CONSTITUTIONAL PERSPECTIVES ON LABOUR RIGHTS IN THE 21ST CENTURY

EDITORS

ABRAHAM S

ASWATHY PRAKASH G

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EDITED BOOK ON

CONSTITUTIONAL PERSPECTIVES ON LABOUR RIGHTS IN THE 21ST CENTURY

Editors

ABRAHAM.S

Assistant professor, Department of Law, Hindustan institute of technology and science

Research Scholar, Department of Law, Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Tamil Nadu, India

ASWATHY PRAKASH G

Associate professor, Saveetha School of law

Saveetha Institute of Medical and Technical Sciences (SIMATS) Tamil Nadu, India

Editor Note

It gives me immense pleasure to present this edited volume titled *International Conference on Constitutional and Labour Rights: Challenges and Opportunities in a Globalized World*, which emerges from the International Conference organized by the **Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS)**.

The conference was conceived as a platform to encourage scholarly engagement and meaningful discussions on the pressing issues of constitutional governance and labour rights in today's globalized era. The sessions brought together academicians, practitioners, researchers, and students, whose diverse perspectives enriched the deliberations and provided valuable insights into both challenges and opportunities in these vital areas of law.

We are gratified by the overwhelming response to the call for papers, with **nearly 120 submissions received** from across different regions. Each paper underwent a rigorous **peer-review process by the editorial committee**, and finally, **50 high-quality papers were selected for publication** in this volume. These contributions stand out for their originality, analytical depth, and contemporary relevance, offering valuable additions to the body of legal scholarship.

A highlight of the conference was the recognition of excellence through the **Best Presenter Award** and the **Best Paper Award**, instituted to encourage and honor outstanding academic contributions across both online and offline sessions. Such recognition is not only a mark of appreciation but also an inspiration for emerging scholars to continue contributing meaningfully to the discipline.

This volume is a reflection of the collaborative spirit, intellectual rigor, and commitment to academic excellence that characterized the conference.

It is our hope that this book will serve as a valuable resource for scholars, practitioners, and students, while also encouraging further research and dialogue in the fields of constitutional and labour law within the context of globalization.

I extend my heartfelt gratitude to **Dr. Asha Sundaram**, Principal and Professor at the Saveetha School of Law, Chennai, and to **Dr. V.R. Dinkar**, Dean of the School of Law, Hindustan University, for their encouragement and support. I am deeply thankful to my guru, **Dr. P.V.N. Sarma,** Principal of Andaman Government Law College, whose guidance has been invaluable in my journey. I also sincerely acknowledge the support of my co-faculty members and colleagues, whose constant encouragement has inspired me to give my best.

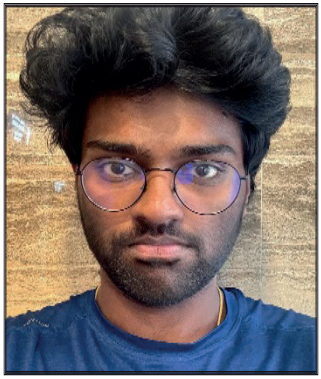
– Abraham S.

Assistant Professor, Department of Law,
Hindustan Institute of Technology and Science
Research Scholar, Department of Law,
Saveetha School of Law, SIMATS

Editors

Abraham S. is an Assistant Professor in the Department of Law at Hindustan Institute of Technology and Science, and Research Scholar at the Department of Law, Saveetha School of Law (SIMATS), Tamil Nadu, India. His research primarily focuses on the rights of women seafarers, reflecting his deep engagement with issues of gender equity in the maritime industry. He teaches a wide range of subjects including Indian Constitutional Law, Labour Law, Maritime Law, International Law, and International Trade Law. He has contributed extensively to legal scholarship, with publications in reputed law journals, edited volumes, UGC CARE-listed journals, and Scopus-indexed publications. Prior to his academic career, he gained professional experience working with a labour law firm, which further enriched his expertise in labour and employment law.

Dr.Aswathy Prakash G is an Associate Professor at Saveetha School of Law (SIMATS), Chennai. Her research focuses on the ethical integration of AI, data protection, platform regulation, and children's digital rights. She teaches Constitutional Law, Cyber Law, and the Law of Contracts, and has published on intermediary liability, online child protection, the digital afterlife, and parental mediation of children's digital identities. Prior to academia, she worked in corporate legal services.



I am Deepan R., a law (LL.B.) student with a deep passion for editing. For me, editing is not just about correcting words but about refining thoughts and strengthening expression. My academic journey has honed my skills in research, writing, and critical analysis tools that I bring into every project I work on. As an editor, I strive to ensure clarity, precision, and meaningful impact, adding value beyond the text itself.

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A Jurisprudential Analysis of the Changing Dynamics in the Interpretation of Labour Laws in India

Dr. D.Umamaheswari, Associate Professor,
Labour Law and Administrative Law Department,
The Tamil Nadu Dr. Ambedkar Law University,
drumamaheswari.d@gmail.com

Abstract

The codification of labour laws in India reflects the State's constitutional mandate to safeguard socio-economic rights and advance social justice. Originating from colonial regulatory frameworks, labour jurisprudence has progressively incorporated constitutional values under the Preamble and Parts III and IV. The economic reforms of 1991, driven by liberalisation, privatisation, and globalisation (LPG), marked a turning point by introducing flexibility, informality, and deregulation into the labour market. These changes, reinforced by international debates such as the ILO's Decent Work and Informal Economy Report (2002), prompted a re-examination of the balance between welfare commitments and market-driven reforms. Recent codification initiatives namely the Code on Wages (2019), Industrial Relations Code (2020), Social Security Code (2020), and the Occupational Safety, Health and Working Conditions Code (2020) which represent an attempt to adapt to this evolving landscape. Judicial interpretation has been central in mediating these tensions. Courts have applied constitutional morality, socio-contextual reasoning, and diverse jurisprudential approaches to reconcile welfare objectives with economic realities. Emerging forms of work, especially gig and platform labour, further challenge traditional concepts of employment and require innovative judicial responses. This paper argues that Indian labour jurisprudence reflects a hybrid model shifting from paternalism towards pragmatism yet remains anchored in constitutional principles of dignity, equality, and social justice.

Keywords: Industrial Jurisprudence, Workman, Industry, Contract labour, Labour Codes.

Introduction

The codification of domestic Labour Laws has served as means of exercise of the State's constitutional responsibilities. The State ensure as a provider and protector of socio-economic rights of its workforce through the labour laws. The changing dynamics in laws and its interpretation has been evolving from colonial frameworks of the statutes via labour jurisprudence. This has been a progressive way of incorporating the rights-based mandates enshrined in its preamble along with the Part III and IV of the Constitution of India.

The Year 1991 has major significance over the development of industrial jurisprudence in India. The changed government policy by the liberalisation of economy, privatisation of institutions and globalisation of the market (LPG) initiated during this era provided for several structural reforms. It created the environment of flexibility, informality, and deregulation in labour markets. These reforms as further reflected universally through International Labour Organisation (ILO), *Decent Work and the Informal Economy*, Report VI, International Labour Conference, 90th Session, 2002 have generated considerable legal and academic debate on the balance between social welfare and socialistic pattern of government for sustainable economic growth. The 2029-20 law reforms initiative in the form of the Code on Wages, 2019; the Industrial Relations Code, 2020; the Social Security Code, 2020; and the Occupational Safety, Health and Working Conditions Code, 2020 is a resultant product of labour dynamics, which is still under the trial and error process. The role of judiciary is significant in reflecting these changes. Judicial interpretation in this evolving landscape is a powerful medium to reconcile welfare objectives with changing market realities. The courts have increasingly employed varied jurisprudential tools such as constitutional morality, and socio-contextual in its process to interpret labour statutes and constitutional provisions. This research paper aims to conduct a comprehensive jurisprudential analysis of these interpretive trends.

Research Design

The judicial interpretation of labour laws in India is shifting under the weight of competing pressures: safeguarding workers' rights, ensuring economic efficiency, and adapting to the changing industrial sectors. The work process is dominated with technology, formalisation and digitisation. Courts are tasked with interpreting new legislative frameworks and evolving employment relationships such as the 'Gig' and 'Platform' workers who are the evolved group of labour force, who are absence from the clear legislative frame work of traditional labour laws. It is identified as a critical gap in evaluating how different schools of jurisprudence have informed Indian courts' interpretive practices in this context.

The questions to be answered under the study are;

- How do judges justify their reasoning when confronted with tensions between labour rights and economic reform? and
- What legal principles, values, or philosophies that guide them?

This research paper will explore these questions by examining the changing dynamics of labour law interpretation in India. As such the Objectives of the study under this research paper through the doctrinal legal research focuses:

- To trace the historical and theoretical foundations of labour jurisprudence in India.
- To analyse key judicial decisions shaping the interpretation of labour laws from pre-1991 to the post-liberalisation era.
- To explore how emerging labour relations, particularly gig and informal work, are being judicially conceptualised.

It would test the hypothesis as to "The reinterpretation of labour laws by Indian courts reflects a departure from the traditionally paternalistic and welfare-centric approach to a more pragmatic, balanced model influenced by economic liberalism. However, this transformation remains bound to constitutional values such as dignity, equality, and social justice, suggesting a hybrid jurisprudence".

Genesis of labour laws in India

The development of labour laws in India is deeply embedded in its socio-political and economic history. From their origin in the colonial period to their transformation in the post-independence era and beyond, Indian labour laws have evolved in response to the changing nature of work, industrial relations, and the role of the state. While the understanding can be the historical trajectory of labour law in India, categorised across three broad phases: the colonial period, the post-independence era, and the liberalisation era. It analyses how legal frameworks, judicial reasoning, and policy ideologies have shaped the legal status and protection of labour in India.

Colonial Foundations of Labour Law (1850–1947)

India is one of the founder members of International Labour Organisation from 1919. The codifications of labour law in India was initially introduced by the British colonial government, not out of concern for workers' rights, but primarily to serve imperial economic interests. Early legislations were largely aimed at regulating the working conditions of Indian labourers, especially to ensure that their productivity was not compromised and that they remained loyal to the British employers. The Factories Act of 1881, was sought to regulate the working hours of children in textile factories. This legislation marked the beginning of state intervention in industrial employment. It was followed by the Indian Factories Act, 1891, which included regulations to protect the adult male and female workers.

The colonial era also saw the enactment of laws such as, Workmen's Breach of Contract Act, 1859, which penalised workers who left employment without notice. Trade Disputes Act, 1929, introduced to manage industrial conflict but restricted the right to strike. Payment of Wages Act, 1936, to ensure timely payment of wages without unauthorised deductions. The driving force behind these legislations was often pressure from British Parliament and humanitarian groups in the United Kingdom rather than domestic labour movements. These laws were not rooted in social justice

ideals, but in regulatory control, creating a legal infrastructure for the smooth operation of British industries and its companies in India.

Labour Law in the Post-Independence Period (1947–1990)

The attainment of independence marked a paradigm shift in the philosophical foundation of labour laws in India. The Constitution of India, adopted in 1950, laid down a transformative framework based on the principles of social justice, equality, and human dignity. Articles 14, 16, 19(1)(c), 21, and 23 form the bedrock of civil liberties, while the Directive Principles of State Policy (particularly Articles 39, 41, 42, 43, and 43A) guide the creation of a welfare state.

In alignment with these constitutional ideals, the Indian legislature enacted labour laws for promotion and protection of industrial relation, industrial peace there by statute for investigation and settlement of industrial disputes in the form of Industrial Disputes Act, 1947.The statute ensuring the standard of living the life with dignity and introducing economic stability by ensuring minimum wage payments in scheduled employments through the Minimum Wages Act, 1948. Similarly, social security measures were introduced to the minimum guaranteed level through the Employees' State Insurance Act, 1948, and the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 to the workers. "Industrial Worker" to "All Workers": Earlier, the statutory definition of "labour" largely covered industrial or wage-earning sectors. The Delhi Domestic Working Women's Forum case helped broaden the scope towards unorganized, work place and domestic workers, paving the way for later enactments like the Unorganised Workers' Social Security Act, 2008 *and* laid the foundation for broader definitions of workplace, culminating in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

India after independence as socialist state worked towards ensuring to protect and provide the labour rights with its constitutional mandate and ensured the enforcement international obligations. In this process Judiciary

also played a significant role as a guarantor in expanding the meaning of labour rights. Bandhua Mukti Morcha v. Union of India, the Supreme Court held that the right to livelihood is an integral part of Article 21, thereby constitutionalising the concept of employment dignity.

Domestic workers had long been excluded from the statutory scope of traditional labour legislations such as the *Industrial Disputes Act, 1947* and the *Factories Act, 1948*, the Court in Delhi Domestic Working Women's Forum case acknowledged them as part of the labour force deserving constitutional protection. This Delhi Domestic Working Women's Forum v. Union of India, concerned six domestic working women who were subjected to gang rape while travelling by train. The Court treated the incident as not merely a criminal matter but also as a violation of the fundamental rights of the petitioners under Articles 14 and 21 of the Constitution of India. Further, The Court directed the State to provide compensation and rehabilitation to the victims, affirming that compensation is not only a private law remedy in tort but can also be a public law remedy for the enforcement of fundamental rights. Traditionally, the meaning of the term "workplace" was confined to industrial or formal employment settings. The judgment in Delhi Domestic Working Women's Forum expanded this understanding by recognizing that women workers in informal spaces are equally vulnerable to exploitation. This interpretive development later influenced *Vishaka v. State of Rajasthan*, which laid the foundation for workplace sexual harassment jurisprudence. The Court stressed that labour should not be seen merely as an economic unit, but as a human being entitled to dignity, safety, and social justice, thereby broadening the jurisprudential scope of labour law.

The formation and existence of Trade unions gained legal recognition and political power during this era. However, the induced changes as socialistic pattern of law had the protective nature of labour laws, which in the later years contributed to a perception of rigidity, especially in the context of industrialisation, employment conditions, technology based skill training and establishment of new industries on-par with changing global needs

of industrial flexibility, which later became the reason for the economic reforms.

Post-Liberalisation Reforms and Codification

The economic reforms initiated in 1991 brought structural changes to the Indian economy, focusing on liberalisation, privatisation, and globalisation. These changes required the re-evaluation of the existing labour law framework, which was seen as complex, overlapping, and enforcement-heavy as contrary to the objectives of the economic reforms. The necessity was to simplify the labour laws and bringing forth the flexibility in employment code. In response, the State introduced four comprehensive Labour Codes between 2019 and 2020:

- The Code on Wages, 2019
- The Industrial Relations Code, 2020
- The Occupational Safety, Health and Working Conditions Code, 2020
- The Code on Social Security, 2020

These codes consolidated over 32 central Acts However, they have not been enforced in its totality due to objections from both the factors of labour law namely the employers, labourers and their unions, as well as the various informal sectors such as gig economy workers.

Judicial Review and changing Jurisprudence

The changes were also felt in the way the judicial interpretation were impacting the Industrial jurisprudence. It reflected an adaptive jurisprudence, wherein courts began balancing constitutional protections with economic exigencies. For instance, in National Campaign Committee for Central Legislation on Construction Labour v. Union of India, the Supreme Court emphasised the importance of state responsibility in ensuring social security for unorganised sector workers. In *Vikas Dubey v. Union of India*, the Tribunal reiterated that compassionate appointment is not a right, but a discretionary welfare measure aimed at alleviating hardship

following the death of a breadwinner. Unlike other statutory labour benefits, which are enforceable, compassionate appointment is exception-based, confined within policy boundaries. By contrast, in *Bandhua Mukti Morcha v. Union of India*, the Supreme Court interpreted the term "forced labour" under Article 23 of the Constitution expansively, holding that economic compulsion is also a form of forced labour. Here, the Court enlarged a constitutional term to protect vulnerable workers, while in *Vikas Dubey* the Tribunal restricted expansion to preserve administrative discretion.

The analyses for the research under this paper is focusing on the changing interpretation of different terms by Indian Judiciary of key terms in labour laws such as *workman*, *wages*, *industry*, *employment*, *retrenchment*, *strike*, and *contract labour.* It is relevant to note the significant transformations that is adopted through judicial pronouncements over the decades. The dynamic nature of industrial relations and the emergence of new forms of employment such as gig and platform work have led courts to revisit and redefine these terms in light of evolving economic realities and constitutional values. For instance, in National Campaign Committee for Central Legislation on Construction Labour v. Union of India, the Supreme Court emphasised the importance of state responsibility in ensuring social security for unorganised sector workers. The Supreme Court, have interpreted these statutory expressions which highlights the jurisprudential shift from rigid definitions to context-driven, purposive interpretations.

Workman

The statutory definition and judicial refinement of term 'workman' under labour law is according to the objective of the different Labour legislations. '*Workman*' as defined under Section 2(s) of the Industrial Disputes Act, 1947 means, "any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work. However, the term excludes persons employed in a managerial or administrative capacity".

Supreme Court has broadened the meaning and tried to reflect the jurisprudential changes in the industrial relations by giving a clear and price formula of identifying the workers who are covered under this. In the case of Bangalore Water Supply and Sewerage Board v. A. Rajappa, the Supreme Court introduced '*Triple Test and Dominant Nature Test'* to identify the beneficiaries under this Industrial Disputes Act, 1947. It was a purposive and expansive interpretation, while analysing the term 'worker'. The emphasised that asserting that the nomenclature of a post is immaterial and that the actual nature of duties must determine whether an employee is a *workman* under this Industrial Disputes Act, 1947. The Court rejected a narrow construction and stressed on the *dominant nature test* to decide applicability.

The change in the interpretation is in H.R. Adyanthaya v. Sandoz (India) Ltd., case where Supreme Court held that professional employees like pharmacists engaged in supervisory functions do not fall within the scope of *workman*. This distinction highlighted a judicial leaning towards a function-based classification rather than the employer's designation.

Industry

The interpretation of the term '*industry'* has witnessed the most extensive debate in the labour law. Section 2(j) of the Industrial Disputes Act defines it broadly as any systematic activity carried on by cooperation between employer and workmen. In Bangalore Water Supply, the seven-judge bench famously with the introduction of *Triple Test* expanded the meaning to include *educational institutions*, *hospitals*, *charitable organisations*, and even *clubs*, provided there is a systematic economic activity involving employer-employee relations. However, in State of U.P. v. Jai Bir Singh, the Supreme Court reconsidered this expansive view and held that small non-profit and sovereign functions may be excluded from the purview of *industry*. This reflects a move from blanket inclusivity to contextual exclusion, indicating a recalibration of the welfare-vs-economic efficiency paradigm.

Retrenchment

In the Section 2(oo) of the Industrial Disputes Act the term '*retrenchment*' is not defining the term with an *inclusive* definition. The definition is providing for its meaning as the termination of service for any reason except as punishment, superannuation, or voluntary retirement.... However, the courts have taken divergent views on whether termination due to non-renewal of contract or closure of undertaking amounts to retrenchment. While in Santosh Gupta v. State Bank of Patiala, the Court ruled that dismissal on grounds of reaching the age of retirement under company rules constituted retrenchment, since the statute did not provide otherwise. However, in Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, the Supreme Court overruled this Santosh Gupta case, holding that the statutory exceptions in Section 2(oo) must be interpreted narrowly and logically. The decision reinforced the legislative intent to protect employees from arbitrary termination while preserving managerial prerogative.

Contract Labour

The changing dynamics of the employment sector and Industrial Relations among the factors of production has been reflected in the interpretation of the term *contract labour.* This term *contract labour* has gained immense significance with the rise of outsourcing and informal work. Section 2(b) of the Contract Labour (Regulation and Abolition) Act, 1970 defines contract labour as workers hired through an intermediary (contractor) to work in an establishment. In Air India Statutory Corporation v. United Labour Union, the Supreme Court ruled that where contract labour is engaged in perennial nature of work and the principal employer has control over the worker, such workers are entitled to absorption upon abolition of contract labour.

This position, however, was diluted in Steel Authority of India Ltd. v. National Union Waterfront Workers, where a Constitution Bench held that there can be no automatic absorption without express direction from

the government under Section 10 of the Act. This was to prevent the trend of backdoor entry in the employment. The above ruling of absorbing of contract labourers to abolish it which was used for getting employment as supplant of regular methods in employment sector, detrimental to the very objective of transparency and good governance. This shift reflected a measure away from judicial activism in inducing meaning away from the objective and intention of the legislature-toward re-establishing the textual fidelity and separation of powers.

Gig Worker and Platform Worker

The rise of digital platforms in employment sector like Zomato, Uber, and Swiggy, the new terminologies such as *gig workers*, *platform workers*, and *aggregator-based employment* have been introduced in labour laws. This needed a separate recognition as it did not match with the conditions of employment as in traditional employer- employee relations in the existing employment sector. These terms were identified and formally acknowledged under the Code on Social Security, 2020. The judiciary is trying to identify theses difference; though judicial interpretation remains in its infancy. In the case of Zomato Delivery Partners Union v. Zomato Ltd., the Delhi High Court addressed the issue of whether gig workers are employees or independent contractors. While the court did not conclusively classify them, it noted that the degree of control exercised by the platform over worker behaviour would be a relevant test in future determinations. This judicial hesitancy shows that Indian courts are cautiously navigating the balance between recognising new labour realities and avoiding premature classification without legislative clarity.

Labour Codes (2019-2020)

Labour law reforms through the enactment of four consolidated Labour Codes between 2019 and 2020, was as a move toward simplification, flexibility, and formalisation. However, these codes have also faced significant scrutiny from labour unions, legal scholars, and civil society organisations for allegedly undermining worker rights and constitutional

guarantees. While analysing the dynamics of changing meaning of the terms with the changing objectives, it is necessary to examines whether these new legislative frameworks align with or dilute the constitutional mandates enshrined in Articles 14, 19(1)(c), 21, 23, and 43, as well as the Directive Principles of State Policy (Part IV).

Code on Wages, 2019

This Code on Wages consolidates labour laws relating to wages, including the Payment of Wages Act, Minimum Wages Act, Payment of Bonus Act, and Equal Remuneration Act. A significant change is the universalisation of the concept of minimum wages across sectors. However, the Code delegates critical powers such as setting minimum wage thresholds and determining floor wages to the executive branch of the government. This is the basic concerns of trade unions over legislative abdication and lack of judicial oversight.

Industrial Relations Code, 2020

The Industrial Relations Code merges the labour laws on trade unions, standing orders, and industrial disputes. It introduces provisions allowing establishments with up to 300 workers to lay off or retrench without prior government approval, a significant increase from the earlier threshold of 100. This has been challenged for violating Article 21, which encompasses the right to livelihood as recognised in *Olga Tellis v. Bombay Municipal Corporation*.

Social Security Code, 2020

The Social Security Code extends benefits to gig workers, platform workers, and unorganised sector employees as an important development. However, the plain reading of this code brings in the doubt that its provisions are aspirational, as there is no legally binding entitlement to benefits, but merely a framework contingent upon executive notification.

Occupational Safety, Health and Working Conditions Code, 2020

The Occupational Safety, Health and Working Conditions Code consolidates laws governing working conditions, health, and safety standards. It allows the Central Government to exempt any establishment from the application of the Code during a public emergency or "in the interest of the general public." Such wide discretionary powers can invite constitutional challenges under Article 14 for violating the principle of reasonableness and non-arbitrariness.

