversation on Social Dialogue

Trade unions claim that this extreme measure was implemented without the necessary agreement from all parties involved, particularly the employees and worker unions. *"Ten trade unions have already contacted the International Labour Organization (ILO), claiming that it violates fundamental standards guaranteed by ILO Convention No. 144, a document that India has ratified. This convention calls for productive triangular discussions involving the government, employees, and employers in order to foster social discourse and workplace harmony."*[8]

Bhatia notes that there was no discussion, disagreement, or effort to reach an agreement among the stakeholders, and that there was an obvious hurry in passing

[7] Santosh Mehrotra & King shuk Sarkar, Social Security Code, 2020 & Rules, A Critique, 56 ECONOMIC AND POLITICAL WEEKLY, 17-20 (2021).
[8] Zia Haq, States' labour law changes under central govt scanner, (Hindustan Times, June1, 2020).

these new labour laws.[9] Additionally, there was also considerable perception that the new labour laws may limit workers' ability to bargain collectively. Loss of numerous of the advantages offered by the welfare-oriented, pre-existing labour laws (before labour codes were introduced). The new labour norms' contempt for trade union issues exposes the deterioration of social discourse and pluralism.

Delayed Implementation and its Implications

The delay with which new labour laws are being implemented is another cause for concern. Even though Parliament established the legislation needed rapidly, there ended up being a considerable delay with the enforcement of the new labour standards.

The unexpected introduction of COVID-19 and the ensuing lockdowns have obviously slowed down the rate of realization of these new rules, the government representatives said in response to the issue of why labour codes are taking longer to implement. However, some detractors argue that there are other reasons for this delay. For example, Bhatia examines the application of the labour code and contends that political and electoral considerations impede the government's ability to enact these laws immediately. The ruling party reportedly believes that enforcing labour laws before of some of the most important state assembly elections will provoke opposition because working-class voters, who are very motivated to increase their vote banks, would object to the regulations.

There is a state of "limbo" about the effective implementation of labour laws as a result of the adoption of new labour codes and the subsequent tardiness of putting them into effect, which has surely led to the repeal of the current labour laws. Because of this, neither the old laws nor the new codes are rigorously followed. The case was decided by the Supreme Court of India "In ***RE: Problems and Miseries of Migrant Labourers***,"[10] which brought attention to the conditions faced by migrant workers during the COVID-19 pandemic.

[9] Akriti Bhatia, New Labour Codes: After Rushing Them Through Parliament, why is the Govt. Delaying Implementation? (The Wire, October 1, 2021).
[10] In Re: Problems & Miseries of Migrant Labourers, Suo Motu Writ Petition (civil) No(s).6/2020.

Nonetheless, the court also clarified that unorganized workers' registration for social security benefits will adhere to the previous laws "*(the Unorganized Workers Social Security Act, 2008 and The Building and Other Construction Workers (Regulation of Employment and Co.)*" until the new CSS, 2020 is implemented. Particularly during the ambiguous period of the crisis, such a scenario led to in a noteworthy inattention on the part of the state gadgets with regard to safeguarding the interests of the working class. Given the current state of confusion until codes are applied effectively through a justly assessed procedure, it is most likely that workers could profit from the dearth of preventive standards and regulations.

Centre-State Tensions within Indian Federalism

Even though "labour" is on the concurrent list of the constitution, there are variations of perspective over the fresh legislation that grant the federal government much of the authority and marginalize state governments, especially when it comes to labour administration and the application of the code. The proper implementation of the programs may be hampered by the labour codes' trend toward centralization in terms of organizational structure, but Sarkar explains that state governments are now responsible for overseeing a State Social Security Fund and keeping track of employees' records.[11]

However, the requirements for this kind of decentralization are unclear because the state-level institutional structure and implementing authority are not mentioned in relation to the Code's mandates, particularly when it comes to the protection of workers who are migrating between states. Two decisions made by the Supreme Court addressed the question of which government is the proper one: ***Steel Authority of India Ltd. vs National Union Water Front Workers and Hindustan Aeronautics Ltd. vs Workmen***[12]. Nevertheless, the opportunity to precisely specify the relevant government's jurisdiction, which is perceived to differ

[11] Sarkar, Amalgamation of Existing Laws or Labour Reform, 54 ECONOMIC AND POLITICAL WEEKLY, 33 (2019).
[12] Steel Authority of India Ltd. v. National Union Water Front Workers, AIR 2001 SC 3527; Hindustan Aeronautics Ltd. v. Workmen, AIR 1975 SC 1737.

throughout regulations, was missed by the new labour regulations.

On the other hand, Jha[13] argues that since employment is included in the concurrent list, state governments would ultimately have to decide between giving employers flexibility and safeguarding worker security. This argument makes it possible for state governments to implement state-specific labour regulations in addition to the government's new labour standards. Among other things, this will lead to financial investments and, as a result, job creation, moving to states that support open capitalism by declining to add labour welfare-focused state-specific laws and policies to the federal codes.

III. SCOPE OF THE STUDY

This study's scope explores current concerns related to India's labour law reform, with a particular emphasis on the new labour rules. It seeks to investigate how labour laws are changing and evaluate the effects on different stakeholders, such as businesses, employees, and legislators. The research will look at why many labour regulations were combined into four different codes: ***"the Occupational Safety, Health, and Working Conditions Code, the Industrial Relations Code, the Social Security Code, and the Code on Wages."***

The research will analyze these reforms and evaluate how they affect social security, labour rights, and industrial relations in the Indian setting. It will also take into account the potential and difficulties these new regulations provide, especially with regard to their application and enforcement. The scope also includes assessing how well workers' rights and economic growth are balanced, as well as whether the new framework sufficiently takes into account the concerns of the workforce, particularly in view of India's heterogeneous and unorganized sector.

IV. RESEARCH METHODOLOGY

The ***research methodology*** used to look into the issue is limited to a comprehensive analysis of prior studies in the area, looking at the theoretical frameworks of national

[13] Somesh Jha, Codes give more power to states to be flexible on labour laws, (Business Standard, September 25, 2020).

and international legislation in relation to labour welfare and protection. For this reason, information regarding the new labour rules and laws that India now has, as well as the areas that require reform or change, have to be gathered from a variety of sources and examined.

This study ***paper is doctrinal*** in nature. It is instructive as well as scientific. The study relies on both primary and secondary sources. Relevant information from relevant sources is included in the legislative structures of the major enactment. Both qualitative and quantitative study have been carried out to look at several aspects of India's present labour laws and proposed labour legislation. Academic comments, policy papers, government announcements, books, journals, reports, theses, dissertations, articles, newspapers, web resources, databases, and more have all been studied by the researcher for the current study.

