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## The Junction of Labour Law and Employment

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*This paper examines various labour laws which have been enacted in India and how they affect the employment of workers. The rights of labours for a long have been neglected and when we look through their evolution, we see how far we have come. But even today, reforms need to be made, regulations need to be formed in order to preserve a healthy standard of living for the employees. There are various rights embodied in the constitution itself for protecting the workers but most of the workers due to negligence, illiteracy, or mere exhaust, let go. This paper also discusses various reforms made by different states due to the Covid-19 pandemic. The aim of these reforms shouldn't be to just adapt to the coming changes but to ensure that, for whom these laws are being made i.e., the workers and employees, are willing to embrace the changes and accept it or else they may start finding loopholes. And that will bring us back to square one.*

**Keywords:** *workers, industrial relation, trade unions, labour reforms,*

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### INTRODUCTION

Workers' rights and limits are addressed in labour law, which is sometimes known as employment law. As a result of technological, economic, political, and social changes, laws are created to meet the changing requirements of society. Law is a fluid idea. There are constant repairs, upgrades, and replacements required in the law. Throughout history, life and law

have been intertwined. The Labour Laws must be viewed from this perspective. Workplace rights and responsibilities are defined by labour law.

There are a number of different principles of labour regulation, including:

- **Principle of Social justice** - The notion of social justice fundamentally states that all social groups must be treated equally, regardless of circumstance. It tries to eliminate social disparity, as certain groups have clearly been subjected to social impairment in terms of jobs or labour.<sup>1</sup> It attempts to provide equitable work opportunities to all people, regardless of their social standing.
- **Social equity** - This notion is fundamentally founded on the preservation of legislation based on labour social fairness. Laws must be updated on a regular basis since conditions do not remain constant and change from time to time, necessitating changes in the law. This intervention by the government to make changes or alterations to suit changing circumstances is based on the notion of social equality.<sup>2</sup> In a nutshell, social equity is the establishment of equitable standards for all through legislative rules and obligations.
- **International uniformity** - The participation of the ILO (International Labour Organization) in this principle is important. It has created a large number of International Conventions and Recommendations on topics such as unemployment, general working conditions, pays, working hours, young people, women, industrial health, and so on.<sup>3</sup>
- **Social Security** - According to Dr. Soumitra Kumar Chatterjee's "Principles of Labour Legislation and Industrial Jurisprudence,"<sup>4</sup> the concept of social security is an integral aspect of social justice. It is founded on the concepts of human dignity and social fairness. It simply means that the state must defend every citizen who contributes in any way to the advancement of the country's welfare.

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<sup>1</sup> International Forum for Social Development, 'Social Justice in an Open World: The Role of the United Nations' (*Un.org*, 2006) <<https://www.un.org/esa/socdev/documents/ifsd/SocialJustice.pdf>> accessed 18 August 2021

<sup>2</sup> Palak Lotiya, 'Social security legislations in India' (*Paycheck*) <<https://paycheck.in/career-tips/workandpay/social-security-legislations-in-india>> accessed 18 August 2021

<sup>3</sup> International Labour Organisation, 'Conventions and Recommendations' (*ilo.org*) <<https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>> 18 August 2021

<sup>4</sup> Dr Soumitra Kumar Chatterjee, 'Principles of Labour Legislation and Industrial Jurisprudence' (2017) Odisha Review <<http://magazines.odisha.gov.in/Orissareview/2017/May/engpdf/26-31.pdf>> accessed 18 August 2021

Labour law is divided into two broad divisions. First, collective labour law is concerned with the three-way relationship between employee, employer, and union. Second, individual labour law is concerned with employees' rights at work and through the employment contract. In the nineteenth and twentieth centuries, the labour movement was essential in the passage of laws protecting workers' rights. To achieve social and economic progress, workers' rights have been crucial since the Industrial Revolution.

