
CHANGING PARADIGM OF LABOUR AND INDUSTRIAL LAWS IN INDIA: A CRITICAL ANALYSIS

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ABSTRACT

The Indian labour and industrial laws have witnessed a tremendous change over time, reflecting the socio-economic and political changes in the country. From welfare legislation to efficiency-focused measures, there has been an evolution in these laws. The merging of the 29 central labour legislations into 4 Labour Codes¹ in 2019-2020 is one of the key milestones of this shift. While such amendments attempt to make these laws easier for businesses to comply with, offer ease of doing business, and expand the scope of social security for the previously non-covered categories of workers, these reforms pose questions about employment stability, workers' rights, and bargaining capabilities.

The emerging trends in the labour market include the development of the gig economy and the prevalence of informal employment, which undermine the classical form of the employer-employee relationship. This paper attempts to critically analyze the evolution of Indian labour legislation and evaluate if the new Labour Codes are well balanced between economic and social goals, especially taking into account Article 14, Article 19, and Article 21 of the Indian constitution and *Olga Tellis v. Bombay Municipal Corporation*.²

The study concludes that although labour law reforms are necessary in a dynamic global economy, their success depends on maintaining a careful equilibrium between industrial growth and the protection of workers' dignity and rights.

Keywords: Labour Laws, Industrial Relations, Labour Codes 2020, Gig Economy, Informal Sector, Workers' Rights, Social Security, Economic Reforms, Constitutional Law, Social Justice.

¹ Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code, 2020.

² *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (SC).

INTRODUCTION

Labour laws have been traditionally important in India for regulating the relationship between employers and employees. After India's independence, India followed a welfare state model in which the government made sure that there was just wage legislation along with job security and proper working conditions through legislative provisions like the Industrial Disputes Act of 1947 and the Factories Act of 1948.³ The foundation of Indian labour laws was laid with its constitution with the provision for welfare of citizens, as given in the directive principles and fundamental rights in Articles 14, 19, and 21.⁴

The liberalization process of India in the year 1991 witnessed the changing trends in India's labour law scenario. With the coming trend of globalization and stiff competition in the industry, labour laws became a burden as well as complex due to their rigidity.⁵

As a result, the Labour Codes were implemented by the Government of India from 2019 to 2020, wherein 29 central labour laws were codified into four main codes, which include the Code on Wages, 2019, Industrial Relations Code, 2020, Code on Social Security, 2020, and Occupational Safety, Health and Working Conditions Code, 2020.⁶

Although these new legislations have their own purposes, they have caused problems related to the welfare of workers and job stability. Thus, it becomes necessary to assess whether these reforms have effectively addressed the issue of balancing economic development and social justice.

STATEMENT OF PURPOSE

In general, the aim of this research is to investigate the transformation that took place in the labour and industrial laws paradigm in India, particularly, in the context of recent reforms that have been introduced with the help of the Labour Codes of 2019–2020. In particular, it is necessary to investigate the consequences of the transition to the labour welfare model that

³ Industrial Disputes Act, 1947; Factories Act, 1948.

⁴ INDIA CONST. arts. 14, 19, 21.

⁵ NITI Aayog, Labour Market Reforms in India, Government of India.

⁶ Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code, 2020.

focuses not on protection, but on flexibility.⁷

One of the main goals of this study is to reveal the rationale of unification of 29 existing labour laws into four Codes. At the same time, it is important to determine whether these changes managed to simplify the existing legal system without ignoring the interests of workers. It is also necessary to investigate the effectiveness of the introduced Labour Codes, which were created as the means of tackling contemporary issues.⁸

One more crucial aspect that the current paper aims to highlight in relation to the analysis of the labour laws reform is their constitutional aspects. Through the examination of relevant clauses against Articles 14, 19, and 21 of the Indian Constitution, as well as case laws like *Olga Tellis v. Bombay Municipal Corporation*, the study assesses whether the Labour Codes adhere to the principles of equality, dignity, and right to livelihood.⁹

Besides, another purpose of the study will be to discover possible problems in implementing the labour law reforms and provide recommendations on how to make these reforms effective. Therefore, it can be concluded that the main goal of the research is to bring some contribution into the discussion about the changes in India's labour laws.