V. INTERNATIONAL PERSPECTIVE OF LABOUR LAWS

A. Emergence of the International Labour Laws

The rights and obligations of workers, employers, trade unions, and governments in observing activities associated with work and working conditions are governed by a set of regulations known as international labour law. The two primary international organizations engaged in labour market reform have been the World Trade Organization and the International Labour Organization. The World Bank and the International Monetary Fund have indirectly impacted labour policy shifts by requiring restructuring as a requirement for financing or grants. Conflicting legal duties that are resolved by national courts may arise for individuals who operate in various countries. Furthermore, a rising body of worker rights rules is being developed by supranational bodies like the European Union.

International labour standards are protocols aimed at defending essential worker rights, enhancing secure employment, and improving productivity worldwide that are endorsed by international organizations as a consequence of many value assessments. Thus, by enacting and implementing these policies, these standards seek to offer a minimal degree of protection against cruel labour practices on a worldwide

scale. Theoretically, it has been argued that there are some fundamental human rights that apply to all people for moral reasons.[14] Therefore, the goal of international labour standards is to guarantee the availability of these rights in the workplace, such as those that protect workers from harassment, assault, discrimination, and gender inequity, while also promoting workplace democracy, diversity, and empowerment.

The presence of international standards for labour does not imply compliance with them, even if official conventions and accords via international bodies have been applied in the vast majority of real-world situations on enforcement procedures.[15] The International Labour Organization (ILO) is the main international organisation tasked with creating working standards. The universal Labour Organisation (ILO), which was founded in 1919, promotes the idea that universal standards are necessary to end "injustice, hardship, and privation" in the workplace. International labour standards, according to the ILO, support the advancement of global development, lessen the chance of long-lasting conflict, and reduce international market competition's potentially negative impacts.

B. History of Labour Law

The labour movement, ever since the industrial revolution, has been worried that businesses may choose to hire employees abroad without the domestic labour regulations protecting them, so weakening workers' negotiating strength. The following was decided upon at the Fourth Annual International Congress in 1869[16]:

Early History

The concept of protecting workers from hazardous conditions dates back to the fourteenth century in Europe[17]. However, The severe working conditions that arose during the Industrial Revolution in the eighteenth and nineteenth centuries were the

[14] Brown, Drusilla K., Alan V. Deardorff and Robert M. Stern. "International Labour Standards and Trade: A Theoretical Analysis", Fair trade and harmonisation: Prerequisites for free trade? Cambridge, MA: MIT Press, 1996. 227–272.
[15] Berik, Günseli and Yana Rodgers. 2006. "Asia's race to capture post-MFA markets: a snapshot of labour standards, compliance, and impacts on competitiveness", AsianDevelopment Review 23(1): 55–86.
[16] K Marx, Report of the General Council to the Fourth Annual Congress (1869).
[17] Brown, Drusilla K. "Labour standards: Where do they belong on the international trade agenda?" The Journal of Economic Perspectives 15, no. 3 (2001): 89–112.

real catalyst for the start of the contemporary labour rights movement. *"A significant milestone was the English Factory Act of 1802, passed by the Parliament of the United Kingdom, which limited apprentices' work hours to 12 per day."*[18] This act laid the groundwork for the international labour standards we recognize today. Although early labour laws, like those in England, primarily focused on issues such as work hours, child labour, and the use of hazardous materials, they were limited in scope and varied significantly across countries. Initially, efforts to address these differences relied on moral persuasion rather than legal enforcement. It wasn't until the late nineteenth century that serious attempts were made to establish uniform labour standards on a global scale.

Creation Of International Labour Organization

The significance of worldwide labour laws was greatly increased with the creation of the International Labour Organization (ILO) in 1919, after World War I. When the ILO was first established as a division of the League of Nations by the Treaty of Versailles, its primary goal was to end enslavement and other forms of forced labour. Its objective grew progressively to encompass the elimination of child labour, inclusiveness in employment settings, and the advancement of bargaining rights and autonomy in organization. The ILO represented the first major international effort to establish universal workers' rights, urging its forty-four founding members to adopt agreements against discriminatory labour practices, even without formal enforcement mechanism.

C. International Labour Organization

With 187 member nations, the "International Labour Organisation (ILO)" is a specialised UN body that addresses labour- related issues. The original constitution of the international Organisation for work was included in the Treaty of Versailles after World War I. It was created on the tenets that "labour is not a commodity" and that "peace can be established only if it is based upon social justice."[19] The ILO's main responsibility has been to harmonise the fundamentals of international labour law

[18] Ibid.
[19] Treaty of Versailles 1919, Part XIII, Section I and art 427.

through the issuance of conventions that codify labour rules universally.

By virtue of its own existence, the ILO is the acknowledged international venue for bringing forward concerns pertaining to international labour standards.[20] There is not a single other model that can fill this role. This organisation, which is governed by three parties representing the government, businesses, and employees, sets employment rules through both conventions and recommendations.[21]

The "Declaration on Fundamental Principles and Rights at Work," which was adopted by the ILO International Labour Conference in 1998, designated some rights as "fundamental."[22] The four categories (a total of eight ILO conventions) that comprise the Declaration's core conventions are: *"freedom of association and the effective recognition of the right to collective bargaining; the abolition of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in employment and occupation."*

Overall, the ILO framework effectively established a system of voluntary adherence to labour norms through convention ratification. One particular objection or complaint has progressed to a most serious conclusion, which indicates that, overall, the representation and complaint enforcement mechanism has been successful.[23] Furthermore, the "flexibility" of standards permits excessive latitude for modification in response to unique circumstances, which weakens the authority of the conventions.

VI. EVOLUTION OF LABOUR LAW IN INDIA

A recent report on trends in regulating working conditions in the Asia-Pacific region highlighted the lack of comprehensive historical research on labour legislation development in many developing countries. India serves as a prime example. While there is an abundance of written material on Indian labour law and related topics, much of it is fragmented, consisting of brief articles and notes covering the wide array of subjects within India's extensive labour, social security, and employment laws.

[20] "Alphabetical list of ILO member countries", International Labour Organization.
[21] Block, Richard N., Karen Roberts, Cynthia Ozeki and Myron J. Roomkin. "Models of international labour standards", Industrial Relations 40, no. 2 (2001): 258–292.
[22] "Declaration: Home page", International Labour Organization.
[23] "Berik, Günseli and Yana Van der Meulen Rodgers. "Options for enforcing labour standards: Lessons from Bangladesh and Cambodia", Journal of International Development 22 (2008): 56–85."

Additionally, traditional works and commentaries exist, offering descriptions of the institutions and laws governing labour in India.

