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Critical Examining the New Labour Codes of India in Respect to the Existing Provisions

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Abstract: ***The ongoing discussion regarding Indian labor laws impeding the flexibility of the labor market has become a prominent issue over the past two decades, following the economic liberalization period. In an effort to streamline and simplify labor laws to promote a more business-friendly environment, the Indian government has introduced new labor codes, marking a significant milestone in labor law reform over the last thirty years. Conversely, labor unions strongly argue that the Indian labor market remains 'flexible' to the benefit of employers, despite the existence of what they perceive as 'restrictive' labor laws, and any further weakening of the current labor law framework will negatively impact the working class. This article delves into the consequences of the recent shift in India's labor law landscape brought about by the new labor codes. It also underscores the importance of addressing the latest labor market insecurities in light of the COVID-19 pandemic, while transitioning towards a new labor governance framework as outlined in the labor codes. India's labor laws were previously governed by a multitude of legislations, primarily aimed at promoting social welfare and security. The year 2020 witnessed a significant transformation in India's labor laws, with the consolidation of existing laws into four new Labor Codes. This piece specifically examines the impact of these Codes on India's unorganized sector and its Information Technology ("IT") Sector, where the trend of layoffs is prevalent. Additionally, it explores how the exclusion of the Codes from the unorganized sector detrimentally affects its stakeholders. This analysis is critical, especially in light of recent socioeconomic developments affecting workers in India, particularly in emerging industries such as information technology, namely the pink-slip tendency in the IT industry, which was shown to be widespread during the COVID pandemic era. The research of the unorganised sector is especially essential because it shows gaps in current regulations and emphasises the inadequate improvements brought about by the Labour Codes. The essay collects and analyses data using the doctrinal approach of legal research. It also presents an overview of the employment legal framework in India and its culminating into the four employment Codes, finally establishing the inadequacies of the Codes in its current form and suggesting prospective reforms.***

Keywords: ***COVID-19, Employment, Labour Codes, Labour Welfare, Unorganized Workers***

I. INTRODUCTION

Labor law reforms in India have been a topic of discussion for an extended period. Employers have consistently advocated for the simplification and rationalization of labor laws in order to enhance the ease of doing business. The primary argument in favor of these reforms is that they would facilitate industrial and economic growth by eliminating the rigidities imposed by numerous labor laws. In response to the demands of employers, the Indian government is actively working towards streamlining and consolidating all labor laws into a few labor codes. This initiative aligns with one of the key recommendations outlined in the 2002 Report of the Second National Commission on Labor. Subsequently, four labour codes were formulated and got passed in the Indian Parliament in 2020. These new labour codes - Industrial Relations Code, 2020 (IRC); Code on Occupational Safety and Working Conditions Code, 2020 (OSHWCC); Social Security Code, 2020 (SSC); and Code on Wages, 2019 (WC) – together consolidate a total of 44 pre-existing labour laws. It is envisaged that relaxations and flexibilities envisaged through new labour codes will improve the performance of the Indian Economy by providing a more conducive environment for carrying out business in India. Notwithstanding this, the labour unions and other collectives working for labour kept on opposing this move towards labour reforms, as they fear a considerable erosion of the protective provisions existing hitherto vide a number of labour laws, many of which came into existence in their present form, after decades of struggles by concerned stakeholders.

Adoption of each of the four codes implies redundancy of a number of protective legislations, which are already in place. This obviously brings in the sense of loss of hard-earned labour rights, laws, and welfare measures.

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Detractors of labour reforms view that a simple amalgamation or consolidation of various laws into labour codes does not seem convincing enough to: (a) bring all the workers across various sectors into the regulatory framework of labour laws; (b) simplify the legal framework to ensure approachability of legal pursuits in employment-related matters, and (c) ensure easy compliance and more transparency of the labour laws. Further, it is also pointed out that these codes would lead to the erosion of some of the rights of workers at workplaces.