Constitutionality of New Labour Codes

Though the implementation of these Labour Codes is bits and pieces and is yet to be fully operationalised, its constitutionality is under scrutiny before various High Courts and Supreme Court through public interest litigations in India.

In *All India Trade Union Congress (AITUC) v. Union of India*, a petition was filed before the Supreme Court challenging the constitutionality of the Industrial Relations Code on the ground that it restricts the right to form unions and collective bargaining under Article 19(1)(c). Though the matter is sub judice, it has rolled the stone of ambiguity and raises key issues about the content of labour rights as fundamental rights, rather than mere statutory privileges. Further, in *Centre for Labour Rights v. Union of India*, case pending before the Karnataka High Court, petitioners argue that the codification exercise amounts to excessive delegation and fails the test of constitutional accountability, as laid down in *Delhi Laws Act case*.

The points of Conflicts with Labour Code and the Constitutional provisions are thus summarised as; with reference to the code providing for Arbitrary exemptions, discretionary powers to exclude establishments as in violation of Article 14 providing for Right to Equality; Limitations on the right to strike and formation of unions without state control as in violation of Article 19(1)(c); Retrenchment provisions that do not require prior approval for layoffs threaten job

security as against Article 21; Gig and platform workers may face exploitative conditions resembling forced labour as against Article 23; Absence of enforceable guarantees for living wage and worker participation in management as against Article 43 and 43A Directive Principles of State Policy under the Constitution of India.

The study identifies that there is shift in the legislative language and objectives of the New Labour Codes. It marks as a clear disappearance from the pro-worker, post-independence industrial reforms/restructuring policy in 'Social Welfare State' orientation of earlier laws. There appears to be a shift toward economic liberalism, where labour flexibility is privileged over security. This reflects conflict while analysing the codes as written, interpreting them in light of constitutional morality and socio-economic justice and the parallel trend of minimalistic role of the judiciary, where courts avoid interfering with economic policy unless fundamental rights are clearly violated. As the Guarantor of rights the Courts will play a defining role in determining the future trajectory of these Codes, whether they become instruments of inclusive growth or deregulation at the cost of equity.

Conclusion and Suggestions

The history of labour law in India is a reflection of the broader political and economic transformations of the nation. From colonial control mechanisms to welfare-oriented frameworks, and eventually to reformist codification efforts, Indian labour jurisprudence has evolved in tandem with shifts in constitutional philosophy, economic policy, and judicial reasoning. Understanding this evolution forms the basic to analysing contemporary debates on labour rights, legal reforms, and the role of courts in securing economic justice. Further, the role of the judiciary as the guarantors of the rights enable the identification of changing jurisprudential dynamics and labour policy in India. These judicial interpretation of key terms in labour law as reviewed under this research paper illustrates a fascinating evolution from literalism to purpose based interpretation and, more recently, to contextual pragmatism. Courts have

in fact sought to balance the need for worker's protection with economic reforms and structural flexibility. As new forms of work relationships emerge, particularly in the informal and digital economy, the meaning of labour law terms will continue to evolve. It is imperative that courts and lawmakers maintain a rights-based approach, ensuring that the dynamic interpretation of terms does not compromise the constitutional ethos of dignity and equality for all workers. The study further highlights that, Labour Codes, while modern in form tries to be comprehensive in structure, but pose substantial constitutional questions. The Constitution provides a moral and legal compass through which courts must examine these Codes there by ensuring that flexibility for business does not come at the cost of fundamental worker rights. Thus, their ultimate legitimacy will rest not only on legislative intent but also on judicial interpretation.

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Contribution of Indian Constitutional Courts on Protecting the Rights of the Workers With Special Reference to Payment of Employee's Compensation and Labour Rights

Dr D Kannan, Associate Professor,
Labour Law and Administrative Law Department,
The Tamil Nadu Dr. Ambedkar Law University,

Abstract

In order to make the awareness of the workers right and the legal provisions with special reference to right to claim the payment of employees' compensation for their personal injury as well as the death benefit is the most important issue it is to be enlightened before the working class. Industrial accidents and diseases are for more frequent and for more damaging, than most people not directly concerned in the industry realize; the public is shocked from time to time by mass disaster, particularly in hazardous industry, but it is scarcely aware of the endless toll of death, suffering and hardship caused by day to day accidents which kill or injure only few at a time but many in all that no means only in the so called dangerous trade or hazardous industry. In terms of human misery, suffering and domestic hardship, the industrial accident injuries are terrible. Hence the human resource loss is a loss of productive power and the production which is involved a serious economic issue. The Constitutional courts in India has viewed the payment of employee's compensation is a notional extension in a case where the deceased the motor driver, who was attacked and murdered by dacoits while he was on duty driving the vehicle. The Orissa High Court has held that there was a causal connection between accident and the employment claim. Hence he is entitled for compensation. Hence this research work might be necessary to contribute the changes in the society.

Keywords: Indian Judiciary, Employee's compensation, Labour rights, Social security

Introduction

The Law relating to Labour and Employment in India is primarily known under broad category of "Industrial Law". Industrial law, in this country, is of recent vintage and has developed in respect to the vastly increased awakening of the workers of their rights, particularly after the advent of Independence. Industrial relations embrace a complex of relationships between the workers, employers and government, basically concerned with the determination of the terms of employment and conditions of labour of the workers. Escalating expectations of the workers, the hopes extended by Welfare State, uncertainties caused by tremendous structural developments in industry, the decline of authority, the waning attraction of the work ethics and political activism in the industrial field, all seem to have played some role.

The right to claim compensation of the workers in India which is evolved and inter-connected with the judicial interpretation and supervision. Indian Judiciary, one of the three greatest branches of the state and also an important organ of the state, is a creature of the Constitution of India. The Supreme Court of India is the apex judicial body in the Indian Judiciary, the most revered and the most adulated of all the institutions, upon which the Constitution of India bestows a great responsibility of managing judicial administration of the entire nation. In the following part is an attempt and is made to explore how far the judiciary has fulfilled the trust reposed upon it in the process of discharging its constitutional obligations and appreciate the rationale behind the judicial philosophy in the light of social justice and social security. The contribution of Indian Judiciary on the Employee's Compensation after India's Independence the concept of social security has enshrined in the need of society.

The Constitution of India and Labour rights

In the preamble of the constitution of India it was provided that the Constitution is to secure to all its citizens amongst other things "Justice Social, Economical and Political". The Supreme Court of India also held

that the objectives specified in the preamble contain the basic structure of our Constitution. So the State cannot be allowed to deny the Social justice. Accordingly, it cannot be disputed that the court is bound to take into account the concept of social justice wherever it is required. The term social justice is identified in the concept of Directive Principles of State Policy in the Constitution of India. The social justice and social security are the major aspects of public policy it extends of prevalence in a measure of progress made by a country towards the ideal of a welfare state.

The observations of their Lordships of the Supreme Court have to be read in their own context. In encompass, it is the duty to maintain the social order in which the economic, social and political rights. In the *G.B. Pant University of Agriculture of Technology Case* the Supreme Court of India observed that the basic framework of socialism provides a decent standard of life to the working people. The Court held that the right to live with human dignity, enshrined in Article 21, derives its life-breath from the directive principles of the State policy and particularly Clauses (e) and (f) of Article 39 and Articles 41 and 42. The court further held that continued treatment, while in service or after retirement, is a moral, legal and constitutional concomitant duty of the employer and the State. Therefore, it must be held that the right to health and medical care is a fundamental right under 21 read with Article 39 (c), 41 and 43 of the Constitution to make life of the workman meaningful and purposeful with dignity of person.

This Constitution of India provides the following

a. for securing the health and strength of employees, men and women;
b. that the tender age of children are not abused;
c. that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
d. just and humane conditions of work and maternity relief are provided; and

e. that the Government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organisations engaged in any industry.

The International Labour Organisation contemplates in its preamble that the Declaration of Philadelphia achieved the protection against sickness, disease and injury arising out of employment. The Constitution of India also reiterates the same under Art.42 guaranteed that the State shall make provision for securing just and humane condition of work and for maternity relief.

Indian Judiciary and its critical views on payment of employee's compensation in protecting labour rights

The liability of employer for personal injury caused to the employee including the permanent disablement, which is inducted on only after the Constitution of India. The Employer's liability is determined as per the provision of chapter II of the Act, so, the payment of compensation shall be within the scope of the Act. The following are the parameters for the employer's liability:-

i. the accident shall cause personal injury to the employee;
ii. such accident happening in the course of and out of the course of his employment;
iii. the personal injury includes the occupational disease

There must be a causal connection between the accident and employment that is the claim for compensation succeeds if accident is on account of risk which is an incident to employment. In the same decision Mr.Justice. V. Ramasami j., ordered that the meaning of the words "in the course of the employment" mean "in the course of the work which the workman is employed to do and which is incidental to it".

The words "arising out of employment" are understood to mean that "during the course of the employment, injury has resulted from some risk

incidental to the duties of the service, which, unless engaged in the duty owing to the master, it is reasonable to believe the workman would not otherwise have suffered".

The Judiciary in India is in one step further that the workman involved in an accident while resting after food, or taking tea or proceeding from one place of employment to another place is regarded as accident arising out of and in the course of employment. Where the workman received injuries in an accident while proceeding to get his monthly salary as regarded as accident within the scope of chapter II of the Act, hence the employer is liable to pay compensation. The Hon'ble High Court of Andhra Pradesh has held that the workman injured in the course of employment while lifting weight for the employer was treated in hospital for 10 days, he then returned to work but was again absent and was re-admitted to hospital for Titanus and subsequently he died after leaving the hospital.

The court viewed the facts in pari materia and considered the claim of the dependents. Hence, the employer is liable to pay compensation. A Railway Guard, who prevented miscreants from entering luggage wagon, was threatened with murder, resulting in his heart failure. The death was held to be in the course of employment since the treat had serve impact on his mental condition which accelerated cardiac arrest and causing death. Hence, the employer is liable to pay compensation. Where the worker under the process of tightening tooth wheel of the concrete mixer machine, in order to avoid damage to the machine, the worker's thumb and index finger were caught in the machinery cutting them off. The court held that the worker is entitled to claim compensation under the Act. The liability for compensation might arise even if accident occurred in a so-called private place if the accident can be shown to have taken place in the course of employment. The Employee's Compensation Commissioner cannot award compensation except on proof of facts sufficient to impose liability on employer.

In the case of the death of an employee, the employer is ultimately liable though there is a defence to avail on the facts. In such case the court

held that a deceased employee has failed to wear the prescribed dress and violation of dress regulation cannot be a defence to the employer where death is caused. The Employee was sustaining injury and died due to his own negligent driving. He filed petition u/s 110 of Motor Vehicle Act, 1939 and the same was rejected. It's not bar to claim compensation under the Act and the employer is liable to pay compensation. In 1954, Smt. Laxmibai Atmaram's Case His Lordship Justice. Chagla observed that if the workman was suffering from a particular disease and as a result of wear and tear of his employment he died of that disease and the employment is a contributory cause or the employment has accelerated the death or it could be said that the death was due to not only the disease but also the disease coupled with the employment, then the employer is liable. After this Hon'ble Bombay High Court decision, the Act was amended in 1959 and the space for occupational disease was established.

The Hon'ble Allahabad High Court has held in Mrs. Noor Jahan's Case that the worker proceeding his work from one place to another place and he was knocked down by a motor lorry on a public street, is an accident within the scope of sec.3 of the Act, the employer is liable to pay compensation. A workman was bitten on his finger the scorpion while he was on duty and he was admitted as an in-patient under the hospitalization it developed tetanus and he died. The Rajasthan High Court held that the Act is asocial welfare legislation and the court should give beneficial interpretation for allowing compensation.

The Indian judiciary has viewed on social justice, manner and awarded the payment of employee's compensation to the employee who is in casual nature. A casual employee who employed abroad meets with accident; the Hon'ble High Court of Kerala has held that the employer is liable even the employee is in casual nature. The same court observed that being bitten by a poisonous insect is an injury by accident covered under the provision of the Workmen's compensation Act since the injury was during the course of employment, though it is not confined to injury by mechanical process or a vehicle. Where there was a communal riot on his way to work place, the

workman was murdered in the riot. The Hon'ble High Court of Madras held that the dependents are entitled to get the employee's compensation. Such accident is deemed to be an accident in the course of and out of the course of his employment.

In a Full Bench Case the Madras High Court has held in B. M. Habeebullah Maricar, v. Periaswami and others Case that The object of the Act was to make provision for the payment of compensation to a workman only, i. e., to the concerned employee himself in case of his surviving the injury in question and to his dependants in the case of his death in view of Sec.2(1)(n).

Moreover Sec.8(4) which enjoins refund of the compensation to the employer in case no dependants are forthcoming, leaves no room for doubt that the Act was not intended to benefit any person except the workman and his dependants. The High Court observed that the meaning of the expression 'pass to any person other than the workman by operation of law' through the Sec.2(1)(d) of the Act defining the term 'dependant' would show that it is not intended to benefit all the heirs of a deceased workman, but to embrace only those relations who, to some extent, depend upon him for their daily necessities, so much so that even some of his nearest and dearest ones, viz., sons who have attained majority, married daughters, and an illegitimate daughter, whether married or unmarried are excluded if they were not dependant on the worker's earnings, wholly or in part. Kinship coupled with dependency, is thus made the sole criterion for a person, to fall within the ambit of the definition.

Where a workman suffering from heart disease after working for eight hours on a hot day in a mill dies, then it is proper to hold that he died of injury by accident arising out of and in the course of his employment. When a person is on leave, he is not at all in the course of his employment. The Calcutta High Court held in Indian Tabbaco Company's Case that where the death of a workman was due solely to his disease, no compensation could be claimed against the employer. But if looking at the whole body of facts, it can be drawn as a fair inference and without over-nice conjectures

that an act done in carrying out the conditions of the employment caused in part at least a physiological injury which resulted in or accelerated the death, the employer will be liable for compensation, because one of the causes of death arose out of the employment under him and by reason of the conditions of that employment.

Conclusion

According to the Nobel Prize Economist Prof. Amartya Sen has said that the social security is having two approaches that i) growth mediated security and ii) support-led security, according to him, to promote the economic growth and its potentialities by grater general affluence in order to expand the private as well the public support; the later security that the wide ranging public support in the domains such as employment-provision, income redistribution, health care, education and social assistance in order to remove the destitution without waiting for a transformation in the level of general affluence. In the light of social security legislation like the Employee's Compensation Act, the social justice and social security is an indispensable factor. The concept of social security is designed to provide the economic security to the worker and their families. The Report of the National Commission on Labour the concept of social security observers that the members of a community shall be protected by collective action against the social risks which is causing undue hardship and privation to the individuals whose prime resources can seldom is adequate to meet them. The Supreme Court held that if the victim of an accident suffers permanent or temporary disability, then efforts should always be made to award adequate compensation not only for the physical injury and treatment, but also for the pain, suffering and trauma caused due to accident, loss of earning and victim's inability to lead a normal life and enjoy other amenities. The Supreme Court of India observed that the ideal state to which our social welfare State has to approximate in an attempt to ameliorate the living conditions of the workers.

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5. **Olga Tellis v. Bombay Municipal Corporation*;* AIR 1986 SC 180**, that right to life guaranteed in Article 21 of the Constitution of India includes right to livelihood.

A Study on Contribution of Dr. B.R Ambedkar in Labour Legislation of India

G. RAMAJEYA
Research Scholar
SRM INSTITUTE OF SCIENCE AND TECHNOLOGY,
Kattankulathur, chennai

Abstract

Dr. B R Ambedkar, a pioneering social reformer and principal architect of the Indian constitution made remarkable contributions to the formulation and strengthening of labour legislations in India. In (1942-1946) as the member of Viceroy's Executive council incharge of labour. Dr. B.R Ambedkar spearheaded a series of progressive labour reforms, ensuring equity, dignity, fair wages and social security for Indian workers. He takes steps to Minimum wages, working hours, Equal pay and welfare measures for industrial workers. He drafted the Indian Trade Union (Amendment act) 1942, which strengthened workers'ability to unionize and negotiate with employers. His vision led to the establishment of Social Security measures and provisions for fair employment practices,which later became part of DPSP in the Indian Constitution. This paper Critically Emphasis Dr. B.R Ambedkar enduring Contribution to labour Legislation, highlighting his vision for equitable industrial relations and his efforts to address the Exploitation of laborers. It also examines how his reforms laid the foundation for modern labour laws, ensuring the protection and welfare in Independent India. By tracing his legislative efforts, The study also explores his role as a champion of labour justice and social transformation.

Keywords: Dr. B.R Ambedkar, Contribution to labour Legislation, social justice and equity, labour reforms and welfare.

Introduction

Dr. B.R Ambedkar a visionary leader and Architect of the Indian constitution made significant contributions to labour rights in India. India has the world's largest population and second Largest workforce among all countries and It plays a crucial role in its economic development. Dr.Ambedkar recognized the critical role of labour in economic growth and social transformation. His tenure as a labour member of the viceroy's executive council (1942-46) marked a turning point in Indian labour policy with several progressive reforms aimed at improving the working conditions, wages and welfare measures for laborers.

Dr. B.R Ambedkar's labour reforms were rooted in his commitment to economic democracy and social inclusion. He Championed the introduction to reduce the working hours from 12 hours to 8 hours in factories Act 1948, and to strengthened worker's rights to organize or union under the Indian trade union Act 1942, Minimum wages and other social security measures such as Maternity Benefits and Insurance for workers, pension schemes etc… and recognizes the uplift of marginalized worker's communities and also he sought to protect vulnerable workers from exploitation and ensure their economic dignity.

Evolution of Labour Legislation By Contribution of Dr. B.R Ambedkar

Pre independence Era:

Foundation of labour reforms:-

Before Independence, labour laws were primarily shaped by colonial policies that were designed to serve the interests of the British empire rather than the Indian workers. Workers, particularly in industries like textile, mining and plantations, faced harsh working conditions, long hours, low wages and minimal social security. British government passed, Factories Act 1881 to regulate working hours and conditions in factories, though it was limited in scope and failed to address the needs of workers adequately and

also passed Trade Union Act 1926, this was the first legal framework that allowed workers to form Trade unions, though it had significant limitations and did not offer adequate protection for workers.Dr. Ambedkar's role in shaping labour legislation began when he was appointed as labour member of Viceroy's council in 1942. He used his position to push for reforms that would improve the conditions of industrial workers and ensure social welfare.

- Dr.Ambedkar successfully introduced amendments to the Factories Act 1942 to reduce working hours from 12 to 8 hours a day and implemented better safety standards significantly improving labour conditions.
- Indian Trade union Amendment Act 1942 Dr.Ambedkar worked on Amendment to this act which helped to strengthen the rights of workers to organize and form unions. It made provisions for legal recognition of Trade unions and encouraged collective bargaining.
- Dr. Ambedkar advocated for the introduction of social security measures for workers including insurance pension schemes and Healthcare and laying the groundwork for post independence policies on constitution and labour legislation.

Post Independence Era:

Formalization of labour laws:-

After Independence in 1947 Dr Ambedkar as the first Law Minister of the country and the chief architect of the Constitution helped institutionalise laborers rights through Constitutional provisions and Labour Legislation.

Constitution of India 1950:

Fundamental rights: Dr. B.R Ambedkar ensured that Indian Constitution guaranteed Equality before law (ARTICLE 14), Non discriminated by state ensure equal opportunities and equality of employment (ARTICLE16), Ensure liberty (ARTICLE 21), ensure the the right to assemble and form

union (ARTICLE 19 (1)(c)), Prohibition of forced labour (ARTICLE 23), and protection of child labour (ARTICLE 24).

Directive Principles of State Policy: Dr. B.R Ambedkar enshrined provisions to ensure dignity, just and humane conditions of work under (ARTICLE 39,41,4243 and 43A) including fair wages, occupational safety and social security for workers. Provide equal pay for equal work to both men and women (ARTICLE 39(d)). The Constitution of India is a parent act for all Labour Legislation.

Other labour legislation:

Trade union Amendment Act 1942: This act gives guarantee to Formation of labour unions and prevention of unfair labour practices.

Industrial Dispute Act 1947: This Act provided a legal framework for the resolution of industrial disputes aiming to prevent strikes, lockouts, layoff, retrenchment, and collective bargaining while protecting worker's rights.

Minimum wages Act 1948: Dr B.R Ambedkar pushed for the frame Minimum wages Act 1948 aimed to protect workers from exploitation by ensuring they received fair wages for their work for the laborers. This act gives minimum guaranteed wages to the workers who are working in industries.

Employees State Insurance Act 1948: This law introduced a health insurance scheme for workers, providing medical care and financial support during periods of illness or injury or death.

Factories Act 1948:Building on the 1942 amendments this comprehensive Act regulated working hours,safety standards and welfare measures for factories workers

Equal remuneration Act 1976:Though enactedsßs after Dr. Ambedkar's time, this law embodied his vision of gender equality in the workplace by ensuring equal pay for equal work under the Article 14 of the Indian constitution 1950.

Relationship Between Labour Legislation and Constitution of India

Labour legislation in India is deeply embedded in the constitutional framework with the Constitution serving as both the foundation and guide for the development of labour laws. Through the protection of Fundamental rights, Directive Principles of State Policy of social and economic justice and the state›s commitment to ensuring just conditions of work,Dr. Ambedkar, as the principal architect of the Constitution, envisioned labour welfare as an essential component of India's democratic and economic framework.

Fundamental Rights and Labour protection:-

The Constitution of India guarantees certain fundamental rights which directly influence labour rights and worker protection. These rights provide a legal basis for the protection of workers from exploitation and ensure that labour laws are aligned with principles of justice and equality.

- Article 14 (Equality before law):

  It ensures that all workers are treated equally before law, prohibiting discrimination on grounds of religion, caste, sex, or place of birth; this provision forms the basis for equal opportunities in the workplace and protection against discriminatory labour practices.

- Article 19 (Freedom of speech, assembly and associations):

  As per this provision guarantees workers the right to form associations and unions, which is essential for protection of their interests. These rights to form unions facilitate the collective bargaining aspect of labour laws. *In this case upheld workers' rights to unionize, aligning with Ambedkar's contribution to strengthening trade union laws and collective bargaining under the Indian Trade Unions Act*

- Article 23 (Prohibition of forced labour)

  It Prohibits forced labour and trafficking in human beings. Labour laws such as the Bonded Labour System (Abolition) Act 1976 are directly influenced by this institutional provision and ensure that workers are not subjected to Coercion or Exploitation in any form. *A PIL was filed seeking the release of bonded laborers in stone quarries.The Supreme Court interpreted Article 21 (right to life) as including the right to live with dignity and declared bonded labor unconstitutional.Strengthened the prohibition of forced labor under Article 23 and linked it with labor welfare*

- Article 24 (Prohibition of child labour)

  This article prohibits the empowerment of children under the age of 14 in factories, mines and other hazardous occupations. It laid the foundation for legislation like the Child and adolescent (Prohibition) Act 1986. *The court prohibited the employment of children in hazardous environments. Rehabilitation of children: The court ordered the rehabilitation of children affected by child labor. Compensation: The court ordered employers who illegally employed children to pay Rs. 20,000 into a fund for the benefit of the child. Employment for family members: The court ordered the government to provide employment for an adult family member of a child employed in hazardous work. If this wasn't possible, the government was ordered to contribute Rs. 5,000 to the fund for each child.*

Directive Principles of State Policy and labour legislation:-

Directive Principles of State Policy in (Part IV) of the Constitution, guide the Government in formulating policies, including labour legislation. Though they are not enforceable in court of law, these principles set out the ideals and goals for the development of labour laws.