A search for English-language materials on Indian labour law reveals a scarcity of comprehensive historical narratives that explore the development of the law, encompassing both central and provincial sources, and it's relationship to political, social, and economic contexts. Despite the clear significance of labour law in India's political and industrial spheres, there is a notable absence of a specialized journal dedicated to scholarly engagement in this field. This is particularly surprising for a country whose Constitution guarantees labour rights and whose legal framework includes over 150 distinct labour laws enacted by both central and state authorities.[24]

A. EVOLUTION OF LABOUR LAW IN INDIA

Indian labour legislation and industrial relations are often discussed in terms of distinct time periods that align with significant phases in the country's evolution and economic development. In 1955, Ornati identified three key eras in the development of Indian labour law up to that time.[25] The earliest regulations, which adapted provisions from English law such as the Masters and Servants Act, were primarily focused on ensuring the supply and control of labour.

However, from the 1880s to the 1930s, these were gradually supplemented by a series of factory laws that provided minimal levels of worker protection. These laws represented a compromise between Indian social reformers, who sought to improve the poor working conditions in Indian factories, and British industrial interests, which aimed to protect domestic businesses from competition with cheap foreign labour. Some observers have characterized this early phase of labour law reform as largely "formal or unimportant," involving only minimal interference with labour conditions and the employer-worker relationship.

Ornati identifies the second period of Indian labour law development as occurring

[24] " According to at least one authority —Labour relations in India is defined by law‖: DeSousa (1999),
p. 65. However, of upwards of 1,400 articles published in the Indian Journal of Industrial Relations between 1965 and 2011, only about 25 were focused on labour law per se."
[25] Ornati (1955), pp. 8 1–95.

between 1937 and 1947, a time marked by greater creativity. This era began with the establishment of "Provincial Autonomy" in the late 1930s, coupled with the Indian Congress Party's strong focus on workers' rights, including the rights to strike, better living standards, and trade union recognition. During this period, there was also an effort to introduce more uniformity in labour regulations. According to Ornati, the third phase began with the crucial post-independence laws enacted in the late 1940s and early 1950s.

While Ornati's analysis suggests that early Indian labour law was relatively unremarkable, others argue that significant progress was made in the immediate aftermath of World War I. They point to the Royal Commission on Labour in the 1920s and the adoption of various International Labour Organisation (ILO) conventions as key milestones in the development of Indian labour law.

Pre-1920s

In the early phase of industrialization, colonial authorities primarily focused on punitive measures to ensure labour supply and discipline, particularly for burgeoning industries. Early British regulations often dealt with "forced labour" for public works and government service, including the military. A notable early law was the Workmen's Breach of Contract Act of 1859, which allowed for the specific enforcement of service contracts and imposed fines for breaches, reflecting the emphasis on labour discipline[26] At the same time, traditional systems of family, land, and cultural regulation significantly influenced labour organization.[27]

The relationship between colonial labour laws, such as the Masters and Servants statutes, and these older regulatory patterns was complex. Starting in the 1880s, the colonial government began enacting laws concerning the employment of women and children and regulating work hours in mines and factories. These laws often resulted from government inquiries, but their impact was limited as they applied selectively

[26] The Act was not repealed until 1925, along with corresponding provisions of the Penal Code 1860.

[27] "These continue to be highly significant factors in the organization and regulation of labour in present- day India. For a detailed study of one Indian region see Das, Maitreyi Bordia, & Puja Vasudeva Dutta (2007) —Does Caste Matter for Wages in the Indian Labour Market?‖ Social Development Unit, World Bank."

and made only minor improvements to working conditions.[26] In the plantation industry, regulations primarily addressed worker supply and the issues associated with the indentured labour system.

The relationship between colonial labour laws, such as the Masters and Servants statutes, and these older regulatory patterns was complex. Starting in the 1880s, the colonial government began enacting laws concerning the employment of women and children and regulating work hours in mines and factories. These laws often resulted from government inquiries, but their impact was limited as they applied selectively and made only minor improvements to working conditions.[28] In the plantation industry, regulations primarily addressed worker supply and the issues associated with the indentured labour system.

Post-World War I and the 1920s

There is disagreement over the post-World War I and 1920s era's importance in Indian labour history. Due to the emergence of a powerful labour movement, the quick expansion of trade unions—most particularly the establishment of the All India Trade Union Congress (AITUC) in 1920—and the impact of social democratic and communist ideologies after the 1917 Russian Revolution, this era witnessed substantial shifts in the production and political milieu of Russian Revolution of 1917.[29] Simultaneously, the newly established International Labour Organization (ILO) began to shape labour policies in India.

Much of the labour legislation from this period, including laws addressing work hours, rest periods, protections for women and children, and health and safety, were extensions of the pre-war "factory" regulations. Notable laws from this time include the “Factories Act of 1922, the Mines Act of 1922, and the Workmen's Compensation Act of 1923,” which were largely influenced by the colonial Indian government's adoption of various ILO conventions.[30]

[28] Harriss-White, Barbara (2003) India Working: Essays on Society and Economy, Cambridge: Cambridge University Press.
[29] Amjad, Ali (2001) Labour Legislation and Trade Unions in India and Pakistan, Oxford: Oxford University Press.
[30] Amjad, Ali (2001) Labour Legislation and Trade Unions in India and Pakistan, Oxford: Oxford

However, an updated approach to labour affairs emerged with the enactment of the Trade Unions Act of 1926 and the Trade Disputes Act of 1929. The Trade Unions Act gave unions legal status, offered certain defenses against penal and economic culpability in labour disputes, and permitted—though not required—union registration. Notwithstanding these benefits, the Act had drawbacks. For example, it did not promote a genuine system of labour arbitration because businesses were not bound by law to negotiate in an honest manner with unions, even if they were recognized, and unrecognized unions were not eligible for its safeguards.

The ability to strike was severely restricted by the Trade Disputes Act of 1929, which also mandated that labour disputes be handled to a conciliatory board or council of examination, albeit the parties did not have to agree with the board's findings. Some groups within the trade union movement fiercely opposed both of these legislations, including the AITUC.[31]

The 1930s

The 1930s were a tumultuous period for Indian labour, set against the backdrop of the global economic downturn and increasing unemployment. During this time, the 'All India Trade Union Congress' (AITUC) played a crucial role in the broader struggle for Indian independence. The period saw a surge in strikes and mass dismissals, particularly in 1928 and 1929, as the economic slump took hold. On July 4, 1929, the British government responded by establishing the Royal Commission on Labour in India. But since it saw the Commission as a coercive instrument of the British imperialist government, the AITUC, which represents the Indian labour movement, boycotted it.

