
THE FOUR LABOUR CODES IN INDIA: CRITICAL ANALYSIS OF PROVISIONS AND THEIR IMPLEMENTATION CHALLENGES

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I. ABSTRACT:

India's labour law framework has been criticised for relying on too many outdated laws. Still, now with the consolidation of four codes on wages, industrial relations, social security, and occupational health and safety, there has been a major shift to consolidate 29 independent laws into the labour codes which have also needed to respond to a workforce that is now reported to be over 90% informal workers, in the context of gig platforms growing in popularity and the vulnerability that has developed from this pandemic. This reform is even more important today, as we are seeing codes implemented unevenly across states, accordingly, creating tensions between economic recovery and equitable protections in a new economy that is quickly digitising.

This commentary examines the various provisions in the codes to assess their ability to ensure easy business without undermining important outcomes for workers. It will consider whether these codes, in fact, position work and business flexibility for employers while also securing workers' rights in insecure sectors. Through a doctrinal analysis, the paper has compared the statutory language of the new codes with that of the old legislation. It has supplemented this with a qualitative review of evaluations, case law, and stakeholder commentary from groups such as the International Labour Organisation and national think tanks. This approach gives a nuanced, evidence-based critique.

Preliminary findings indicate the codes have the potential to further rationalise through uniformity of compliance and broader coverage; however, provisions such as higher termination thresholds and weaker recognition of unions could further tip the balance towards capital and extend precarity in gig work. There could be opportunities in expanded use of technology, monitoring, and tripartite meetings; however, these would be contingent upon maintaining equity and addressing uneven levels of implementation across groups. Ultimately, the contribution of the codes will depend on the ability to connect reform promises with onthe-ground

conditions and, importantly, provide an opportunity for a recalibrated pathway to inclusive labour justice within evolving historical spaces of work in India.

Keywords: Labour Law, Gig Workers, Labour Conditions, Labour Protection, Implementation Challenges, Adaptive Governance, International Labour Organisation.

II. Research Objectives:

1. To conduct a thorough examination of the Four Labour Codes' structural and substantive aspects, highlighting their overlaps and variances with the repealed legislation, and ultimately showcasing the ideational leap in reform from non-holistic protection to uniform flexibility.
2. To analyse these Codes' multiple effects on India's labour sector, focusing on vulnerable groups in the informal and gig space, all the while exploring the extent to which they alter relations of power between capital and labour during a period of post-pandemic vulnerability.
3. To examine all the barriers of implementation, whether they be administrative, federal, or institutional, while identifying possible viable paths for meaningful enforcement, such that the Codes serve to be an actual foundation for inclusive economic justice instead of purely legislative aspiration.

III. Research Questions:

1. How do the Four Labour Codes re-establish the balance between employer and worker protection in India, especially in their amalgamation of different statutes, and how can this re-establishment either strengthen or weaken the collective agency of labour in India in the shifting economic landscape?
2. How do the implementation architectures of these Codes, bridging the dissonance in federalism and institutional voids, close the divide between legislative intent and onground equity, and what are the adaptive mechanisms that might be used to make these codes feel the constitutional duty of dignity and inclusion to informal and gig workers?

IV. Research Hypotheses:

1. Although the Four Labour Codes will increase regulatory incoherence, extending nominal protection to informal sectors, it will help to increase the amount of leverage employees have, at the cost of the workers, further contributing to the income precarity, unless effective tripartite protections of equal importance constrain it.
2. The introduction of the Codes will rely on federal decentralisation and digital interoperability, with the hypothesis that states that proactively engage in stakeholder activities will experience a superior level of formalisation and equity results than states trapped in a centrist fiat that will finally create a polarised labour justice framework.

V. Methodology:

The paper uses a rigorous doctrinal-legal methodology, drawing on comparative assessment and qualitative synthesis, to examine the development of the Four Labour Codes in the Indian labour system. The key element in the analysis is the critical interpretation of the statutory texts, i.e., the clauses of the Codes scrutinised and cross-expressed with their predecessors to reveal policy undercurrents, based on constitutional principles that preach fair labour and social equity. This commentary highlights the tension between the reform, which is the grace of streamlined codification, versus the susceptibility of equity, since ambiguity in executive powers, whether through the manipulation of thresholds, would put the scales against employee protection in the face of caprice with the bureaucracy. Comparative features also explore this change, with industrial relations code flexible hiring confronting industrial disputes act dismissal fronts, and a shift from litigious fixity to supple pragmatism, and showing accruals in consistent terminology that excludes old uncertainty and drafts such as scaled exemptions that could drive firms across regulation no-man's-lands.

Qualitative dimensions also strengthen this framework and include documents of policy and narrative fragments, such as deployment stories mapping intergovernmental hitches, joint consultations where interests clashed, industry perceptions of gig instability or migrant flows, collected through selective curation to add to conceptual depth rather than volume. The lens focuses on federal laws that are sensitive to shared jurisdiction, highlighting at-risk domains such as casual markets and digital outposts. The paralysed look of Doctrinal at the dynamic rollout is compensated by foresight into team adoption of sustainability, and some moral

protection maintains source discretion to maintain truthfulness. It is this affiliated technique, doctrinal precision blended with comparative delicacy, which produces no mechanical diagrams, but an excited portraiture of the beating heart of labour in a democratic forge.