- Article 39 (e) and (f):

  These clauses direct the state to ensure that the economic system does not exploit workers and that men and women are provided with equal remuneration for equal work. It is reflected in the labour legislation such as the Equal Remuneration Act 1976. *The Supreme Court held that even though the "equal pay for equal work" principle is not explicitly stated as a fundamental right in the country's Constitution, it is recognized as a goal under Articles 14 and 16 as well as article 39(d) of the constitution.*

- Article 41:

  This provision instructs the states to secure the rights to work and ensure public assistance in case of unemployment, old age, sickness and disability. It forms the basis for social security and welfare laws like the Employees State Insurance Act 1948 and Employees Provident fund Act 1952.

- Article 42:

  This Provision directs the state to make provisions for securing just and humane conditions of work and Maternity relief, Influencing labour laws such as the Maternity Benefits Act 1961 and Factories Act 1948. *Although posthumous to Dr.Ambedkar's era, this landmark case on workplace harassment reflects his legacy of emphasizing women's safety, securing just and humane conditions of work and equality in labor environments.*

- Article 43:

  This Article mandates the State to secure a Living wage, decent conditions of work and decent standard of living for workers. It is the guiding principle behind labour laws related to Minimum wages such as Minimum wages Act 1948. *The Court ruled on the concept of fair wages and working conditions, reinforcing principles*

found in Ambedkar's labor reforms, such as the Minimum Wages Act and Industrial Disputes Act.

Fundamental Duties and Labour rights:-

Though not directly related to labour Legislation, the fundamental duties (Part IVA) of the Constitution also reinforce the constitutional ethos that upholds the dignity and welfare of workers.

- Article 51A(e):

  Directs Citizens to renounce practices that violate human dignity and reinforcing the need for laws that protect workers from exploitation. State role in labour legislation and constitution:-

  The Constitution grants the states the authority and responsibility to enact laws that promote the welfare of workers, regulate working conditions and prevent exploitation.

- Entry 22 of union list (VIIth SCHEDULE):

  This Entry gives the Central government the power to legislate on matters related to labour, including industrial disputes, trade unions and social security. This allows for the creation of comprehensive labour laws like the Industrial Disputes Act 1947 and Trade union Act 1926.

- Entry 24 of Concurrent list (VII th SCHEDULE)

  This Allows both the Central and State Governments to enact laws concerning labour welfare, including wages, Insurance and the regulation of working conditions both levels of government can legislate on above issues. This guided the principles to enact labour legislation such as Factories Act 1948 and Trade Union Act 1926.

Conclusion

As a visionary leader and policy maker, Dr. Ambedkar recognized that the progress of a nation is intrinsically linked to the welfare of its workforce. His efforts to improve labour conditions, ensure fair wages and promote social security have left an indelible mark on India's labour law Framework. Dr. Ambedkar's vision extended beyond immediate labour welfare aiming to dismantle systematic exploitation rooted in caste and class hierarchies. His advocacy for workers rights to unionize, social security measures like Provident funds and pensions and gender equality in the workplace laid the foundation for modern labour laws.

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Rearticulating Retrenchment: Legal Frameworks and Jurisprudential Challenges of AI Driven Workforce Displacement.

Dr.Sheema S.Dhar
Associate Professor of Law,
Government Law College,
Thiruvananthapuram, Kerala

Introduction

The rapid adoption of artificial intelligence (AI) and automation is transforming workplaces and labour markets globally. While these technologies offer productivity gains they also pose significant risks of job displacement, especially in sectors with repetitive or routine tasks. Existing labor laws such as the Industrial Disputes Act 1947 and even the Industrial Relations Code 2020 are not fully equipped to address the unique challenges posed by AI driven workforce changes. The article addresses the concerns in AI driven workforce displacement in the context of retrenchment laws. The procedural safeguards guaranteed under the retrenchment provisions are originally designed to protect displaced employees allowing them time to secure alternative employment as retrenchment is considered as an unforeseen termination. However with the AI driven displacement the prospects for reemployment are significantly diminished revealing that the underlying jurisprudential rationale of retrenchment does not adequately address such terminations. This situation necessitates a reconsideration and comparative analysis of both the legal and jurisprudential foundations underpinning existing retrenchment laws.

Retrenchment: Judicial Approach

Retrenchment is fundamentally linked to the concept of redundancy where employees are let go not due to any fault of their own but because their roles have become surplus to the organization's needs. These employees are otherwise qualified and willing to continue working but their services are no longer required simply because there is no work available for them. The interpretation of retrenchment has evolved significantly through various landmark judgments that witnessed a shift from the initial narrow approach that limited it to the discharge of surplus labor to broadened definition. In *State Bank of India v. Sundara Money* the court held that retrenchment covers every termination of service by the employer for any reason whatsoever except those specifically excluded such as punishment for misconduct, voluntary retirement etc. (AIR 1976 SC1111).The court through judgments like *Hariprasad Shiv Shanka Shukla v. A.D.Divelkar* (AIR 1957 SC 121) and *Workmen of Meenakshi Mills Ltd. V. Meenakshi Mills Ltd.* (AIR 1994 SC 2696) clarified and sometimes restricted the meaning but the general trend has been towards a wider interpretation. In *Santhosh Gupta v. State Bank of Patiala* it was observed: [I]f the words "for any reason whatsoever" are understood to mean what they plainly say, it is difficult to escape the conclusion that the expression 'retrenchment' *must include every termination of the service of a workman by an act of the employer* (1980 LAB I.C. 687, 689).

The court often balanced the intent of the legislature with the need to protect workers' rights, sometimes leading to interpretations that go beyond the literal meaning of the statute to advance social justice. The underlying rationale for the procedural safeguards established in the retrenchment process is grounded in principles of social justice, economic security and industrial harmony.

Procedural Safeguards

Section 25F of the Industrial Disputes Act 1947 requires not only compensation but also advance notice and government notification

reinforcing procedural fairness and transparency in the retrenchment process. Non compliance renders the retrenchment invalid underscoring the mandatory nature of these protections. In *Pramod Jha V. State or Bihar* the court reaffirmed that statutory obligations cannot be bypassed through administrative convenience or cost saving arguments ((2003) 4SCC 619). Retrenchment embodies a commitment to protect vulnerable workers from the adverse consequences of economic restructuring while allowing businesses the flexibility to adapt to changing circumstances.

Retrenchment compensation acts as a vital financial buffer for employees facing sudden job loss serving several key protective functions that collectively support their financial stability and well being. This compensation also grants employees valuable time to seek new employment, retrain or upskill alleviating the urgent pressure to accept unsuitable jobs simply to make ends meet. Justice Gajendragadkar observed: "…the expression "retrenchment compensation" indicates it is compensation paid to a workman on his retrenchment and it is intended to give him some relief and to soften the rigour of hardship which retrenchment inevitably causes. The object of retrenchment compensation is to give partial protection to the retrenched employee and his family to enable them to tide over the hard period of unemployment" (Indian Hume Pipe Co Ltd v. Workmen and Another AIR 1960 SC 251para. 6) In *Workmen of Sudder Office Cinnamara v. Management* the court reiterated that the jurisprudence of compensation under the Act is not merely about money but also about creating a fair mechanism for reemployment and protecting seniority rights (AIR 1972 SC 1563).

AI Driven Job Displacement: Nature and Scope

AI has already begun to displace significant numbers of workers. In 2025 alone 77,999 jobs were eliminated due to AI, with daily averages reaching nearly 500 positions lost (Saini Kaustubh et al.). The World Economic Forum (WEF) projects that 41% of employers globally plan to reduce their workforce in the next five years due to AI automation. As per the estimates from the McKinsey Global Institute up to 800 million jobs could

be displaced by automation by 2030 with 375 million workers requiring significant retraining to remain employable (Manyika James et al.). Sectors such as manufacturing, transportation, retail, finance and administrative support are particularly vulnerable as many of their core tasks can be automated by current AI and ML technologies (Jain Agrim). Despite the significant risk of displacement, AI also has the potential to create new employment opportunities particularly in areas related to the development, implementation and oversight of these technologies (OECD). The AI can lead to lower wages and increased income inequality especially for workers whose jobs are most easily automated (Acemoglu Daron et al.).

AI-Driven Displacement and Retrenchment

The definition of workman under the Industrial Disputes Act was crafted for a mid 20th century industrial economy dominated by manual, skilled, semiskilled and clerical roles (Sankaran Kamala). While broad on paper its practical scope reveals limitations when drawn onto AI Driven job displacement trends. Many employees vulnerable to AI automation such as data entry operators, IT helpdesk staff, technical support roles and even lower tier analysts often perform mixed tasks that include supervisory or decision making elements. Employers sometimes classify such employees as managerial or supervisory staff to place them outside the protective ambit of workmen (Srivastava A.B.). A rapidly growing segment of the modern workforce operates as gig workers or on crowd sourcing platforms (Srinivasan Vasanth). These workers, although performing manual or routine tasks are usually classified as independent contractors (GOI Act No.36 of 2020) rather than employees and thus keep them outside the definition of workman. Employers increasingly hire workers on fixed term contracts or short term project agreements (Sankaran Kamala). At the end of the term they simply do not renew the contract effectively achieving retrenchment without triggering statutory safeguards. The Act's re-employment obligations under section 25H applies only to retrenched workmen when the same employer rehires for similar work. But with AI driven automation, entire tasks or job functions may vanish permanently

making reemployment under the same employer unrealistic and no alternative redeployment or up-skilling obligation exists (ILO).

The Act focuses on individual disputes or small group retrenchments. It is not designed to address large scale, technology driven redundancies where entire categories of workers may become obsolete within months (Kumar Ruchi). Section 25H and reemployment right is limited and largely ineffective for AI induced redundancies. Once tasks are automated there is no vacancy for the same role. Employers can restructure operations so that new tasks created by AI demand skill sets that the displaced workers do not possess (WEF). There is no statutory obligation on employers to retrain or redeploy displaced workmen to the newly created roles even if related (Iyer Ramaswamy).

Comparative Perspective

A comparative examination of the European Union, Germany and Singapore illustrates diverse legal and institutional approaches to addressing collective redundancies particularly in the context of technological change. Within the European Union the Collective Redundancy Directive (EC Directive) obliges employers contemplating large scale redundancies to undertake prior consultation with employee representatives, devise social plans for redeployment or retraining and notify the competent labour authority. Article 1 of the Directive broadly defines dismissal to include any employer initiated termination even voluntary exits if initiated by the employer and offers Member States two alternative thresholds for determining what constitutes a collective redundancy. Article 2 to 4 further stipulate that employers must explore avenues to avoid or reduce redundancies, mitigate their consequences and ensure that dismissal do not take effect until at least thirty days after official notification although the enforcement of these provisions ultimately rests with national legal systems. In Germany the Works Constitution Act 1952 entrenches robust participatory rights for works councils requiring employers to consult with the council (§102(1)) prior to any retrenchment, provide detailed written justifications and consider alternatives such as reassignment. For mass redundancies or operational

restructuring employers must negotiate a reconciliation of interests (§111) and a social compensation plan (§112) with non compliance (§102(1)) potentially rendering dismissals invalid (§102(2)); although works councils cannot veto dismissals outright they may object and propose alternatives (§102(3)&(4); and notification of federal authorities is mandatory in cases of mass redundancy (§17). By contrast, Singapore adopts a predominantly advisory approach through its tripartite partnership comprising the Ministry of Manpower (MOM), the National Trades Union Congress (NTUC) and the Singapore National Employers Federation (SNEF). Employers are encouraged to consult early, provide outplacement assistance and avoid abrupt technological terminations but the underlying guidelines are largely non binding. Nonetheless employers with at least ten employees must file a Mandatory Retrenchment Notification within five working days of informing any employee of retrenchment, adhere to contractual notice periods preferably market practices and MOM advisories on retrenchment benefits and employee support. Disputes arising from unpaid contractual benefits may be mediated through the Tripartite Alliance for Dispute Management (TADM) and escalated to the Employment Claims Tribunal where necessary. Collectively these regimes demonstrate varying levels of legal enforceability, social dialogue and employer obligations in managing workforce displacement in an era of rapid technological disruption.

Indian retrenchment laws as shaped by the Industrial Disputes Act 1947 and the Industrial Relations Code offer strong statutory protections such as mandatory notice, compensation and government approval for larger establishments. However unlike the EU Directive and Germany's legally entrenched consultation frameworks India's regime emphasizes procedural compliance over genuine social dialogue often resulting in rigid adversarial outcomes. The mandatory last come first go rule and uniform compensation lack contextual flexibility and protections do not extend to workers in smaller or informal sectors. Furthermore punitive remedies take precedence over restorative or participatory solutions. In contrast EU and German models prioritize collaborative negotiation, adoptive restructuring

and proactive engagement with employee representatives offering more balanced and fair retrenchment practices.

Key Takeaways

Definition of workman requires expansion by amending sec.2(s) to expressly include platform workers, gig workers and contractual workers under employer control as they currently get social security under the Code on Social Security 2020. Inserting provision requiring employers executing AI driven retrenchments to offer reasonable retraining and redeployment since sec 83 of the Industrial Relations Code 2020 only mandates a re-skilling fund without binding retraining or redeployment obligations. Introduction of explicit provisions for collective redundancies caused by technological change like mandatory advance consultation with union, social impact assessments and redeployment plans becomes the need of the day. Establishment of an AI Displacement Social Security Fund contributed by employers benefitting from large scale AI integration to support re-skilling and income continuity for displaced workers.

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Climate Change Challenges and Consequences on Labour Rights: A Legal Minefield

Dr. S. Mano
Assistant Professor, Government Law College, Chengalpattu

Abstract

Most of the civilizations of the world declined due to extreme climatic conditions and they acted as push factors in human migration and resulted in mass exodus of Peoples. Now, the Earth is facing extreme weather conditions due to climatic change and the labourers are directly affected by these changes. According to the International Labour Organisation, Workers are directly prone to the climate change issues like excessive heat, Vector borne diseases, extreme weather events, UV radiations, pollution and agrochemicals and in addition it describes the impact of climate change as "Cocktail of hazards". Green jobs initiatives can be good for both the Labours and earth planet. To ensure the safety and to maintain good health of the workers it is essential for the legislature to enact legislation to mitigate the impact of climate change. A holistic approach is needed to address the challenges of climatic change. Legal dearth on the subject of climate change and labour rights are discussed in this paper. Furthermore, this paper focuses on the adverse effects of climate change on labourers and how the labourers can be legally prevented from these inevitable hardships by comparing with international best practices.

Keywords: *1. Climate Change, 2. Labour Health, 3. Health Hazards, 4. Green Jobs, 5. Just Transition.*

Introduction

Decent Work and Economic growth, Industry innovation and Infrastructure, Responsible consumption and production are some of the sustainable development goals 2030 which are directly related to

Industries. In order to achieve these goals Climate Action should be taken and Climate resilience should be achieved. Industries play a major role in climate change especially when it relates to intensified heat waves, forest fires, floods, desertification, and droughts. The world of work is affected by these extreme and unpredictable climatic conditions. In the COP, 29 which was held in Baku, the International Labour Organisation highlighted the impact of climate change on Labour and it proposed the Just Transition policies and its significance in protecting labour rights. Every day, environmental activists and the global community are creating awareness to reduce the earth's heat to pre-industrial level. To address the climate crisis, it is important to create more green jobs, which is a win-win situation for both the labourers and environment. This paper focuses on the Climate Change challenges and consequences on Labour rights.

Climate Change Challenges

COCKTAIL OF SERIOUS HEALTH HAZARDS

The ILO report which is ensuring safety and health of workers at work in a changing climate elaborated the various health hazards due to extensive heat, Vector borne diseases, agrochemicals, air pollution, Ultra Violet Radiation exposures and extreme weather events. These six climate change factors are considered a reasonable threat to the workers who can be directly affected by all these serious health hazards, this report extensively analyzes the prevailing global conditions.

Climate Change Consequences On Labour

i. IMPACT ON LABOUR PRODUCTIVITY

It has been pointed out in a recent study The labour productivity may reduce to 40% in our county by the end of this century due to climate change impacts. Not only in our country are the majority of countries in South Asia, Western and Central Africa and South America. This research is based on more than 700 heat stress trials conducted among workers. It was suggested that the heat stress among the workers can be mitigated by

shifting the working time to night time or shade work. Furthermore, this study warns that this heat stress or extreme wind are not only affecting the agricultural workers but have its implications on food security of the world because of the reduced crop sizes. U.N identifies that productivity slows down at temperatures above 24 – 26 degree Celsius and workers' performance will be reduced to 50 % if they tend to work at 33-34 degree Celsius.

ii. IMPACT ON LABOUR ALLOCATION

One of the significant effects of long-term climate change is on labour allocation. This hedonic approach of empirical study conducted in the country China which is the second most populated country in the world, helps to identify the long-term climate change impacts and individual adaptation to that than the shorter weather changes. The main consequence of climate change on Labour is identified as Migration and adaptation. Labour as an important production factor and shift of them from agricultural to other sectors have definite implications on the Labour market. In addition to that, this empirical study focussed on the labour migration from climate change affected severely damaged sectors to less vulnerable sectors pertaining to the country China. The World Economic Forum has identified that the workers as emergency responders, outdoor workers and workers working in hot indoor environments are directly affected by climate change.

iii. IMPACT ON LABOUR SUPPLY ESPECIALLY NUMBER HOURS OF WORK

In this study temperature exposure responsive functions (ERF) are assessed between indoor work and outdoor which has direct exposure to sunlight. Based on the number of hours of work by the employees. Workers are prone to Heat strokes, heat exhaustion or even death are identified as potential threats of climate change effects. These temperature shocks can be mitigated through the thermoregulatory infrastructure otherwise it will hinder economic growth. The World Economic forum identified that

3.8% of total working hours could be lost due to climate-induced-high temperature.

Impact on Job Security

The United States Environment Protection Agency said that the poor air-quality, disease carrying insects, flooding, hurricanes and wildfires affect the workers ability to work and those have potential to damage business assets, transport routes, industrial and agricultural infrastructure. It is anticipated by Deloitte as "that around 13 million workers in the U.S can lose their job due to extreme climate change conditions and economic transition policies." 1.8 billion labour hours can be lost by 2100 and with the significant loss of 170 billion dollars.

iv. IMPACT ON HEALTH OF THE WOKERS

Respiratory illness, heat related ill-health, physical and mental health of firefighters and healthcare workers, vector borne diseases are direct impacts of climate change on the health of the workers.

Ilo Conventions

Various international labour standards are created by the International Labour Organisation to govern the health and safety of the world workers. The future of work is not only governed by technological advancements but also going to be impacted by the effects of climate change. So, as a pioneer in protecting labourers' rights ILO took numerous measures which included intensive study on the subject, practically analysing world workers' situation and proposing measures to prevent them from health hazards. Some of the conventions which are pertaining to the Occupational Safety and Health of the workers are given below,

i. The Occupational Safety and health Convention, 1981 (No.155)
ii. The Occupational Safety and Health Recommendation,1981 (No. 164),

iii. The promotional framework for Occupational Safety and Health Convention, 2006 (No.187),
iv. The Prevention of Major Industrial Accidents Convention, 1993 (No.174) and Recommendation, 1993 (No.181)
v. The Working Environment (Air Pollution, Noise and Vibration) Convention,1977 (No.148) and Recommendation, 1977 (No.156)
vi. List of Occupational Diseases Recommendation, 2002 (No.194)

India and Climate Change

Among the Green House Emitting Countries India is the third largest country which is emitting C02. India ratified the Kyoto Protocol in 2005 but was not obligated to reduce the emissions under that protocol because it was not included in Annexure, the I party of UNFCC. But India committed to reduce the effects of climate change by taking various measures including sustainable development, extended produce responsibility, carbon offsetting and establishment of the Environmental Courts National Green Tribunal.

i. NATIONAL COUNCIL ON CLIMATE CHANGE

Importantly India has formed a high-power National Council on Climate change in 2008 under the head of Prime Minister and its main goal is to protect its economy from greenhouse gas emissions. It has following 8 missions,

a. National solar Mission
b. National Mission for enhanced energy efficiency
c. National mission on Sustainable habitat
d. National Water Mission
e. National mission on Himalayan sustainable eco system
f. Green India mission
g. National mission on sustainable agriculture
h. National Mission on Strategic knowledge for climate change

A separate Ministry of New and Renewable Energy was established to encourage non-conventional energy generation. Different Schemes were created under the above 8 categories. Climate change adaptation and mitigation is effectively done under this Action Plan.

ii. INDIAN LABOUR AND CLIMATE CHANGE

Labouring through climate crisis report identified climate change impact on the informal economy in India. Various unorganised workers affected by the climate change are categorised and different impacts of climate change have been specified. Agricultural workers, construction workers, conservancy workers, transport and tourism employees are more vulnerable to climate change.

In Deccan Herald Article It has been explained that around 259 billion hours of labour were lost in India between 2001-2020 due to humid heat and will lead to displacement of 37.5 million workers by 2030.

V.V. Giri National Institute of Labour which was established under the Ministry of Labour and employment specifically conducting various training programmes on the title of managing livelihood and social protection in the light of Climate Change.

The number of gig workers in digital platforms like food and grocery delivery service app providers and app drivers are more prone to the effects of climate change especially because of heat stresses. More workers are diverging into digital platforms and also exposure to extensive heat.

a. LACK OF HEAT ACTION PLANS

India doesn't frame any heat action plans for the workers especially who are working in outdoor from extreme heat waves and some part of the country is facing extreme climate. Heat strokes, cardiovascular disease and kidney disease are some of the diseases may happen due to extreme heat which may extend up to 50 degrees Celsius

b. LACK OF LEGAL PROVISION

Lack of legal provision in Indian Labour laws to protect the workers from the effects of climate change reflects the law has not been transformed based on the climatic transformation.

Just Transition

The term "Just Transition" is emerged on 1970's and it was used by International Trade Union movement to protect the workers and their jobs from environmental hazards and later ILO has given guidelines for Just transition and also included in Paris Agreement, 2015.

M.K.Ranjitsinh Vs Union Of India In India the term Just Transition is used in the above case which was filed to protect the Great Indian Bustard and the Lesser Florican while developing renewable energy infrastructure.

Heat waves are categorised under the disaster of Natural hazards by the National Disaster Management Authority.

Job Creators-Green Job Initiatives

The World is moving towards the Net zero by 2050 which means zero emissions, that could be possible by global green transition. One of the positive elements of climate change is the creation of green jobs. The world is transitioning towards sustainable energy with a demand for green skills, for example sustainability specialists, renewable energy engineers and solar energy installation engineers. Green talent should be encouraged and upskilling the existing workers with green skills at this time will reap a good result.

International Solar Alliance

India and other tropical countries of the world formed a group called International Solar Alliance in 2015 with the aim to develop Solar Energy and wanted to make use of the extreme heat of the Sun instead of using non-renewable energy and to produce clean energy. First International

Organisation which was established in India and India headed this International Solar Alliance and as a leader to world countries. Moving towards sustainable energy will create more green jobs with green skills.