The Royal Commission delivered its report in 1931, a time marked by wage cuts, job losses, and industrial unrest. Following the report, many of its recommendations were incorporated into new labour laws between 1933 and 1939. 'Menon notes that 19 of the 24 labour laws enacted by the federal and local governments during this period

University Press, pp. 33–47.

[31] Das, Maitreyi Bordia, & Puja Vasudeva Dutta (2007) ―Does Caste Matter for Wages in the Indian Labour Market? Social Development Unit, World Bank.

were influenced by the Commission's recommendations.' Most of these laws, like earlier regulations, focused on protective measures for factories and mines, addressing issues such as wages, working hours, and compensation.[32] One of the most important of these was the Payment of Wages Act of 1936, which gave employers the right to deduct wages from employees who were absent without a good excuse.

The Government of India Act 1935 also had a profound impact on labour law in the 1930s, leading to further strikes and influencing provincial governments to experiment with labour laws. The Trade Disputes (Conciliation) Act 1934, which was passed by the Bombay province government, is one such example. By designating a Labour Officer to advocate for the interests of cotton mill workers, this Act sought to alter collective labour relations. But after the major textile industry strikes in Bombay earlier that year, this law was also perceived as an effort to limit the influence of communist inside the labour movement.

While these efforts brought some changes to labour relations, they were primarily focused on protecting workers in industrial settings rather than fostering collective labour activities. The decade was characterized by a mix of protective legislation and efforts to manage labour unrest, reflecting the complex dynamics of labour relations during the colonial period.

The World War II era and the years leading up to India's independence were crucial in shaping the country's labour laws significantly due to the war effort, leading to an expanded workforce and more complex labour issues. The British colonial government, focused on maintaining production and preventing unrest, introduced several labour regulations aimed at controlling the growing labour force.

One of the key developments during this period was the Defense of India Rules, which granted the government broad powers to regulate industries, control wages, and limit strikes. These rules were implemented to ensure uninterrupted production during the war.

During this time, the British government passed a number of important laws in

[32] Similar style legislation on industrial disputes, strikes, and soon was also introduced in Indore, Cochin, and other Indian states during the 1930s.

reaction to the escalating labour unrest. By requiring businesses to explicitly outline the terms and conditions of employment, the Industrial Employment (Standing Orders) Act of 1946 reduced the number of arbitrary measures taken against employees. 'The Industrial Disputes Act of 1947', one of the most important labour laws of the time, established mechanisms for the resolution of industrial disputes, including conciliation, arbitration, and adjudication.[33] This Act laid the foundation for labour relations in independent India, promoting peaceful industrial relations and protecting workers' rights.[34]

As India's independence approached, these developments in labour law reflected the broader socio-political changes occurring in the country. The pre-independence period was marked by a growing awareness of workers' rights and the need for a legal framework to address labour issues. The foundation for modern labour laws was being laid, setting the stage for the comprehensive labour reforms that would follow in post-independence India.

Post-Independence Period

Following India's independence in 1947, the country witnessed significant developments in labour laws aimed at protecting workers' rights and improving labour conditions. The newly independent government, led by the Indian National Congress, prioritized social justice and aimed to establish a legal framework that reflected the principles of fairness and equity in labour relations. The Constitution of India, adopted in 1950, laid the foundation for labour law in the country by enshrining fundamental rights and directive principles that promoted workers' welfare. Key legislation enacted during this period includes the Minimum Wages Act of 1948, which established minimum wage standards across various industries, and the Factories Act of 1948, which regulated working conditions, health, safety, and welfare of workers in factories.

The Industrial Disputes Act of 1947, which was initially introduced during the pre-

[33] Sharma, Baldev R. (1992) ―Managerial Employees and Labour Legislation.‖ 28 Indian Journal of Industrial Relations 1–24.
[34] Johri, C.K. (2002) ―India,‖ in R. Blanpain, ed., International Encyclopaedia for Labour Law and Industrial Relations, Supplement 262, Alphen aan den Rijn: Kluwer Law International, pp. 125–52.

independence period, became a cornerstone of labour relations, providing mechanisms for resolving industrial disputes and preventing unfair labour practices. The government also promoted the growth of trade unions, recognizing their role in collective bargaining and protecting workers' interests.

VII. CRITICAL ANALYSIS OF NEW LABOUR REFORMS IN INDIA

Labour law, or employment law, governs the legal rights and responsibilities of workers, employers, and unions, addressing disputes and interactions within the workplace. It covers various aspects of industrial relations, including union certification, collective bargaining, workplace safety, and employment standards such as minimum wage, working hours, and unfair dismissals. In India, labour falls under the concurrent list of the Constitution, allowing both central and state governments to enact relevant legislation.

Many legislation protecting the rights of workers in both organized and unorganized sectors have been developed as a result of this dual jurisdiction. The Payment of Bonus Act (1965), the Maternity Benefits Act (1961), the Factories Act (1948), and the Minimum Wages Act (1948) are important pieces of legislation. In order to handle new problems in India's dynamic labour market, these rules are always changing.

A. ENACTMENT OF FOUR LABOUR CODES IN INDIA

The Indian Constitution permits both the federal government and state governments to pass labour laws by placing labour on the concurrent list. As a result, there are currently about 40 federal statutes and 100 state laws that govern several facets of labour, including pay, social security, health, working conditions, and labour disputes. The Second National Commission on Labour did draw attention to the fact that these regulations frequently have ambiguous and out-of-date meanings. To streamline and simplify labour regulations, the Commission recommended consolidating the 29 existing central labour laws into four major codes focusing on:

- Industrial Relations
- Wages
- Social Security

- Safety, Welfare, and Working Conditions.

This codification aims to create a more consistent and manageable framework for labour laws in India.

In order to create four complete labour rules that address social security, salaries, industrial relations, occupational health and safety, and working conditions, the Ministry of Labour and Employment proposed four measures in 2019. In 2019, "Parliament passed the Code on Wages, but the Standing Committee on Labour was tasked with reviewing the other three proposals." The Committee submitted its reports on these bills, leading to their revision by the government. In September 2020, updated versions of these bills were introduced, marking a significant step towards streamlining labour regulations in India.

The National Commission on Labour highlighted the complexity and inconsistencies in India's labour laws, which stem from the multitude of federal and state regulations. The Commission pointed out that these laws contain outdated clauses and conflicting definitions, creating confusion and inefficiencies. To address this, the Commission recommended consolidating labour laws to ensure clarity and uniformity in their application. This consolidation would also expand labour coverage, as current laws apply differently across various classes of employees and regions. Following these recommendations, four labour codes focusing on wages, labour relations, social security, and occupational safety were introduced in Parliament.