II. PERCEIVED WORRIES AND VULNERABILITIES FOR LABOUR

Most of the labour unions and supporters of the working class view the codes as `anti-worker', as some of the changes that are included in the new labour codes are with far-reaching implications. For instance, the new Code on Industrial Relations, 2020 (IRC) prohibits strikes without 60 days' notice and within 14 days of giving such notice and during the pendency of conciliation, arbitration and proceedings before a Tribunal. It is viewed that such rigid processes to organize a strike would further weaken the trade unions' efforts towards mobilizing the workers and their collective bargaining capabilities. Notwithstanding this apprehension of worker associations/unions, the new Code mandates every industrial establishment to have a negotiating council or a negotiating union, thereby statutorily acknowledging and recognizing the existence of trade unions at the central level. The efficacy of such proposals and mandates will only be evident once these regulatory structures are implemented. The Supreme Court judgement of Syndicate Bank and Ors. vs K. Umesh Nayak stated that the strike is a result of a long struggle between the employer and the employee, and the Industrial Disputes Act, 1947(ID Act) seeks to regulate the concept of strike while not denying the workmen's right to strike. The new IRC, 2020, almost dilutes the provisions for a legal strike. At the same time, Industrial Dispute Act's focus is on employees' welfare, and in the new Code, the same has shifted towards ease of business. The current trend in the labour market with increasing contractualization and casual employment in both formal and informal sectors may be exacerbated because of this regulatory framework, which facilitates short-term employment. The evident increase of the share of workers in the sectors devoid of social security and benefits is visible from the analysis of Periodic Labour Force Survey (PLFS) dataset 2018-19 by Kapoor, which shows that out of 24% of regular wage salaried workers (RWS), there is a large proportion of workers (68.8%) who had no written job contract and did not qualify for social security benefits, which is showing an increasing trend, with the share being 57 per cent in 2004-056. Therefore, recognizing the fixed-term employment and mandating the statutory benefits to them, similar to those of permanent workers, would make the workers eligible for availing some form of benefits, while it may also reduce the incentives for the companies to hire permanent workers, thus affecting the job security of workers. With no written contracts, many workers, even within the formal sectors, become vulnerable and can be easily laid off. IRC 2020 does very little to address this issue. In fact, it has now increased the threshold for standing orders from 100 workers to 300 workers. In such a scenario, not only the social security but also the job security of a vast majority of the workforce in India is likely to be severely impacted.

Until now, it has been the State government's responsibility to formulate social security schemes for the sector of unorganized workers. With the introduction of the Social Security Code, 2020 (SSC), this responsibility is now partially and arbitrarily being shared with the Central government. Section 109 (1) states: "The Central Government shall frame and notify, from time to time, suitable welfare schemes for unorganized workers on matters relating to—(i) life and disability cover; (ii) health and maternity benefits; (iii) old age protection; (iv) education; and (v) any other benefit as may be determined by the Central Government." While Section 109 (2) states, "The State Government shall frame and notify, from time to time, suitable welfare schemes for unorganized workers, including schemes relating to— (i) provident fund; (ii) employment injury benefit; (iii) housing; (iv) educational schemes for children; (v) skill up-gradation of workers; (vi) funeral assistance; and (vii) old age homes". While this Code could have simplified the process of provision of social security and assistance to the workers, by the proliferation of organizational structure with the constitution of social security boards at the centre and state level along with a separate board for gig/platform workers, it has instead created a space for obscurity. The gig work/platform economy has gained a separate mention in the SSC 2020. However, its lack of mention in the other codes is problematic, and therefore the matters of contestation between the employer and employee in the platform economy remain unaddressed. The issues of health insurance, paid leaves, untimely termination and other conflicts pertaining to platform workers are not covered in the codes. Further, the e-registration of unorganized workers, gig workers and platform workers (section 113) raises concerns over the existing resources and infrastructure of the government to implement the process8. While this digitization may give an estimate of a large number of previously unrecorded unorganized workers, it also excludes diverse forms of home-based work. The mandatory link of Aadhar is further problematic because of the absence of linkages of mobile numbers with Aadhar cards in most cases, making the Aadhar card verification process cumbersome.