Conclusion

A multi-pronged approach is needed to mitigate the impacts of climate change impacts and at the same time it is essential to protect the labour from the adverse effects of climate change. So, separate legislation is needed to protect the labours of India, especially to govern the problems of climate change and to reap the positive element of world transition towards renewable energy. As a large demographic dividend potential country, India can utilise its large workforce population in a green economy by upskilling them with green skills.

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Equal Pay, Unequal Practice: Gender Disparities in Global Employment

POOJA SP
Advocate, LL.M student
Central university of Kerala

NIRVRITHY PRASANNAN S
Advocate, LL.M student
Central university of Kerala

K. GOPIKA
Advocate, LL.M student
Central university of Kerala

Abstract

Gender equality signifies equal opportunities, responsibilities, and rights for all genders in both economic and social contexts. Yet, unequal pay, limited opportunities, and discriminatory treatment remain pervasive worldwide. In India, laws such as the Equal Remuneration Act, 1976, and the newer labour codes — Code on Wages, Code on Social Security, Industrial Relations Code, and Occupational Safety Code — were designed to ensure equality but often fall short in enforcement. Women in sectors like retail, textiles, and domestic work face casual employment, unsafe conditions, and unequal pay. Internationally, countries like Poland and those within the European Union have made progress through pay transparency and parental leave reforms, but structural inequalities persist. Profit-driven models frequently override gender justice. Without binding legal and ethical obligations for employers, the promise of gender equality will remain aspirational rather than real.

Introduction

The global debate on workplace gender equality has intensified over recent decades, yet practical achievement remains elusive. Structural barriers

continue to limit women's access to fair pay, job security, and career advancement. The gender wage gap is one of the most visible indicators of this inequality. Even with legislative frameworks, enforcement challenges hinder progress, particularly in India. This chapter introduces the underlying causes of the gender pay gap, examines relevant legal mechanisms, and explores how socio-economic structures reinforce inequality in India and beyond.

Concept of Gender Equality and the Gender Pay Gap

Gender equality requires that all individuals, regardless of gender, have the same rights and opportunities in all areas of life. In India, women remain under-represented in leadership and over-represented in low-paid sectors, with a gender pay gap estimated at 19%. Factors such as discrimination, occupational segregation, and disproportionate caregiving responsibilities exacerbate the gap. Addressing it demands legislative reform, strict enforcement, corporate accountability, pay transparency, and cultural change. True equality emerges when society values women's work equally and ensures equal access to opportunities for both professional and personal growth.

Legal Provisions in India: Provisions and Pitfalls

India's constitutional guarantees under Articles 14, 15, and 16, alongside statutes like the Equal Remuneration Act, Code on Wages, and Maternity Benefit Act, seek to safeguard workplace equality. However, discriminatory state regulations, informal hiring practices, weak enforcement, and legal loopholes undermine these protections. "Protective" laws sometimes exclude women from higher-paying jobs under the guise of safety. Informal sectors remain largely unregulated, penalties are rare, and corporate audits often obscure violations. Without effective enforcement, pay transparency, and genuine accountability, legal promises fall short of delivering equality.

The Condition of Informal Women Workers in India

Informal women workers dominate sectors such as construction, domestic work, agriculture, and garment manufacturing — often without contracts, job security, or grievance mechanisms. Despite equal qualifications, women face delayed entry into formal employment, stagnant career growth, and discriminatory hiring. In the ₹42 billion garment export industry, workers sewing for global brands may earn as little as ₹2,000–₹5,000 a month, well below living wage levels. Discriminatory practices exploit menstruation or maternity to justify exclusion, while fixed-term contracts evade statutory benefits. The Supreme Court's recognition of unpaid wages as forced labour under Article 23 has seen little practical enforcement. Reform requires stronger legal action against wage theft, enforceable commitments from multinational corporations to pay living wages, and the expansion of women-led economic initiatives.

Global Examples and International Approaches

Several countries have introduced reforms to address the gender pay gap. The European Union's Pay Transparency Directive mandates employers with over 250 employees to conduct gender pay audits and publish results. Iceland requires certification of equal pay policies, penalising non-compliance. In Poland, EU directives have spurred reforms, yet private sector disparities persist, especially in finance and technology. The United States' Lilly Ledbetter Fair Pay Act (2009) strengthens workers' rights to challenge pay discrimination. While these measures have improved awareness and accountability, cultural and structural biases continue to limit progress.

Structural and Cultural Roots of Disparity

Systemic discrimination, entrenched social norms, and corporate practices undervalue women's work. Gender bias frames women as secondary earners, limiting their access to higher-paying roles. Occupational segregation assigns "male" and "female" job labels, with the latter often receiving lower pay. In Air India v. Nargesh Meerza (1981), the court condemned

discriminatory retirement and pregnancy rules for female flight attendants. The absence of pay transparency perpetuates hidden discrimination, while temporary contracts deny benefits in export-driven industries reliant on cheap female labour. Token diversity initiatives fail without substantive measures such as affordable childcare, healthcare access, and equitable career advancement opportunities. In Vishaka v. State of Rajasthan (1997), the judiciary established binding sexual harassment guidelines, yet workplace harassment remains widespread, limiting women's career progression.

Contradictions in India's Labour Protection System

India's labour laws often create barriers instead of opportunities for women. The Factories Act, 1948, intended to protect women, has been misused to exclude them from higher-paying industries. The Maternity Benefit Act, 1961, grants 26 weeks of leave, yet employers circumvent this through fixed-term contracts. Night-work regulations vary across states, with some banning women entirely despite the Occupational Health and Safety Code (2020) permitting it with safeguards. Enforcement remains weak — over 94% of factories ignore the crèche requirement, and POSH Act committees often exist only on paper. International supply chain pressures from brands like Tesco and H&M drive exploitative wages and conditions.

Towards a Gender-Just Workplace: Pathways and Policy Measures

Achieving equality requires public pay reporting, gender audits, and strict enforcement. Affordable childcare and family-friendly policies, as seen in Scandinavian countries, can reduce unpaid care burdens. Legal literacy campaigns, civil society engagement, and proactive judicial intervention can strengthen women's workplace rights.

Conclusion

Workplace gender equality is not merely a legal or policy concern but a question of democracy, dignity, and progress. Despite a robust legal framework, India's gender equality goals are hindered by weak enforcement,

cultural bias, and the commodification of women's labour. Beyond legislative measures, achieving equality demands a structural and cultural transformation in how women's work is valued. Only through integrated reforms can the gap between the ideal of justice and the reality of inequality be bridged.

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Ethical Working Patterns in a Rising Work From Home Economy

Akash Chatterjee,
University of Calcutta,
Department Of Law,
Research Scholar.

Abstract

Work culture evolves with time and context, keeping one thing steady; an ethic. Ethics are a part of foundational structure that regulated work and working relations irrespective of the genre, field, timing and mode. Increasing work from the home work force poses significant challenges to this mechanism of maintaining work ethics and work life balance. As covid was a paradigm shift in changing the way people work, rules and regulations were often relaxed in the favour of employers who wanted to solicit maximum work. The notional flaw of viewing work from home to be more casual and giving liberty to overwork violates a basic aspect of equality and puts employees at a risk of burnout. In several sectors like IT, legal-technology, legal process outsourcing, the work is increasingly being delegated and managed through overseas networks operating virtually. There is a dominant need for labour laws to protect work hours and working conditions even though they may be virtual. Labour laws should go beyond traditional working establishments and include working relations at the same time.

Keywords: Virtual, WFH, holistic, labour laws, ethics

The Existing Framework

The legal system does not already have any particular law, encouraging or controlling telecommuting, the flexi-time policy, hybrid models or home-based work. Part of remote work is however covered by other general labour laws like the Industrial Employment (Standing Orders) Act of 1946 and the Contract Labour (Regulation and Abolition) Act of 1970. The courts in India have broadly interpreted these laws in such a way that to deserve

the basic rights and protections. This comprises wage and hour rights, protection according to given state labour laws, and leave benefits as well as social security benefits. It is the obligation of the employers to provide the remote workers with the required resources and infrastructure and also make them uniformly treated, offset the pay and conditions to their office counterparts. The transition to the work-at-home environment during the COVID-19 pandemic is one such reason; in 2020, the Ministry of Labour and Employment issued a circular urging organisations to embrace the same and have clear remote work policies in place to safeguard the rights and well-being of employees. Additionally, the *Model Standing Orders For the Services Sector, 2020* has given a formal allocation to the concept of work from home and giving the employers the authority to grant the employees to work out of the offices during specific durations, through mutual consent. To this end, the Code on Social Security, 2020, permits women employees going back to duty after pregnancy leave to make a request of remote work where possible and labels a home-based worker as any individual who generates products or services at home or in any other place that is not the office of an employer regardless of whether it is the employer or employee who provides the inputs or tools. Such definition is parallel with work from home and widens the legal acknowledgment of non-standard working environments. As much as such advancements are an indication of progress, the Indian labour ecosystem could be better suited with a more cohesive and coherent approach to a legal environment that unambiguously regulates and categorises different types of remote and hybrid employment when remote digital working environments are increasingly becoming a permanent feature of modern employment.

Most of the policies put in place in India regarding employee surveillance in remote working environments are self-regulatory since there are no particular laws that govern such settings. The emergence of the COVID-19 pandemic placed numerous employers in an unprecedented situation where they had to quickly switch to remote work without any established legal or even ethical framework allowing them to supervise the activity of employees. Such abrupt change showed flaws in the prior policies and

caused uneasiness and even a demonstration among the workers, one of which was the workers being requested to leave their cameras on full-time, at the behest of a client. The lack of a legal requirement in India that employers must necessarily time their remote employees does not mean that the employers are not obliged to monitor working hours; the current set of labour laws place such an obligation to monitor working hours with respect to purposes such as provision of overtime payment and other statutory requirements. The records need to be taken into account by the employers as they should display working hours correctly, and there is no entry that shows that an employee has worked over the amounts prescribed by the law, introducing subsequent overtime costs as a result. In addition, the legal system around sexual harassment at the workplace has adapted to the new ways of working remotely. This new definition of a workplace that is stated in the Prevention of Sexual Harassment (PoSH) (3) Act now encompasses the home of an employee and therefore it is important that employers must ensure that they guard against the misuse of virtual communication platforms. This involves establishing that the use of video conferencing and others types of online supervision are not avenues of malpractices and harassment. Employers should find the fine balance between their legitimate monitoring and protection of privacy and dignity of employees. With the recent shift into hybrid and remote working in India, organizations need to review their internal policies in accordance with the legal requirements and ethical standards of maintaining distributed employees to continue to be an effective employer.

The Impact Beyond Laws, With People

Here in India, no legislation is well in place that compels the employer to bear the cost of acquiring work equipment or repayment of the costs that accrue to an employee as he works at home. Although there is no statutory requirement, it is normally assumed that all the tools required in work including laptops, mobile phones, and other tools would be offered by an employer should the employer desire that an employee works at home. These gadgets are normally meant to be specifically used in dealing

with work related data so as they can be secure and compliant. But as far as operational expenses such as cost of internet service or the bills of electricity, the legal aspect remains silent. Consequently, firms engage in different reimbursements practices basing on own policies. With the onset of the COVID-19 pandemic, a mass working-from-home regime, employers have been facing uncertainties in the context of the enforcement of many of the old labour laws. These are the confusion related to scope of health and safety regulation under different state specific Shops and Establishments Acts (S&E Acts), and in accordance with the national act Contract Labour (Regulation and Abolition) Act, 1970. There are also other liabilities like giving creche amenity as required under the Maternity Benefit Act, 1961 and compensation due to injury of the remote workers, that are complex liabilities in a complex work scenario. This absence of code evolved jurisprudence or the authoritative judicial interpretation has resulted in a wide variation of application as well as lack of clarity on the part of the employer and the employee in relation to the rights and obligations concerning them. The system of law in India has not been fully conformed with changes in the remote and hybrid work format. Therefore, the matter of this branch of law is in its infancy, and new regulatory changes can be introduced by determining its specifics through the legislation.

India's evolving work culture, especially in the digital and remote work era, has highlighted significant concerns around work-life balance, excessive hours, and the blurring of professional boundaries. A recent survey by Indeed paints a troubling picture: 88% of employees report being contacted outside of official working hours, and 85% are reached even during holidays or sick leave. This "always-on" culture has led to heightened stress, increased employee burnout, and growing dissatisfaction. Despite 81% of employers acknowledging the risks of losing talent due to poor work-life balance, 66% still believe that limiting after-hours communication could reduce productivity revealing a paradox where short-term performance pressures override long-term employee well-being. The situation is worsened by outdated labour laws, such as the Factories Act, 1948, which governs overtime but applies mainly to factory workers. This leaves a vast

number of white-collar professionals often categorized as "executives" or "officers" outside the scope of legal protections for overwork and overtime pay. Many of these employees routinely clock 12–14 hours a day without extra compensation. The shift to remote and hybrid work models has further dissolved boundaries between work and home, creating a culture where constant availability is normalized. Compounding this is the erosion of trade unions and collective bargaining power following India's economic liberalization in the 1990s. With limited legal protections and weakening labour advocacy, many employees today find themselves with little recourse against exploitative practices in white-collar sectors, including those run by multinational corporations. This evolving reality urgently calls for comprehensive labour reform to address the needs of a digital, service-oriented workforce. The Industrial employment (Standing Orders) Act 1946 was set with an aim of making sure that all employers of Industrial establishments explicitly spell and explain to employees the conditions of employment. Its main objective was to facilitate industrial peace, both to the interests of the employers and to the rights of the employees by exercising openness and consistency. But this law did not suffice to respond to the realities of remote work, more so during the COVID-19 when a large percentage of the Indian workforce moved to a work-at-home situation. The Act fails to place any guidelines in non-traditional or far areas on governing conditions of employment. To close such a gap, in 2020 the Indian government introduced the Draft Model Standing Orders Apr Service Sector in Section 29 of a then-uninitiated Industrial Relations Code, 2020. The Model orders where an important step as these orders openly contained a right to work out of the workplace which was a precedent in the Indian labour policy. What is to be achieved via the Model Orders is to act as a default employment mechanism of places of work within the service industry and establish definite rules in relation to shift schedules, attendance, time off privileges, payment schedule, and retirement plans, medical checks, and so on. The precedent was the relaxed boundaries imposed on them when introduced during the pandemic as a quick stopgap measure against the altered job climate, providing short-term

rules during legislature lag. The Model Standing Orders are a significant measure in recognizing and legitimizing flexible work arrangements in the construction sector in the Indian service-oriented economy despite the fact that the Indian Relations Code itself is yet to be implemented. This development is indicative of the fact that the government has acknowledged the fact that remote work is a viable option in the long term, and therefore a more dynamic legal framework that accommodates the interests of both employers and employees in a digital-first world is needed.

Conclusion

In spite of the fact that work-from-home has been included as a possible strategy in the Draft Model Standing Orders for the Service Sector, 2020, it has virtually created a lot of confusion regarding its radius and the sphere of influence. There have been uncertainties of different industries and sections of staff that are within their jurisdiction thus necessitating an extended explanation. The substantial criticism of the Model Orders only lies in the failure of the document to even determine the minimum standards of remote work, leaving the employees at the mercy of the employers, who may make some arbitrary decisions concerning them. Compared to international best practices, governing the working environment in India is not inclusive or protective to home workers. The thesis of the paper is that it is about time that the legal system be rethought to accommodate the changes in workplaces, and that there should be a transition to fairness, inclusivity, and productivity in remote employment conditions. Although in some ways, the Occupational Safety, Health and Working Conditions Code (OSH Code) is progressive, it does not directly mention the health and safety issues unique to remote workers. Along with the arguments developed based on the comparative legal models, the international standards drawn by International Labour Organization (ILO) emphasize the necessity of other such safeguards as guaranteed non-working time, ergonomically safe equipment, secure digital infrastructure, and flexibility of breaks to facilitate physical and mental well-being. Importantly, the Indian regulations should include these aspects to safeguard healthcare methods

put to use by vulnerable workers such as pregnancy, chronic health diseases, and being a caretaker of dependent with disabilities. By incorporating this inclusivity into the legislative system, not only the welfare of the employees will be promoted but the engagement in workforce will also be increased. In addition, remote working policies should have compulsory financial support in reimbursement of teleworking costs, including internet, electric bills, home office equipment, so that it could be financially equal and performance could be achieved. With remote work turning out to be a lasting part of the labour market, Indian labour law has to adjust to give certainty, security and equity to all sectors of the workforce.

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Labour Standards in the Blue Economy: Protecting Coastal Workers and Combating Marine Plastic Pollution

Asha P, B.Sc.,M.Sc.,B.L.,LLM
Research Scholar,
Bharath Institute of Higher Education and Research,
Chennai.
Assistant Professor at Hindustan Institute of Science and Technology,
Padur, Kelambakam.

Abstract

The blue economy covering fisheries, shipping, coastal tourism, and maritime trade depends heavily on the invisible labour of coastal workers who clean shorelines and manage marine litter. Despite their crucial role in sustaining ocean health and the tourism economy, these workers are exposed to multiple hazards, including toxic waste, extreme climate conditions, and lack of protective equipment. At the same time, marine plastic pollution continues to escalate globally, threatening biodiversity and livelihoods. This article integrates two interlinked themes: the occupational rights of coastal and shoreline sanitation workers, and the need to embed labour standards in blue economy governance. It examines Indian labour laws, international conventions of the International Labour Organization (ILO), and case studies that highlight both gaps and solutions. The paper concludes that a sustainable blue economy requires the recognition of coastal cleaners as "environmental workers," alongside strong occupational health and social security protections.

Introduction

The blue economy has emerged as a central paradigm for sustainable ocean governance, defined by the World Bank and United Nations as the sustainable use of ocean resources for economic growth, improved

livelihoods, and ecosystem health. However, the blue economy cannot thrive without recognising the labour of those who work to protect the marine environment, particularly coastal workers who engage in shoreline cleaning, waste collection, and marine litter management. These workers are indispensable actors in combating marine plastic pollution, which the United Nations Environment Programme (UNEP) identifies as one of the gravest environmental challenges, with 11 million tonnes of plastic entering the oceans annually (UNEP 2021). Yet, their contribution is often overlooked in labour laws, environmental regulations, and policy frameworks. Instead, they remain at the intersection of informality, poverty, and environmental degradation. This article situates coastal sanitation workers within the broader debate on labour rights in the blue economy, demonstrating that marine sustainability and worker dignity are inseparable goals.

Who Are the Coastal Workers?

The term "coastal workers" in this context refers to individuals engaged in the cleaning, collection, segregation, and disposal of marine and coastal waste. These include municipal and state employees hired by local governments, who formally handle beach cleaning but often without adequate safety gear or training. Contractual and informal workers, engaged seasonally during tourist seasons, frequently fall outside formal protections provided by the Contract Labour (Regulation and Abolition) Act, 1970. Community volunteers and NGOs, including fisherfolk, women's self-help groups, and environmental activists, regularly engage in shoreline cleaning drives but are not recognised as "workers" in law. Waste pickers, who collect recyclable plastics and debris for livelihood, are acknowledged under the Solid Waste Management Rules, 2016 but not specifically in coastal contexts. Thus, while these categories of workers sustain the environmental and tourism economy, they remain invisible in legal and policy frameworks, reinforcing their vulnerability.

Risks and Vulnerabilities

Coastal workers face multi-dimensional occupational risks. Exposure to hazardous waste such as syringes, chemical residues, and medical debris places them at constant risk of infection and disease. Physical hazards, including cuts, injuries, and entanglement with fishing gear, are routine. Prolonged contact with decomposed waste and burning plastics leads to respiratory illnesses and skin conditions, while climate-related risks such as sunstroke, dehydration, and monsoon hazards exacerbate their vulnerability. The lack of protective equipment, such as gloves, boots, and masks, directly contravenes occupational health standards embedded in both Indian law and international frameworks. From a constitutional perspective, the failure to provide safety gear violates the right to health and safe working conditions under Article 21 of the Constitution of India, as recognised in Consumer Education and Research Centre v. Union of India (1995).

Legal and Policy Frameworks

Indian Labour Law Protections India: It has consolidated its labour regime into four codes, with two of particular relevance. The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) requires employers to provide protective equipment, medical facilities, and training. Section 6 specifically obliges employers to ensure a safe working environment. However, because coastal workers are often informal or seasonal, they fall outside its ambit. The Contract Labour (Regulation and Abolition) Act, 1970 provides for welfare amenities and health protections for contract workers, but enforcement is weak in informal coastal sanitation. The Unorganised Workers' Social Security Act, 2008 defines "unorganised worker" and entitles them to social security schemes such as insurance and pensions. Yet, poor registration means that coastal workers rarely access these benefits. Additionally, the Code on Wages, 2019 ensures minimum wage protections, but informal workers often remain underpaid, highlighting a gap between law and practice.

Environmental Regulations the Solid Waste Management Rules, 2016: It recognise waste pickers and mandate municipal authorities to integrate them into waste management systems. However, they do not extend specifically to marine waste. The Coastal Zone Management Plans (CZMPs), developed under the Environment Protection Act, 1986, focus on environmental conservation but neglect labour rights.

International Standards At the global level -The International Labour Organization (ILO): It provides comprehensive protections. The Maritime Labour Convention, 2006 (MLC) safeguards seafarers' rights, including medical care, safe working conditions, and repatriation rights, directly relevant for those encountering marine debris at sea. ILO Convention No. 155 on Occupational Safety and Health requires states to adopt policies for all workers, including those exposed to contaminated marine waste. ILO Convention No. 188 on Work in Fishing mandates occupational safety and health for fishers, including pollution-related hazards. Complementing these, the Sustainable Development Goals (SDGs) notably SDG 8 (Decent Work and Economic Growth) and SDG 14 (Life Below Water) highlight the indivisibility of ocean protection and labour rights.

Linking Labour Standards and Marine Plastic Pollution

The fight against marine plastic pollution cannot be divorced from labour protections. Workers in fisheries, ports, waste management, and shipping are at the frontlines of marine pollution impacts. Initiatives such as "Fishing for Litter" in Scotland, where fishers collect marine debris during fishing trips, demonstrate how environmental protection can align with safe and decent work when supported with guidelines and funding. In India, the SWaCH Cooperative in Pune, a waste picker-owned organisation, provides protective gear and fair wages to waste pickers, preventing plastics from reaching oceans while ensuring worker dignity. These examples underscore that circular economy approaches which seek to minimise plastic waste and maximise recycling must integrate occupational health and safety standards.

Rights Coastal Workers Should Have

Drawing from constitutional guarantees, labour laws, and International Labour Organisation standards, coastal workers should enjoy the following enforceable rights:

1. Right to Safe Working Conditions
2. Right to Health Care, including Vaccinations and Medical Check-ups
3. Right to Fair Wages and Job Security
4. Right to Social Security
5. Right to Recognition as "Environmental Workers"

Policy Recommendations

A sustainable blue economy depends not only on protecting marine ecosystems but also on safeguarding the workers who are directly engaged in maintaining coastal and ocean health. Aligning labour rights with environmental protections ensures both ecological sustainability and social justice. The following recommendations are proposed:

1. Amending Labour Codes to Explicitly Mention Coastal Sanitation Workers

The Indian Labour Codes such as the Code on Wages (2019), the Occupational Safety, Health and Working Conditions Code (2020), and the Social Security Code (2020) do not specifically include coastal sanitation workers. These workers remain "invisible" in law, despite their hazardous occupation of handling marine debris, plastics, oil residues, and toxic materials. So, amend the labour codes to formally classify them as "environmental or coastal sanitation workers." This recognition would entitle them to Minimum wages, Safety standards, social security benefits, and Legal protections against exploitation.