LITERATURE REVIEW

Labour law reform in India has been widely researched in the literature. Previous works have stressed the protection aspect of labour laws under the welfare state paradigm. In contrast, recent literature stresses flexibility and ease of implementation after liberalization.

According to R. Srivastava, inflexible labour laws prevent the expansion of industries and investments, thus demanding reforms for improved performance.¹⁰ Other scholars have noted that there is a potential danger associated with workers' rights because of too much flexibility.

In contemporary literature, the Labour Codes have gained prominence because of their significance to gig and informal labourers. Some scholars have praised the Labour Codes as

⁷ Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code, 2020.

⁸ NITI Aayog, Labour Market Reforms in India, Government of India.

⁹ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (SC).

¹⁰ R. Srivastava, "Changing Labour Laws in India: Reform and Challenges", *Indian Journal of Labour Economics* (2020).

progressive while others argue against the poor implementation and vagueness in workers' identification.

The landmark case of *Olga Tellis v. Bombay Municipal Corporation* supports the fundamental right to livelihood.

OBJECTIVES OF THE STUDY

- To examine the evolution of labour laws in India.
- To analyze the structure and purpose of Labour Codes.
- To evaluate their impact on workers' rights.
- To assess constitutional validity.
- To suggest reforms for improvement.

RESEARCH QUESTIONS

- Whether the changing paradigm of labour and industrial laws in India, particularly through the Labour Codes, successfully balances economic development with workers' welfare and constitutional values?
- How has the evolution of labour laws in India from the colonial period to the contemporary phase shaped the present labour law framework?
- What role has the Indian judiciary played in expanding and protecting labour rights through constitutional interpretation?
- To what extent have the Labour Codes, 2019–2020 simplified and consolidated the existing labour law system?
- How do the provisions of the four Labour Codes impact workers' rights, job security, and industrial relations?
- Are the Labour Codes consistent with constitutional principles under Articles 14, 19,

and 21, and the Directive Principles of State Policy?

- How effectively do the Labour Codes address challenges relating to gig workers, informal labour, and changing employment patterns?
- Do the Labour Codes create a shift towards an employer-centric framework, and what are its implications on labour welfare?

RESEARCH METHODOLOGY

For this research, doctrinal and analytical methodology will be employed for the purpose of examining the evolving paradigm of labour and industrial laws in India. This study will employ secondary sources of data as primary source of data collection for this study. The sources of data will include statutory provisions, judicial decisions, books, journals, and other governmental reports.

The four labour codes that were enacted between 2019 and 2020 include; code on wages, code on industrial relations, code on social security, and occupational safety, health and working conditions. This research will involve analysis of these legislations in order to determine changes from prior laws.

Comparative analysis will be undertaken in the course of analyzing labour laws in order to understand how far we have moved from the welfare labour law paradigm to flexible market oriented labour law paradigm. The effects of globalization, technological advancement, and the growth of the gig economy will be considered when analyzing labour regulation.

The study will also consider judicial interpretation of legislation and its relevance in determining the constitutional nature of labour law issues. An interpretative approach will be utilized for the purpose of determining whether labour laws respect equality, dignity, and social justice.

RESEARCH GAP

In spite of a wide range of existing studies on labour laws in India, there is a lack of studies that explore labour law reforms in relation to constitution and in light of current labour market issues. Majority of researches on labour reforms in India either concentrate on the economic

consequences or analyze the statutes separately while ignoring the consequences that these labour laws might have on fundamental rights such as equality, freedom of association, and the right to livelihood.

Moreover, there is not much research done in regard to the effectiveness of the Labour Codes on emerging issues like the gig economy, platform-based work and informal labour market.

Therefore, the aim of this study is to fill the above mentioned gaps and provide a comprehensive analysis in legal, constitutional, and socio-economic aspects of the topic in order to assess whether or not the Labour Codes find an equilibrium between the two.

HYPOTHESIS

These findings will be guided by the assumption that the Labour Codes from 2019 to 2020 reflect a move away from the welfare-based framework towards a more market-oriented and employer-focused paradigm. Although such changes are meant to boost economic development and increase efficiency, they may contribute to the undermining of employees' rights, especially concerning issues of security, bargaining, and social protection.