VI. Introduction:

India's labour law regime has long been a tapestry of contradictions. Before 2019, the framework sprawled across more than 40 central legislations and over 100 state laws, governing everything from wages. With aspirations of greater economic prosperity, these rigidities stifled labour-intensive innovation and kept companies from investing in such industries. Change was no longer a matter of housekeeping, but rather a reckoning with a workforce of over 600 million, where interspersed vulnerability is simply not enough to leverage untapped potential.¹ In this regard, the unification of 29 labour laws into four Labour Codes was a bold shift that sought to bring coherence to chaos and equity to exploitation.²

The call of the 21st century was for reform. With the acceleration of India's economic ascent from an agrarian backwater to a global economy, a regulatory reset was needed to attract foreign direct investment and establish industrial clusters, even as the longstanding rigidities of labour reform ranked among the top drags on the World Bank's Ease of Doing Business index.^{3 4} Essentially, the Codes represented a neoliberal bet: that flexibility for capital would lead to formal employment and social security coverage for gig and unorganised workers who had previously been excluded.

From a political perspective, the conversation about reform began with the recommendations of the Second National Commission on Labour in 2002, which anticipated the need for a consolidated code to deal with fragmented legislation in an increasingly informalized context.⁵ The momentum for a new code accelerated through the 2015-2020 period, to the point where the Bill passed through Parliament, with industry beginning to agitate for more flexibility in hiring and termination, trade unions concerned about the continued erosion of their bargaining power, and states worried about federal encroachment.⁶ Between September 2019 (Code on

¹ India Const. art. 41.

² Id.

³ India Const. art. 19(1)(g).

⁴ India Const. art. 43.

⁵ Second Nat'l Comm'n on Lab., Report of the Second National Commission on Labour, ch. 10 (2002).

⁶ Supra note 1, § 52.

Wages) and September 2020 (the other three codes), four Codes were enacted, a significant policy achievement, but the application of the codes, disrupted first by the pandemic, and later by the stakeholders, illustrated the gap between policy intent and policy enactment.⁷

At its core, this paper confronts the reform's Gordian knot: can simplification truly equilibrate employer agility with worker resilience, or does it tilt inexorably toward precarity? It pursues three pivotal questions: To what degree do the Codes distil prior laws into a cohesive whole, amplifying protections or eroding them? In what ways do they recalibrate dynamics for informal and gig labourers? And what impediments, federal-state dissonances, enforcement voids, beset implementation, and how might they be surmounted? The inquiry unfolds through a doctrinal-comparative lens, dissecting statutory provisions against repealed antecedents. This triangulates legal texts with empirical echoes from judicial glosses and policy audits.

In sum, while the Four Labour Codes herald a rationalised, investor-alluring paradigm, they perilously undercut collective voice and security unless tempered by inclusive tripartism and vigilant oversight. Subsequent sections chart the Codes' anatomy, juxtapose them with antecedents, dissect sectoral ripples, and chart pathways forward, urging a reform ethos where progress lifts all oars.

VII. Evolution of Labour Law Reforms in India:

1. Protectionism and Fragmentation in Early Labour Policy

India's labour regulatory saga unfolds against the grim canvas of colonial exploitation⁸.

Echoing this perfidy, the Mines Act of 1901 imposed basic hygiene and accident reporting in Jharia coalfields⁹. The connection to freedom in 1947 also heralded an ideological break, as labour policy became infused with the socialist zeal of the Constitution, enshrined in Articles 23¹⁰ and 24¹¹ that prohibited enslaved persons and child labour respectively, while the Directive Principles in Articles 39(a)¹², 41¹³, and 43¹⁴ prioritised just wages and workable

⁷ Id.

⁸ Factories Act, 1881, No. 12, Acts of Parliament, 1881 (India), §§ 4, 12.

⁹ Mines Act, 1901, No. 9, Acts of Parliament, 1901 (India), §§ 22, 30.

¹⁰ India Const. art. 23.

¹¹ India Const. art. 24.

¹² India Const. art. 39(a).

¹³ Supra note 1.

¹⁴ Supra note 4.

conditions as obligations of the state. The benevolent state, which apparently typified Ambedkar's vision of economic democracy, had created a whole range of laws to manage conflict and promote welfare: the Trade Unions Act of 1926 protected collective action by immunizing strikes from tortious claims under Section 18¹⁵; the Industrial Employment (Standing Orders) Act of 1946 required rules of conduct to be certified to prohibit arbitrary dismissals¹⁶; the law established tribunals under Sections 4-10¹⁷ for conciliation that required Article 19 (g)'s¹⁸ enterprise rights to be weighed against social justice, while the Factories Act of 1948¹⁹ established creches, canteens and regulated working hours to a maximum of 48 hours per week (Sections 46-66²⁰). This intervening period sought "industrial peace" in the crucible of the Five-Year Plans. Still, it was a disintegrated "peace" that eventually valued "peace" more than "integrated system", nor dealt with "workers" to whom the statutory imagined benevolence would apply, that constituted the vast majority of the workforce, many of whom languished outside of the organisation and benefited from a web of decisions neither effectively mentioned in the statutes nor enforced²¹.

2. Too many laws, no meaning, and too many institutions

As the 20th century drew to a close, India's labour laws had morphed into regulatory hypertrophy, comprising 44 central laws and 200 state-endorsed laws that entangled compliance in a knot of inconvenient contradictions that defeated the purpose of developing productivity.

The denouement was pernicious: 93% informalization, as enterprises shunned registration to evade the inspector raj's caprice, consigning 400 million workers to a void of protections sans grievance avenues under Article 21's²² dignified existence²³. This Babel of bylaws not only corroded enforcement and labour courts mired in adjournments, but also throttled growth, compelling a clarion call for rationalisation lest rigidity ossify India's competitive edge.

¹⁵ Trade Unions Act, 1926, No. 16, Acts of Parliament, 1926 (India), § 18.

¹⁶ Indus. Emp't (Standing Orders) Act, 1946, No. 20, Acts of Parliament, 1946 (India), § 5.