## **HISTORY OF LABOUR LAWS**

Labour law evolved as a result of worker demands for better working conditions and the right to organise, as well as employer desires to limit the powers of workers in numerous organisations and keep labour costs low. Trade unions, for example, have the potential to expand beyond simply economic problems and gain political influence, which some firms may oppose. As a product of and as a component of social conflicts between conflicting interests, the situation of labour law at any one moment is both the outcome of and a component of those struggles.<sup>5</sup>

When it comes to addressing labour issues, the International Labour Organization (ILO) was one of the first organisations to take on the task. The International Labour Organization (ILO) was established as a League of Nations organisation following the Treaty of Versailles, which ended World War I. During and immediately after World War I, many nations focused on post-war reconstruction and the safeguarding of labour unions. In the United Kingdom, the Whitley Commission, a subcommittee of the Reconstruction Commission, suggested in its July 1918 Final Report the establishment of "industrial councils" around the world.<sup>6</sup>

On October 29, 1919, the first International Labour Conference convened in Washington, DC, and enacted international labour conventions dealing with the following issues:

- Limit on the number of Working hours;
- Benefits for women during their maternity leave;

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<sup>5</sup> Paul Davies & others, *Kahn-Freund's Labour and the Law* (3rd edn, Stevens 1983)

<sup>6</sup> Roy Lewis, 'The Historical Development of Labour Law' (1976) 14 *British Journal of Industrial Relations*

- Women are not permitted to work at night; and
- Young people's employment hours should be regulated.

Albert Thomas, a French socialist, was appointed Director-General. After the League of Nations was disbanded, the ILO became an integral member of the United Nations.

## EVOLUTION OF LABOUR LAW IN INDIA

In India, labour and employment law is also known as industrial law. The history of Indian labour legislation is inextricably linked to the history of British colonisation. The British industrial/labour legislations were largely meant to defend the interests of British businesses. Some of these early rules were inevitably shaped by considerations of the British political economy. As a result, the Factories Act was enacted. To make India's labour more expensive, the Factories Act was originally adopted in 1883,<sup>7</sup> under the insistence of Manchester and Lancashire textile magnates.

In this way, India became the first country to mandate eight hours of work per day, to abolish child labour, to limit women's nighttime employment, and to pay overtime compensation for labour above 8 hours per day. While the consequence of this legislation was plainly welfare-related, the true purpose was unmistakably protectionist. As early as 1929,<sup>8</sup> the Trade Dispute Act regulated the interaction between employer and employee in India (Act 7 of 1929). A number of restrictions on strike and lockout rights were included in this act, but no mechanism was established to deal with disagreements.

Due to the fact that independent India wanted a clear collaboration between labour and capital, colonial law underwent significant changes in the post-colonial period. Workers would receive a fair wage and fair working conditions, according to an agreement reached at a tripartite conference in December 1947, and capital would receive labor's full cooperation to ensure uninterrupted production and increased productivity as part of the national economic development strategy. In the end, the Industrial Disputes Act came into effect (the Act). The

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<sup>7</sup> Factories Act 1883

<sup>8</sup> Trade Dispute Act 1929

Industrial Disputes Act (the Act),<sup>9</sup> which came into force on April 1, 1947, and repealed the Trade Disputes Act 1929, has remained on the books ever since it was passed.

## CONSTITUTIONAL RIGHTS OF WORKERS

According to Fundamental Rights and State Policy Principles, the Indian Constitution recognises that human labour is a valuable resource that must be protected and preserved.

- Article 14<sup>10</sup> - It states that "Equal compensation for equal effort." It does not imply that article 14 is infallible, as some have suggested. In terms of labour regulations, there are a few exceptions, such as physical ability and the fact that both unskilled and skilled labours should be paid according to their merit. Although "Equal compensation for equal work" isn't stated in Indian Constitutional law, it's a goal that can be attained by Articles 14,16, and 39(c) of the Constitution of India, according to the Supreme Court in *Randhir Singh versus Union of India*. The Supreme Court articulated the idea of "equal pay for equal labour" in *Associate Banks Officers Association v. State Bank of India*, which means that there should be no salary discrimination between male and female workers in the same organisation.<sup>11</sup>
- Article 19(1)(c)<sup>12</sup> - Citizens have the right to form a union or group under the Constitution. In this article of the Constitution, the Trade Union Act, 1926, is incorporated. Workers are able to form unions as a result of it. Trade unions give workers the ability to speak out against injustices. The unionisation of workers gives them more control over their own lives and livelihoods. Trade unions meet with employers to address various labour-related issues, strike, and so on.
- Article 21<sup>13</sup> - Every child from 6 to 14 years of age is entitled to a free and obligatory education under state legislation.