The Central Government decided to substitute four codes forthe 29 current employment regulations. The Second National Commission on Labour's recommendations served as the foundation for this. The President has already signed these labour codes, which were approved by both Houses of Parliament on September 28, 2020, with the exception of the IRC, which was signed on August 8, 2019. Although all codes are prepared for use,they are not yet in effect since the effective date has not been announced.

- Industrial Relations Code, 2020 (IRC).
- Social Security Code, 2020 (SSC).

- Code on Occupational Safety and Working Conditions Code,2020 (OSHWCC).
- Code on Wages, 2019 (WC).

The Industrial Relations Code, 2020

The Industrial Relations Code, 2020, aims to consolidate and amend the laws related to trade unions, employment terms in industrial establishments, and the resolution of labour disputes. This Code replaces three key statutes:

- *The Trade Unions Act, 1926:* Governs the registration and rights of trade unions.
- *The Industrial Employment (Standing Orders) Act, 1946:* Regulates the terms of employment in industrial establishments through standing orders.
- *The Industrial Disputes Act, 1947:* Provides mechanisms for the investigation and settlement of industrial disputes.

By unifying these laws, the Code seeks to streamline industrial relations and create a more coherent legal framework for handling labour issues.

Salient Features of the Industrial Relations Code, 2020

- **Industrial Disputes**: Disputes concerning the discharge, dismissal, retrenchment, or termination of services can be referred to the National Industrial Tribunal for conciliation within 45 days of filing the application.
- **Suspension and Termination**: Employers must obtain prior approval from the central or state government before proceeding with the termination, retrenchment, or closure of an industrial establishment employing at least 300 workers. During suspension, employees are entitled to a subsistence allowance—50% of wages for the first 90 days and 75% thereafter.
- **Worker Reskilling Fund**: The Code mandates the creation of a Worker Reskilling Fund, financed by employer contributions. The contribution amount is equivalent to 15 days' wages of the employee prior to being laid off, to be credited within 45 days of the layoff.

- **Threshold for Government Approval**: The threshold for establishments requiring government approval for layoffs, retrenchments, or closures has been raised from 100 to 300 employees. Establishments with fewer than 300 employees no longer require prior government clearance.
- **Grievance Redressal Committee**: The Code allows for an increase in the Grievance Redressal Committee size, permitting up to 10 members in industrial facilities with 20 or more employees, as opposed to the previous limit of six.
- **Tribunal Access**: Workers can file an application with the National Industrial Tribunal within 45 days of initiating conciliation proceedings for disputes involving termination, retrenchment, or dismissal.

The Code on Social Security, 2020

The Code on Social Security, 2020, aims to extend social security coverage to all workers, regardless of whether they are part of the organized or unorganized sectors. It consolidates and replaces nine existing laws, ensuring a more comprehensive and unified approach to social security for various types of employment. The Code applies to any establishment meeting the size threshold as notified by the Central Government. The nine laws it replaces include:

- *The Employees' Provident Funds and Miscellaneous Provisions Act, 1952*
- *Payment of Gratuity Act, 1972*
- *Employees' Compensation Act, 1923*
- *Maternity Benefit Act, 1961*
- *Employees' State Insurance Act, 1948*
- *Workers Cess Act, 1996*
- *Cine Workers Welfare Fund Act, 1981*
- *Building and Other Construction and Unorganised Workers' Social Security Act, 2008*

- *Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959*

The Code aims to provide a more inclusive and streamlined social security framework for all categories of workers in India.

Salient features of the code on social security, 2020

According to Section 109 (1), the Central Government isresponsible for creating and informing unorganized workers about appropriate welfare programmes on a periodic basis. These programmes cover topics such as life and disability insurance,health and maternity benefits, old age protection, education, and any other benefits that the Central Government deems necessary.

Section 109 (2) stipulates that the State Government is responsible for periodically framing and notifying appropriate welfare programmes for unorganized labourers. These programmes may include but are not limited to provident funds, employment injury benefits, housing, educational programmes for children, skill enhancement for workers, funeral assistance, and old age homes.

- **Gig Worker:** Defined as a person who works outside the traditional employer-employee relationship and is paid for their labour or participation in a work arrangement.
- **Platform Worker:** Defined as an individual who engages in work through an online platform, connecting with others to solve problems, provide services, or engage in specified activities.
- The *Central Government* is tasked with establishing social security funds specifically for platform workers, gig workers, and unorganized labourers.
- *State Governments* are also required to establish and manage separate social security funds for unorganized workers.
- **Registration of Workers:** The Code includes provisions for the registration of platform workers, gig workers, and unorganized employees to ensure they receive the appropriate benefits and protections under the law.
- Increase the number of corporate social responsibility funding sources and

establish a "special purpose vehicle" to carry out programmes for unorganized workers.

- Notable changes made to the *Employees Provident Fund*.Establishments with twenty or more employees are subject to the EPF.
- Aadhaar-based registration is required.

The Occupational Safety, Health and Working Conditions Code, 2020

The Occupational Safety, Health, and Working Conditions Code, 2020 aims to consolidate and modernize workplace health, safety, and working condition regulations across various sectors. This Code replaces 13 existing laws to streamline and simplify compliance, ensuring uniform standards for worker protection. Some of the key legislations that are being replaced include:

- The Factories Act, 1948
- The Mines Act, 1952
- The Dock Workers (Safety, Health, and Welfare) Act, 1986
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
- The Plantations Labour Act, 1951
- The Contract Labour (Regulation and Abolition) Act, 1970
- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

By replacing these diverse acts, the Code aims to create a unified and efficient regulatory framework that enhances the protection of workers' health and safety across all industries.

Salient features of The Occupational Safety, Health and Working Conditions Code, 2020

- **Gender Discrimination:** The Code forbids discrimination against individuals based on their gender, among other factors.

- **Women Employment:** If women who work in all the businesses agree to safety, holidays, and work hours, they willhave the option to work before 6 a.m. and after 7 p.m. If women are required to perform hazardous tasks, their employers will ensure that they have appropriate protection prior to hiring them.
- **Rights of Transgender:** All establishments must provide restrooms, showers, and changing areas for both genders and transgender employees.
- **Rights of Contractual Workers:** The Code forbids the use of contract labour in core activities unless: (i) the activity is typically carried out by a contractor due to the regular operation of the establishment; (ii) the activities are designed so that full- time workers are not needed for the majority of the day; or (iii) there is an unexpected increase in the volume of work in the core activity that must be finished in a certain amount of time.

The Code on Wages, 2019

Its goal is to control bonus and wage payments across all industries (manufacturing, business, trade, and industry). Four laws are replaced by the Code on Wages:

- Minimum Wages Act, 1948
- Payment of Wages Act, 1936
- Payment of Bonus Act, 1965
- Equal Remuneration Act, 1976

Silent Features of the Code on Wages, 2019

- When it comes to hiring and paying people for the same or comparable employment, discrimination based on gender is prohibited by the Code.
- Comparable the work that needs the same amount of aptitude, diligence, experience, and accountability is located here.
- Every employee shall follow this Code. The Central Government will make pay decisions for workers in mines, railroads, and oil fields; for all other jobs, the State Governments will make these decisions.