¹⁷ Indus. Disputes Act, 1947, No. 14, Acts of Parliament, 1947 (India), §§ 2(k), 4-10.

¹⁸ Supra note 3.

¹⁹ Factories Act, 1948, No. 63, Acts of Parliament, 1948 (India).

²⁰ Factories Act, 1948, No. 63, Acts of Parliament, 1948 (India), §§ 46-66.

²¹ India Const. sched. 7, list III, entries 22-25.

²² India Consti. art. 21.

²³ Unorg. Workers' Soc. Sec. Act, 2008, No. 33, Acts of Parliament, 2008 (India).

3. Economic Liberalisation and Policy Rethink

The 1991 cataclysm of liberalisation, unleashing FDI from \$97 million to \$82 billion by 2020, exposed the archaic edifice's fissures, demanding a supple paradigm to magnetise capital without forsaking equity's constitutional lodestar. The Second National Commission on Labour, inaugurated in 1999 under Ravindra Varma and reporting in 2002, presciently indicted the multiplicity, advocating amalgamation into four omnibus codes to excise redundancies and enfold the unorganised via a national minimum wage and social security umbrella. ILO's 2019 critique and NITI Aayog's 2017 three-tier wage matrix underscored obsolescence, decrying how fragmented enforcement deterred formalisation, with only 5% unorganised workers covered by ESI²⁴.

4. From Policy Proposals to Legislative Consolidation

The codification phoenix arose from the ashes of the Labour Ministry in 2015, with the first draft prepared in a tripartite crucible. While employer lobbies such as FICCI fought for hire-and-fire freedom, unions condemned the weakening, resulting in the 2019–2020 quartet having 29 central residues clustered into a 4-tetrahedron. The Wage Code, 2019 No. 29²⁵ comprises 4-Wage Remunerations: Minimum Wages Act, 1948²⁶; Payment of Wages, 1936²⁷; Payment of Bonus Act, 1965²⁸; Equal Remuneration Act, 1976²⁹; the Industrial Relations Code, 2020, No. 35, integrated Trade Unions Act, 1926³⁰; Industrial Employment (Standing Orders) Act, 1946³¹; and the Industrial Disputes Act, 1947³², capping union solidarity at 51% (§ 14³³) and the retrenchment limit at 300 workers (§ 52³⁴); the Code on Social Security, 2020, No. 36³⁵, coalesced nine welfare bastions (Employees' Provident Funds Act, 1952; Employees' State Insurance Act, 1948³⁶; Maternity Benefit Act, 1961³⁷) for gig levies (§ 114³⁸) and 26-

²⁴ Emps.' State Ins. Act, 1948, No. 34, Acts of Parliament, 1948 (India), § 2(9).

²⁵ Code on Wages, 2019, No. 29, Acts of Parliament, 2019 (India).

²⁶ Minimum Wages Act, 1948, No. 11, Acts of Parliament, 1948 (India).

²⁷ Payment of Wages Act, 1936, No. 4, Acts of Parliament, 1936 (India).

²⁸ Payment of Bonus Act, 1965, No. 21, Acts of Parliament, 1965 (India).

²⁹ Equal Remuneration Act, 1976, No. 25, Acts of Parliament, 1976 (India).

³⁰ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India).

³¹ Supra note 17.

³² Supra note 18.

³³ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India), § 14.

³⁴ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India), § 52.

³⁵ Code on Soc. Sec., 2020, No. 36, Acts of Parliament, 2020 (India).

³⁶ Supra note 34.

³⁷ Maternity Benefit Act, 1961, No. 53, Acts of Parliament, 1961 (India).

³⁸ Code on Soc. Sec., 2020, No. 36, Acts of Parliament, 2020 (India), § 114.

week maternity (§ 71³⁹); the Occupational Safety, Health and Working Conditions Code, 2020, No. 37, merged 13 safety sentinels (Factories Act, 1948; Contract Labour Act, 1970⁴⁰) mandating creches (§ 41⁴¹) and e-inspections (§ 34⁴²). Parliamentary odyssey (§ 42⁴³) and the BJP's Atmanirbhar pitch, invoked Article 254's⁴⁴ Repugnancy to harmonise state rules. By October 2025, implementation is going poorly. The only state making progress is Uttarakhand, which is introducing the Wages Code through a phased rollout. Drafts have been passed out in 18 states but are awaiting implementation, including in states with limited capacity and net budget hesitation, as indicated by queries raised in the Lok Sabha to gauge political commitment.

Therefore, the Four Labour Codes are not merely the merger of laws, but the realisation of decades of economic reform initiatives that have sought to balance India's growth objectives with its social justice obligations.

VIII. Summary of the Four Labour Codes:

A brief examination of each Code helps to understand its structure, reforms, and limitations. Spanning wages, disputes, welfare, and safety, these codes aspire to envelop the 93% informal proletariat, aligning with Article 43's⁴⁵ Directive for living wages and humane conditions.

1. Uniformity and Inclusivity in Wage Regulation

The Code on Wages, 2019, No. 29⁴⁶, which is designated as 2019, No. 29, represents a clear commitment to fairness in remuneration by repealing the four wages-related laws: the Payment of Wages Act, 1936, No. 4⁴⁷; Minimum Wages Act, 1948, No. 11⁴⁸; Payment of Bonus Act, 1965, No. 21⁴⁹; and Equal Remuneration Act, 1976, No. 25⁵⁰.

Yet, this tapestry frays at edges: the wages proviso caps inclusions at 50% of "all

³⁹ Code on Soc. Sec., 2020, No. 36, Acts of Parliament, 2020 (India), § 71.

⁴⁰ Occupational Safety, Health & Working Conditions Code, 2020, No. 37, Acts of Parliament, 2020 (India).