2. Developing Safety Standards Specific to Marine Debris Handling

Existing occupational safety regulations focus mainly on industrial and construction sectors but overlook unique risks in marine debris cleaning, such as Exposure to microplastics, sharp objects, chemical residues, and biohazards, Extreme weather conditions while working on shorelines. Lack of protective gear suited for wet, slippery, and contaminated environments. So the Bureau of Indian Standards (BIS) and Ministry of Labour should draft specific Occupational Safety and Health (OSH) guidelines for coastal workers, mandating: Protective clothing and equipment, Periodic medical check-ups and vaccinations, Training in safe waste-handling techniques, and Emergency response measures in case of oil spills or chemical exposure.

3. Expanding Insurance and Compensation Schemes for Informal Workers

Most coastal workers are employed informally, without written contracts or coverage under workplace insurance. The Unorganised Workers' Social Security Act, 2008 and the Employees' Compensation Act, 1923 provide some coverage, but implementation is weak and does not specifically target environmental labour. So, extend health insurance, accident compensation, and pensions to coastal sanitation workers, create a dedicated welfare fund under State Labour Welfare Boards, ensure compensation for occupational diseases linked to marine waste exposure.

4. Recognising Gendered Dimensions of Coastal Labour

A significant proportion of shoreline cleaning work is done by women, often from marginalized fishing and coastal communities. There are so many challenges faced by women. Such as Double burden of unpaid domestic work and hazardous coastal labour, Lower wages compared to men, Limited access to protective gear and healthcare, social invisibility in policy frameworks. So, recommend to adopt a gender-sensitive approach in labour laws and coastal management policies, Ensure equal wages, maternity benefits, and access to social security, and Provide skill-development and leadership opportunities for women in environmental labour sectors.

5. Mandating Corporate Responsibility for Worker Welfare

Industries such as tourism, shipping, and coastal real estate contribute significantly to marine pollution. Yet, the burden of cleaning is borne by informal workers with little support. Under Section 135 of the Companies Act, 2013, companies above a certain threshold must spend at least 2% of their average net profits on Corporate Social Responsibility (CSR).So I recommend to Mandate that a portion of CSR funds from shipping, tourism, and port industries be allocated to the welfare of coastal sanitation workers, Use funds for healthcare, insurance coverage, protective gear, and training and Encourage public-private partnerships for sustainable coastal labour welfare programs.

Conclusion

Coastal workers are the unseen custodians of the blue economy. Their labour sustains marine ecosystems, protects biodiversity, and supports tourism, yet they remain legally invisible and socially marginalised. Addressing marine plastic pollution without safeguarding the workers who confront it daily amounts to environmental injustice. Integrating labour standards into blue economy governance is therefore not optional but essential. A holistic approach anchored in constitutional guarantees, ILO conventions, and national laws can ensure that the twin goals of ocean health and worker dignity advance together.

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Corporate Accountability for Labour Rights Violations in Global Supply Chains: A Constitutional and Legal Perspective

VIVILIYA AMALA VARSHINI. A
Author, 4th year B.A., LLB., [Hons],
The Tamil Nadu Dr. Ambedkar Law University,
School of Excellence in Law, Chennai, Tamil Nadu, India.

Abstract

In today's globalized economy, where businesses frequently use complex international supply chains, it frequently results in the dilution of accountability for violations of labour rights. With an emphasis on India's legal and constitutional framework, this paper critically investigates corporate responsibility for such transgressions. With support from pertinent statutory mechanisms such as the Companies Act, 2013, and anchored in Articles 21, 23, and 24 of the Indian Constitution, the paper explores the state's obligation to safeguard and the corporate responsibility to uphold fundamental labour rights. International standards, such as the UN Guiding Principles on Business and Human Rights, ILO core conventions, and newly emerging due diligence laws in other jurisdictions, provide a huge platform for the discussion. Case studies such as the Rana Plaza disaster and labour conditions in subcontracted Indian industries are discussed to highlight real-world implications. The paper emphasises that constitutional labour protections are only aspirational in the absence of legally binding accountability procedures. It concludes with concrete legal and policy suggestions for India—rooted in global best practices—to strengthen corporate accountability while upholding constitutional values and workers' dignity.

Keywords: *Corporate accountability, Labour rights, Global supply chains, Constitutional law, Human Rights Due Diligence.*

Introduction

In today's globalized economy, multinational corporations (MNCs) operate via complex transnational supply chains that include multiple layers of outsourcing. While these systems have enabled economic growth, they also facilitate widespread labour rights violations—especially in developing regions like South Asia and Africa, where weak enforcement and cheap labour prevail.

Voluntary CSR codes and labour policies are no longer sufficient. There is an urgent need to make corporations legally responsible for ensuring labour rights in their supply chains. This paper analyses the question through the Indian constitutional and legal framework, drawing on international systems like the UN Guiding Principles (UNGPs) and fundamental ILO conventions. Being an integral part of international supply chains, India has to assure that the labour rights are not compromised while seeking growth. In spite of robust constitutional protections, existing legislation is inadequate in dealing with corporate entanglement. This research employs doctrinal analysis to determine gaps in law and propose reforms consistent with international accountability norms.

Understanding Labour Rights and Corporate Accountability

In the contemporary global economy, workers' rights-prevention of forced labour and child labour, decent wages, safety at the workplace, and collective bargaining are the centre of the human rights agenda.

The 1930 Forced Labour Convention of the International Labour Organization has set its seal on forced labour as the workers worked hard without their free will. Child labour also covers any work that degrades children's dignity, health, development, or education. Such abuses persist in the value chains of global production, where chains of subcontracting hide corporate accountability and bring in conditions of hazards, long working hours, theft of wages, and repression of unionization.

Corporate responsibility,in the human, rights framework, requires companies to recognize and take responsibility for not only their immediate activities but also for abuses in their extended value chains from tier-1 suppliers to low-tier subcontractor. The result is that the most serious abuses like child labour, forced labour, hazardous working conditions, underpayment of wages occur in those places where corporate control is weakest. This call for responsibility is complemented by instruments like the UN Guiding Principles on Business and Human Rights, which require companies to respect rights and conduct human rights due diligence.

International Legal Frameworks

The International Labour Organization (ILO) has established a robust framework for labour rights violations via conventions targeting forced labour (Conventions 29 and 105), child labour (Conventions 138 and 182), and freedom of association (Conventions 87 and 98). These core conventions of ILO, universally ratified, including India (which has ratified six of the eight), establish the minimum international standards for workers protection. Further the ILO's *Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* serves as a guiding instrument for multinational corporations (MNCs), insisting them to respect worker's rights, particularly in global supply chains.

A crucial advancement in this field is the proposed ILO convention addressing labour standards specifically within global supply chains, as discussed in the *Chicago Journal of International Law*. The key components of this proposal are as follows:

- Procedural Responsibilities: Corporations are required to perform *Human Rights Due Diligence* (HRDD), which aligns with Principles 17–21 of the UN *Guiding Principles on Business and Human Rights (UNGPs),* encompassing risk assessment, mitigation, and transparent reporting.

- Substantive Responsibilities: MNCs may be held responsible via various liability frameworks (strict, fault-based, or vicarious) for failing to protect human rights.
- Worker Participation: workers active involvement in the design and execution of due diligence frameworks is emphasized, modelled after successful initiatives such as the *Bangladesh Accord*.
- Scope: The proposal extends protection to all categories of supply chain workers, including informal and migrant workers, and guarantees fundamental rights like protection from forced labour and entitlement to a living wage.
- Enforcement: Mechanisms include extraterritorial jurisdiction, regulatory oversight by public agencies, and judicial or administrative remedies such as injunctions and financial penalties.

UNGPs are approved by the UN Human Rights Council in 2011, reinforce ILO standards by creating a three-pillar framework:

i. State duty to protect,
ii. Corporate responsibility to respect, and
iii. Access to remedy.

In an effort to increase accountability, a Labour Model of Shared Responsibility has been initiated by the *Journal of Business Ethics*. The model argues that manufacturers, suppliers, and buyers in the supply chain share responsibility for labour conditions based on principles of connectedness, contribution, benefit, capacity, and power.

National Legal Perspective: India

Constitutional Provisions

The Indian Constitution contains strong protections against exploitation of labour:

- Article 23 forbids traffic in human beings and forced labour, defining forced labour as any employment for wages less than the

minimum wage, as confirmed in *People's Union for Democratic Rights v. Union of India*.

- Article 24 forbids the employment of children under 14 years in industries, mines, or other hazardous working conditions.
- Most importantly, Article 21 of the Constitution, which guarantees the right to life and personal liberty, has been interpreted to include the right to live with dignity, encompassing just and humane conditions of work. In *Bandhua Mukti Morcha v. Union of India*, it was held by the Supreme Court that bonded labour and inhuman conditions of work amount to violation of Article 21.
- The Directive Principles of State Policy, specifically Articles 39(e), 42, and 43, require the State to make its citizens—particularly workers—entitled to just and humane conditions of work, maternity relief, and decent wages.

These provisions place a burden on the State to guarantee that corporations, and those with global value chains, respect and uphold workers' rights.

Labour Legislation

The Bonded Labour System (Abolition) Act, 1976 makes bonded labour, which is work under compulsion to repay a debt, criminal in nature. It provides for punishment in the form of imprisonment up to three years and fines. District Magistrates have to identify, liberate, and rehabilitate bonded labours. As per the present central scheme provisions, ₹20,000 is allocated per rehabilitated worker. About 29 central labour laws in India were consolidated into the Four Labour Codes (2019–2020):

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

25 out of 28 states have completed draft rules up to mid-2025. Nevertheless, the codes do not specifically mention supply chain due diligence, nor

do they hold lead firms accountable for labour abuse by subcontractors. Likewise, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, and the Unorganised Workers' Social Security Act, 2008 also offer greater protection to vulnerable workers and informal workers, though there are still problems of enforcement.

National Action Plan on Business and Human Rights

India intimated in 2018 that it would be working towards the development of a *National Action Plan (NAP) on Business and Human Rights*, in line with the *UNGPs*.

A Zero Draft was published in 2020. It reflects India's position on three pillars:

- State Duty to Protect: Demands ratification of ILO conventions and harmonization of local legislation, for instance, the Companies Act, 2013.
- Corporate Responsibility to Respect: Triggered by the prescribed CSR spend (2% of average net profits by eligible companies under Section 135 of the Companies Act) and Business Responsibility Reports (BRRs) for the largest 1,000 listed companies as mandated under SEBI guidelines.
- Access to Remedy: Suggested strengthening grievance mechanisms.

The NAP also recognizes the necessity of adding supply chain transparency, and recent discussions, e.g., *the 2024 NHRC Stakeholders Meeting*, emphasized mapping human rights risks in local and international supply chains. Nonetheless, up to 2024, the final NAP has yet to be published, indicating a policy vacuum in codifying corporate accountability mechanisms throughout supply chains.

Case Study: The Sumangali Scheme

Introduction to the Sumangali Scheme

The scheme called Sumangali was originated in the late 1990s in Tamil Nadu, represents a stark example of bonded labour and systemic human rights abuse embedded within global supply chains. The term "Sumangali"—which refers to a woman who lives a prosperous, married life—was co-opted for a labour system that ironically undermines the very dignity and future of the girls it targets. The declared intention is to pay for their dowries; in practice, these are often amounting to bonded labour under exploitative conditions.

Origin, Structure, and Geographical Spread

It began in the textile clusters of Tamil Nadu, in districts like Coimbatore, Erode, Tirupur, Dindigul, and Virudhunagar. It was operated by the small and medium-sized textile mills supplying to major export-oriented units, the system is structured around fixed-term employment for three to five years. During this time, young workers—mainly girls (14 to 21 years)—live in employer-controlled hostels and work long hours with minimal freedom. Especially Dalits and Adivasis communities are particularly targeted due to their economic desperation and limited awareness of legal rights.

Recruitment Channels

Recruitment is generally done through agents who make tempting assurances to poor parents and give assurances such ae secure working environment, decent wages, education, and a good amount at the completion of the contract. In most of the cases, these intermediaries exploit the parents' desire to secure a future for their daughters through marriage.

Exploitative Working Conditions under the Sumangali Scheme

- Workers are working for long 12-hour shifts in unsafe environmental conditions leading to serious health problems.

- Wages are often withheld and not paid to the respective workers, and many girls return home without receiving the promised lump sum—especially if they fall ill or raise complaints. Despite legal bans, child labour is widespread, with many workers below 18.
- Female workers, in particular, endure verbal abuse, restricted movement, denial of contact with families, and, in several cases, physical and sexual abuse, reflecting deep-rooted gender discrimination.

Role of Multinational Brands and Textile Mills

The Tamil Nadu garment mills are major suppliers to fashion companies that are multinational. Companies whose brands are listed among those that buy from the region and such firms indirectly gain from low-cost labour practices but generally claim ignorance or denial when human rights abuses are discovered.

Legal Violations

The Sumangali Scheme is in contravene with multiple Indian legislations, including:

- The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
- The Bonded Labour System (Abolition) Act, 1976.
- The Minimum Wages Act, 1948.
- The Factories Act, 1948.
- The Equal Remuneration Act, 1976.

Breach of International Instruments

This strategy also violates key global legal agreements to which India is a party:

- ILO Convention No. 29 on Forced Labour and No. 138 on Minimum Age.

- The UN Guiding Principles on Business and Human Rights (UNGPs) require corporate due diligence.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Institutional Responses

Role of NHRC, Civil Society, and Courts

Numerous NGOs and civil society organisations such as the Tamil Nadu Textile and Common Labour Union (TTCU), Campaign Against Sumangali Scheme (CASS), and Global March Against Child Labour have brought attention to these abuses. The National Human Rights Commission (NHRC) has taken suo moto cognisance in some cases, issuing notices to concerned state authorities. Courts have occasionally entertained Public Interest Litigations (PILs), though legal redress has been limited.

Legal Actions and Factory Audits

Several rescues have been reported over the years. In 2012, 15 boys were rescued from a spinning mill in Tamil Nadu where they worked without wages. In 2014, 47 bonded labours from Chhattisgarh and Assam were rescued from Erode. In the same year, 18 children were rescued from Shiva Mills through the efforts of TTCU. Although some factories were audited and international buyers claimed to terminate contracts, prosecutions under the Bonded Labour or Child Labour Acts have been scarce.

Persistent Discrepancies

Regardless of increasing awareness of the issue, enforcement is still absent. The persistence of the scheme in its new forms illustrates the state's inability to provide accountability or issue preventative regulations. Moreover, multinational corporations seldom perform comprehensive audits of their supply chains, hence compromising the effectiveness of corporate due diligence.

Analysis

Despite having multiple statutes, enforcement is weak due to several systemic barriers:

- Complex Supply Chains: Multinational corporations (MNCs) maintain numerous layers of subcontractors, which makes it difficult to trace direct accountability.
- Weak Enforcement Mechanisms: Infrequent and ineffective labour inspections, with less prosecutions or deterrent penalties.
- Lack of Mandatory Due Diligence: India does not yet mandate corporate supply chain accountability, unlike the *German Supply Chain Due Diligence Act or France's Duty of Vigilance Law.*
- Judicial Restrictions: Despite Indian courts having thoroughly interpreted corporate liability, it covers only state's liability and not the liability of the corporations per se.

Recommendations

1. Mandating Corporate Due Diligence - Implement legislation mandating that MNCs track, audit, and report on work conditions in supply chains—like the German Supply Chain Act 2023.
2. Strengthening Labour Inspection Mechanisms - Increase frequency, transparency, and independence of factory inspections; provide local labour officers with real-time complaint redressal powers.
3. Ensuring Wage Security & Contract Transparency – Require written contracts in local languages and link wage payments to verified government-monitored bank accounts accessible by workers.
4. Ban Sumangali-Like Schemes Explicitly - Amend labour laws to criminalize all recruitment models which promise the lump-sum dowry-style payments in exchange for fixed-term contracts.

5. Gender-Sensitive Workplace Reforms - Mandatory grievance redressal mechanisms under POSH Act, with regular sensitization training and female supervisors.
6. Public Disclosure by Brands - Enforcing legal mandates on brands to disclose lists of suppliers, audit findings, and corrective actions taken when there are violations.
7. Encouraging Ethical Sourcing - Provide tax or trade benefit to firms adhering to confirmed ethical standards under Indian or ILO-assisted certification.

Conclusion

The changing environment of corporate responsibility testifies to an enduring gap between legal frameworks and realities on the ground. Presently, notwithstanding international instruments such as the ILO Conventions and the UN Guiding Principles, and domestic laws, systemic exploitation—such as that observed in the Sumangali Scheme—remains thriving. The case study identifies how marginalized communities, particularly Dalit and Adivasi girls, continue to be trapped in cycles of abuse due to collusion of powerful supply chain actors and deafness of law in action. Filling these gaps requires a multidimensional move-away from voluntary CSR towards binding corporate obligations, away from state-led enforcement towards multi-actor accountability, and away from dispersed laws towards an integrated, worker-based legal framework. That is when corporate accountability will transition from promise to practice, making sure that economic growth must not be at the expense of human dignity

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Constitutional Courts and the Protection of Labour Rights

Shubham Upadhaya Ballb
Student Himachal Institute of Legal Studies Shahpur

Poonam Bala
Assistant Professor in Political Science Himachal Institute of Legal Studies Shahpur

Ashish Rana Ballb
Student Himachal Institute of Legal Studies Shahpur

Abstract

Constitutional courts play a key role in the enforcement of labour rights through the interpretation and application of Constitutional provisions relating to employment, equality, and social justice. As the ultimate guardians of Constitutional integrity, these Courts ensure conformity of legislative and executive measures with fundamental rights, including the right to fair remuneration, safe working conditions, and freedom of association. Through judicial review, Constitutional Courts have struck down legislation and practices violating workers' rights, making the legal system for the protection of labour stronger. Constitutional court judgments have frequently set landmark precedents, determining national policy and setting international standards for labour practice. Constitutional courts have, in the majority of jurisdictions, expanded the scope of labour rights, acknowledging their inherent relation to human dignity and public good. Through the guarantee of effective remedies for violations of Rights and the enforcement of the principle of non-discrimination, these Courts play a key role in the progressive development of labour rights. The dynamic evolution of jurisprudence in Constitutional courts emphasizes their key role in reconciling economic goals with the protection of worker rights, making labour rights a part of democratic societies.

Keywords: Constitutional Courts, Labour Rights, Judicial Review, Social Justice, Human Dignity

Introduction

The Indian Constitution, or "the Supreme Law," sets a strong framework for the government of the nation; such supreme law contains numerous rights and safeguards for the well-being and protection of its citizens. India provides a major share of the country's population. It ensures the treatment of the workforce, which is second largest in the number, throughout the world and is also thought to be among the cost-effective and productive workforce. It guarantees the treatment and fulfillment of basic amenities of the labour force in a fair and just manner. In a time of heightened globalization, the protection of workers' rights is a core issue of constitutional courts worldwide. Workers' rights not only have a place in national constitutions but are also supported by an elaborate network of international standards, mainly those established by the International Labour Organization (ILO). International conferences have progressively addressed this nexus, emphasizing the key institutional role constitutional courts are to play in making constitutional guarantees and international commitments operational in the protection of workers. This report examines the main themes, comparative case law, challenges, and future agenda in the nexus of workers' rights and constitutional adjudication.

Constitutional Protection of Labour Rights

Under the Indian Constitution, Part III, Article 14, 19, 21, 23 and 24 ensures the Fundamental Rights and Part IV ensures Directive Principles of State Policy for protection of workers in the workplace. Some of the important labour rights provisions in India are:

Article 14: Right to Equality

Article 14 guarantees equality law and equal protection of rights to all Indian citizens within the jurisdiction of India. The article guarantees that there shall be no discrimination in employment and that all the workers shall have equal opportunity for employment, wages and conditions of work. The above assurance guarantees that the employees shall be treated

equally and without prejudice and shall not be discriminated against on the basis of race, religion, caste, sex, or on any other basis.

ARTICLE 19: Freedom of Speech and Expression

Article 19 gives certain rights such as freedom of speech and expression, assembly, and association, which are necessary for labour rights. Under this article, the employees have a right to form the unions and collective bargaining in order to defend their interest and improvement in the working condition.

Article 19(1) (a) talks about Freedom of Speech and Expression: This provision provides the center to labour law: - Under the Trade Union Act, 1926 was enacted to facilitate the formation and registration of trade unions in India. Under this article, the workers have the right to form trade unions and negotiate in collective bargaining.

Article 19(1) (b) discusses the Right of Freedom to assemble peacefully without arms: This provision gives the workers the right to organize strikes and demonstrations to call for improved wages, better working conditions and other advantages.

Other key provisions contained in Article 19 are:

Article 19(1) (c) – Right to associate or to unionize.

Article 19(1) (d) – Freedom to move freely throughout India.

Article 19(1) (e) – Right to live and settle in any location in India.

Article 19(1) (g) – Liberty to follow any profession, or to engage in any occupation, trade or business.

Article 21: Right to Life and Personal Liberty

Article 21 guarantees the Right to Life and Personal Liberty, and the courts have interpreted the latter to include a right to work with dignity and in a healthy and UN-injured environment.

No individual shall be deprived of his life or personal liberty except in accordance with procedure established by law.

Article 21 also declares that all individuals (even workers) have a right to life and individual liberty; it means workers will be provided with the healthy and sound condition and fair treatment for the same working condition.

Article 23: Forbiddance of Forced Labour

Article 23 prohibits forced labour and human trafficking to the point that no one shall be made to work in conditions that take away their dignity. Beggar and other such similar type of forced labour and human trafficking are banned.

Article 24: Interdict Against Children Work in Factories

Under Article 24, children below the age of 14 years will not labor in mines, factories, or any other hazardous form of work.

The Internationalization of Labour Rights

1. Development of International Labour Standards

Origins and Development: The ILO, founded in 1919, established the world's first constitutional basis for the codification of workers' rights. Its Conventions, particularly Nos. 87 (Freedom of Association) and 98 (Right to Organize and Collective Bargaining), are universally accepted as benchmarks in the protection of workers.

ILO's contribution: ILO's supervisory mechanism in the form of the Committee on Freedom of Association and Committee of Experts keeps state action under surveillance on a periodic basis and has helped immensely in popularizing the right to strike and collective bargaining as fundamental rights.

2. The Role of the International Conference

Deliberative Platforms: Global conferences gather judges, policymakers, academics, and trade unionists to deliberate on the efficacy of constitutional protection for labor rights in the context of global economic integration.

Recent Developments: Subsequent more recent ILO International Labour Conferences have addressed matters like platform work, organizing rights in the gig economy, and biological risks in the workplace, which reflect the growing complexity and dynamism of labor protection.