- The federal or state governments will determine the operating hours. Employees who put in more time at work are entitled to overtime pay, which is at least twice their regular pay.

B. Critical Analysis of New Codes

The Indian government to facilitate corporate dealings has implemented new labour rules. These codes, which were among the primary recommendations of the 2002 report of the Second National Commission on Labour, are largely regarded as the most significant development in labour law reform in the last thirty years. However, labour unions categorically state that despite the purported existence of "constricting labour laws," the Indian labour market remains "flexible" for employers and that any further alterations to the current framework of labour laws will be detrimental to the working class.

The primary justification for the reforms was that by eliminating the numerous labour restrictions that made it difficultfor people to work, they would promote industry and the economy. The new labour laws are expected to boost the Indian economy by making it simpler for companies to open for business there.

- The Industrial Relations Act 2020 (IRC), which is believed to make it more difficult for trade unions to mobilise employees and complicate collective bargaining prohibits strikes.
- According to the Industrial Disputes Act and the new Code, individuals employed in the formal and informal sectors are more likely to be employed under contract or for a brief period of time as a result of the new regulatory framework, that promotes temporary labour.
- According to a dataset by Kapoor, 68.8% of regular wage salaried workers (RWS)—or 24 percent of them—did not have a formal job contract.
- The State government has been in charge of ensuring that workers who are not organized receive social security benefits. The Social Security Code, 2020 (SSC) has partially and arbitrarily transferred some of these responsibilities to the central government.

- A distinct section on gig employment and platform economies, such as Uber, can be found in the SSC 2020. This rule is missing from other codes, which is problematic. It can result in a dispute in the platform economy between employers and workers.

Furthermore, the Code excludes the microscale and agricultural industries, meaning that not everyone is covered by it. This is on topof the previously recognised industries that, due to their danger, required further legal protection.

C. A critical evaluation: Amended Labour Laws

India's labour laws, governed by about 40 statutes, have been complex and difficult to navigate, leading to numerous disputes. The recent amendments aim to simplify and enhance transparency in employment regulations, incorporating some aspects of foreign labour practices. These changes include provisions on wages, holidays, payroll, and worker classification, and apply to factories with over 300 employees.

While the simplification of laws is a positive step, there are concerns that the new Industrial Relations Code may restrict the ability of trade unions to mobilize workers and engage in collective bargaining. The prohibition of strikes and the promotion of temporary contracts under the new framework could undermine workers' rights and job security, particularly in the formal and informal sectors.

Moreover, the amendments do not adequately address the needs of the informal sector, which employs 92% of India's workforce. Only 8% of workers benefit from formal job security and wages, leaving the majority vulnerable to exploitation. Stricter regulations are needed to safeguard the informal workforce, ensuring that they receive fair wages and basic protections under the law. Without these, the benefits of labour law reforms will remain out of reach for a significant portion of the population.

D. Comparison Between New Labour Codes and Earlier Labour Laws

Code On Wages, 2019

S. NO	ACT	EXISTING	CODE	PROPOSED

		PROVISIONS		CHANGES
1.	Minimum Wages Act,1948	Applicability – Only to scheduled employments and those working in such scheduled employments.	Code on Wages, 2019	Applicability - To all the establishments and employees
2.	Payment of Wages Act,1936	Applicability – To all scheduled establishments and all employees drawing less than ₹24,000.	Code on Wages, 2019	Applicability - To all the establishments and employees.
3.	Payment ofWages Act, 1936	Monthly Payment/ Salary - Payable (i) Upto 1000 employees - on or before 7th of succeeding month. (ii) Above 1000 employees - on or before 10th of succeeding month.	Code on Wages, 2019	Monthly Payment / Salary - Payable Irrespective of the number of employees, payment to be made on or before 7th of succeeding month.

4.	***Payment of Wages Act, 1936***	Full and final settlement shall be made in the subsequent month, basis the number of employees as cited in Point 3. Gratuity is to be payable within 30 days from the last working day of the employee.	Code on Wages, 2019	Full and Final Settlement - wages to be paid within 2 working days of the separation of the employee. No change concerning Gratuity.
5.	***Payment of Bonus Act,1965***	Mode of Payment of Bonus- By cash / DD / Bank Credit only.	Code on Wages, 2019	Mode of Payment of Bonus- By Bank Credit only.
6.	***Payment of Bonus Act, 1965***	Disqualification for Bonus - Gross Misconduct	Code on Wages, 2019	Disqualification for Bonus -In addition to Gross Misconduct, "Conviction of Sexual Harassment" is now an added provision.

7.	(i) ***Minimum Wages Act,1948;*** (ii) ***Payment of Wages Act, 1936;*** (iii) ***Payment of Bonus Act, 1965;***	Definition of Wages - Differs from Act to Act.	Code on Wages, 2019	Common Definition of Wages across all 4 Acts.

Code On Social Security, 2020

S.NO	ACT	EXISTING PROVISIONS	CODE	PROPOSED CHANGES
1.	Employee's Provident Fund Act,1952	Applicability - Only to schedule employment as prescribed in the portal.	Code on Social Security, 2020	Applicability - Industry-specific application removed.
2.	Employee's Provident Fund Act,1952	Condition to Apply for Exemption- No threshold prescribed	Code on Social Security, 2020	Condition to Apply for Exemption - 100 or more establishments.

3.	Employee's State Insurance Act,1948	No provision for obtaining Voluntary Coverage.	Code on Social Security, 2020	Voluntary Coverage provision added, subject to employer's discretion.
4.	Employee's State Insurance Act, 1948	ESIC does not apply to Mines.	Code on Social Security, 2020	ESIC is applicable to Mines now.
5.	Payment of Gratuity Act, 1972	Fixed Term Workers / Employees - Not entitled to Gratuity.	Code on Social Security, 2020	Fixed Term Workers / Employees - Brought in under the purview of Gratuity.
6.	Employment Exchanges Act, 1959	Applicability - 25 or more employees in an establishment	Code on Social Security, 2020	Applicability - 20 more employees in an establishment