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These processes eventually turn out to be timeconsuming for a daily wage worker and hence seem like a hassle from the viewpoint of the workers, even if the concern of misuse of worker's data and increased fraudulence by the 'agents', because of poor financial and digital literacy in most parts of the country. While there exists a nuanced labour market in the gig work employment, it is more or less a subset of the unorganized sector and therefore separate National Social Security Boards for unorganized and gig work would only provide for overlapping of schemes, given that most of the workers move across the jobs in unorganized sector and gig work. The changes in the procedure of registering workers from all the sectors, including building workers and unorganized workers for availing benefits, would take time and therefore, what would be the provisions in the interim period is also unclear from the given Code. Moreover, the Code ignores the difficulties of securing employment on a daily basis faced by the workers and instead puts the burden of registration on the workers. Mehrotra and Sarkar also highlight that the current Code does not recognize the large percentage of unregistered establishments (67.7%) within the unorganized sector and merely states that 'every establishment to which the code applies' is to be registered. Since there is no provision stated for promoting the registration of these establishments, the workers working in such establishments are likely to be outside the purview of the Code. The effort to universalize the social security provisions seems lost while formulating the new Code. While witnessing the shift from regular salaried work, we concomitantly see an increase in self-employed work, and within this group, there are more people who are becoming unpaid family helpers, which is the most vulnerable type of employment and mostly performed by women. Hence there is a regression in terms of types of employment. During the pandemic, we have seen the share of increasing Own Account Workers (OAW) and unpaid family workers, which does not necessarily paint a positive picture. It also shows another side of the story, where the workers are sacked or laid off from their jobs and are bound to create employment opportunities for themselves. People working in sectors of agriculture, manufacturing, hotels, construction, and trade have been the most perniciously affected segments of the workforce after the COVID-19 pandemic. While at this time the recommendation that a) universal and national minimum social security to cover life, death, disability, old age and maternity benefits shall be given to all the workers in informal work; and b) set standards of work for eight hours workday and setting a national minimum wage; made from the National Commission for Enterprises in the Unorganized Sector is all the more important to revive the Indian Economy and its workforce, but unfortunately, the SSC does not provide a regulatory structure and mechanism for universal social security. The coverage of women workers under the Social security code in the chapter on maternity benefit remains restricted to cash transfers in the unorganized sector through respective boards conditional upon institutional delivery. The Wage Code, 2019 (WC) does, however, set a national floor wage of a mere Rs. 178, below which the states cannot set their minimum wages. The Supreme Court had used a formula for calculating minimum wages as per the need-based criteria suggested by the ILC in 1957, 2012 and 2015 while giving a ruling in Raptakos Brett case of 1992. The MWC, 2020 has yet again ignored and not defined any methodology to define an acceptable minimum wage for workers besides dismantling the mechanisms for enforcement and workers' rights to approach courts. Nivedita Jayaram writes: The Wage Code also takes away the jurisdiction of courts in providing justice to workers who have faced violations with respect to their wages. This means that workers can no longer access courts to contest the wages paid to them by their employers, but can only approach the quasi-judicial body and appellate authority set up under the provisions of the Wage Code. This shows that the national floor wage is itself ridiculously low, while no clear methodology is stipulated in the wage code, which also opens caveat for a 'race to the bottom' amongst the states to set minimum wages to draw investment . All codes define the worker in relation to the establishment or industry or gig work or having an employer-employee relationship, but it precludes private households as establishments that are currently on the rise, especially after the pandemic, as also discussed in the above discussion. Therefore, universal coverage is already barred and seems surreal. While the universalization of social security appears statutorily unachieved, the protection is given to specific sectors of employment by eleven laws and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 and Contract Labour (Regulation and Abolition) Act, 1970 which are amalgamated into OSHWCC. The specificity of these sectors of employment was translated in terms of vulnerability and the weaker bargaining power of the workers working in harsh and poor conditions of work, along with the complex socio-economic and cultural realities of working-class society. The poor amalgamation and the intended simplification of these laws into OSHWCC have dropped out many important provisions for the protection of workers, which were previously present for the specific industry identified for indentured labour, family labour and even neo-bondage conditions. Moreover, it allows the employment of women in all establishments irrespective of their hazardous work. It also prohibits employing women within six weeks of delivery, miscarriage, and medical termination of pregnancy. In unorganized sectors, particularly construction and agricultural work, women are often seen to be working during and immediately after their pregnancies. In such cases, prohibiting employment without any immediate and easily available incentives to women workers would only increase their problems and create space for hiding such occurrences, which, if caught, may eventually open litigation for the employer. In such cases, the employability of women workers may become a liability for many employers.

Similarly, maternity benefit can only be claimed if the worker puts in a minimum of eighty days of employment preceding her delivery, which puts the employability of many pregnant women at risk besides keeping her out of social protection. The Code also does not recognize the microscale and agricultural sector and therefore does not have a universal coverage besides eliminating the previously identified sectors which were categorically 'dangerous' and hence needed special legal protection. Sundar explains in detail the serious shortcomings of this Code to address protection to workers from occupational accidents and hazards. Besides, it does not address the issue of sexual harassment at the workplace, nor does it integrate and reformulate the laws on bondage and trafficking into the social security provisions and occupational safety codes.

III. SHIFTING FRAMEWORK

Some Emerging Concerns Apart from the above-mentioned issues, there are also many specific concerns about the shift in the labour law framework brought out by the new labour codes. In this section, an attempt is made to discuss and dissect some of these concerns.

IV. ABSENCE OF SOCIAL DIALOGUE

Trade unions accuse that this drastic step is taken without having the required consensus from all relevant stakeholders, especially the workers and worker unions. Already, ten trade unions have approached the International Labour Organization (ILO), accusing that it is a violation of basic norms assured in ILO Convention No. 144, to which India is a signatory. This convention directs to effective tripartite consultations including government, workers and employers to promote social dialogue and industrial harmony. Bhatia points out that there was a visible hastiness in the passage of these new labour codes, and there was not `any dialogue, debate or consensus-building among the stakeholders'. It is also widely pointed out that the new labour codes will adversely affect the collective bargaining of workers. Erosion of many of the benefits ensured in the already existing labour welfare-oriented legislations (prior to the advent of labour codes). Exclusion of trade union's concerns while formulating the new labour codes indicates the weakening of tripartism and social dialogue process.