It can also be assumed that the existing framework for labour law is not sufficient to ensure the protection of employees working under newly emerged conditions of employment such as gig and informal work. Hence, it is vital to take into account the principles of equality and dignity provided for in the Constitution.

EVOLUTION OF LABOUR LAWS IN INDIA

1. Colonial Era: Limited Protection and Economic Control

Indian labor laws were developed during the colonial era and were mostly meant to protect the economic interests of the British Empire. The initial labor legislation was passed with no intention of safeguarding worker welfare but rather to control competition in the industrial sector.

Despite the later legislation such as the Trade Unions Act 1926 and Workmen's Compensation Act 1923 giving workers some degree of protection, the entire system was flawed. Laborers had to endure poor working environments, lengthy working hours, and low wages.

2. Post-Independence Era: Welfare-Oriented Framework

India became a welfare state after gaining independence, and labour laws assumed significant importance for the realization of social justice. Laws like the Industrial Disputes Act of 1947, Minimum Wages Act of 1948, and Factories Act of 1948 sought to ensure that the workers were treated fairly.

The constitution has had great significance in formulating labour policies. Various directive principles, such as Article 39, 41, and 43, stressed fair wages and a decent standard of life and working conditions.

3. Post-Liberalization Era: Shift Towards Flexibility

The economic reforms brought about in 1991 emphasized the adoption of efficiency and competitiveness through a market approach. The labour laws came under scrutiny for being inflexible and complicated.

Contractual employment, outsourcing, and informal labour made it evident that the laws were not adequate to cater to these emerging situations.

4. Contemporary Phase: Consolidation through Labour Codes

The implementation of the Labour Codes can be considered as a major move towards streamlining. With the inclusion of numerous laws in just four labour codes, the government seems to have moved towards a more streamlined system.

However, this stage is also marked by a change in orientation, as the policies become increasingly employer-friendly.

LABOUR CODES, 2019–2020: A CRITICAL ANALYSIS

The enactment of the Labour Codes from 2019 to 2020 constitutes one of the major changes in India's labour law scenario. In an attempt to streamline the complicated web of laws, the 29 central labour laws were brought under four codes, namely, the Code on Wages Act, 2019; the Industrial Relations Act, 2020; the Social Security Act, 2020; and the Occupational Safety, Health and Working Condition Act, 2020.

This legislative effort is part of a larger move from a welfare-oriented to a more market-oriented perspective to strike a balance between economic progress and labour welfare. The Labour Codes have elicited strong reactions, with some lauding their effectiveness while others criticizing their impact on worker rights.

Objectives and Rationale Behind Labour Codes

The first and foremost reason for the implementation of these codes is to deal with the problem of multiplicity, complexities, and inconsistencies within labor laws. Before the introduction of these codes, there were several statutes on labor laws in India that made it difficult for both employers and employees to understand.

The main goals of these codes are as follows:

- To simplify and consolidate the existing laws
- Ease of doing business
- Digitization of compliance systems
- Social security for informal and gig workers
- Industrial peace and economic development

Apart from these reasons, other factors like globalization, technology, and foreign investments were also important considerations behind these codes.

Structural Overview of the Four Labour Codes

Introduction of the four labour codes in the year 2019–2020 can be considered to be an overall reorganisation of the labour laws in India by merging twenty-nine laws that were previously applicable for central government employees into four Codes. The first Code is called “Code on Wages 2019”, second is “Industrial Relations Code 2020”, third is “Code on Social Security 2020” and the fourth is “Occupational Safety, Health and Working Conditions Code 2020”. The four different Codes deal with wages, industrial relations, social security, and occupational safety and working conditions respectively.¹¹

¹¹ Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety,

CODE ON WAGES, 2019

Code on Wages, 2019 stands out as a historic labor law reform in the Indian jurisdiction, introduced with the intention to consolidate and streamline the existing wage law system in India. Before the adoption of this code, there were various pieces of legislation governing the regulations regarding wages in India, such as the Minimum Wages Act, 1948; Payment of Wages Act, 1936; Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976. This code aims to resolve the complications arising from these numerous laws by consolidating the entire wage law system under one code.¹²