Code On Occupational Safety, health, and working conditions, 2020

S.NO	ACT	EXISTING PROVISION	CODE	PROPOSED CHANGES

1.	Contract Labour (Regulation and Abolition) Act, 1970	Applicability - Differs, state specific.	Code on Occupational Safety, Health and Working Conditions, 2020	Applicability - To 50 or more across all the states.
2.	Contract Labour (Regulation and Abolition) Act, 1970	Obtaining License - State Specific	Code on Occupational Safety, Health and Working Conditions, 2020	Common License across all the states.
3.	Factories Act, 1948	Applicability – (i) With the aid of power - 10 (ii) Without the aid of power - 20	Code on Occupational Safety, Health and Working Conditions, 2020	Applicability (i) With the aid of power - 20 (ii) Without the aid of power - 40
4.	Factories Act, 1948	Applicability – (i) With the aid of power - 10 (ii) Without the aid	Code on Occupational Safety, Health and Working Conditions, 2020	The threshold Threshold in Number of Workers for Appointment of: (i) Safety

		of power - 20		Officers - 500 (ii) Welfare Officers – 250 (iii) Canteen - 100

Code on Industrial Relations, 2020

S.NO	ACT	EXISTING PROVISIONS	CODE	PROPOSED CHANGES
1	Industrial Employment (Standing Orders) Act,1946	Applicability - Provisions of Standing Orders shall apply to industrial establishments in which 100 or more workers are employed.	Code on Industrial Relations, 2020	Applicability - Provisions of Standing Orders shall apply to industrial establishments in which 300 or more workers are employed.
2	Industrial Disputes Act,1947	Grievance Redressal Committee Threshold - 6 members	Code on Industrial Relations, 2020	Grievance Redressal Committee Threshold -10 members

VIII. JUDICIAL RESPONSE TOWARDS LABOUR WELFARE IN INDIA

India's labour laws date back to the pre-independence period when they were in their most basic form. Nonetheless, the Supreme Court was instrumental in revitalizing the welfare state's judicial system after independence. The judiciary has made a substantial contribution to the growth of industrial jurisprudence through its rulings in labour-related disputes, which have developed throughout time to guarantee social justice for the poorer segments of society.

To safeguard workers' rights, India, a welfare state, has put in place several labour welfare legislation, including the Employees' Compensation Act, Employees' State Insurance Act, and Employees' Provident Funds Act. Nevertheless, because of legal flaws, workers in the unorganized sector frequently continue to be excluded from the social security system.

The judiciary has actively stepped in to bridge this gap, upholding principles of social equality and justice, particularly for vulnerable groups like women, children, and unorganized labour. Although few judicial rulings directly address the right to social security, the courts have recognized its importance as a means of safeguarding livelihoods in cases of job loss or disability, aligning with the broader concept of the welfare state.

IX. VARIOUS CASES TOWARDS LABOUR WELFARE AND JUDICIAL RESPONSE

The court noted in ***Life Insurance Corporation of India v. Consumer Education and Research Centre.***[35], that social security is guaranteed by Articles 41 and 47, and that this places a positive obligation on the State to enhance public health and the level of living the fundamental right to a means of subsistence from birth to old age in India.

The Indian judiciary has taken a liberal approach to protecting the interests of marginalized segments of society, particularly when interpreting "Social Security

[35] 1995 AIR 1811, 1995 SCC (5) 482.

Legislations." Rather than being oppressive, the judiciary has treated these laws as beneficial tools aligned with the broader goals of social justice. It has consistently interpreted social security legislation in light of the values enshrined in the Indian Constitution, ensuring that these laws fulfill their intended purpose. This approach underscores the role of social security laws in implementing the socioeconomic principles of the Constitution. Landmark decisions by the Supreme Court, such as in ***Royal Talkies, Hyderabad v. Employees State Insurance Corporation,***[36] and ***Orango Chemical Industries v. Union of India***[37], illustrate this pattern, highlighting the judiciary's commitment to social justice.

The Supreme Court ruled in ***D.S. Nakara v. Union of India.***[38] That eradicating economic, status, and standard of living inequalities is the primary goal of a socialist society. The fundamental goal of socialism is to give everyone a decent standard of living, particularly security from birth to death. It included fair income distribution and economic equality among other things. With a strong emphasis on Gandhian socialism, this is a blend of Marxism and Gandhism. The transition from a fully exploited slave society based on feudalism to a thriving socialist welfare state is a long one. However, every step the state takes along the way must be planned and executed in a way that advances society closer to its objective.

The Supreme Court expanded the scope of Article 21 in the case of ***Meneka Gandhi v. Union of India.***[39]**.** It was held that the right to "live" encompasses the right to live with human dignity and is not limited to physical existence alone.

The Directive Principles of the State Policy are covered in Articles 36 through 51 of Part IV of the Indian Constitution. The basis of the social welfare system is established in this section IV. These principles are merely recommendations for the state, which it must take into account when formulating policies; they are not legally enforceable nor binding on the state. Part IV is comparable to a light that illuminates a route to the destination. The Directive Principles advocate for the establishment of a social welfare

[36] 1978 AIR 1478, 1979 SCR (1) 80.
[37] 1979 AIR 1803, 1980 SCR (1) 61.
[38] (1983)1 SCC 305.
[39] AIR 1978 SC 597.

state. While creating their policies, the federal and state governments must adhere to the Directive Principles. They provide several social, economic, and political concepts appropriate for the unique circumstances that exist in India. Only if the State works to fulfill the welfare state ideals envisioned by our Constitution with a strong sense of moral obligation will they be realized.[40]

Through judicial activism, the Supreme Court has declared several Directive Principles to be Fundamental Rights. For example, in ***Randhir Singh v. Union of India***[41], In their appeal to the authorities, the petitioner and other driver constables claimed that their case was not given specific consideration by the Third Pay Commission and that their pay rates ought to be the same as those of heavy vehicle drivers in other departments. The petitioner has applied for the issuance of a writ under Article 32 of the Constitution because their applications for higher pay scales were denied. The Supreme Court ruled that while the idea of "equal pay for equal work" is not a fundamental right, it is unquestionably an aim of the Constitution and can therefore be upheld. The Indian state's promotion as a social welfare state is greatly aided by the judiciary. Public Interest Litigations (PILs), in addition to this, have been crucial in this area and in upholding social order.

In several judgments, the Supreme Court has emphasized that the right to life inherently includes the right to a means of subsistence. Specifically, the court found that the right to livelihood is a fundamental component of the right to life under Article 21 in the case of ***Rural Litigation and Entitlement Kendra, Dehradun v. Uttar Pradesh.***[42].

In the historic case of ***Consumer Education and Research Centre and others v Union of India and others***[43], "the Supreme Court emphasized the importance of the right to health and medical care as a fundamental right. The Supreme Court has ruled that a worker's fundamental right under Article 21 read with Articles 39(e), 41, 43, 48-A and all related Articles and fundamental human rights to make the workman's life

[40] 1995 AIR 1811, 1995 SCC (5) 482.
[41] AIR 1982 SC 879.
[42] AIR 1985 SC 652.
[43] (1995) 3 SCC 42.

meaningful and purposeful with dignity of person is the right to health and medical care to protect one's health and vitality, whether in service or after retirement."