Constitutional Courts: Key Guarantors of Labour Rights

Adjudicative Authority and Judicial Dialogue

Domestic Constitutional Mandate: Constitutional courts are the last word on national constitutions, resolving conflicts between laws, administrative rulings, and rights enshrined in the highest law.

Transnational Influence: Courts often adopt judicial dialogue, citing international law, extraterritorial judgments, and supranational standards to construe and shape domestic labour protection.

The Constitutional zing of Labour Rights

Inclusion in Constitutions: Most countries have specifically envisioned rights concerning equitable working conditions, collective bargaining, and freedom of association in their constitutions.

Judicial Approaches: Courts have shifted to construe these assurances as enforceable rights, rather than as policy statements, particularly when invoking supranational institutions such as the ILO and regional courts.

Thematic Analysis: Key Concerns in Constitutional Adjudication

1. The Legitimacy and Limits of Judicial Protection.

Separation of Powers: As much as constitutional courts are essential bulwarks in the protection of human rights, including rights of labour, the

increase in judicial power sometimes also raises issues of "judicial overreach" and bypassing of legislative process.

Enforcement Problems: There are vacancies in implementation, particularly when structural shortcomings or state complacency interfere with the conversion of courtroom victories into on-the-ground employee protections.

2. The Globalization Challenge

Transnational Labour Markets: When business models (e.g., platform and gig work) and supply chains go transnational, constitutional courts fail to safeguard workers whose employment relationships are jurisdictionally diffuse and fractured.

Procedural Innovations: Certain courts and international institutions, acknowledging the new risks and types of work, have innovatively applied doctrines to ensure effective protection, e.g., by confirming the right to organize for platform workers.

3. Intercourt Dialogue and Cross-Pollination

Comparative Law: Courts of different jurisdictions increasingly refer to each other's judgments, international juridical and quasi-juridical views, to construe constitutional and labour rights.

ILO's Supervisory Function: National courts tend to refer to the knowledge and advice of the ILO supervisory organs in an effort to support national adjudication and fill statutory or constitutional gaps.

The Future of Constitutional Courts' Protection of Labour Rights

1. Preserving Rights during Economic Crisis; - Austerity and Retrenchment: Economic crises have a tendency to initiate legislative and executive measures to limit labour rights, making constitutional courts ideal mediators in balancing fiscal necessity with constitutional guarantees.

Judicial Oversight: Constitutional courts have responded by insisting that any breach of labour rights in times of crisis should satisfy rigorous tests of proportionality and necessity, as exemplified in cases in Portugal, South Africa, and elsewhere.

2. Enhancing Multilevel and Inclusive Protection

National-International Synergy: Constitutional courts' shield role will be most likely to be enhanced where national processes are harmonized with international obligations and jurisprudence, especially as new ILO Conventions emerge in areas like platform work and health hazards.

Access to Justice: Innovations such as class actions, representative litigation, and ombudsman interventions are instrumental in empowering marginalized workers to enforce their rights in constitutional courts.

CASE LAW

1. Equal Pay for Equal Work

Randhir Singh v. Union of India: The Supreme Court held that the equal pay for equal work doctrine is a constitutional right flowing from Articles 14, 16, and 39(d) of the Constitution. The doctrine governs irrespective of the nature of employment—permanent, temporary, or contractual—implying wage equality for the same work.

2. Right to Safety, Health, and Dignity

Charan Lal Sahu v. Union of India: The Supreme Court reiterated that a right to safety and health at work is a constitutional right under Article 21 (Right to Life), and it becomes the responsibility of the employer to supply an environment safe for work.

Bandhua Mukti Morcha v. Union of India: The Court held the right to live with dignity to be a fundamental right and opined that bonded labour and child labour constitute modern slavery, being unconstitutional under Articles 23 and 24. The state was ordered to end bonded labour and safeguard vulnerable sections.

3. Ban on Forced and Child Labor

Article 23 and 24 of the Constitution forbids trafficking, forced labor, and child labor below 14 years in hazardous industries. The courts have applied these provisions at all times to prevent exploitation.

4. Right to Livelihood In Olga Tellis v. Bombay Municipal Corporation, the Supreme Court associated the right to livelihood with Article 21 (Right to Life), which stated that livelihood is a part of living with dignity.

5. Minimum Wages as Constitutional Mandate

The courts held that labor for which no minimum wage compensation is received is unconstitutional forced labor, affirming the right to humane and just treatment.

6. Procedural Fairness in Labour Disputes

New Constitutional Court decision: The Court clarified that Labour Courts are capable of deciding cases of procedural fairness in mass retrenchments, enabling employees to challenge unfair dismissal.

7. Terms of Service and Promotion

Amita v. Union of India: The right to be treated on a fair basis for promotion is a fundamental right under Article 16, mandating all issues of service to be dealt with under fair and transparent procedures.

Conclusions and Recommendations

Conclusions

Constitutional courts have been invaluable in the protection of labour rights, particularly where there is a lack of political will or law. The interaction of domestic constitutional provisions, international law standards, and judicial creativity has led to significant advances in protection of labor.

Recommendations

Boost Judicial Ability: Regular international exchange and training of judges facilitated by means such as the Association of Asian Constitutional Courts needs to be increased.

Strengthen Regional and International Standards: Prioritize long-term ratification and adherence to major ILO Conventions.

Encourage Cross-Jurisdictional Exchange: Constitutional courts must institutionalize cross-referencing and learning across borders in an effort to have a strong, responsive and effective protection regime of labour rights.

Promote Constitutional Access to Justice: Provide meaningful access to constitutional justice to poor and vulnerable populations and non-standard workers, employing innovative procedural tools when necessary

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Analysing the Gap Between Ratification to Implementation: Challenges in Enforcing Ilo Conventions Vis-À-Vis Informal Labour (Sectors) in India

Shanmugapriya. R
Kamalasree. V
Sangeetha. A, students of final year B.A.LLB
[GLC, Chengalpattu affiliated college under TNDALU]

Abstract

Over half the world's workforce is estimated to be in the informal economy and the International Labour organisation (herein after referred as ILO) Conventions are pertinent in addressing this issue but they only have legal force in a country's governance if the country has ratified them and they match the nation's highest law. Otherwise, they can only be used as guidance or reference. This article focuses on why there is indefinite implementation of ratified conventions in the domestic sphere and further by critically examining the root causes of this disconnect between policy and practice in special relevance to enforcement of informal worker's labour rights, social security benefits, and occupational safety standards. Furthermore, the paper analyses the real-world consequences for millions of such informal workers who remain excluded from these essential protections and concludes by highlighting these gaps and with the study that seeks to offer insights into policy reforms and institutional mechanisms that can bridge this divide and ensure a rights-based, inclusive labour framework for all.

Keywords: Informal sector, Labour, Domestic worker, Construction workers, International Labour organisation (ILO), Ratification, Institutional mechanisms

Introduction

The term "informal sector" was first coined by Keith Hart in the early 1970s during an anthropological research in Ghana. Initially, it used to describe self-sufficient economic activities outside formal regulatory frameworks no negative aspect attached to it. However, over the time, informality has become associated with exploitative employment, low productivity, and lack of social protection. Everything around the globe revolves around one aspect be it formal or informal that is "Labour" and they face numerous problem like job insecurity, wage stagnation, poor working condition, gender inequality, and much more, so to address all these issues and secure equal protection to all, the "International Labour organisation" (ILO) was created in 1919 as part of the Treaty of Versailles, with the core mission to promote social justice and improve labour conditions globally. It later became a specialized agency under the United Nations, and its founding principles include in humanitarian aspect: to improve working conditions and protect vulnerable workers. Further in case of political and economic aspect: to prevent social unrest and promote peace through fair labour practices, and to ensure sustainable development through decent employment. Indeed over the decades, the ILO has developed a robust framework of conventions, recommendations, and declarations for this purpose. While conventions are legally binding upon ratification, recommendations serve as guiding principles, and declarations articulate broad policy goals.

As far as the historical context of informal sector in India is concerned it manifests characteristics of both dualist and structuralised model. The formal economy was characterised by the nationalised industries and the private entrepreneurship which was heavily regulated under the state. State regulation diminished when India became part of the free market trading system from the early 1990s. In the meantime, however, agriculture remained the backbone of the Indian economy: about 65% of the population continued to be engaged in agricultural activities. But again because of major migration from rural to urban and unavailability of urban

jobs for all, a set of the workforce is always tend to stay perpetually under-employed or informally employed.

Over 90% of Indian workforce are employed in the informal economy, of which majority workers are constituted in the agricultural sector that contributes about 52.11%, followed by construction workers and domestic workers. This paper deals with the conceptual understanding, issues of ratification process, legal frameworks drawbacks, root causes and consequences faced by the informal labour with relevant case studies and lists the challenges in the implementation of ILO conventions with regards to the construction workers and domestic workers. Further the paper concludes with an analysis study of the survey data that was collected with the intention to identify the findings of the issues in implementation, providing possible suggestion and strategic enhancement to put forth in future labour governance.

Literature Review

Anne Trebilcock (2004) conducted 'the study on International labour standards and the informal economy' where the chapter discusses mainly about common misconception that international labour standards do not address informal workers and these standards are irrelevant or not applied in practice in the informal economy. In reality, many standards do apply but their implementation is often lacking due to governance failures. Further it details ILO Conventions, Recommendations, employment policy, labour market governance, human capabilities, empowerment, social protection, and occupational safety, emphasizing the need for improved governance and social discourse.

ILO domestic work policy brief (2016) titled "Formalizing domestic work," which addressed the challenges and strategies related to formalizing domestic work, a sector which is characterized by a high incidence of informal employment. The brief discusses the nature of informality in domestic work, and presents various country-level approaches to promote

formalisation, including legislative reforms, enforcement mechanisms, and enabling measures such as awareness campaigns and financial incentives.

G. Gopalakrishnan and Dr. G. Brindha (2017) conducted a study on employee welfare in construction industry where the objective of the study was to enquire into statutory and voluntary welfare measure available to the construction workers, whether the workers are aware of existence of the statutory provisions and do they get the benefit or not. This study mentions about the role of trade union to come forward to support the life of these workers.

RESEARCH METHODOLOGY: This research is done with a usage of both doctrinal and empirical approach. The major part of the research has been through the way doctrinal research where we have utilized ample of secondary data that includes statistical reports, books, credible internet sources, law bare acts and study conducted by other researchers and scholars. The other part of the research relies on the primary source of collected data by circulating online questionnaire among law students, professors, workers and personnel of other streams to analyse their awareness, opinion and suggestion on our research topic.

Ratification Process: Political and Legal Dynamics

"Ratification" can be said as an entirely voluntary decision of a nation, and there is usually no time limit set for ratification nor any sanctions are provided against countries which do not ratify the conventions. Moreover, even if a country has ratified a convention, the ILO cannot enforce, by any kind of economic sanctions or other coercive measures, to compliance with its standards. The process of ratification of a particular nation depends on various factors such as socio-economic condition, geo-political situations, financial potential and other diverse position which it is holding up to. Yet another important reason that affects is how a nations considers any other nations to be their "peers" and they have expressed their norms to ratify certain convention then this can influence the process of ratification of that particular nation. Every states are expected to ratify conventions in such a

way as to endorse and express a public and legally binding commitment to a universally valid concept of human dignity, it should also ratify in such a way that the values and practices in labour and social policy are consistent with the ILO norms.

With regards to India there are numerous convention that is yet to ratify regarding informal worker, for instances On 16th June 2011 the Domestic Workers Convention, 2011 (No. 189) [hereinafter referred as C-189] was adopted by 40 countries worldwide. Unfortunately, India is neither a signatory to C-189 nor does it have any national laws for domestic workers. But India do have certain legislations such as: the Unorganized Workers' Social Security Act, 2008 (UWSSA); the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; the Child Labour (Prohibition and Regulation) Act, 1986 and the Minimum Wages Act, 1948 which are construed for the benefit of domestic workers who fall within in the informal economy.

LACUNAS IN DOMESTIC LAWS: In India there are very few laws which are exclusively for the welfare of informal workers, thereby excluding them from the benefits that are available to other formal workers such as provident fund, gratuity, maternity leave, etc., The legislation enacted for the informal workers are also not that effective either for instance legislation like:

1. UWSSA, 2008 – The provisions of the act mainly focuses on registration procedures, issuance of smart identity cards and constitution of advisory boards at the centre and state levels. But the act does not provide for any enforceable rights to the domestic workers. It excludes those workers who are above the poverty line. Activists criticise that "most domestic workers work to move out of the poverty line; if they succeed then they will be excluded." The absence of penal provisions for the violators is also another add- on for the failure of this act.
2. Labour Code on Social Security, 2016 - Finally, under this code, domestic workers are included in the definition of workers.

However, access to the benefits depends upon the employer formally registering the employment relationship, which is very rare to happen. It would have been better if the code provided a mandatory provision for the domestic workers to make such registration to avail the necessary benefits.

3. BOCW ACT, 1996 - the act was enacted to regulate the employment conditions of construction workers and safeguard their health, safety, and welfare. The primary goal was to establish welfare boards that deliver social security benefits such as pensions, accident coverage, housing assistance, and educational support. However, the Act suffers from several lacunas. Many state welfare boards have failed to function effectively and the registration-based eligibility which ultimately excludes a large population of workers due to low awareness or lack of documentation, while the wage ceiling for supervisory roles remains outdated, failing to reflect present economic conditions.

Root Cause and Consequences Faced by the Informal Labours: An Unsecured and Precarious Work Economy

The presence of informal labours across the globe stems from a complex interplay of structural, institutional, economic and social factors. The general root causes time after time include slow secured job creation, regulatory loopholes, low education and lack of skillset, and employer strategies focused on minimizing costs through casual or contract-based hiring. This results in a precarious work economy where informal workers face irregular employment, low and unstable incomes, hazardous working conditions, and exclusion from health care, pensions, and legal recourse. The consequences are profound like heightened vulnerability to economic fluctuations, increasing income inequality, and a vicious cycle of poverty that affects women, migrants, and other marginalized communities of informal economy. Addressing these challenges requires not only policy reform and labour law enforcement but also inclusive strategies that must

promote skill development, formalization, and equitable access to social security.

Institutional and Administrative Capacity: List of Challenges in Enforcing Ilo Conventions

1. Lack of enforcement infrastructure: Invisibility & personal nature of informal sector jobs, little pressure on the government to ratify ILO Conventions due to illiteracy rate among informal workers, lack of social or political voice are factors which attributes to poor implementation of ILO Conventions
2. Budgetary and resource constraints: leading to inadequate staffing, insufficient training, and limited access to necessary improvements thereby undermining the enforcement process.
3. Monitoring and compliance mechanisms: While there is (CEACR) Committee of Experts on the Application of Conventions and Recommendations its functions mainly are of as a reader of the convention in respect to countries actions but for it to be effective it is mandatory that the conventions are ratified in the nations.
4. Role of trade union and employer associations: Along with the government these bodies have obligations to reach out sympathetically and compassionately towards workers of unorganised sector to educate them about their rights and schemes.

Data Interpretation and Survey Study

We conducted a survey as part of our research; the objective of this study was to have insights into the informal labour sector regarding the implementation and practical impact of ILO Conventions in domestic sphere. The survey aimed to gather awareness of international labour rights, their access to grievance mechanisms, and the practical challenges faced in securing those rights.

Limitation of the Study

Scope of primary data – Based on 38 respondents who answered an online questionnaire and few informal labours who were interviewed orally

Content – Focuses on awareness, opinions and suggestions regarding the informal sector in general

QUESTIONS	RESULTS
Awareness of ILO Conventions and labour governance	54.8% were unaware of it and 32.3% were aware of their implications in labour rights
Responsibility for protecting informal workers right	64.5% claimed 3 branches of government, employers and NGOs are equally responsible
Obstacles in implementing ILO standards in India	71% identified poor awareness and 12.9% cited lack of political will and insufficient legal enforcement as hindrances

Brief Analysis and Discussions

From the above questionnaire, one of the prominent cause found in gaps between the implementation and ratification process prevails because of lack of awareness among individual stakeholders. It is evident from the survey that the general public believes that responsibility of enforcement mechanism lies not only upon the government but it also relies upon other factors such as employer, trade unions, NGOs, institutional mechanisms and enforcement bodies. The data related to obstacles of implementing ILO conventions, depicts that in the process of implementation and execution every other aspect such as lack of political will, employer non-compliance and insufficient legal enforcement all plays a significant role.

Findings of the Study

The findings of this empirical research clearly demonstrate that the informal labour sector remains significantly detached from international

legal standards because India's non-ratification of various ILO conventions and the crisis of implementation effectiveness that prevails because of lack of technical advancement and improper strict regulatory authorities especially to address these matters. The lack of awareness among workers, coupled with weak enforcement mechanisms and fear of retaliation, shows a structural gap between legal commitments at the international level and the domestic realities of labour governance. This data supports the argument that intention to ratify and implement alone cannot achieve meaningful protection unless supplemented by robust awareness campaigns, accessible regulatory grievance mechanism bodies, and active enforcement efforts by both state and non-state actors.

Suggestions: Strategies to Enhance Implementation: Future of Informal Sector Labour Governance and Ilo Enforcement

1. Address misconceptions – To eliminate the belief among the informal sectors that they are not under the purview of government and ILO Standards
2. Awareness Campaigns – Reg., their rights and their enforcement mechanisms
3. Skill development focus – Focusing on transition from physical intensive labour to machine handling and operational skills

Conclusion: A Way Forward

A common misconception about the informal economy is that they are unrecognisable and beyond legal protection. However, there are many ILO standards which are applicable to them and their exclusion from formal structures does not place them outside the scope of international labour conventions. Instead the real problem often lies rather in poor governance, lack of enforcement, or outdated laws and not in the standards themselves. To have a cure it is necessary to know the cause likewise to fight for justice and rights we must know what the unjust that caused the suffering. So, in simple terms it is necessary to rectify and enhance the domestic

mechanisms for a better enforcement of ILO convention in any nation around the world.

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From Barriers to Bridges: Comparative Legal Approaches to Child Sexual Abuse—India, Europe, and Global Perspectives.

Netra V. Dawda
Research Scholar, PGTD OF LAW, Rashtrasant Tukadoji Maharaj Nagpur University
Dr. Snehal S. Fadnavis
Principal, Govindrao Wanjari College of law, CD-2 New Nandanvan, Near water tank, Nagpur.

Abstract

This paper examines structural and operational barriers that undermine the effectiveness of the Protection of Children from Sexual Offences (POCSO) Act, 2012, in India, with a focus on child victims of sexual abuse and trafficking. It identifies key obstacles such as judicial delays, inadequate training of stakeholders, procedural lapses affecting timely disclosure and evidence collection, and the repeated trauma children endure during their pursuit of justice. Employing doctrinal methodology, the study analyses statutory provisions, judicial data, and secondary literature to assess how resource constraints, administrative inefficiencies, fragmented service delivery, and distressing legal processes restrict access to justice and holistic care. Along the historical backdrop of the Devadasi system, the paper highlights persistent marginalization and areas where India falls short, including integrated support services, mandatory reporting, and child-sensitive judicial procedures on the global front and comparison with countries that have demonstrated more effective child protection frameworks. The paper advocates for a shift toward child-centred justice, coordinated inter-agency action, and trauma-informed legal processes. Recommendations include mandatory training for law enforcement and healthcare professionals, targeted awareness campaigns, stronger oversight, increased resource allocation and reforms to reduce child revictimization during legal proceedings, aiming to foster a more responsive and compassionate child protection system.

Keywords: POCSO Act, Child sexual abuse, Child protection, Trauma-informed care, Access to justice.

Introduction

"The true character of a society is revealed in how it treats its children."

– Nelson Mandela

Every 15 minutes, a child is sexually abused in India—a haunting statistic that barely scratches the surface of the trauma endured by victims and their families within a system fraught with delay and indifference. In 2023 Delhi case, a 12-year-old survivor was left waiting years for trial closure, her testimony wavering under repeated cross-examinations, while the absence of coordinated support magnified her isolation and vulnerability—exemplifying the gauntlet many children face while seeking justice.

The Protection of Children from Sexual Offences Act (POCSO), 2012, the act has played an important role towards protection of children in India, against sexual crimes and exploitation. It gives guidelines for the examination of victims, which is important for the effective management and prevention of CSA. It mandates paediatricians and healthcare professionals to be well-versed in detecting and reporting CSA, stressing the need for specialized training in the clinical assessment of such cases. In POCSO, there are multiple agencies like Special Juvenile Police Unit (SJPU), Child welfare committee, support persons, district child protection unit and special magistrates. There has been need for the special training of these stakeholders and also increase in the number of appointment made for the purpose.. It is important to note here that, the number of POCSO special judges that were working in Delhi and Bihar at any given pointing the year 2019-20 were 19 and 38 respectively showing severe lack of resources for training of judges.

The POCSO plays an important role in protection of children, who are sexually abused or are trafficked for sexual exploitation, flesh trade, labour work, domestic servitude, agricultural work, factory work and mining

likewise. Section 2(d) of the Act, defines a child as any person below 18 years, offering broad protection. The Act covers penetrative and non-penetrative assault, prescribes penalties for repeat offenders, and includes crimes during communal violence. Also, Act criminalizes a wide range of offences like child rape, harassment, exploitation for pornography and mandates special Courts for speedy CSA trials. In *Alakh Alokh Srivastava v. Union of India* (2018), the Court directed such cases to be completed within one year from cognizance. In terms of connection with other laws such as (IPC) Indian Penal Code (now known as Bharatiya Nyaya Sanhita (BNS) and the Juvenile Justice Act, provide legal provisions that compliment POCSO in the protection of children. The BNS contains provisions that are sometimes used concurrently with POCSO, while the Juvenile Justice Act addresses situations where the offender is a minor.

The Legal Gap

Judicial delays have been causing significant damage to the child victims. Delays can result in trauma to child victims, trapping them in stressful legal environments. When child victims testify in court, they face additional emotional burdens, which can lead to behavioural disturbances and psychological distress.In 2012, the Protection of Children from Sexual Offences (POCSO) Act was enacted in response to the growing prevalence of child sexual exploitation. Data from the National Crime Records Bureau (NCRB) spanning 2017 to 2019 indicates a significant increase in the number of cases registered under the Act, alongside concerning patterns in case backlog and low disposal rates. By 2020, over 94% of POCSO cases remained pending before the courts, despite the establishment of Fast Track Special Courts (FTSCs) intended to accelerate judicial proceedings.

Despite significant legal reforms, including the establishment of Fast Track Special Courts (FTSCs) for sexual offences against children under the POCSO Act, 2012, the Indian justice system remains severely burdened by infrastructure deficits and administrative challenges. In 2022, an alarming 89.2% of POCSO cases—239,188 out of 268,038 nationwide—were pending for trial. Implementations of government initiatives in 2019 have

created over 700 FTSCs across India. Actual court numbers and exclusive POCSO designations fall short of recommendations, and courts suffer from chronic judicial vacancies (20.4% in 2024), limited physical facilities, and inadequate support staff. Studies show that, on an average, FTSCs take over 500 days to dispose of a POCSO case, defying statutory mandates for rapid resolution. Most FTSCs operate in shared or makeshift spaces without victim rooms or vulnerable witness facilities—83% of district courts lack dedicated deposition centres—forcing child victims to wait in exposed, intimidating environments, which exacerbates their trauma and deters reporting.