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<sup>9</sup> Industrial Disputes Act 1947

<sup>10</sup> Constitution of India, art 14

<sup>11</sup> *Associate Banks Officers Association v State Bank of India* 1996 AIR 1685, 1996 SCC (4) 378

<sup>12</sup> Constitution of India, art 19(1)(a)

<sup>13</sup> Constitution of India, art 21

- Article 23<sup>14</sup> - Forced labour is prohibited by the Constitution. Forcible labour was widespread in India during the British colonial era of the country. They were forced to labour against their will, and they weren't paid proportionally to the work they were doing either. At that time, the government was notorious for enforcing forced labour, as did the landlords. Forced or bonded labour is now a criminal violation punished by law. Under the 1974 Act on Bonded Labour (Abolition),<sup>15</sup> the practise is considered unlawful.
- Article 24<sup>16</sup> - Children are not allowed to work in factories, etc. Child labour is prohibited in factories, mines, and other hazardous occupations for anybody under the age of 14.
- Article 39<sup>17</sup> - As a result, the state must ensure that employees', men's and women's, and young children's, health and strength are not misused and that citizens are not pushed by economic necessity to pick activities that are improper for their age or strength.
- Article 41<sup>18</sup> - Enhances worker working conditions. It discusses the need of creating a safe and humane workplace. Additionally, this page discusses maternity relief, which is a type of pregnancy leave. The Allahabad High Court has ruled in *Anshu Rani v. State of Uttar Pradesh* (2019) that a woman employee is entitled to six months of maternity leave.<sup>19</sup>
- Article 43<sup>20</sup> - For its residents, the country talks of a "living wage." While a living wage must provide for the "basic needs of life," it must also provide for a person's social and cultural enrichment. A person's education and insurance coverage are also included in the package. Agriculture and industry, with a special focus on cottage industries, are areas where the state will continue to work to generate possibilities.

## LAWS REGARDING LABOUR AND EMPLOYMENT

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<sup>14</sup> Constitution of India, art 23

<sup>15</sup> Bonded Labour (Abolition) Act 1974

<sup>16</sup> Constitution of India, art 24

<sup>17</sup> Constitution of India, art 39

<sup>18</sup> Constitution of India, art 41

<sup>19</sup> *Anshu Rani v State of Uttar Pradesh* Writ No 3486/2019

<sup>20</sup> Constitution of India, art 43

Labour is a concurrent subject in the Indian Constitution, which means that both the Union and state governments have the authority to regulate and handle labour issues. The majority of significant legislative acts have been enacted by Parliament.

**The laws can be classified as follows:**

- 1) Labour regulations enacted by the Central Government, with the Central Government having sole enforcement authority.
- 2) Central Government-enacted labour rules that are implemented by both the Central and State Governments.
- 3) Central Government-enacted labour regulations that are enforced by state governments.
- 4) State governments create and enforce labour laws that are specific to particular states.

**CENTRAL LAWS**

**Apprentices Act, 1961**

Technically qualified individuals in many trades will receive practical training as a result of the law, which aims to do so. The goal is to increase the number of skilled workers. Engineers and diploma holders are also included in the program's scope. The aim is to enable skilled labours and ensuring that they have the required skills to earn & be responsible enough to practice with care. According to the Central Government, the Act applies to the areas and industries that have been notified [Section 1(4)].<sup>21</sup>

In conformity with the provisions of this Act and its accompanying rules,

- every employer is required to train the apprentice in his trade.
- every employer is to ensure that apprentices receive the best possible training, employers must provide adequate instructional staff with the necessary qualifications and facilities for trade tests.