The Supreme Court in ***Mahanadi Coalfields Limited v. Brajrajnagar Coal Mines Workers' Union***[44], while dismissing the appeals, upheld the decision of the Industrial Tribunal and regularised the remaining 13 workers. The Supreme Court also ordered that there would be no order restricting the wages of the said workers. Further, the Supreme Court ordered the calculation of back wages for the workers from May 23, 2002, that is, from the date of the order of the Industrial Tribunal.

X. CONCLUSIONS AND SUGGESTIONS

A. Concluding Remarks

The ***concluding chapter*** of your research on ***new Labour Reforms in India*** critically examines the transformation brought about by these reforms, highlighting both their strengths and weaknesses. The new labour codes represent much-needed updates to India's outdated labour laws, aiming to streamline and modernize the regulatory framework. These reforms are geared towards simplifying compliance and promoting ease of doing business. However, they also appear to tilt in favor of employers, potentially compromising employee rights by leaving critical terms and protections inadequately defined.

To update labour laws and improve corporate operations, India replaced 29 labour laws with four comprehensive codes. The Code on Wages, Industrial Relations, Occupational Safety, Health and Working Conditions (OSH), and Social Security are new regulations that seek to increase hiring flexibility, streamline compliance, and offer social security for every worker, especially individuals working in the gig economy and informal industries. The reforms also shift labour inspections from strict enforcement to a more collaborative "inspector and facilitator" approach. By using technology, the goal is to enhance transparency, accountability, and uniformity in labour law enforcement.

[44] Civil Appeal No(s). 4092-4093/2024 arising out of SLP (C) No(s). 6370-6371/2024 arising out of SLP (C) Diary No. 32072 /2021.

The Industrial Relations (IR) Code, 2020, introduces significant changes to employment practices in India. It allows employers to hire workers on a fixed-term basis, enabling them to adjust workforce numbers according to demand while providing the same pay and social security benefits as permanent employees. A key feature is an increase in the threshold for mandatory government approval for layoffs, retrenchments, or closures from 100 to 300 workers in mines, factories, and plantations. This threshold can be adjusted further by government notification. Additionally, the Code mandates a 14-day notice period before strikes or lockouts in industrial establishments, aiming to prevent sudden disruptions.

The Occupational Safety, Health, and Working Conditions (OSH) Code, 2020, applies to businesses employing ten or more people, except those related to mines and docks. It introduces a "one registration" system for these businesses. The Code also sets specific thresholds for factories: 20 workers with power and 40 workers without power. To promote workplace formalization, it mandates that employers provide appointment letters and free annual health exams for employees above a certain age, enhancing early disease detection and workers' health prospects.

A significant feature of the OSH Code is the creation of state and national Advisory Boards for Occupational Safety and Health. Additionally, it allows women to work night shifts, provided safety and other conditions are met, likely increasing female participation in the organized sector. The Code also introduces the concept of a "common license" for contract labour, beedi, and cigar enterprises, offering a single all-India license valid for five years.

The Code on Social Security (CSS), 2020, establishes key social security bodies and empowers the government to create schemes for unorganized, gig, and platform workers. It defines gig workers as those outside traditional employment and platform workers as those who deliver services via online platforms. Aggregators, like e-marketplaces and ride-sharing services, are also included in these schemes, ensuring a broader reach of social security benefits across diverse worker categories in India.

B. Problems

Under the research of this study, certain problems have been faced by the scholar,

which are described as follows:

- Certain labour regulations fall under the purview of the federal government, while others are the combined jurisdiction of the federal government, state governments, and the Concurrent List. These laws are also subject to change. Applying such an intervention at the ground level makes it more challenging.
- The labour regulations' inflexibility made them difficult for workers of all skill levels to comprehend.
- We discovered that respondents were having trouble completing the questionnaire.
- Based on this investigation, we discovered the main distinction between the job situation of men and women.
- Compared to the male ratio, the female-to-male ratio in the four units was extremely low.

C. Suggestions

Numerous recommendations for further research are made in light of the foregoing conclusions and issues, which indicate that there was a strong and positive association between different labour laws and organizational effectiveness aspects.

- When interpreting labour regulations, it is necessary to consider the emergence of globalization and economic liberalization.
- The idea of social justice shouldn't be limited to a rigid formula. It needs to lead to realities.
- The phrase "unfair labour practices" needs to be interpreted broadly to cover the psychological and physical abuse of a worker's family member by the worker's family members.
- To educate attorneys, educators, and students on the need for social security, social justice, and economically sound labour jurisprudence, law schools must make a creative effort to research labour relations.

- According to this study, labour rules that are too rigid lead to a lack of flexibility in meeting the needs of both companies and employees. We suggest streamlining and rationalizing employment laws to enable modifications that provide workers with sufficient social and financial security.
- Trade union multiplicity fosters rivalry both within and across unions, which has a negative impact on an organization's productivity, output, and labour relations. The removal of several trade unions is crucial in order to prevent bi-pietism.
- Bonus payments are always correlated with employee productivity and business success. Consequently, it ought to be changed to remove any upper or lower bound for employees.
- In accordance with the established process, the appropriate government has set the minimum wage rate. Since the current rate has been in place for so long, it ought to be adjusted in accordance with employee needs.
- It is recommended that employee engagement be raised at all levels in order to enhance labour-management relations.
- Employee freedom of employment, fair policy systems, and appropriate communication should all be promoted.

XI. BIBLIOGRAPHY

A. Legislations

- Andhra Pradesh Shops And Establishments Act, 1988
- Assam Labour and Immigration (Amendment) Act, 1915
- Assam Shops And Establishments Act, 1971
- Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- Bombay Act, 1934
- Bombay Trade Disputes (Conciliation) Act, 1934

- Building and Other Construction and Unorganised Workers‟ Social Security Act, 2008
- Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996
- Cine Workers Welfare Fund Act, 1981

B. Books

- Ahsan, Ahmad, Carmen Pagés, & Tirthankar Roy (2008) "Legislation, Enforcement, and Adjudication in Indian Labour Markets," in D. Mazumdar & S. Sarkar, eds., Globalization, Labour Markets and Inequality in India, Ottawa: International Development Research Centre, 247– 82.
- Amjad, Ali (2001) Labour Legislation and Trade Unions in India and Pakistan, Oxford: Oxford University Press.
- Bhatnagar Deepak, "Labour Welfare and Social Security Legislation in India" Deep and Deep Publications, New Delhi, 1984, pp. 256-258.