In recent times, reports show the extent of child maltreatment in India, with 74% of children reporting physical abuse, 72% emotional abuse, and 69% sexual abuse. Rates of physical, sexual, and emotional abuse, as well as neglect, are notably higher in rural and urban slum areas than in urban centres. Children from socioeconomically advantaged households are four times more prone to physical violence, mainly due to academic pressure and expectations. Vulnerability is higher for homeless children, orphans and runaways in observation homes, particularly boys, at greater risk of physical abuse. Girls, especially in rural, tribal, or disadvantaged settings, face more cases of child pregnancy and less access to food, healthcare, and education. In tribal communities, 70% of girls report pregnancy before age 18. A recurring theme in studies is the futility many girls feel in reporting maltreatment and ongoing abuse.The girl children in India are mostly trafficked for bride trafficking, which is prevalent in India. It is majorly done in states like Haryana, Punjab and Rajasthan. There has been rise in trafficking after COVID-19. Alone New Delhi had a 68 percent surge in trafficking.

From the times unknown, the "Devadasi" (Deva-God, dasi-Servant) system, in the name of religion has been becoming a tool for sexual exploitation and religious prostitution. In the olden times it was done for the purpose of serving and pleasing god. The devadasi practice is one in which low-caste girls, as young as five or six, are "married" to a Hindu Goddess and sexually

exploited by temple patrons and higher caste individuals. Gradually, it took the form of sex trade, where girls are pushed in prostitution. Most of these girls are coming from lower communities like Dalits, who are poor and want to provide financial support to their families. This is majorly followed in Karnataka, Maharashtra and Andhra Pradesh, Tamil Nadu and Orissa. A survey reveals the devadasi number to be around 21,421. NHRC report has shown that, Andhra Pradesh alone has 29,000 Joginis (a form of Devadasi) and 250,000 Dalit girls are dedicated as devadasi to Yellamma and Khondaba temples in the Maharashtra-Karnataka border. Girls from Nepal and Bangladesh are trafficked in India and forced into devadasi system.

The devadasi system thrives in many parts of Western and Southern India. A combination of religious pressure, economic necessity, and social construction form the basis of the devadasi institution and perpetuates its survival. Children are also trafficked by exploiting vulnerable mothers, with babies sold for large sum to childless couples across states.

Large-scale awareness initiatives, digital tracking portals, help lines, and educational integration such as NCERT's Child line 1098 and POCSO E-Box—reflect the government's multi-pronged strategy to prevent abuse and empower children to seek help.

Despite these expansive measures, persistent gaps remain in implementation, particularly regarding specialized training for police, judiciary, and healthcare professionals. Various government workshops, regional symposiums, and digital monitoring have improved awareness and accountability, but the impact is uneven, as seen in the continuing backlog of cases, limitations in victim-sensitive investigations, and variable support across states. The gap between statutory vision and institutional practice thus underscores the urgent need for sustained, mandatory, and monitored training, ensuring that India's strong legal framework is matched by skilled, empathetic implementation on the ground.

Comparative Analysis

India's Protection of Children from Sexual Offences Act (POCSO) was enacted to provide a robust legal framework for protecting children against sexual abuse and exploitation. However, a comparison with high-income countries reveals that while statutory intent exists, critical implementation and design gaps remain. Drawing insight from leading child-centered justice systems, this section highlights key international practices and reform priorities for the Indian context.

Key Elements of International Best Practices

Country	Best Practice Features	Empirical Impact
Canada	-Psychological support and testimony aids (e.g., video links, support person). - Multi-Disciplinary Child Advocacy Centres (CACs), co-locating police, health, legal, and social work.	-Lower case processing time. - Improved child testimony accuracy. - Reduced trauma and recantation rates.
UK/ USA	-Age-differentiated legal protections ("special measures" and juvenile courts). -Mandatory reporting for professionals. - Evidence-based forensic interviews.	-Higher early disclosure rates. -Sustained engagement of victims. -Effective reporting and accountability.
Australia	-Family-centered services (integrated case management). -Community/education-based prevention programs.	-Higher early intervention. -Decreased case attrition. -Improved reintegration outcomes.

Country	Best Practice Features	Empirical Impact
Sweden	- Barnahus Model: One-stop houses integrating investigative, therapeutic, and welfare services	-Increased disclosure and rehabilitation rates. - Better outcomes for at-risk cohorts

Gaps in the Indian POCSO Framework

Issue	Current Indian Status (POCSO and Practice)	Comparative Shortfall
Child-Friendly Procedures	Mandated by law, but uneven and delayed implementation. Over 94% of cases pending as of 2020; average case duration >1 year.	Lags behind nations with prompt, child-friendly testimony protocols and process facilitation.
Victim Support and Holistic Care	Some statutory victim support (Sections 33(8)–35), but lacks universal multi-disciplinary coordination, co-location, and trauma-informed counselling.	Less integrated and accessible than CACs, Barnahus, or family-centered models.
Mandatory Reporting	No truly enforceable, national mandatory reporting regime. Large proportion of abuse unreported.	Contrasts with strict reporting laws in UK, USA and protection for whistleblowers.
Inter-Agency Collaboration	Fragmentation between police, child welfare, and health; poor data sharing and case tracking.	Unlike integrated inter-agency centers (Barnahus, CACs) and smooth case management abroad.

Issue	Current Indian Status (POCSO and Practice)	Comparative Shortfall
Family Engagement & Early Prevention	Efforts underway but not universally embedded; limited reach of awareness/ prevention campaigns.	Misses the holistic, family-service, and prevention orientation seen in Australia/Sweden

Learning from International Models: Recommendations for India

Adopting models like Canada's CACs and Sweden's Barnahus can reduce secondary trauma, streamline investigations, and provide child victims immediate access to integrated police, legal, health, and therapeutic services. This should be supported by testimony aids, enforceable mandatory reporting for all frontline professionals, timely abuse-recognition training, and protocols for inter-agency collaboration. Scaling up education campaigns, early interventions, structured family support, and embedding trauma-informed mental health care throughout the justice process—drawing on best practices from the UK, US, Sweden and Australia, can strengthen protection and rehabilitation for every child.

Critical Analysis

Recent government data and media reports reveal wide and persistent gaps in conviction rates under the POCSO Act. While nationally, Fast Track Special Courts (FTSCs) boast high *disposal rates of cases*—over 96% as of early 2024—this does not equate to high conviction rates. For instance, a government response to Parliament in December 2024 confirmed that out of more than 2, 87,000 cases disposed under POCSO since 2019, over 1,41,000 remain pending, and conviction rates remain "low". Conviction rates are not only low but *uneven nationwide*. In Karnataka, the conviction rate for POCSO cases in 2024 dropped to a mere *0.19%*, compared to 3% in 2020. Only 15 out of 216 charge-sheeted cases resulted in resolutions in 2024, compared to 43% case disposal in 2023 and over 80% in prior years.

Tamil Nadu, while showing a sharp increase in reporting, also grapples with "high acquittals and pendency.Situation is no different in remaining states in the India.

Contributing factors include poor quality of investigation, delays that erode evidence and witness memory, hostile witnesses, administrative backlogs, and prolonged judicial vacancies. Courts and legal experts regularly highlight these challenges as undermining both deterrence and victim protection.

The POCSO Act has increased awareness and reporting of child sexual offences, but conviction rates remain low and case backlogs high. Despite mandatory reporting and media attention, underreporting—especially in rural and disadvantaged areas—persists due to stigma, reluctance, and institutional inefficiency, exposing a gap between the law's promise and systemic capacity. Landmark rulings such as *Nipun Saxena v. Union of India* and *Bijoy @ Guddu Das v. State of West Bengal* have reinforced victim-centric safeguards, notably confidentiality and child-friendly trials. The higher judiciary has interpreted the law sensitively, curbing regressive lower court rulings and reminding institutions of their duties. Yet, uneven implementation results in fragmented protection and inconsistent support for child victims.

A review of POCSO safeguards—from non-detention and prompt FIRs to support persons and in-camera trials—reveals major gaps on the ground. Most courts lack child-friendly infrastructure, and police, medical, and judicial actors are often undertrained. Fast Track Special Courts have not cleared backlogs, and statutory timelines are often missed, compounding victim trauma through lengthy, intimidating proceedings.

Implementation challenges span on all stakeholders. Police and healthcare workers remain undertrained and under-resourced; judges face heavy caseloads and lack of facilities; CWCs and DCPUs operate inconsistently; and NGOs, while vital, cannot fill systemic gaps. These deficiencies cause secondary victimization, erode trust and weaken deterrence.

Conclusion

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is one of the India's most progressive laws against child sexual abuse, meeting long-standing demands for strong statutory protections and child-friendly procedures. Over the past decade, it has increased awareness, expanded definitions of abuse, mandated reporting, and boosted offence registration. Yet, persistent structural and operational barriers—judicial delays, inadequate training, weak infrastructure, and poor inter-agency coordination—limit its impact.

Despite the establishment of 700+ Fast Track Special Courts and higher statutory penalties, conviction rates remain low and pendency high, prolonging proceedings and deepening survivor trauma. Safeguards like in-camera trials, trauma-informed testimony, and support persons are often undermined by resource gaps, lack of trained personnel, and inadequate psychosocial support. Mandatory reporting is inconsistently enforced, with stigma and fear curbing disclosures. Procedural lapses and fragmented services frequently result in revictimization.

International best practices from Canada, the UK/USA, Australia, and Sweden show that child protection thrives with integrated, multidisciplinary systems, robust reporting, accessible psychosocial support, and continuous stakeholder training. Models like Canada's Child Advocacy Centres and Sweden's Barnahus co-locate investigative, legal, social, and therapeutic services—offering blueprints for India to make justice truly child-centric.

Transforming India's child protection system requires more than legal amendments or stricter penalties. It needs sustained investment in child-friendly infrastructure, mandatory training for all frontline actors, targeted public education, better resource allocation, and strong oversight. Cross-agency coordination—covering police, judiciary, medical officers, welfare, and civil society—must underpin enforcement and survivor empowerment.

India must also empower agencies to collaborate on transnational CSA cases, in line with conventions like the Palermo Protocol, with fast-

track repatriation, victim support, and prosecution protocols. Awareness programs on "good touch" and "bad touch," as stressed by the Supreme Court, should be implemented. In *Just Rights for Children Alliance v. S. Harish*, the Court stressed a multi-pronged approach; comprehensive sex education on consent (consensual adolescent sexual relationship) and sexual exploitation, counselling for victims and offenders, public awareness to reduce stigma, early identification of problematic sexual behaviour, and school-based healthy relationship programs. An Expert Committee could develop a national framework for health and sex education and POCSO awareness for children.

Despite the formidable architecture of the POCSO Act and its accompanying legal reforms, the journey from policy to protection remains unfinished. The enduring gap between the law's promise and its implementation is not simply a matter of resources or training—it is a reflection of our collective priorities as a society. Behind every statistic is a child waiting for safety, justice, and healing. If our courts, police stations, hospitals, and communities cannot guarantee this to their most vulnerable member, what does that reveal—not just about our laws, but about our will to safeguard our future? As India stands at a crossroads, the question is no longer, what the law can do, but what we, as custodians of these laws and as a society, are willing to change. Will tomorrow's children inherit a system that not only hears but believes, supports, and empowers them? Or will the silent gaps in our protection become the loudest judgment on the legacy we leave behind? The answer, ultimately, rests with all of us.

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Compliance of Ilo Conventions in Indian Labour Law: A Critical Analysis of Non-Ratified Core Conventions

Kamali.T B.Com LL.B (Hons),
4th year, School of excellence in law, TNDALU
T,Rajarajeshvari R.S,B.Com LL.B (Hons),
4th year, School of excellence in law, TNDALU

Abstract

This study will examine India's compliance with the ILO's eight Core Conventions, which embody internationally acknowledged fundamental principles and rights at work. Convention No. 29 – Forced Labour Convention, 1930, Convention No. 87 – Freedom of Association and Protection of the Right to Organise, 1948, Convention No. 98 – Right to Organise and Collective Bargaining, 1949, Convention No. 100 – Equal Remuneration Convention, 1951, Convention No. 105 – Abolition of Forced Labour Convention, 1957, Convention No. 111 – Discrimination (Employment and Occupation) Convention, 1958,Convention No. 138 – Minimum Age Convention, 1973,Convention No. 182 – Worst Forms of Child Labour Convention 1999,India has ratified six of the eight main conventions. This study will examine the legal, administrative, and policy-based reasons for India's selective ratification. It concentrates on the two treaties that India has not ratified: Convention No. 87 and Convention No. 98, both of which deal with freedom of association and collective bargaining. India normally ratifies international conventions only when they are consistent with its domestic laws, and this concept has informed its decisions on ILO accords. The paper also emphasizes the socio-political and constitutional issues associated with ratifying the other two conventions. Finally, this study proposes constructive ideas and practical legal reforms to assist the ratification of these treaties in India, bringing the country closer to complete conformity with international labour norms.

Keywords: conventions, labour, organisations, forced Labour, collective bargaining

Introduction

The ILO has various important functions, including: Developing international labour standards through treaties and recommendations; Monitoring and supervising the implementation of these standards in member states. Providing technical support in fields such as labour law, training, and employment policy; Researching and disseminating reports on global labour and employment trends. One of the ILO's most significant accomplishments has been the identification of eight core agreements that address four essential principles: freedom of association, the eradication of forced labour, the abolition of child labour, and the abolition of discrimination. India has ratified six of the eight fundamental treaties, but neither treaties 87 (Freedom of Association) or 98 (Right to Collective Bargaining). Concerns about national legislation, administrative constraints, and India's informal labour market are among the reasons given. This paper will examine the reasons for India's selective ratification, the ramifications for labour rights, and how it matches with the ILO's goals.

Research Objectives

- To examine the Core conventions of the ILO
- To analyse the political and legal factors that influenced India's decision to ratify six out of the eight core ILO conventions
- To analyse the reason behind India's denial in ratifying two of the core ILO conventions

Review of Literature

1. Baccini, Leonardo and Mathias Koenig-Archibugi. "Why Do States Commit to International Labour Standards?: Interdependent Ratification of Core ILO Conventions, 1948–2009." *World Politics*, vol. 66 no. 3, 2014 This paper finds that ratifying core conventions adopted by the International Labour. Organization (ILO) creates legal obligations to improve labour standards in the domestic economy, particularly concerning union rights,

minimum age, and discrimination in employment, as well as forced labour.

2. Philip Alston, 'Core Labour Standards' and the Transformation of the International Labour Rights Regime, *European Journal of International Law*, Volume 15, Issue 3, June 2004,This study mainly concentrates on the transformation of the international labour rights regime based primarily on the adoption of the 1998 ILO Declaration on Fundamental Principles and Rights at Work.
3. Nameera Meraj, Influence of ILO in bringing change in labour in India with special reference to Indian constitution, International Journal of Civil Law and Legal Research, 2025 This paper examines the Core convention of the ILO have provided a refined International outlook to labour legislations and helped nations to codify these international standards at par with national laws.
4. V.K.R. Menon's book, "The Influence of International Labour Convention on Indian Labour Legislation " investigates how the International Labour Organization's conventions have shaped the legislative framework of labour laws in India, both directly and indirectly.
5. Sindhu Menon, in her work "Will India Ratify ILO C87 and C98?" A Riddle Unresolved" addresses the obstacles and issues that have arisen as a result of India's failure to ratify two key ILO treaties, Convention 87 and Convention 98.The study also discusses the setting of the TRTC strikes and the constitutional perspectives on freedom of organization and collective bargaining rights in India.

Research Gap

Although earlier research looks at India's overall adherence to ILO standards, little attention has been paid to the precise causes of the country's non-ratification of Conventions 87 and 98, particularly about trade unions' involvement, constitutional restrictions, and public sector limitations. This

study addresses that gap by exploring India's legal and policy barriers and proposing practical steps toward ratification.

Research Methodology

The present study adopts a doctrinal research methodology, which involves an in-depth analysis of legal principles, conventions, statutes, case laws, and scholarly writings. The doctrinal method is appropriate for this study as it seeks to critically examine the compliance of International Labour Organization (ILO) core conventions within Indian labour laws, with a specific focus on the two non-ratified core conventions—Convention No. 87 (Freedom of Association and Protection of the Right to Organise) and Convention No. 98 (Right to Organise and Collective Bargaining).

Research Analysis

ILO CORE CONVENTIONS

- FORCED LABOUR CONVENTION, 1930

  One important ILO tool for ending forced or compelled labor—defined as employment performed under threat of punishment without voluntary participation, with some exceptions—is the Forced Labour Convention, 1930 (No. 29). On November 30, 1954, India signed the Convention, reaffirming its constitutional pledge to forbid forced labor and human trafficking under Article 23. India passed legislation like the Child and Adolescent Labour (Prohibition and Regulation) Act of 1986 and the Bonded Labour System (Abolition) Act of 1976 to carry out this.

- ABOLITION OF FORCED LABOUR CONVENTION, 1957

  The Abolition of Forced Labour Convention, 1957 (No.105) strengthens the 1930 Convention by targeting specific forms of forced labour that remained under earlier exceptions. It requires member states to ensure the immediate and complete abolition of forced labour. India ratified it on 18 May 2000, supported

by Article 23 of the Constitution, the Bonded Labour System (Abolition) Act, 1976, and provisions in the Bharatiya Nyaya Sanhita (Sections 146 & 143) penalising forced labour and trafficking.

- DISCRIMINATION (EMPLOYMENT & OCCUPATION) CONVENTION, 1958

  Discrimination on the basis of race, sex, religion, or socioeconomic origin, the Discrimination (Employment & Occupation) Convention, 1958 (No.111) aims to provide equality of opportunity and treatment at work. In accordance with Articles 15 and 16 of the Constitution, India ratified it on June 3, 1960. The Equal Remuneration Act of 1976, the Industrial Disputes Act of 1947, the Rights of Persons with Disabilities Act of 2016, and the Transgender Persons (Protection of Rights) Act of 2019 are examples of supporting legislation. India's adherence to international labour norms and labour justice is reinforced by the Convention.

- THE WORST KINDS OF CHILD LABOUR CONVENTION OF 1999 (CONVENTION NO. 182)

  The Worst Kinds of Child Labour Convention of 1999 (Convention No. 182) is one of the International Labour Organization's (ILO) eight core treaties targeted at eradicating the most destructive kinds of child labour. This convention was enacted in 1999 and is regarded as one of the most quickly ratified ILO agreements in history, indicating a global consensus against child exploitation.On June 13, 2017, India ratified both Convention No. 182 and Convention No. 138 (Minimum Age Convention). The ratification was a crucial step by the Indian government toward reinforcing its commitment to ending child labour, particularly in hazardous and exploitative conditions. The primary goal of Convention No. 182 is to guarantee that member

countries take early and effective steps to eliminate the worst kinds of child labour.

- THE EQUAL REMUNERATION CONVENTION OF 1951 (CONVENTION NO. 100)

  This is one of the ILO's eight core treaties. It was implemented to promote gender equality by assuring equal compensation for equal effort. The treaty is an essential component of worldwide labour standards for gender equality. India adopted Convention No. 100 on September 25, 1958, demonstrating an early commitment to combating wage discrimination and supporting fair compensation in the workplace. Fundamental goal of this convention is to ensure that male and female workers receive equal remuneration for completing labour of equivalent value, thus minimizing gender-based wage inequalities and ensuring justice in employment systems.

- THE MINIMUM AGE CONVENTION OF 1973 (CONVENTION NO. 138)

  This is one of the ILO's eight core agreements. It was adopted to gradually eradicate child labour by establishing a minimum age for entry into employment or work. This agreement contributes to the ILO's larger work to protect children's rights and ensure access to education. On June 13, 2017, India ratified both Convention No. 138 and Convention No. 182 (Worst Forms of Child Labour). The approval marked a significant step toward aligning India's child labour regulations with international standards.The primary goal of Convention No. 138 is to establish a minimum age for entry into employment that is not less than the age required to complete compulsory education.

- THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION OF 1948 (CONVENTION NO. 87)

  In order to support democracy and labor rights, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87), protects the freedom of employers and employees to establish and join organisations without prior consent. India has refused to ratify it, arguing that national laws already offer adequate protections and raising concerns about giving government employees and vital service workers complete freedom of association.

- RIGHT TO ORGANISE & COLLECTIVE BARGAINING CONVENTION,1949

  The Right to Organise & Collective Bargaining Convention,1949 (Convention No.98) is one of the critical conventions of the ILO, aimed at safeguarding workers' right to freely form an association and join trade unions, and to collectively bargain for their betterment at the workplace. This convention prohibits anti-union discrimination, which says an employer must not make employment conditional on a worker not joining a trade union, or dismissal for participating in union activities. This convention is not applicable for public servants. It also mandates the protection of workers' and employers' organisations against interference by each other. The convention is vital in the context of labour relations as it forms the backbone of industrial democracy.

Challenges Behind Non-Ratification of Convention No.87 & 98 By India

Workers are protected from anti-union discrimination and collective bargaining is guaranteed by the 1949 Right to Organise and Collective Bargaining Convention (No.98). Despite being ratified by 168 nations,

India has not done so, primarily because of worries about how it will affect government workers because Indian law restricts their ability to strike and engage in collective bargaining. Although employees are permitted to organize unions under Article 19(1)©, public sector rights are restricted by Article 19(4) and service regulations (such as the Tamil Nadu Government Servants' Conduct Rules, 1973).Citing constitutional and legal restrictions on public sector employees providing critical services, India has also refused to ratify Convention No. 87 (Freedom of Association and Protection of the Right to Organise, 1948). The government contends that ratification could interfere with administration and that national laws already offer sufficient protection. India continues to oppose ratification of these two agreements in spite of pressure from the international community and union demands.

Findings

- India has ratified 6 out of 8 core conventions, all of which align with Indian constitutional and statutory provisions.
- Non-ratification of Conventions No. 87 & 98 is primarily due to:
- Legal restrictions on public servants to form unions
- Non-fundamental nature of the right to strike in India

Suggestions

- National laws can be reformed & modified to enable freedom of association and collective bargaining for public servants.
- A committee could be established to oversee India's ratification of Convention No. 87 & 98.
- Strict enforcement mechanisms, like legislating anti-union discrimination laws in India, should follow with ratification.

Conclusion

India has made significant progress in aligning its domestic labour laws with international standards by ratifying six out of the eight core ILO conventions. By ratifying six of the eight core ILO conventions,

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The Internship Illusion: Labour Exploitation and Modern Slavery in Japan's Technical Intern Training Program (TITP)

DHARANYA V Student,
The Tamil Nadu Dr. Ambedkar law University - SOEL
SHYAM SUNDAR P Student,
The Tamil Nadu Dr. Ambedkar law University - **SOEL**
VIJAYAKUMAR M Student,
The Tamil Nadu Dr. Ambedkar law University - **SOEL**

Abstract

Japan, a global economic powerhouse, encounters a substantial shortage of personnel, fostering the implementation of the Technical Intern Training Program (TITP) to captivate foreign workers. Although this internship aspires to upgrade skills and employment, several reports have disclosed rampant labour exploitation under the training. Migrant workers are frequently exposed to misleading job agreements, substandard living conditions, working long hours in hazardous settings, fabricated wage documents to show adherence to minimum wage guidelines, and even physical aggression amounting to modern-day servitude. Under dire circumstances, giving rise to suicide and fatalities. The programme relies on foreign workers while failing to safeguard them. As a consequence, what was supposed to be an opportunity is turning into oppression under the pretence of training. Despite the bill being passed to abolish such unethical practices, proper execution is still lacking. This paper scrutinizes deeper into the experiences of migrant workers through the lens of documented cases, government reports, editorials, and legal regimes. It also emphasizes Japan's violations of international labour standards and human rights codes. The study concludes with policy recommendations, which ultimately call for domestic reforms, more stringent measures, and shielding migrant workers' integrity and rights.