V. DELAYED IMPLEMENTATION AND ITS IMPLICATIONS

Delayed implementation of new labour codes is yet another issue of concern. Despite the hastiness in passing the bills related to the codes in Parliament, there has been a visible delay in terms of implementing the new labour codes. The unexpected advent of COVID-19 and the resultant lockdowns have obviously slowed down the pace of realization of these new codes, as explained by the government representatives while responding on the matter of delay in implementing labour codes. However, some critiques opine that there are other dimensions also for this delay. For instance, Bhatia reviews the situation of implementation of labour codes and holds the view that there are political and electoral concerns that prevent the government from implementing these codes instantly. It is viewed that the ruling party apparently thinks that the implementation of labour codes before some of the crucial state assembly elections will have a backlash, as these codes may bring displeasure among the working poor, who have a major stake in vote banks. Obviously, the entire process of nullification of the extant labour laws through the introduction of new labour codes and the subsequent delay in implementing the latter has led to a situation of `limbo' in terms of effective execution of labour laws. Accordingly, neither the old laws are followed diligently nor the new codes are applied. Although the case of 'In RE: Problems and Miseries of Migrant Labourers' decided by the Supreme Court of India highlighting the conditions of migrant labourers during COVID-19, the SC had thoroughly stated that the registration of workers for unorganized workers for availing benefits of social security scheme would be as per the old legislations (Unorganized Workers Social Security Act, 2008 and The Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996), until the new CSS, 2020 is enforced. Such a situation, especially during the uncertain period of the pandemic, had resulted in a visible laxity on the part of the state mechanism in terms of safeguarding the interests of the working class. Given this confused state of affairs until the implementation of codes, effectively, through a fairly laid down mechanism, there is a chance that the employers will be benefitted due to the absence of protective laws and norms.

VI. DILUTION OF PROTECTIVE LEGISLATIONS, ALTERATION OF SCHEMES

During the time of COVID-19, there has been some visible weakening in labour standards due to the dilution of the protective legislative frameworks. Amidst the crisis brought by the pandemic, the Government of Uttar Pradesh nullified all labour rights for a period of three years. Many other state governments - like Rajasthan, Madhya Pradesh and Gujarat - followed the same path and relaxed many of the existing labour laws.

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The most important thing that the state governments did was the enhancement of the working time from 8 hours to 12 hours. Later on, with the intervention of the Allahabad High Court, the UP government had to restore the 8 hours working time. Therefore, some states are also known to pass ordinances that have made the situation worse for workers; few state governments have also framed legislation to ensure the dignity of workers at workplace. Hence, for ensuring dignity, good health and security of workers, the codes should have a suggested framework for standardizing dignified conditions of work across the nation. It is viewed that many of the provisions in the new labour codes are already being practised, despite the delay in the formal implementation of codes. For instance, Rajasthan has already enhanced the threshold limit for hire and fire of employees with prior notice from 100 to 300, even before the implementation of the new labour code. Similarly, in the recent past, many states have proceeded with dilutions and amendments of extant labour laws. Also, there have been many new schemes that have replaced or effectively paralyzed the efficacy of some of the extant schemes, which ensured some modicum level of protection, social security or welfare to the working poor. A good example for this is the Rashtriya Swasthya Bima Yojana (RSBY) programme, which was replaced by the Ayushman Bharat Programme / Pradhan Mantri Jan Arogya Yojana (PM-JAY) (which is considered to be superior in many ways– but yet not become fully effective till now, in terms of achieving the envisaged goals). With the advent of relaxations in the labour framework, which helped engagement of contractual workers and apprentices without much long term implications for employers, easy retrenchment has become a norm than the exemption in many sectors. It has been widely noted that contractualisation has become a norm during this period of limbo across all industries and enterprises. All these developments inter alia added to the informalization of the workforce, with intensified vulnerability and precariousness in the world of work. All these, which are marked by an all-time low level of collective bargaining during a phase, have brought in a situation of helplessness among the workers and an unprecedented situation of hegemony for the employers while dealing with matters regarding recruitment, engagement, and repatriation of workers.