Amongst many other structures in the Code, an important structural arrangement is that of providing for a **uniform definition of "wages"**. Under the earlier provisions, there were varying definitions provided under different statutes, giving the employer an opportunity to arrange for salaries in a way that did not attract statutory obligations. The Code brings uniformity by providing a common definition of wages by making the basic salary, dearness allowance, and retaining allowance part of wages and keeping others like the bonus and house rent allowance outside.¹³

Moreover, another important point in the Code is that it provides for a national floor wage. The power is vested with the Central Government to set a **national floor wage**, depending upon the cost of living and regional differences. It becomes mandatory for the state government to set their minimum wages above this level, so that a basic level of living is provided to workers in the country.¹⁴

This Code also brings about a paradigm shift as far as minimum wages are concerned since it has been ensured that there is coverage of **minimum wages for all categories of employees**, irrespective of whether they are engaged in casual or permanent employment. Previously, the coverage of minimum wages was only applicable for "scheduled employments." However, now with the removal of this restriction, the Code has become more inclusive in nature, furthering the cause of social justice.¹⁵

Health and Working Conditions Code, 2020.

¹² Code on Wages, 2019; Minimum Wages Act, 1948; Payment of Wages Act, 1936; Payment of Bonus Act, 1965; Equal Remuneration Act, 1976.

¹³ Code on Wages, 2019, s 2(y).

¹⁴ Id., s 9.

¹⁵ Id., s 5–6.

Moreover, the Code stresses the importance of the timely payment of wages, which requires that employers follow the stipulated timeframe and refrain from making any deductions without proper authority. Moreover, provisions have been made regarding the payment of bonuses, guaranteeing that those entitled to the bonus become beneficiaries of the surplus earnings of the business establishment. In addition, the Code includes provisions for equal remuneration, where gender-based discrimination is not allowed when it comes to matters of salaries and employment.¹⁶

An innovation introduced by the Code from an administrative point of view is the introduction of the Inspector cum Facilitator scheme. Unlike the conventional scheme of inspectors, the new scheme is designed to promote both facilitation and enforcement by promoting compliance through voluntary efforts rather than through antagonistic approaches involving employers and regulators. Digital record keeping and compliance mechanisms are some additional features included in the Code.¹⁷

However, the Code on Wages, 2019 is not exempt from criticisms either. One of the most common criticisms concerns the implementation gap that exists in the informal labor market where there is no adequate system to ensure compliance. As noted above, a substantial part of the Indian population works in the informal sector. Without proper supervision, the potential benefits of the Code may not be enjoyed by all employees. Furthermore, the exclusions from the list of wages provided by the Code may create legal opportunities for restructuring remuneration schemes in order to decrease statutory responsibilities. Lastly, it can be noted that there is no provision for regular review of the floor wage level.¹⁸

As for the constitutionality of the Code, it should be mentioned that the provisions established by the Code are consistent with the set of the Fundamental Rights and Directive Principles of State Policy guaranteed by the Constitution. In particular, Article 14 of the Constitution guarantees the right to equality and is embodied by the right to the establishment of uniform minimum wages. Moreover, the interpretation of Article 21 by the Supreme Court provides the right to livelihood as part of the right to life. The Directive Principles, particularly Articles 39 and 43, further reinforce the State's obligation to ensure adequate means of livelihood and just

¹⁶ *Id.*, s 17, 19.

¹⁷ *Id.*, s 51–52.

¹⁸ P.L. Malik, *Labour Law* (Eastern Book Company).

working conditions.

To conclude, the Code on Wages, 2019 marks a major breakthrough in the wage regulation system in India. With its introduction of consolidated legislation, broader reach, and standardized provisions, it serves as a robust framework to secure workers' wages legally. The effectiveness of this code, however, will depend largely on its successful implementation and review of policies.

INDUSTRIAL RELATIONS CODE, 2020

Industrial Relations Code, 2020 is an important element of the Indian Labour Law reform that consolidates three major laws—the Industrial Disputes Act, 1947, the Trade Unions Act, 1926, and the Industrial Employment (Standing Orders) Act, 1946—under one umbrella. The main goal of the legislation is simplification of the industrial relation, facilitation of business operations and balancing employers' flexibility and workers' rights.¹⁹

One important aspect of the Code is the establishment of a negotiating trade union or council, facilitating collective negotiations and preventing inter-trade unions disagreements. Another crucial aspect of the legislation is the provision of a dispute resolution process through conciliation, arbitration, and setting up industrial tribunals that will help in resolving disputes faster.²⁰