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<sup>21</sup> Apprentices Act 1961, s 1

- All employers in different trades are required by law to hire apprentices at a prescribed ratio of the skilled workers in their employ at all times [Section 11].<sup>22</sup>
- Employers are allowed to hire more apprentices than the minimum required [Section 8(1)].<sup>23</sup>
- Stipends will be paid by the employer to apprentices at a set rate. If the number of employees is less than 250, the government shares 50 percent of the cost. As long as the employer employs more than 250 people, he is responsible for paying for all of the training costs.
- Scheduled tribes and scheduled castes would have reserved positions in every trade. To define the ratio of trade apprentices to employees, the central government will be in charge [Section 3A].<sup>24</sup>

**Following are the obligations of every apprentice:**

- The ability to learn his trade attentively, with a goal of becoming a skilled artisan before the expiration of the training time.
- The ability to learn his trade attentively, with a goal of becoming a skilled artisan before the expiration of the training time.
- In the workplace, to obey all authorised commands from his employer and superior
- To fulfil his contractual obligations as an apprentice.

Apprentices must be at least 14 years old, and they must meet the required educational and physical fitness standards [Section 3].<sup>25</sup>

**Employee State Insurance Act, 1948**

There is a social welfare law called the Employee State Insurance Act of 1948,<sup>26</sup> (ESIC) that provides certain benefits for employees in the case they are sick, pregnant or have an accident

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<sup>22</sup> Apprentices Act 1961, s 11

<sup>23</sup> Apprentices Act 1961, s 8

<sup>24</sup> Apprentices Act 1961, s 3

<sup>25</sup> *Ibid*

<sup>26</sup> Employee State Insurance Act 1948



on the job in addition to certain other items. According to Part 4 of our Constitution's Directive Principles for State Policy, articles 41-43 require the state to make appropriate preparations for the protection of workers' rights, education, and public support in cases of unemployment, old age, illness, and disability.

The act simply attempts to realise these declared objects to a limited extent. In comparison to the factory act, this legislation has a far larger area of action. Since only industrial workers' health, safety and welfare are covered by this act's provisions. However, if the employment is incidental or in connection with the factory or establishment, the benefits of this act apply to employees whether they work inside or outside the factory or establishment, and whether they are directly employed by the principal employee or through an intermediary agency.

### **Industrial Disputes Act, 1947**

Industrial disputes were settled following the rules of the Trade Disputes Act of 1929 before to 1947. However, it was discovered that the 1929 Act had weaknesses, which were rectified by additional legislation. As a result of this, the Industrial Disputes Bill was introduced in the Senate. As a result, the measure was sent to a select committee to be considered. The original Bill was amended in response to the Select Committee's suggestions. In April 1947, the Industrial Disputes Act of 1947 was enacted. It was adopted to provide procedures for investigating and resolving labour disputes, as well as to provide workers with certain protections.

### **DEFINITION OF INDUSTRIAL DISPUTES**

If there is a confrontation between management and the workforce about the employment arrangements, then there is an industrial dispute. When a company and an employee's representative, usually a union, disagree on pay and other working conditions it can lead to industrial action. When an industrial disagreement arises, both the management and the workers strive to exert pressure on each other. Lockouts may be used by management, while strikes, picketing, and gheraos may be used by workers.

An industrial dispute is defined as "any dispute or difference between employees and employers, or between employers and workmen, or between workmen and which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person," according to Section 2(k) of the Industrial Disputes Act, 1947.<sup>27</sup>

### **OBJECTIVE OF THE ACT**

The Industrial Disputes Act's goal is to ensure industrial peace and harmony by establishing apparatus and procedures for the investigation and resolution of industrial disputes through discussions. The Act also includes:

- (a) an agreement to compensate workers who are laid off or retrenched as a result of closing a plant.
- (b) Prior government consent is required before laying off or retrenching personnel or closing down industrial facilities.
- (c) Workers, employers, or unions who engage in unethical labour practises

For instance, the activity of Lay-Off or Retrenchment without prior permission is covered by Sec.25-Q.<sup>28</sup> Contravening the provisions of Section 25-M or 25-(N). In such a situation, all benefits would be available to the worker as if they had not been laid off. An employer faces a maximum penalty of one month in prison and/or a fine of Rs. 1000.

### **The Payment of Bonus Act, 1965**

The Bonus Payment Act regulates the payment of bonuses to employees in certain establishments on the basis of profits, production, or productivity, as well as things related thereto. It covers the entire country and applies to any factory or other company employing 20 or more workers on any given day throughout the accounting year.