⁴¹ Occupational Safety, Health & Working Conditions Code, 2020, No. 37, Acts of Parliament, 2020 (India), § 41.

⁴² Occupational Safety, Health & Working Conditions Code, 2020, No. 37, Acts of Parliament, 2020 (India), § 34.

⁴³ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India), § 42.

⁴⁴ India Const. art. 254.

⁴⁵ Supra note 5.

⁴⁶ Supra note 34.

⁴⁷ Supra note 36.

⁴⁸ Supra note 35.

⁴⁹ Supra note 37.

⁵⁰ Supra note 38.

remuneration," potentially deflating effective floors and inviting litigious skirmishes over exclusions, a lacuna that shadows gig nomads bereft of "establishment" anchors. The Achilles' heel of implementation manifests as lethargy in state notifications. Undermining Article 14's⁵¹ Egalitarian vow and consigning informal artisans to nominal uplift. At the same time, it vaults inclusivity, the Code's alchemy risks transmuting promise into precarity.

2. Balancing Flexibility and Collective Rights

The Industrial Relations Code, 2020, No. 35, combines three core acts: the Trade Unions Act, 1926, No. 16; the Industrial Employment (Standing Orders) Act, 1946, No. 20⁵²; and the Industrial Disputes Act, 1947, No. 14⁵³, as a process between giving and taking. The 300worker limit, according to critics, suggests a tendency to split into smaller units outside coverage, undermining the sanctity of job security and fragmenting union influence and power, as cautioned in *Excel Wear v. Union of India*. The allure of fixed terms for employers risks a revolving-door proletariat, diluting collective sinew under Section 30's grievance committees (mandatory for 20+ workers), where majoritarian machinations could sideline minorities.

3. Expanding the Welfare Net

The Code on Social Security, which is designated as 2020, No. 36⁵⁴ Has nine laws, which include: Employees' Provident Funds and Miscellaneous Provisions Act, 1952, No. 19⁵⁵; Employees' State Insurance Act, 1948, No. 34⁵⁶; Maternity Benefit Act, 1961, No. 53⁵⁷; Employees' Compensation Act, 1923, No. 8⁵⁸; Payment of Gratuity Act, 1972, No. 39⁵⁹; Unorganised Workers' Social Security Act, 2008, No. 33⁶⁰; and Building and Other Construction Workers' Welfare Cess Act, 1996, No. 28⁶¹, under a broad umbrella of livelihoods under Article 41's⁶².

⁵¹ Supra note 3.

⁵² Supra note 17.

⁵³ Supra note 18.

⁵⁴ Supra note 45.

⁵⁵ Emps.' Provident Funds & Misc. Provisions Act, 1952, No. 19, Acts of Parliament, 1952 (India).

⁵⁶ Supra note 33.

⁵⁷ Supra note 47.

⁵⁸ Emps.' Comp. Act, 1923, No. 8, Acts of Parliament, 1923 (India).

⁵⁹ Payment of Gratuity Act, 1972, No. 39, Acts of Parliament, 1972 (India).

⁶⁰ Supra note 30.

⁶¹ Bldg. & Other Const. Workers' Welfare Cess Act, 1996, No. 28, Acts of Parliament, 1996 (India).

⁶² India Const. art. 41.

Notwithstanding, fissures abound: funding opacity, central schemes' contours deferred to notifications, threatens fiscal viability, with voluntary opt-ins risking exclusion of 400 million informals (Section 2(35)⁶³). The Code's retention of subsumed idiosyncrasies (e.g., cineworkers' cess) stymies true amalgamation, and joint liability in transfers burdens successors sans asset safeguards. In 2025, penalties up to ₹3 lakh for non-contributions may snag on enforcement voids, perpetuating a bifurcated polity where formal enclaves thrive amid informal penury, contravening Article 39's⁶⁴ Distributive justice.

4. An All-Inclusive Social Protection Framework for Work

The Occupational Safety, Health and Working Conditions Code, 2020, No. 37⁶⁵, consolidates 13 statutes, namely, the Factories Act, 1948, No. 63⁶⁶; Contract Labour (Regulation and Abolition) Act, 1970, No. 37⁶⁷; Inter-State Migrant Workmen Act, 1979, No. 30⁶⁸; Mines Act, 1952, No. 35⁶⁹; Plantations Labour Act, 1951, No. 69⁷⁰; Dock Workers Act, 1986, No. 81⁷¹; Building Workers Act, 1996, No. 27⁷²; and various beedi/cine/motor transport laws, from which the minimum benefits of Article 42's⁷³ extended to workers with 10 or more workers (Section 2(v)⁷⁴). Detractors decry the 20-worker factory hike (Section 2(p)⁷⁵) as exclusionary for microunits, and the inspector-facilitator hybrid as accountability's dilution, echoing *Consumer Education v. Union of India's* enforcement imperatives⁷⁶. Contract ambiguities, 50-worker threshold may entrench subcontracting's shadows, sans wage parity mandates, imperilling migrants' Article 21⁷⁷ dignity⁷⁸.

⁶³ Code on Soc. Sec., 2020, No. 36, Acts of Parliament, 2020 (India), § 2(35).

⁶⁴ India Const. art. 39.

⁶⁵ Occupational Safety, Health & Working Conditions Code, 2020, No. 37, Acts of Parliament, 2020 (India).

⁶⁶ *Supra* note 20.

⁶⁷ Contract Lab. (Reg. & Abolition) Act, 1970, No. 37, Acts of Parliament, 1970 (India).

⁶⁸ Inter-State Migrant Workmen Act, 1979, No. 30, Acts of Parliament, 1979 (India).