VII. DECLINING QUALITY OF EMPLOYMENT AND NEW CHALLENGES

Bhatia opines that some of the recent measures facilitating fixedterm employment and policies promoting large scale hire and fire and engagement of trainees for works done by permanent workers result in deterioration of quality of employment and decline of labour standards. For instance, with the amendment of the Railway Apprentice Act, 1961, open market recruitments have effectively been introduced in railways, stalling the prospects of entry of trained apprentices. Such amendments, which provides the employers with the freedom to form terms of employment in a way, are also paving the way to privatization of railways and similar public enterprises in future. Growing insecurity in the labour market is palpable through the visible increase in unemployment, instances of retrenchments and growing contractualisation and informalization of jobs. Trade unions and researchers view that even programmes like National Employability Enhancement Mission (NEEM) are all adding to the decline of quality of employment. Similarly, the labour code does not address the new and upcoming changes in the forms of employment in the post-pandemic world. The new issues arising from the culture of remote work and work from home is giving rise to new forms of exploitation at workplaces while concomitantly justifying the dismissal of the employer's responsibility of worker's social reproduction. Even the old patterns of labour market such as constant movement of workers between farm and non-farm activities, presence of a large number of agricultural labourers, indentured labour are not mentioned in the codes. The coverage of the population under a social protection scheme is one thing, while their inclusion in the legal safety provision is another. While the government may already have addressed a need of expanding the coverage of people under social protection schemes, the need to expand the coverage under legal protection to all sectors of employment seems questionable by reading the codes. During the pandemic, we have witnessed the surfacing issues of abysmal inequalities and poverty. The local governments adopted some ad-hoc measures to address the crisis but lacked the administrative prowess and resources to assure full coverage. In such cases, the provision of universal social security to the workers needs a legal framework that should have been stated clearly in the codes. The new codes also do not address the minimum measures to address the health and social crisis such as that of the COVID-19 pandemic at the workplaces.

VIII. CENTRE-STATE TENSIONS WITHIN INDIAN FEDERALISM

While the 'labour' comes under the concurrent list of the constitution, there are opinions about the new laws appropriating most power in the hand of central government and marginalizing the state government, especially in the matters of labour administration and implementation of codes. Sarkar explains while this seems true that the labour codes have shown the tendency of centralization with respect to the organizational structure, which may cause hindrance in the successful implementation of the schemes, the state governments are now given the responsibility of administering a State Social Security Fund as well as of maintaining workers' records.

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But the criteria for such decentralization seems ambiguous because there is yet no mention of the implementing authority and institutional structure/organization at the level of state with regards to mandates of the Code, especially in the case of protection of workers migrating from one state to another. The Supreme Court judgements of Steel Authority of India Ltd. vs National Union Water Front Workers and Hindustan Aeronautics Ltd. vs Workmen were two rulings that were in response to litigation raised to decide who the appropriate government is. The new labour codes nevertheless did not take an opportunity to clearly define the jurisdiction of the appropriate government, which is seen to vary from Code to Code. With a differing opinion, Jha writes that given the fact that labour is a subject of the concurrent list, the choice of ensuring protection to workers or providing flexibilities to employers will eventually get shifted to the state governments. This argument presents a possibility where state governments can introduce state-specific labour legislations in addition to the new labour codes of centre, and it will inter alia lead to a situation where capital investments (and thereby the creation of job opportunities) move towards those states, which take an open capital-friendly attitude, by not supplementing the central codes by labour welfare-oriented statespecific laws and measures. Needless to state, this will also result in an unfriendly competition among states within the Indian federal set-up, where `race to the bottom' in terms of labour standards will be the decisive factor for industrial growth and economic progress for the concerned state. In such a scenario, If pro-poor and prolabour states bring in relaxations or continue to have state-specific enabling laws, it will lead to a situation where some states have become more labour-friendly and some others more investorfriendly. This can lead to a situation of flight of capital from one state to another. The recent episode of Kitex industries leaving the state of Kerala, accusing the state's unfavourable position vis-à-vis ease of doing business, is worth mentioning here.

IX. HISTORICAL BACKGROUND OF LABOUR LAWS

Labour law arose thanks to the stress of staff for higher conditions, the proper to prepare, and therefore the synchronous demands of employers to limit the powers of staff in several organizations and to stay labour prices low. Employers' prices will increase thanks to staff organizing to win higher wages, or by laws imposing pricey necessities, like health and safety or equal opportunities conditions. They were developed because the results of the commercial revolution throughout the eighteenth century. It became essential to prevent the unfair treatment dispensed to the staff, because the rate at that the industries were going at the price of labour was a disaster, on the flip aspect with the French Revolution within the image, therefore society was moving towards social justice so because the accumulative results of conflict, labour laws were brought within the eighteenth century, however within the true sense, they received acceptance within the twentieth century. Workers' organizations, like trade unions, may transcend strictly industrial disputes, and gain political power – that some employers could oppose. The state of labour law at anybody time is so each the merchandise of, and a part of struggles between totally different interests in society.