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<sup>27</sup> Industrial Disputes Act 1947, s 2(k)

<sup>28</sup> Industrial Disputes Act 1947, s 25Q

## **STATE LAWS**

Unemployment Allowance is available to those who lose their jobs through no fault of their own (on account of closure of factories, retrenchment, or permanent invalidity of at least 40 percent arising out of non-employment injury). Unemployment payments are calculated at 50% of an insured worker's daily average wage. Employees who have contributed for at least three years are eligible for a one-year extension. Beneficiaries and their dependents are also given free medical care throughout this time.<sup>29</sup>

**Laws in some of the states are:**

### **Uttar Pradesh Unemployment Benefits**

Whenever the State Government is satisfied with an industrial undertaking that has been started, acquired by the State Government or whose management has been taken over by the State Government, and is run or proposed to be run by or under the authority of such Government, or that has received a loan, advance or grant or has had a guarantor for its loans, government of the state may declare that from a particular date onwards the undertaking shall be a relief undertaking by publication in the state gazette.<sup>30</sup>

### **Tamil Nadu Unemployment Benefits**

#### **For all labourers**

In the first 90 days of their suspension, suspended employees are entitled to a 50 percent subsistence stipend, 75 percent after 90 days but before 180 days of suspension, and 100 percent after 180 days of suspension. However, if the employee is found to be responsible for the delay, the allowance may be lowered to 50% It is improper for the employee to ask for an allowance if he or she has accepted a job elsewhere. From the worker, no refund can be sought. In the event that there is no proof of guilt, the employee should be entitled to the remainder of

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<sup>29</sup> Employees' State Insurance Corporation, 'Information Benefits' (*Govt of India*, 26 July 2021) <<https://www.esic.nic.in/information-benefits>> accessed 29 August 2021

<sup>30</sup> UP Industrial Undertakings (Special Provisions for Prevention of Unemployment) Act 1966, s 3

the suspension as if they had worked throughout the period in question. As a result, the government retains the ability to sue the employer if they fail to pay the government's share.<sup>31</sup>

### **Shop and commercial establishment employees:**

Employees covered by the TN Shops and Establishments Act will be entitled to full wages if a case is pending in the High Court.<sup>32</sup>

### **Unemployment Benefits in Maharashtra**

There are some things one should know whether he/she is a Mathadi or Hamal. Employers of mathadis, hamals, manual employees, or security guards have the right to set their own pay schedules, but it is up to the state government to do so. Defaulting employers may be required to deposit a monthly average of their employees' wages.<sup>33</sup> There is a right to full payment of salary for private security guards, even if the employers (typically security firms) are not able to hire them fully or partially despite the guards being available for duty.<sup>34</sup>

### **For all employees in private schools:**

If a person works in an aided school, the names of terminated employees must be recorded and maintained for future employment chances. Half-wage subsistence allowance is mandatory for suspended personnel. It is possible to increase the amount, but not more than 50% if the ban lasts for longer than four months. The amount may also be decreased if the adjudicating authorities are convinced that there is a valid reason.

All salaries, leaves, and allowances owing to a full-time employee throughout the suspension period should be reimbursed to the person when the authorities are convinced of their innocence. If a substitute is appointed in lieu of the suspended employee, the management is

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<sup>31</sup> Tamil Nadu Payment of Subsistence Allowance Act 1981

<sup>32</sup> Tamil Nadu Shops and Establishments Act 1947

<sup>33</sup> Maharashtra Mathadi, Hamal and other Manual Workers' (Regulation of Employment and Welfare) Act 1969, s 3

<sup>34</sup> Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act 1981, s 3

responsible for paying the substitute's salary and benefits. The absence of an employee due to a suspension must be treated as a period of time spent on duty in this instance.<sup>35</sup>

For all industrial workers:

A factory's workers are entitled to 50 percent of their salary if the factory is temporarily closed owing to other orders/reasons. In the event of a power outage, they will be entitled to 100% of their salary. A month's worth of wages should be taken into account for this computation. A non-full-time employee's hours should be joined together to constitute a day in this situation. In the event of a strike, workers would not be entitled to the same benefits. The worker may not have accepted a job offer in a factory owned by the same business. Work must not require any specific skills and must take place within 8 kilometres of the worksite to qualify.<sup>36</sup>

### **For All Employees**

Those living in rural areas who are willing to work in low-skilled manual labour can sign up for the Employment Guarantee Scheme of their state. If a registered person writes to an officer requesting at least one month of work, the state government is obligated to give it. Preferably, the work should be done within the Panchayat Samiti region, but never outside the district's borders.