The new law provides for fixed-term employment where employers can employ workers for the specified period, and there will be equality between wages and benefits of those workers and their permanent counterparts.²¹ Moreover, the Code raises the number of people required to receive prior approval for layoff or retrenchment from 100 to 300.²²

But at the same time, the code imposes certain limitations on strikes and lock-outs as it demands prior notification in cases other than those relating to public utility services. This situation has led to some apprehensions regarding the erosion of the bargaining strength of the workforce.²³

¹⁹ Industrial Relations Code, 2020; Industrial Disputes Act, 1947; Trade Unions Act, 1926; Industrial Employment (Standing Orders) Act, 1946.

²⁰ Industrial Relations Code, 2020, s 14, 42–44.

²¹ *Id.*, § 2(o).

²² *Id.*, s 77.

²³ *Id.*, s 62–63.

In terms of the constitutional provision, although the code provides the right to associate within the ambit of Article 19(1)(c), the Supreme Court's judgment in the case of All India Bank Employees' Association v. National Industrial Tribunal shows that the right to strike is not absolute.²⁴

CODE ON SOCIAL SECURITY, 2020

Code on Social Security, 2020 is one of the landmark legislations that is aimed at making reforms in the labour laws of India by bringing together many social security benefits in one Code. It encompasses a few other laws like the Employees' Provident Fund Act, Employees' State Insurance Act, Maternity Benefits Act, and Payment of Gratuity Act.²⁵

One of the most important characteristics of the Code on Social Security is that it makes an attempt to go beyond the organized sector in providing social security provisions. Such an approach is very progressive in view of the rapidly increasing role played by gig work in today's economy.²⁶ Through this Code, different kinds of social security schemes can be introduced for the workers like provident fund, insurance, maternity benefit, pension, and gratuity among others. All these help workers in protecting themselves from various risks like disease, joblessness, and old age.²⁷

Another very important part of the Code requires the aggregator/digital platform to pay some portion of the contribution towards social security of gig workers.²⁸ This is a great step towards spreading the responsibilities amongst employer, State, and the worker. Further, registration of workers under the Code through online portals needs to be done.²⁹

The second significant clause is the need for aggregators (digital platforms) to be a part of the fund for providing social security for gig workers, thus bringing into account the joint liability of the employer, State, and worker. The Code further requires that the workers be registered under an online portal for ensuring easy accessibility to the benefits.

Nevertheless, although the Code seems to be progressive enough, it still encounters several

²⁴ All India Bank Employees' Association v. National Industrial Tribunal, AIR 1962 SC 171.

²⁵ Code on Social Security, 2020; Employees' Provident Fund Act, 1952; Employees' State Insurance Act, 1948; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972.

²⁶ Code on Social Security, 2020, s 2(35), s 2(61).

²⁷ Id., s 28–30, 109.

²⁸ Id., s 114.

²⁹ Id., s 113.

obstacles. There seems to be some confusion regarding the legal standing of gig workers, and the execution of schemes is dependent upon government initiative alone.

In conclusion, the Code on Social Security, 2020 marks an innovative move towards labour welfare, although its success remains uncertain until now.

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) is an extensive code of law with the intention of consolidating and updating existing laws concerning safety, health, and welfare of workers. This code unifies thirteen existing labour laws like the Factories Act, 1948, Mines Act, 1952, and Contract Labour (Regulation and Abolition) Act, 1970.³⁰

The key intent of this law is to promote safe and healthy workplaces for all workers. Detailed regulations have been made under this code concerning safety, sanitization, and protection from hazardous conditions in workplaces.³¹ Working hours and leave for workers are regulated by this code so that they may not be exploited in terms of being forced to work more than necessary.³²

Another important aspect of the Code is the welfare facilities provided by the Code in terms of clean drinking water, canteens, washrooms, and medical facilities in order to create a healthier working atmosphere.³³ The Code also has provisions that safeguard the interests of contract laborers and inter-state migrant workers through their registration and benefit.³⁴

Furthermore, the Code creates an integrated registration and licensing process, which facilitates businesses with respect to compliance and makes the process easy for the employers. In addition to that, the Code follows the model of Inspector-cum-Facilitator, promoting cooperation over stringent measures.³⁵

However, the Code has been criticized for having applicability thresholds, which make the

³⁰ Occupational Safety, Health and Working Conditions Code, 2020; Factories Act, 1948; Mines Act, 1952; Contract Labour (Regulation and Abolition) Act, 1970.