X. OBJECTIVE OF LABOUR LAW

Labour laws area unit on the coincident list; each Centre and States will enact on the topic. Labour laws area unit enacted to keep up peace and promote the welfare of labour. It regulates employment conditions and ascertains every individual's rights. The Code on Wages Act, 2019 envisages regulation wage and bonus payments altogether employments wherever any business, trade, business, or manufacture is administered. The Occupational Safety Code, 2020 pertains to safety, health, and dealing conditions. The Industrial Relation Code, 2020 seeks to interchange 3 labour laws and can regulate the relationship between employers and staff within the business and outline their role. Social Security and Welfare Code, 2020 expounds on the measures to supply people and families a financial gain once the regular sources area unit was non-continuous, or finished thanks to intensive expenditures. Social Security could also be given to a person in an exceedingly monetary crisis, in money or kind. The Code on Wages, 2019 The Code on Wages, 2019 was introduced in Lok Sabha on 23rd of July 2019 and was passed on 30th of July 2019. The Bill was passed in Rajya Sabha on 2nd of August 2019. It received Presidential assent on 8th of August 2019. Objective: It aims to manage wage and bonus payments altogether employments (industry, business, trade, and manufacture). Laws Replaced by it: The Code on Wages replaces four existing Laws: (a) Minimum Wages Act, 1948 (b) Payment of Wages Act, 1936 (C) Payment of Bonus Act, 1965 (d) Equal Remuneration Act, 1976 The Occupational Safety, Health and Working Conditions Code, 2020 The Occupational Safety, Health, and working Conditions Code, 2020 was introduced in Lok Sabha on 19th September 2020 and was passed on 22nd September, 2020. The Bill was passed in Rajya Sabha on 23rd September 2020. It received Presidential assent on 28th September 2020. The definition beneath section 2zf had been modified from what it had been within the 2019 Bill. Currently, it defines the term as once an individual from another volitionally involves another State in search of labour and has a financial gain that is Rupees eighteen, or less is going to be termed as interstate Migrant staff, this new bill additionally provides plenty of benefits to the interstate migrant staff furthermore.

The definition of "Factory" has been amended from what it had been within the 2019 Bill and consistent with this Bill, it excludes Mining from the definition. The opposite amendments embrace that the full operating hours of a workers are mounted to eight hours every day, and girls will add any geographical point, and if they're needed to figure in any dangerous geographical point, the employer's area unit guaranteed to take necessary precautions before. Objective: The code aims to consolidate and amend the laws regulating the activity safety, health, and dealing conditions of the persons used in an institution. Laws Replaced by it: The activity Safety, Health and dealing Conditions Code, 2020 replaces thirteen existing Laws: (a) The Factories Act, 1948 (b) The Mines Act, 1952 (c) The Dock staff (Safety, Health, and Welfare) Act, 1986 (d) The Building and alternative Construction staff (Regulation of Employment and Conditions of Service) Act, 1996 (e) The Plantations Labour Act, 1951 (f) The Contract Labour (Regulation and Abolition) Act, 1970 (g) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (h) The operating Journalist and alternative News Paper staff (Conditions of Service) and Miscellaneous Provisions Act, 1955 (i) The operating Journalists (Fixation of rates of wages) Act, 1958 (j) The Motor Transport staff Act, 1961 (k) The publicity staff (Condition of Service) Act, 1976 (l) The Beedi and smoke staff (Conditions of Employment) Act, 1966 (m) The Cine-Workers and Cinema Theatre staff Act, 1981. The Code on Social Security, 2020 The Code on Social Security, 2020 was introduced in Lok Sabha on 19th September 2020 and was passed on 22nd September, 2020. The Bill was passed in the Rajya Sabha on 23rd September, 2020. It received Presidential assent on 28th September, 2020. A provision of this Bill beneath Section 6(1) states that a replacement board would be got wind of known as The National Social Security Board which might advise the govt on new schemes that might profit the staff within the unorganized sector or the staff WHO work on a brief basis. Any employers WHO rent an individual on a brief basis, have to be compelled to contribute a minimum of one or two of their annual turnover for the Social Security of those gig staff. Objective: It aims to increase Social Security to any or all staff and staff either within the unionized or unorganized or the other sectors. Laws Replaced by it: The Code on Social Security, 2020 replaces nine existing laws: (a) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (b) Payment of Gratuity Act, 1972 (c) Employees' Compensation Act, 1923 (d) Maternity profit Act, 1961 (e) Employees' State Insurance Act, 1948 (f) staff Cess Act, 1996 (g) Cine staff Welfare Fund Act, 1981 (h) Building and alternative Construction and Unorganised Workers' Social Security Act, 2008 (i) Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. The Industrial Relations Code, 2020 The Industrial Relations Code, 2020 was introduced in Lok Sabha on 19 September 2020 and was passed on 22 September, 2020. The Bill was passed in Rajya Sabha on 23 September 2020. It received Presidential assent on 28 September, 2020. According to it had been vital for geographical points hiring quite one hundred staff to own service rules developed specifically mentioning however the staff ought to conduct themselves furthermore as alternative rules and laws to be followed within the workplace and every one of those rules had to be famed to the staff obligatorily. Currently consistent with the new bill, it's been inflated to workplaces having quite three hundred staff. Thereby creating it not necessary for employers to create these rules if they need but three hundred staff and thanks to this, it makes it easier for the businesses to rent and take away the staff. Objective: It aims to consolidate and amend the laws about Trade Unions, conditions of employment in industrial institutions or endeavours, investigation, and settlement of commercial disputes. Laws Replaced by it: The Industrial Relations Code, 2020 replaced three existing laws: (a) the Trade Unions Act, 1926 (b) the commercial Employment (Standing Orders) Act, 1946 (c) the commercial Disputes Act, 1947. The Code on Wages, 2019 The Code on Wages, 2019 was introduced in Lok Sabha on 23rd of July 2019 and was passed on 30th of July 2019. The Bill was passed in Rajya Sabha on 2nd of August 2019. It received Presidential assent on 8th of August 2019. Objective: It aims to manage wage and bonus payments altogether employments (industry, business, trade, and manufacture). Laws Replaced by it: The Code on Wages replaces four existing Laws: (a) Minimum Wages Act, 1948 (b) Payment of Wages Act, 1936 (C) Payment of Bonus Act, 1965 (d) Equal Remuneration Act, 1976.