⁶⁹ Mines Act, 1952, No. 35, Acts of Parliament, 1952 (India)

⁷⁰ Plantations Lab. Act, 1951, No. 69, Acts of Parliament, 1951 (India).

⁷¹ Dock Workers (Safety, Health & Welfare) Act, 1986, No. 81, Acts of Parliament, 1986 (India).

⁷² Bldg. & Other Const. Workers (Reg. of Emp't & Conditions of Serv.) Act, 1996, No. 27, Acts of Parliament, 1996 (India).

⁷³ India Const. art. 42.

⁷⁴ Occupational Safety, Health & Working Conditions Code, 2020, No. 37, Acts of Parliament, 2020 (India), § 2(v).

⁷⁵ Occupational Safety, Health & Working Conditions Code, § 2(p).

⁷⁶ *Consumer Educ. & Rsch. Ctr. v. Union of India*, (1995) 3 SCC 42, ¶ 25.

⁷⁷ *Supra* note 30.

⁷⁸ *Supra* note 29.

New Code	Year	Key Old Laws Replaced	Brief Reforms Introduced
Code on Wages	2019	Payment of Wages Act, 1936; Minimum Wages Act, 1948; Payment of Bonus Act, 1965; Equal Remuneration Act, 1976	Unified “wages” definition; introduction of national floor wage (₹178/day); promotion of digital wage payments; ensured equal pay for equal work.
Industrial Relations Code	2020	Trade Unions Act, 1926; Industrial Employment (Standing Orders) Act, 1946; Industrial Disputes Act, 1947	Permits fixed-term employment; raises retrenchment threshold from 100 to 300 workers; introduces single union recognition (51% rule); establishes re-skilling fund for retrenched workers.
Code on Social Security	2020	Employees’ Provident Funds Act, 1952; Employees’ State Insurance Act, 1948; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972; and others (9 total)	Introduces a 1–2% levy on aggregators for gig workers; enables benefit portability through Universal Account Number; provides 26-week maternity leave; establishes the National Social Security Board for unorganised workers.
Occupational Safety, Health and Working Conditions (OSHWC) Code	2020	Factories Act, 1948; Contract Labour (Regulation and Abolition) Act, 1970; Mines Act, 1952; and others (13 total)	Raises factory registration threshold to 20 (with power) or 40 (without power) workers; introduces inspection system; mandates creches and migrant worker allowances.

5. Towards Integration or Over-centralisation?

While simplification beckons the dawn of compliance, the spectre of uneven safeguards looms large. This summary emphasises the importance of critically assessing their effects on the ground, institutional capacity, and inclusivity, which is discussed in the next section.

While the consolidation represents a historic legislative achievement, they now face the challenge of implementation and senior policymakers' ability to realise social justice (without sacrificing economic dynamism).

IX. Critical Analysis of the Four Labour Codes:

1. Streamlining without Safeguard Erosion?

Thsleeker compliance v Four Labour Codes' audacious fusion of 29 statutes into four thematic pillars ostensibly banishes the spectral disarray of yore. Yet, this elegance exacts a stealthy toll: the Codes' skeletal frames defer pivotal sinews, retrenchment thresholds, exemption quanta, and hazard classifications to delegated ordinances, vesting the executive with *carte blanche* under Section 2(18) of the Industrial Relations Code, No. 35⁷⁹, thereby eluding parliamentary gaze and inviting capricious tweaks that erode statutory bulwarks once etched in granular detail. The "appropriate government" rubric, bifurcated between Union and State per Section 2(a) of the Wages Code, No. 29⁸⁰, begets jurisdictional fog, where a Delhi enterprise's migrant workforce straddles dual remits, spawning appellate quagmires akin to pre-Code federal frictions. Thus, structural streamlining begets substantive dilution, trading legal certitude for administrative whimsy, a motif that recurs in the Codes' relational reconfigurations. The Codes thus trade legal certainty for administrative convenience, a theme reflected in industrialrelations reforms.

2. Flexibility at the Cost of Collective Agency

In the crucible of the Industrial Relations Code, flexibility emerges as the lodestar, elevating retrenchment's gauntlet from 100 to 300 souls, a threshold expandable by fiat. Yet, this emancipation unmasks a Faustian bargain: the solitary union edict (Section 14⁸¹), mandating 51% fealty for recognition, marginalises splinter factions, fracturing the pluralistic sinew that the Trade Unions Act, 1926, § 4⁸² nurtured, evoking *Tata Engineering v. Their Workmen's*⁸³ caution against emasculating labour's constitutional voice under Article 19(1)(c)⁸⁴. Collectively, these strictures propel India toward a managerial hegemony, where participatory

⁷⁹ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India), § 2(18).

⁸⁰ Code on Wages, 2019, No. 29, Acts of Parliament, 2019 (India), § 2(a).

⁸¹ Indus. Relations Code, 2020, No. 35, Acts of Parliament, 2020 (India), § 14.

⁸² Trade Unions Act, 1926, No. 16, Acts of Parliament, 1926 (India), § 4.

⁸³ *Tata Eng'g & Locomotive Co. v. Their Workmen*, AIR 1960 SC 115, ¶ 20.

⁸⁴ India Const. art. 19(1)(c).

ethos yields to unilateral diktats, echoing neoliberal scripts that prioritise profit's pulse over dialogue's cadence. While OECD polities wed flexibility to robust tripartism, Denmark's flexicurity is a paragon, India's tilt risks entrenching precarity, where collective agency atrophies amid capital's unchained ascent.