People who are unemployed for 15 days after receiving a job offer will be entitled to state-mandated unemployment payment. However, this cannot be less than Rs. 1 each day in any situation. As soon as a police officer offers employment, the officer's liability disappears. If the state government is unable to provide labour due to uncontrollable circumstances, the liability ceases. As a last resort, the collector might write to the Village Panchayat to give employment if the State Government refuses. Also, this will be considered employment for purposes of the Act.

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<sup>35</sup> Maharashtra Employees of Private Schools (Conditions of Service) Rules 1981, s 25(a)

<sup>36</sup> Maharashtra Unemployment Allowance Payment to Workmen in Factories (For Temporary Period) Act 1976, s

People who have not responded to work calls for seven days, or who have been absent for more than one week in a month, are ineligible to receive benefits. Someone who qualifies for this exemption can continue to find work even if they are denied unemployment benefits for three months. Children above the age of 15 can only apply if they do not have an adult in their household who is able to help them.<sup>37</sup>

## REFORMS MADE BY THE STATES

A number of states have made substantial changes in the application of labour laws as of May 2020. The adjustments have been implemented in order to attract fresh investment and stimulate the economy in the aftermath of the pandemic. The pandemic has thrown the world's economies to a halt. There have been massive employment losses, with press sources claiming that two out of every three workers have lost their jobs during the lockdown. Over 9.13 crore small traders and labourers will be out of the job by April 2020, according to the Centre for Monitoring Indian Economy (CMIE).

- The states believed that loosening laws would attract investment.
- The lower level of compliance is thought to protect small enterprises from closing due to economic pressures.
- If layoffs are not an option, employers will need some leeway to make the necessary cost cuts.

It will aid in the recovery of the economy following the lockdown. The IMF has reduced India's GDP prediction for the current fiscal year to 1.9 percent. There are concerns that the economy may possibly be on a downward trend. According to reports, numerous global corporations are trying to relocate their manufacturing bases from China. The states are eager to entice these businesses.<sup>38</sup> Due to covid 19, some of the states have made changes in order to get back to their previous output:

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<sup>37</sup> Maharashtra Employment Guarantee Act 1977, s 8

<sup>38</sup> Wahid Bhat, '6 states, changed labour law, know important changes and its impact' (*Ground Report*, 10 May 2020) <<https://groundreport.in/6-states-changed-labour-laws/>> accessed 01 September 2021

**Gujarat:** The state administration has resolved to set aside 33000 hectares of land for company allocation within the next seven days.<sup>39</sup> Except for a few exceptions, new industrial facilities are immune from all labour regulations, including the Minimum Wage Act, Industrial Safety Rules, Employees' Compensation Act, and so on.

**Madhya Pradesh:** The factory inspection regulations have been loosened, with no inspections scheduled for the next three months. Establishments with up to 100 employees can hire as needed. The shift length has been increased from 8 to 12 hours.<sup>40</sup>

**Uttar Pradesh:** The UP government issued an ordinance suspending all labour regulations applicable to all types of businesses for three years, with the exception of a few restrictions. Workers would lose important rights such as the ability to organise unions, the right to file industrial disputes, and so on.<sup>41</sup>

**Rajasthan:** It has extended working hours to 12 hours every day but later the Rajasthan govt had withdrawn the order of increasing the daily working limit to 12 hours.<sup>42</sup> The trade union's membership criterion has been raised from 15% to 30% in order for the union to be recognised.<sup>43</sup>

**Punjab:** The state has also revised the Factories Act to increase working hours to 12 hours and to allow for 72 hours of work each week.<sup>44</sup>