³¹ Occupational Safety, Health and Working Conditions Code, 2020, s 6.

³² *Id.*, s 25.

³³ *Id.*, s 23–24.

³⁴ *Id.*, s 60–62.

³⁵ *Id.*, s 8, 122.

Code less applicable to small enterprises and informal workers.

The Occupational Safety and Health Code is a major step forward in the realm of creating better workplace conditions.

COMPARATIVE ANALYSIS OF THE FOUR LABOUR CODES

The four Labour Codes that were passed during the period 2019-2020 can be described as a paradigm shift in the Indian labour law system. Although these codes deal with different aspects – wages, industrial relations, social security, and working conditions – they have an integrated approach towards simplification, compliance, and economic development. Yet their significance in protecting workers and giving employers the flexibility is not equal.³⁶

From a structural perspective, the Code on Wages, 2019 aims at establishing parity in the regulation of wages by prescribing a common definition of wages and ensuring the minimum wage regime. In comparison, the Industrial Relations Code, 2020 relates to the relationship between employers and employees and gives more flexibility in relation to fixed-term employment and higher layoff norms. While the former code protects workers from the perspective of payment, the latter is accused of threatening job security.³⁷

While the Code on Social Security, 2020 is a positive development in that it provides coverage for unorganized, gig, and platform workers, the implementation of the code is hampered by issues related to classification of workers.³⁸ In contrast, the Occupational Safety, Health and Working Conditions Code, 2020 aims to ensure safety and humane conditions of work for workers, but its threshold levels leave out many informal sector workers.³⁹

With respect to the approach adopted in the Codes, the emphasis is now shifting from the welfare approach to a more market-oriented one. Features like retrenchment, limitations on strikes, and contract employment suggest that there is greater flexibility on the part of the employer.⁴⁰

³⁶ Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code, 2020.

³⁷ Industrial Relations Code, 2020, § 77; Code on Social Security, 2020, s 109–114.

³⁸ Code on Social Security, 2020, s 2(35), 113–114.

³⁹ Occupational Safety, Health and Working Conditions Code, 2020, s 1, 6.

⁴⁰ Industrial Relations Code, 2020, s 62–63, 77.

From a constitutional perspective, all four Codes have to conform to the provisions enshrined under Articles 14, 19, and 21, which ensure equality, freedom of association, and right to livelihood, respectively. The judgments delivered in cases like *Olga Tellis v. Bombay Municipal Corporation* have established that any labour law reform should preserve the dignity and financial well-being of workers.⁴¹

In summary, although the Labour Codes have succeeded in streamlining and updating the Indian labour law framework, they constitute a paradoxical outcome in that they offer benefits in certain aspects while being detrimental in others.

CONCLUSION AND SUGGESTIONS

Conclusion

The Labour Codes, 2019-2020 represent a major paradigm shift in the labour law landscape of India, where several provisions under 29 labour laws have been combined into just four codes. These reforms intend to make labour law easier to comply with, improve ease of doing business and adapt India's labour laws according to the changing global economic environment. Simultaneously, they introduce some additional protections such as universal minimum wages and the introduction of social security benefits for unorganized and gig workers.⁴²

Nonetheless, these reforms indicate a more liberal and employer-friendly approach. The provisions of fixed-term contracts, higher thresholds for retrenchments and limitations on the strike right have led to debates regarding employment security and the dilution of workers' ability to bargain collectively. It is important, from a constitutional perspective, that these reforms be consistent with Articles 14, 19, and 21, with special emphasis on the right to livelihood in *Olga Tellis v. Bombay Municipal Corporation*.

Suggestions

- Enhance the implementation process through proper enforcement and monitoring.
- Legally recognize and protect gig and informal workers.

⁴¹ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (SC).

⁴² Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code, 2020.

- Incorporate measures that ensure termination of employment is not arbitrary.
- Raise awareness amongst the workers about their rights.
- Periodically review and amend labour policies.
- Enhance social security programmes for vulnerable workers.

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