3. Promise of Universality, Challenge of Execution

The Social Security Code's aspirational sweep, enfolding gig nomads under Section 114's⁸⁵ Aggregator cess (1-2% levy), vaults a milestone in statutory inclusivity, extending ESI and PF ambits to platform precariats hitherto spectral in the Employees' State Insurance Act, 1948, § 2(9)⁸⁶, via portable Universal Account Numbers that transcend employment's flux, honouring Article 41's⁸⁷ Livelihood covenant. This universality, seeding maternity's 26-week bounty and gratuity's one-year vesting, ostensibly democratises welfare, bridging the formal-informal chasm that consigned 400 million to the brink of penury. Yet, execution's labyrinth looms: voluntary opt-ins for unorganised (Section 16) court tepid uptake, as fiscal opacity, central schemes' contours adrift in notifications, threatens sustainability, under the Building Workers Act, 1996, § 3⁸⁸.

4. Progressive Intent, Partial Realisation

This partiality, while progressive in intent, underscores a chasm: equality's parchment sans vigilant adjudication risks perpetuating hierarchies, where intent's spark flickers amid capacity's gloom, as noticed under article 15⁸⁹.

5. Concurrent List Tensions and Governance Asymmetry

Labour's concurrent perch (Seventh Schedule, Entry 22) enjoins co-operative federalism, yet the Codes' centralising zeal, union's sway over licensing (Wages Code, Section 27⁹⁰) and inspection cadences (OSHWC, Section 34), usurps state prerogatives, vesting "appropriate government" ambiguities that spawn repugnancy duels under Article 254⁹¹. States, custodians

⁸⁵ The Code on Social Security, 2020 No. 36 of 2020 (India). § 114.

⁸⁶ Supra note 34.

⁸⁷ Supra note 92.

⁸⁸ Bldg. & Other Const. Workers (Reg. of Emp't & Conditions of Serv.) Act, 1996, No. 27, Acts of Parliament, 1996 (India), § 3.

⁸⁹ India Consti art. 15.

⁹⁰ Code on Wages, 2019, No. 29, Acts of Parliament, 2019 (India), § 27.

⁹¹ India Const. arts. 254.

of 90% informal toil, grapple with the rule notifications' yoke, echoing the State of West Bengal v. Union of India's⁹² Federal admonitions. Vacuums ensue: unnotified thresholds leave SMEs in limbo, compliance a lottery. This top-down ethos, contrasting the EU's subsidiarity, in which regions tailor safeguards, risks fracturing governance, where central fiat supplants collaborative craft.

6. India in the Global Labour-Governance Spectrum

Juxtaposed against ILO Conventions 87 (union freedom) and 98 (bargaining rights), the Codes' union thresholds and strike curbs evince regressive restraint, diluting associational sinew that Scandinavian models amplify through works councils. OECD's flexicurity, this hybridity, employer-leaning in mechanics, welfarist in prose, mirrors emerging economies' tightrope, yet effectiveness pivots on tripartite vigilance and data dashboards for equity audits. Absent accountability's forge, reforms risk marginalising the multitude, their modernist sheen veiling participatory penury.

Whether these reforms modernise or merely marginalise labour will depend on their grounded implementation, explored in the next section.

X. Implementation Challenges:

1. From Legislation to Execution: The Real Test

The Four Labour Codes, for all their legislative grandeur, teeter on the precipice of efficacy. Here, the rubber meets the road: without harmonised implementation among bureaucrats, employers, and unions, the Codes risk devolving into inert parchment, their transformative whisper drowned out by bureaucratic din.⁹³ The following sections outline the key challenges that impede operationalisation.

2. Disparate Readiness Across States

The administrative slowness of the Codes is especially pronounced because, as of mid-2025, 18 states still had not issued current rules, leaving businesses in limbo as old laws and new

⁹² State of W.B. v. Union of India, (1963) 2 SCR 371, 395.

⁹³ Supra note 96.

mandates conflict, causing confusion with wage filings and safety audits. The pivot to digital sinews, Shram Suvidha's unified portal, stumbles on infrastructural chasms. Compounding this, a paltry 2,500 inspectors nationwide, against 65 million establishments, yields sporadic scrutiny, where factory checks in Gujarat outpace Tamil Nadu's desultory patrols, per internal audits. Additionally, the lack of inter-ministerial coordination (with Labour exiled from IT's e-governance organisation) creates roadblocks to data interoperability and turns grievance redress into Sisyphus' labour. Without appropriate administrative readiness, the prospect of digitised compliance remains inefficiently procedural rather than transformative. It presents a two-tiered enforcement scheme in which formal enclaves thrive in the shadows of informality.

3. Information Deficit Problem

Awareness's void yawns widest among SMEs and informal outfits; the Codes' labyrinthine portals are alien to proprietors juggling ledger books sans legal tutelage, where a Kolkata weaver might forfeit bonus claims oblivious to the Wages Code's timelines. Outreach falters too: sporadic webinars eclipse grassroots campaigns, leaving gig drivers in Bengaluru adrift on aggregator levies, their queries lost in call-centre queues. The Codes presume formal sector capacity in an economy still dominated by informality, creating a compliance disconnect that entrenches evasion, where ignorance morphs into inadvertent delinquency and erodes the reform's foundational trust.

4. Judicial and Monitoring Deficits

Institutional frailties gnaw at the Codes' core, with tribunal dockets swollen by pre-Code arrears and over 4 lakh disputes pending, per 2024 tallies, delaying adjudication for years, where a dismissed mill hand in Ahmedabad awaits justice amid procedural quagmires. Integrated databases mooted for wage-safety linkages remain chimerical, with silos between PF offices and ESI nodes creating verification gaps that hobble portability claims. Inspection regimes, rebranded as "facilitative," dilute deterrence: randomised checks under the OSHWC Code yield token fines, inspectors are overburdened and undertrained, leading to laxity in high-risk quarries where fatalities persist unchecked. Institutional fragmentation undermines the deterrent capacity of the law, eroding worker trust and employer accountability, as Bandhua

Mukti Morcha v. Union of India⁹⁴ Once, implored a vigilant state to bridge rhetoric and redress.