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<sup>39</sup> Prashant K Nanda, 'Gujarat offers 1,200-day labour law exemptions for new industrial investments' (*Mint*, 8 May 2020) <<https://www.livemint.com/news/india/gujarat-offers-1-200-day-labour-law-exemptions-for-new-industrial-investments-11588959474848.html>> accessed 20 September 2021

<sup>40</sup> Dalip Singh, 'Madhya Pradesh allows 12-hour shifts, shops to open till midnight' (*The Economic Times*, 8 May 2020) <<https://economictimes.indiatimes.com/news/politics-and-nation/madhya-pradesh-allows-12-hour-shifts-shops-to-open-till-midnight/articleshow/75609988.cms>> accessed 02 September 2021

<sup>41</sup> Apoorva Mandhani, 'UP suspends labour laws: What stays, what goes and why 'it is a step in right direction'' (*The Print*, 8 May 2020) <<https://theprint.in/india/governance/up-suspends-labour-laws-what-stays-what-goes-and-why-it-is-a-step-in-right-direction/417186/>> accessed on 02 September 2021

<sup>42</sup> Somesh Jha, 'Madhya Pradesh allows 12-hour shifts, shops to open till midnight' (*The Economic Times*, 8 May 2020) <<https://economictimes.indiatimes.com/news/politics-and-nation/madhya-pradesh-allows-12-hour-shifts-shops-to-open-till-midnight/articleshow/75609988.cms>> accessed 02 September 2021

<sup>43</sup> PRS Legislative Research, 'Overview of Labour Law Reforms' (*prsindia.org*) <<https://prsindia.org/billtrack/overview-of-labour-law-reforms>> accessed 02 September 2021

<sup>44</sup> K R Shyam Sundar, 'Factory Workers Can Now Legally Be Asked to Work 12-Hour Shifts. How Will this Change Things?' (*The Wire*, 27 April 2020) <<https://thewire.in/labour/factory-workers-12-hour-shifts>> accessed 02 September 2021

## CONCLUSION

In our country, the labour market is both an important and delicate issue. When enacting labour changes, legislators must consider the interests of all stakeholders involved. It should not happen that the modification affects any of the parties in an unfavourable or unacceptable way. Workers' mental processes must be altered and made more adaptable to changes. Allow them to understand that not every change will result in the loss of a job for them or a colleague member.

Employees on fixed-term contracts are now covered, along with gig workers, platform employees, and unorganised employees. As part of the new law, businesses must donate 15 days' worth of salaries to a reskilling fund for workers who have been terminated.<sup>45</sup> Termination of service for a sexual harassment conviction disentitles an employee from receiving a bonus. The limitation period for filing of claims by employees has been increased to three years. It was authorised by the Parliament last year, and its rules have been strengthened. In contrast, the administration wanted to apply all four labour codes at the same time. After notifying stakeholders of draught rules for the three codes this year, the government will give them until the first week of January to submit their views. Deliberations on pay and industrial relations guidelines were scheduled for December 24 by the Ministry of Labour and Employment. There will be a next tripartite meeting on January 12, 2022, to discuss codes on social security and occupational safety and health.<sup>46</sup>

Hoping that there will be a lot of updates that are pertinent to today's world and that the reforms or adjustments aren't made just for the sake of making changes. All parties affected by these adjustments must also be pleased with them. Second, how well the changes are implemented will be a major difficulty, as many parties may not be willing to embrace the changes and they may also become preoccupied with finding loopholes in the process. All that's left to hope for is that today's suffering will lead to tomorrow's joy.

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<sup>45</sup> Somesh Jha, 'Companies will soon be required to pay for re-skilling retrenched workers' (*Business Standard*, 29 November 2019) < [https://www.business-standard.com/article/economy-policy/companies-will-soon-be-required-to-pay-for-re-skilling-retrenched-workers-119112801586\\_1.html](https://www.business-standard.com/article/economy-policy/companies-will-soon-be-required-to-pay-for-re-skilling-retrenched-workers-119112801586_1.html) > accessed 02 September 2021

<sup>46</sup> Ministry of Labour & Employment, Annual Report 2020-21