XI. FINDINGS

The new labour code has both pros and cons and it is the consequences of time that gives the answer to its effectiveness. India as a developing nation has really faced the need for such reform in labour laws. After the pandemic situation, International Labour Organisation presented the Labour Policies guidelines based on the four pillars of action, as following: Pillar 1 suggests the Stimulation of the economy and jobs by providing the active fiscal policy, accommodative monetary policy, lending and financial support to specific sectors including the health sector. Pillar 2 suggests supporting enterprises, employment and incomes, extending social protection for all, implement employment retention measures, provide tax and other relief for enterprises. Pillar 3 suggests protection of workers at the workplace, the adaptation of work arrangements (e.g. remote based working), Prevention of discrimination and exclusion of employees, providing health security, expanding the access to paid leave.

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Pillar 4 suggests using social dialogue between government, workers and employers to find solutions with informal settlements, strengthen the capacity and resilience of employers' and workers' organizations, strengthen the capacity of governments, strengthen social dialogue, collective bargaining and labour relations institutions and processes that will help to execute it. Here are some examples of how the other nations took various measures and responded to theworkers after the Covid Pandemic: The government of UK paid 80% of their usual wages of employees laid-off for 4 months. in Canada, $1400 were provided to all workers and self-employed individuals who faced income loss. Besides that $2.1 were provided for low-income essential workers. The government will further contribute to the employer's wage bill to reduce layoffs and pay cuts. In Bangladesh, $89 million were provided for all workers who lost their jobs and $11.77 Million bonus package was provided to doctors and health workers. The legal reforms of the Labour Code have a balance and harmony with the new India vision and the new budget of the country. It provides both short term and long term possibilities and promotes entrepreneurship. However the long term solution during the ongoing pandemic situation the balance must be found so as to minimize the risks to both the stakeholders. So the long term goals of the economic revival are very important mandating the directive principles of the constitution.

XII. PROPOSAL

1) We need to develop an exclusive labour pay commission for secure approximately labour wages and other payments without disturbing industrial growth and production.
2) We need to provide women with social security and bring a change in the orthodox mentality of the society and bring more women into the labour market
3) we need to introduce a law for women safety in the Labour market.
4) A law that will provide compulsory bank facilitates to the migrant labourers and foreign labourers , so that no fraud happens with them .
5) Abolishing labour Political Unhygienic culture for fostering Industrial growth and production in global level.
6) We need to bring a law which allows Maternity level for all sectors for both women and men.
7) We need to introduce a law that will protect people right to work .
8) We need to introduce a special law for the protection of women working in the rural India.
9) We need to introduce special provisions for migrant labourers, providing them access to housing facilitates.Along, with MGNREGA, there needs to be an organization which provide employment to the urban people as there are many poor who are unemployed in the urban region. A special scheme for young employees.