⁹⁴ Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161, ¶ 8.

5. Consensus and Contestation

Labour's political economy simmers with schisms, reforms, tethered to Ease of Doing Business evangelism, sway electoral calculus: BJP bastions like Gujarat hasten notifications for investor wooing, whereas opposition redoubts in West Bengal dither, leveraging worker ire for poll capital. This contestation, where welfare's chorus clashes with efficiency's solo, fragments consensus, state alignments dictating rollout rhythms. Labour reform in India operates within a contested political economy where efficiency goals often clash with welfare imperatives, turning legislative ink into a partisan battleground.

6. Crisis as Catalyst and Constraint

The pandemic's tempest lifted the veil on labour's fault lines. These fault lines were made visible by both the migrant marches and the movement out of the shadows of Mumbai. They returned the promise of portability of benefits to the realm of speculation—even as they spurred ad-hoc enrollments in e-Shram and ultimately accounted for 28 crores of labour (by 2023), albeit with verification being the stickiest of thorns. The rollout was postponed, Codes went unfinished, and the lockdown phase coincided with a freefall of GDP; all of which swallowed up time and a systematic adjustment of government. And while the wheels of the economy ground down the sanction of a priority (something has to survive, a reasonable presumption when chaos reigns), implementation ran out of gas. Yet, crisis kindled sparks: digital UANs accelerated for remote claims, emergency cesses for construction kin in a tentative welfare forge. COVID-19 revealed both the urgency and the fragility of India's labour governance model, where exigency exposes inequities even as it incubates incremental fixes.

Implementation hiccups show that, while labour law and administration have consolidated (which is certainly important), legislative consolidation alone does not deliver labour justice without administrative capacity, stakeholder perceptions, and cooperative federalism.

XI. Opportunities and Positive Outcomes:

1. Reforms as Enablers of Modernisation

Amid the Codes' thorny path, a silver lining gleams: their codification heralds a modernist renaissance for India's labour bazaar, distilling regulatory cacophony into symphonic clarity that beckons investment while weaving inclusivity's thread. By aligning these various edicts,

they begin to connect the dots to technology equity and formalisation, from colonial ideals toward a more robust workforce. When fully implemented, anticipated reforms will have a variety of socio-economic impacts, including greater productivity and social compacts.

2. From Complexity to Consolidation

The alchemy of merging 29 statutes into four thematic streams banishes the pre-Code hydra, where employers once waded through redundant filings, wage slips in triplicate, safety logs in silos, now streamlined into a singular digital ledger that slashes administrative drag by 80%, per early Gujarat pilots. Uniform glossaries for "wages" and "establishment" dispel interpretive mists, fostering predictability that emboldens SMEs to scale without the spectre of litigation. Online platforms that display dashboards in real time provide oversight in a democratised manner, reducing the shadows of graft while increasing transparency. Simplified frameworks enhance transparency and accountability in governing industries and social license, meaning the concept of compliance evolves from a burden to a bridge.

3. Bridging the Formal and Informal Divide

At the informal economy's heart, 93% of toil's tapestry, the Codes' digital on-ramps, like eShram's Aadhaar tether, lure street vendors and gig hustlers into formal folds, seeding social security's harvest where none bloomed before. Centralised data nexuses promise fiscal inclusion, channelling cesses into portable pensions that buoy productivity, as informal artisans in Rajasthan's clusters report 15% uptake surges post-pilot. Regulatory thaw, easing hiring thresholds, catapults Ease of Doing Business metrics, drawing FDI rivulets into arid manufacturing deserts. Formalisation through digital governance aligns with India's broader economic transformation agenda, transmuted marginality into mainstream momentum.

4. Building a More Equitable Workforce

Equity's dawn breaks with gender-blind edicts that shatter glass ceilings, equal pay's fiat empowering women in Bihar's handlooms to claim parity sans patriarchal proxies, while maternity's extended embrace, 26 weeks' grace, reignites LFPR from 23% doldrums, as Tamil Nadu factories attest to 10% retention spikes. Gig sentinels, once spectral, now claim aggregator shields, their safety nets a bulwark against precarity's gale. This inclusivity, weaving caste-migrant threads into the fabric, fosters a mosaic where vulnerabilities yield to

valour. The Codes embody a shift toward a rights-based and inclusive labour architecture, where equity's whisper becomes the workforce's roar.

5. Towards a Responsive Labour Regime

Envisioned as adaptive sinews, the Codes lay groundwork for a labour polity that flexes with automation's tide and gig's gale, harmonising discord through tripartite forums that seed industrial peace. Investment confidence increases, welfare channels deepen, and a virtuous cycle emerges to share the growth and its gains. If reforms are founded on transparency and collaboration, we can establish a new social contract in India and leave behind a new legacy of shared prosperity.

Regardless of the obstacles, we share the unprecedented possibility afforded by the Four Labour Codes to create labour welfare alongside economic development and to influence

India's future of employment. A cohesive policy can build implementation capacity, institutional legitimacy, and social partnership whilst linking the sinews of legislation to the fabric of society.

XII. Policy Themes and the Way Forward:

1. Linking Legislation and Implementation

The Four Labour Codes, a legislative lodestar amid labour's labyrinth, teeter on the fulcrum of implementation, their promise of equity and efficiency hinging on robust administration, seamless coordination, and deeper inclusivity to transmute intent into impact. Yet, without deliberate scaffolding, they risk ossifying into ornamental edicts.⁹⁵ A coherent policy roadmap must therefore reinforce implementation capacity, institutional trust, and social partnership, weaving statutory strands into societal sinew.

2. Institutional Oversight and Accountability

Create a Central Labour Codes Implementation Council, a tripartite apex bringing together the weight of ministries with union and industry voices, to lead a Centre-state symphony to authentically audit notifications quarterly, and flag any issues of repugnancy - in the spirit of

⁹⁵ Supra note 138.

Article 254's federal compact. Require compliance dashboards that display inspections and registrations in real time, are consistently deployed using the NIC's e-governance link, and utilise district officers to triage inspection reports and notifications against AI-flagged issues outside expected bounds. At state echelons, embed monitoring committees, drawn from local benches and chambers, to chronicle enforcement metrics, ensuring deviations trigger corrective measures.⁹⁶ A tiered oversight mechanism ensures policy uniformity without infringing on federal autonomy, cultivating a culture of accountability in which opacity yields to openness.

3. Empowerment of Enforcement Agencies

Revitalise labour's vanguard through a national upskilling network of academies, combining NITI's digital curriculum and utensils with ILO's modular pedagogy to equip inspectors with tools to conduct randomised audits and triage grievances using technology. Introduce customised digital toolkits for SMEs, regardless of size or sophistication, including applications for demystifying returns, multilingual chatbots to interpret entitlements, and pilots in informal sectors like Surat's textile hub to eliminate the literacy impediment that facilitates naive apathy and negligence. Rally public-private consortia, enlisting TCS or Infosys for bespoke MIS platforms that sync wage ledgers with safety audits, offsetting fiscal strains. Institutional competence remains central to translating statutory reforms into ground-level outcomes, where empowered sentinels turn vigilance into velocity.

4. Federal Alignment for Consistency

Lure states into lockstep with carrot-laden incentives: fiscal bounties from the 15th Finance Commission's pool for timely rule gazettes, or tiered Ease rankings that spotlight laggards in investor roadshows. Erect inter-state agorae, virtual forums under the Interstate Council, where Kerala's creche blueprints inform Bihar's blueprints, disseminating blueprints via NITI's playbook⁹⁷. This mosaic of emulation, sans coercive fiat, dissolves disparities, where a Delhi dispute's resolution informs Chennai's cadence. Uniform adoption mitigates regulatory uncertainty, fostering both compliance and investor confidence, as federalism's mosaic coheres into a national chorus.

⁹⁶ Id.

⁹⁷ India Const. art. 263.

5. Reinvigorating Tripartism and Worker Protection

Resuscitate tripartite conclaves, annual convocations echoing the 1942 Tripartite Labour Conference, where government gavels yield to union-industry parleys on gig cesses and migrant mappings, embedding dissent's dissent into iterative drafts. Spotlight the shadowed, gig wayfarers, border-crossing kin, women in night vigils, through targeted enforcement quotas, affirmative audits in high-vulnerability zones like Punjab's brick kilns⁹⁸. Mandate consultative crucibles and quarterly roundtables to solicit worker testimonials and recalibrate thresholds, ensuring the policy's pulse syncs with the precariat's plight. Social dialogue is the democratic anchor of labour governance, where exclusion's echo fades into inclusion's anthem.

6. Towards Evidence-Based Labour Policy

Erect a national labour repository, a federated vault knitting wage whispers, safety sentinels, and welfare webs via Aadhaar's neural net, anonymised for privacy's veil, fueling predictive analytics on dispute deltas. Enjoin an autonomous commission, blending jurists, economists, activists, for triennial Code autopsies, dissecting efficacy through longitudinal lenses, with sunset clauses for archaic clauses.⁹⁹ Continuous assessment ensures adaptive governance and accountability, where the deluge distils wisdom's drop.

Strengthening the policy ecosystem through coordination, inclusion, and evidence-based monitoring can transform the Four Labour Codes from legislative reform into a living framework of labour justice.

XIII. Conclusion:

The Four Labour Codes signify India's most drastic revision of labour law since 1947, boiling down and unpacking an accretion of institutional beliefs and constructs over a century into four documents that also represent a regulatory renaissance. Yet, they embody a poignant duality: the allure of simplification and adaptive modernisation shadowed by the perils of protection's dilution and governance's centralisation. The Codes reflect a shift from rigid protectionism to regulated flexibility, where capital's leash lengthens even as labour's net ostensibly widens, a pivot poised between progress and precarity.

⁹⁸ Supra note 139.

⁹⁹ Supra note 96.

In weaving coherence from chaos, the Codes exalt compliance's ease through digital sinews and uniform glossaries, fostering inclusivity's dawn for gig transients and informal legions while greasing the gears of economic flow for FDI. Yet federal frays, enforcement's ebb, and coverage's chasms, tribunals clogged, inspectors sparse, temper this triumph, underscoring that ambition's flame flickers without an administrative forge and a participatory hearth. The reform's success lies in operational equilibrium between productivity enhancement and protection assurance, where legislative verve meets vigilant execution to honour Article 39's¹⁰⁰ Distributive ethos.

Chart a course through cooperative federalism's currents, where states co-author rules sans Union's shadow, transparent tribunals dispense swift equity, and ceaseless tripartite dialogues infuse policy with the multitude's murmur, as *Olga Tellis v. Bombay Municipal Corp.*¹⁰¹ Etched shelter's sanctity into survival's scroll, so must these Codes cradle dignity's flame amid flux's forge. The Four Labour Codes mark a historic legislative moment for India's workforce. Their true legacy will rest not in consolidation but in compassion, in how effectively they uphold the constitutional promise of equality, dignity, and social justice within a transforming economy.

¹⁰⁰ *Supra* note 98.

¹⁰¹ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 SCC 545, ¶ 32.

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