XIII. CONCLUSION

It is evident that with the advent of labour codes, there is a likelihood of dilution of existing labour protective framework, ensured through various labour welfare-oriented laws. Although.the codes have had an intention of simplification and bringing the labour reforms for ease of business as well as covering the unorganized sector, the above analysis shows that while the codes seem like an amalgamation of the laws, in any case, there are many aspects of protection of workers which have been overlooked in the new codes. It has also ignored the opportunity to expand into the aspects of employment which needs attention and could have been achieved if proper consultation with the stakeholders had been followed. As India has an excess pool of labour force and a vast reserve army of labour, even with the new labour codes and reduced protective cover, a large number of workers will be readily accepting the subhuman working conditions without fair labour standards. However, this will be a situation where more and more workers will be forced to work with dismal labour standards, with lower levels of job and income security. Further to this, as the labour code allows considerable freedom for employers to engage workers on short term contracts, eventually this situation can lead to an unprecedented bulging of the workforce who work as casual, temporary and contractual workers or as self-employed workers, who are essentially become `unprotected labour' and who add to the process of informalization of the erstwhile formalized sector.

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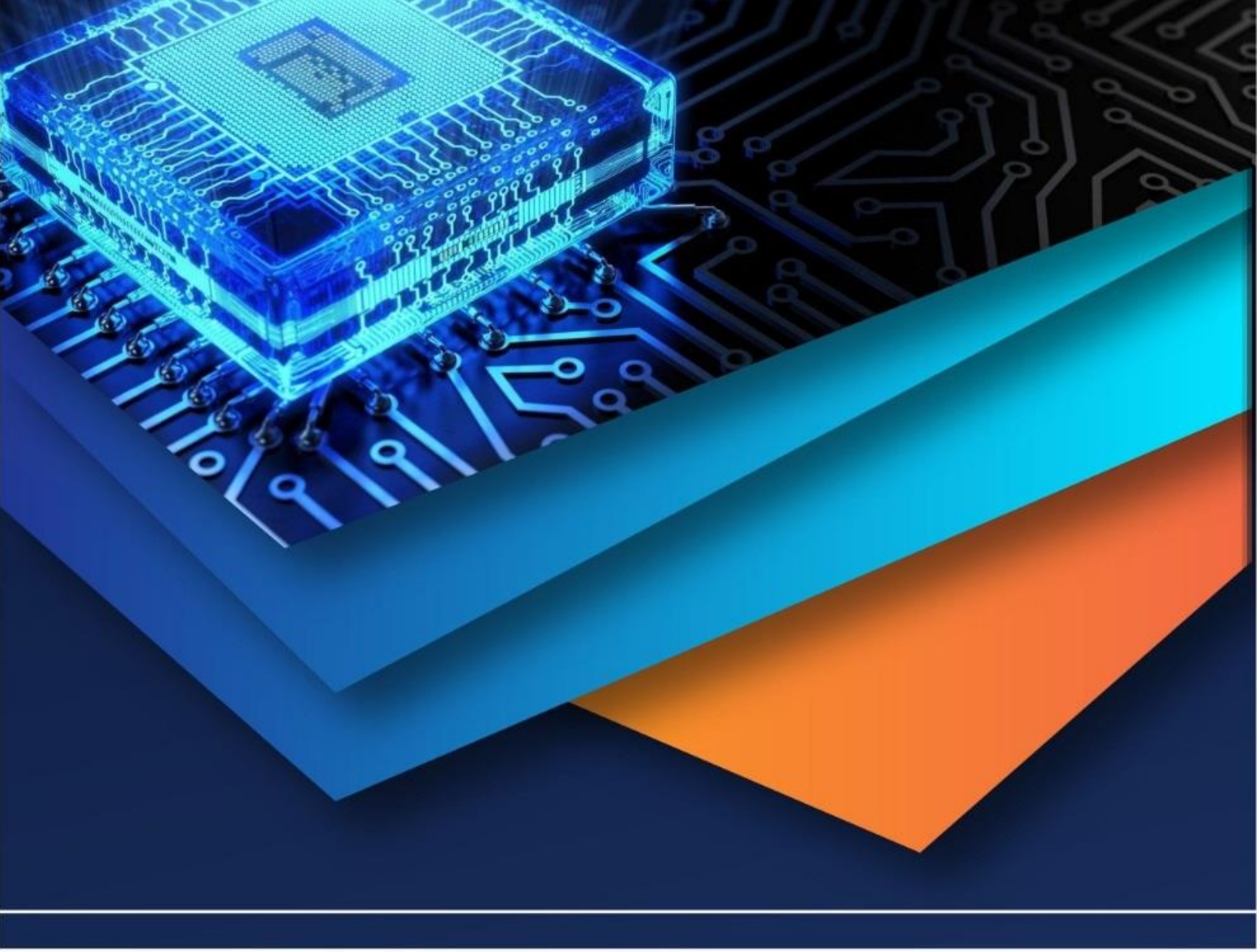

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