Keywords: Labour Exploitation, Technical Intern Training Program (TITP), migrant workers, modern-day servitude, International Labour Standards.

Introduction

Japan's Technical Intern Training Program (TITP) was commenced in 1993 by the Japanese government with the declared objective of encouraging industrial progress in developing countries through the transfer of technical skills. TITP targets the labour force from Vietnam, China, Indonesia, and other Southeast Asian countries, placing them in sectors including agriculture and manufacturing, with a maximum stay of five years.

However, despite its outward appearance of promoting skill development, a considerable volume of evidence has exposed that workers have been systematically exploited, often amounting to modern slavery. Interns are subjected to exploitative practices, for which numerous organizations, including the International Labour Organization, have raised concerns about violations of fundamental labour rights. The necessity of this study stems from the urgent need to expose the implicit labour exploitation within Japan's Technical Intern Training Program (TITP).

A report revealed that around 9,000 interns had *'disappeared'* in a single year, which is deepening the crisis. In 2023, due to these systematic malfunctions, a Japanese government panel advocated for substituting the program with a revised framework that upholds the rights of migrant workers. However, critique is that effective enforcement has not yet begun and remains weak, and obscure.

The study aims to raise awareness of this program and corresponding labour exploitation, as well as to critically evaluate its institutional frameworks, governing body and implementation. It also assesses whether Japan has ratified the ILO convention and analyses issues regarding state accountability, and their impacts on vulnerable foreign workers.

Definition

1. *According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labour is*:- "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."
2. *UNTOC Palermo Protocol,* declares that exploitation consists not only of forced labour but also of many other situations: "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

The Problem of TITP

Japan's Technical Intern Training Program (TITP), has sparked controversy over its practices for causing systemic labour exploitation. Migrant workers are constantly affected by exploitative practices, including manipulative employment agreements and inhumane treatment.

Reports from the Clean Clothes Campaign, titled *Made in Japan (2020)*, reveal the exploitation-enabling factors faced by migrant garment workers. Instead of providing constructive training opportunities, the program's structure deficiencies perpetuate modern-day slavery under the guise of training. Although, regulatory bodies such as JITCO and OTIT, along with legal reforms, aim to eliminate such unethical practices but the enforcement is weak and accountability is limited. This discrepancy between policy intent and practice, triggers significant concerns regarding Japan's compliance with International Labour Standards and Human Rights codes.

Historical Background: A Journey Through Time

In the 1960s, Japanese companies began global recruitment and engaged in developing expertise among trainees at their domestic companies. These initiatives were intended to leverage experience and transfer institutional

knowledge to foreign labourers, and the trainees were appreciated for their contributions to enterprise growth.

In 1983, Japanese companies employed international labourers specifically from developing countries and they were provided opportunities to attain field experience across diverse industries. Additionally, foreign trainees were considered beneficial for the skill development of the domestic workforce.

However, the program's shortcomings were that there were no proper regulation and it was not fully integrated into Japan's immigration system.

In 1990, the approach to accepting foreign trainees was formalised further with the association of supervising organisations. At that time, the trainees were not recognised as workers rather designated as "foreign trainees." This term illustrated Japan's focus on skills training and technical development rather than labour employment. As a result, an upward trend was seen in participation. In addition to this, labour shortages and the need for workforce growth prompted the Japanese government to develop more structured and standardized guiding principles.

In 1993, the Japanese Ministry of Justice promulgated immigration control guidelines related to the Technical Intern Training Program (TITP). This marked the official inception of the TITP and introduced the term *"technical intern"* to describe the participants.

From then on, these participants were no longer seen solely as trainees but also as contributors to the workforce under the guise of skill acquisition.

As the program amplified, the Japanese government took supplementary measures to codify and regulate it. The Immigration Control and Refugee Recognition Act was amended in 2010 and was recognised as a significant way forward. The attributes of the revised act are as follows:

i. Legally recognised technical intern training.
ii. Given legal status to the foreign nationals.

Despite these legal advancements, the program received several criticisms based on the reports of exploitation and abuse faced by many interns. A notable critique was that 'the legal reforms were intended to lift the curtain on exploitation.'

As a response, the Technical Intern Training Act was enacted in 2016 with the aim of enforcing the recent regulations to address the prevailing challenges. The Organisation for Technical Intern Training (OTIT) was also established in 2017. OTIT was charged with supervising employers and ensuring compliance with International Labour Codes.

By 2019, criticism intensified. Reports from NGOs and UN bodies accused Japan of facilitating forced labour situations within the program.

During the COVID-19 pandemic, countries like Vietnam restrained their nationals for an interim period from taking part in Japan's TITP due to concerns over inhumane treatment. The media investigations, parliamentary discussions and reports regarding the growing number of cases where interns disappeared made the issue more sensitive and have led to increasing calls for reform. In 2024, Japan's Ministry of Justice issued a statement to abolish the TITP by 2027, declaring that it would be replaced by a modern, reformed system.

Reports and Articles

i. Report by NHK World Japan

The migrant labourers allege that the company is not paying any living expenses which is causing them a financial distress. They are vulnerable to serious abuse and harassment. Their passport have been confiscated. Moreover, Vietnamese and Indonesian interns were forced to work at hazardous sites without any safety measures.

ii. KYODO News

The news article exposed that, a Cambodian technical trainee was sexually assaulted by the manager at the farm which is located at the north of Tokyo.

She claimed that the manager sexually assaulted her almost everyday and threatened her with being sent back to home country if she refused.

iii. U.S. Government Report (2016)

The report discloses labour trafficking under TITP and publishes information about the traffickers' offensive activities, including fraudulent marriages, sex exploitation. The report also cites that there is a persistent forced labour exploitation particularly in the manufacturing, construction and shipbuilding sectors.

iv. Clean Clothes Campaign's Report

Based on the research and interviews with the migrant garment labourers, various forms of exploitation were revealed, including workers being forced to work 18 hours a day. Furthermore, the Labour Inspection Office in Japan found almost 70% of the businesses that had hired TITP workers were in violation of labour laws.

v. Ministry of Health, Labour and Welfare (MHLW) official inspection data (2008 – 2016)

The data identified 24,590 non-compliance cases. According to the inspection statistics, the number of violations has increased significantly. Notably, workplace safety and health violations are higher compared to other types of violations. Many trainees have died as a result of malnutrition and working in a toxic environments.

Journalists' Briefings

1) Story of a skilled tailor

In May 2015, a skilled tailor in China, received a call from an employment agent who tried to persuade her to work in Japan. In anticipation of a better salary, she gave her consent and travelled to Japan in 2016. However, she was asked to pay a non-refundable deposit to the employment agent.

As the fee was high, she couldn't afford to pay. Instead, she agreed to pay once she started earning, thereby trapping herself into debt bondage.

2) Data on trainee deaths

Data published by the Japanese Ministry for Health, Labour and welfare shows that 22 trainees died at work due to accidents and overwork between 2014 and 2016.

3) Tragic incidents

In July 2014, four Vietnamese nationals (three technical interns and one student) died, among them, one committed suicide with a written statement that described their experiences of violence, abused, and bullying. Another trainee died from acute heart failure. Experts have stressed these deaths to abnormal circumstances, due to the factors like social isolation, over work, and psychological pressure.

4) The women trainees were sexually exploited in exchange of debt repayment.

International Labour Codes

International Labour Organization aims to advance social justice by setting international labour standards, these labour standards are applicable to everyone including migrant workers and has several conventions to protect the rights of migrant workers. Japan, being a member of ILO, has explicitly violated numerous conventions through its TITP, even those that it has ratified. TITP program initially created by Japan to combat the low demographic profile of working population, what started as a skill exchange program later was turned into a medium to acquire cheap labour, due to inadequate oversight, interns were subjected to gruesome exploitation, ranging from workplace discrimination and even cases of human trafficking, there by TITP's operational framework breaching a lot of international labour standards, falls within the ambit of modern slavery and forced labour violating a lot of fundamental conventions of ILO.

Convention No.	Object of the Convention	Violation under TITP	Status
Migration for employment Convention (revised) 1949 (no. 97)	To ensure that migrant workers are treated fair and equally without any discrimination and outlines various obligation of the ratified states to protect migrant workers and their rights.	Unequal wages compared to nationals and lack of access to legal remedies, no proper complaint mechanism, lack of social security.	Not ratified
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	To protect the interest of migrant workers, and establishes states responsibility to ensure that there is no form of abusive labour practices and human rights violation of migrant workers in the name of employment.	Unequal working conditions, social isolations of trainees, language hurdles.	Not ratified
Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014.	Elimination of all forms of forced labour including human trafficking and sexual exploitation.	Debt bondage by unscrupulous brokers. Harassment faced by especially women trainees, interns are subjected to human trafficking.	Ratified

Convention No.	Object of the Convention	Violation under TITP	Status
Occupational Safety and Health Convention (No. 155)	The Convention was acquired to confirm a safe and healthy working environment conditions for labourers. *Article 3* defines healthy environment also includes physical and mental elements affecting health directly relating to safety and hygiene at work.	Excessive hours and unsafe working conditions.	Not ratified
Violence and harassment convention, 2019 (Convention no. 190)	It recognises the right to work free from violence or harassment, and acknowledge the need to eradicate violence and harassment in work.	Trainees facing harassment and human rights violation.	Not ratified
Minimum wage fixation Convention (Convention no. 131)	This convention includes the standards to fix minimum wages and objective is to confirm that all workers are provided with minimum wage.	Unpaid and under paid, excessive hours and refusing to pay for the overtime.	Not ratified

There are innumerable human rights protections available for the migrant workers, and that are violated by Japan under TITP. Several technical intern trainees are affected by exploitation including unpaid wages, excessive hours and unsafe conditions. It is evident that there was non-compliance with conditions of Convention 131.

Some trainees are subjected to human trafficking and debt bondage by unscrupulous brokers and intermediaries infringing the provisions under Convention 29.

Language hurdles, cultural disparities, unequal working conditions and a lack of support systems, frequently causes social isolation for trainees, thereby violating Convention 97, and Convention 143. Still there are countless number of harassment cases have been recorded especially against women, for which no strict action was taken. Some of the conventions were ratified by Japan such as Convention 29, yet there has been deficiency in proper implementation, and not ratifying certain indispensable conventions related to labour rights.

Titp After Recent Reforms

The training period has been reduced i.e. new training period is for 3 years, narrowing down to 14 important industries. After one year, an employee with sufficient language proficiency and preferred skills can transfer to a different company within the same industry. This mechanism allows the workers who experience exploitation to shift their employers and to seek better working conditions. A significant change the government aims to bring to the system is the requirement for Japanese language proficiency.

Recommendations and Conclusion

In conclusion, to shield the rights of migrant workers in Japan, the Japanese government must ratify relevant International Labour Organization (ILO) Conventions as a member of ILO and implement stringent regulations under the Technical Intern Training Program (TITP).

On account of the existing exploitation, it is essential to enforce the recent reforms prior to 2027. Additionally, Japan should establish a dedicated immigrant policy to safeguard the rights of migrant workers, ensuring their protection and security. The Japanese government must strictly follow the human rights principles outlined in the Universal Declaration of Human Rights (UDHR) without any compromise and permit international

organizations like the ILO to intervene in cases of labour rights violations under TITP. Another crucial recommendation is the establishment of autonomous labour commission to address the issues faced by migrant workers and to take immediate action against exploitative employers. The role of the commission should be investigating and prosecuting cases of human rights violations and labour rights infringement, ensuring ethical and moral practices.

One of the significant challenges confronted by migrant workers is the *language barrier*. There must be an agency to provide them services and enable workers to report grievances effectively. Remuneration should be paid fairly to cover their living expenses, and excessive overtime work must be eliminated.

There should be explicit contracts with comprehensive terms and conditions including a clause that allows workers to cancel their contract if they are not interested in continuing their work. The contract must be ceased and if desired, the government should facilitate in returning to their homeland. Strict actions should be taken to prevent coercion, forged documents, and debt bondage and offenders should be penalized accordingly.

By enforcing these recommendations, Japan can reduce the death rate, pressure, and exploitation faced by migrant workers and assure their rights are fully protected.

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Critical Analysis of Working Futures From the Perspective of Ilo and Digital Work in India

Prof.(Dr.)Kavita Solanki
Professor of Law
Ggsipu

Ms. Ananya Dutt
Research Scholar
Ggsipu

Abstract

Workers in the global south are getting closer to facing the effects of automated or digitally enabled non-standard employment due to the availability of data communication networks and the prevalence of informal work. What social and political reactions are necessary to deal with this evolving interaction between the experience of digital work mediated by privately held international technology platforms and the tools of automated production? This chapter evaluates whether the International Labour Organization's (ILO) emphasis on social protection and labor rights is appropriate for addressing the possibility of capital-labor substitution and the emerging ecosystem of software-mediated work by looking at India's labor market with an emphasis on the nation's IT sector. The chapter recommends democratic control over tech-enabled digital platforms, a new approach to digital labor, and a greater examination of unregulated working conditions.

Introduction

The combination of growing economic growth, increased human productivity, and a larger labor pool presents a new problem for the world today. There might not even be enough work in the future for everyone, especially in emerging nations. The majority of the 428 million new

workers expected to join the global labor force by 2030 will reside in low- and middle-income countries (lmcs) in South-East Asia and Africa (ILO, 2017). For instance, India's population is predicted to overtake China's in just ten years, reaching 1.66 billion by 2050. Ten nations alone are predicted to account for more than half of the projected global population growth between 2017 and 2050. In low-income countries, the demographic pressure of an expanding labor force, especially for young people in precarious employment, may worsen the skills gap between workers and employers (ILO, 2017, 34). It may also promote competition for the least valuable skills, meaning that skill sets will become less valuable. The possibility of a growing labor force outpacing job creation and productivity advances portends a future of widespread unemployment if the advantages of this demographic shift primarily depend on the ability to employ its working-age population productively. Recent advancements in artificial intelligence (AI) have the potential to displace jobs, which makes this problem even worse.

In industrial and agriculture, prior waves of automation and mechanization have resulted in the production of excess or redundant human labor.

Few jobs are now immune to automation or computerization, even if worldwide unemployment rates have recently decreased, which is sometimes ascribed to declining labor force participation. In fact, AI is making it possible for most human labor to be automated at a time when human productivity is higher than ever before. Bots, drones, and other intelligent machines are learning to carry out autonomous work, recognize patterns and forecast behavior, and tackle non-routine and cognitive tasks.

Falling technological prices and the sweeping effects of intelligent software development for non-routine jobs are already affecting both high-skilled personnel across LMCs and low-skilled and low-waged labor, if advances in robotization have been primarily limited to developed nations. For instance, a survey of 16 to 25-year-olds in India revealed that 52% of

respondents thought AI computers or software would replace human labor in the next ten years.

Often referred to as the Fourth Industrial Revolution, academic studies that focus on this transition to automated labor and the upcoming computerized or robotized work tend to range from the pessimistic outlook of a society free from burdensome labor to the frightening possibility of a jobless future. Some believe that the scope and impact of this transformation will be worsened by the falling costs of automation and a shift to capital-intensive technology; estimates range from 40 to 60 percent of US jobs that could be lost in the next 20 years (Frey and Osborne, 2017; Hicks and Devaraj, 2015) to 9 percent of jobs in OECD countries that are "automatable" (Arntz et al., 2016). Others believe that people should accept the freedom of a fully automated economy (Srnicek and Williams, 2015; Livingston, 2016) or come up with new ways to either mitigate the effects of automation or make up for lost income through Basic Income programs (Barchiesi, 2007; Davala et al., 2015; Standing, 2017; Seekings and Matisonn, 2010) or robot taxes (Guerreiro et al., 2017). Apart from a growing critique in the literature on digital studies that focuses on the relationship between exploitation and marginalization in the digital economy (Casilli, 2017; Fuchs, 2016; Graham et al., 2014), little attention has been paid to how workers in the global South are exposed to automation and what lessons it might teach about adapting to shifting ideas of production in an increasingly connected and internet-enabled world. The fundamental question we aim to answer rests on the institutional division of labor and the social and political conditions that facilitate the adoption of technology: what working future awaits the next generation of workers? This is in contrast to reducing technological unemployment to the Schumpeterian "gale of creative destruction" and the gloomy prospect of a Luddite fallacy, or embracing futuristic visions of an automated post-work scenario and the "post-wage" realities of an on-demand "gig economy."

The International Labour Organization (ILO) believes that up to 75% of workers, especially in LMCs, are affected by irregular or underemployment, which includes informal, casual, or temporary work. Workers in these nations are quickly approaching the effects of automated or digitally enabled non-standard employment due to the sheer pressure of the population and the predominance of informal work, which is supported by inexpensive access to strong data communication networks. 6. Estimating the number of jobs that will be available and preparing workers for them may be important, but it might not be sufficient to address insufficient training in "marketable" skills or provide new chances for entrepreneurship to those without jobs. Significant political repercussions are also brought about by the unrestricted use of technology advancements in the field of labour. These would include the uncontrolled, corporate-owned repositories of data gathered by data mining and prediction algorithms, as well as increased monitoring and scrutiny of both personal and professional lives, from remote desktop and keystroke monitoring to cashless transactions. Although these are significant concerns, the primary objective of this chapter is to analyze how temporary, contracted, and freelance labor is actually and potentially exposed to computerization and automation, on the one hand, and the opportunities and constraints provided by access to digital labor platforms to lessen, rather than increase, the precarity that is common in LMCs, on the other.

India's Digital Labour Economy

Today's work depends on a connected divide of human and computerized labor, with automated procedures to streamline accounting and payroll, on-demand workers available for hiring in platform services, and outsourced customer service or human resources. App-based service platforms, which enable workers to get around the geographical limitations of local labor markets, guarantee simple coordination and a flawless client experience as mobile internet connection grows and becomes more affordable. In order to comprehend the difficulties of a digital labor market, this section looks at digitally mediated work in

India. Despite the potential for labor arbitrage on global platforms, research has revealed that relationships of digital production, which are based on a "vast and complex network of interconnected, global processes of exploitation," exhibit an imbalance in data and value transfer that is skewed towards the global North (Casilli, 2017) (Fuchs, 2016, 21). Contrary to the notion that a worker's location is rendered irrelevant, the unequal nature of relations between places is what encourages the development of these digital work networks. Workers in the global South are more vulnerable to economic exclusion, subcontracting, and loss of bargaining power (Graham et al., 2017, 142).

Freedom and Flexibility, On-Demand

Coding and software programming were based on free use, open source, and unrestricted sharing for the first generation of software developers and digital workers (Coleman, 2013). The crowdsourcing aspect of the "sharing economy" (Sundararajan, 2016) is commonly presented as a liberating, community-based experience free from the constraints of formal work.

The freelancer persona on work platforms in particular embodies a picture of freedom: the worker is unrestricted in their ability to work, but they are also unprotected and unregulated. A growing number of critics view on-demand and micro-work platforms, which share labor, as unregulated, profit-seeking, data-generating infrastructures based on asymmetric algorithmic operations and opaque labor supply chains (Shapiro, 2017; Graham et al., 2017; Rosenblat and Stark, 2016). On-demand employment is "labor without overhead," whether it is done as temporary, task-oriented labor or under the pretense of computer services (Irani, 2015) (Shapiro, 2017, 14).

Many Indians are turning to temporary work or tech-enabled freelancing work as a result of the decline in employment possibilities. After China and the US, India has the third-largest flexible staffing workforce globally, with an estimated 2.1 million temporary workers in the organized sector. Additionally, India has emerged as the leading provider of digital labor,

including software, technological services, and data processing labor (Kässi, O., M. Hadley, and V. Lehdonvirta, 2018).

Online piecework has emerged as a popular way to make a living when there is a lack of steady employment. Additionally, corporations are favoring and facilitating unprotected freelancing labor more and more, shifting toward project-based work and temporary or short-term employment. 25 This "gig economy," which we might refer to as a "global digital factory," is predicted to grow in popularity in the future due to a lack of jobs and a decline in technological companies. These online marketplaces and the new type of labor performed there are not spatially bound; rather, they represent an infrastructure of digital labor, in contrast to the sweatshops and maquiladoras of the 1990s and the beginning of the new millennium (Fuentes and Ehrenreich, 1983; Louie, 2001). Recruiters can "tinker" with human workers using Amazon's Mechanical Turk, which permits "employers to experiment with the uses of human labor, exploring new business areas with little accountability or obligation to those employed in the experiments" (Irani, 2015, 230).

In India, the rise of this flexible and disposable workforce is not a recent development. Since at least the 1990s, Indian-run employment agencies, also known as "body shops," have provided qualified Indian IT workers for short-term, on-site projects for international organizations and businesses without putting the destination nation through the financial strain of layoffs. These body shop owners and agencies would hire and provide a highly mobile and adaptable labor pool, hence offering jobs to Indian workers and workers overseas (Xiang, 2007). The demand for international body shopping decreased in the middle of the 2000s due to tightening visa requirements and the potential for off-site delivery of IT services. Formerly a "capital node in global body-shopping networks," Hyderabad serves as the capital of the southern Indian state of Telangana (Xiang, 2007, 48). It now competes with Bengaluru for the title of India's IT hub. IT professionals were reluctant to talk about their new situation on the record when they learned that positions were going to be outsourced or made redundant

during trips to these technological centers. However, a sobering reminder of the current employment situation was the reported increase in suicides among tech professionals.

Informal discussions with software and IT developers working for US multinational companies in Hyderabad and Bengaluru revealed a palpable fear of layoffs. According to what an Amazon employee in Hyderabad told the authors, there is a perception that the present workforce is setting the stage for a future with automated procedures and fewer jobs.

Autonomy and Control

Because on-demand transportation services are so common, studies on Uber and other ride-sharing tech platforms have shown that algorithmic operations create information asymmetry and that reputational capital is crucial for workers who have little to no other protection (Rosenblat and Stark, 2016). Workers rely on these platforms' technological brokerage to enter the labor market, even while they are in charge of their own equipment (Surie and Koduganti, 2016; Shapiro, 2017). The push for disintermediation by these companies has two significant ramifications for the current analysis: first, employment is defined as an autonomous monetization of the self, contingent upon a certain threshold of acceptance or reputation; second, the control and surveillance exercised by these companies undermines the apparent freedom of the worker.

The flexibility that comes with choosing how long, when, and where to work, as well as the independence from the responsibilities that come with traditional employment, are valued by workers, according to ethnographic studies of Uber and Ola drivers in India (Surie, 2017). The perception of increasing wages and the social mobility that comes with being an entrepreneur strengthen a sense of liberty, and working for Uber or Ola can be similarly liberating for employees in terms of caste and communal identities. However, the technological corporations that run sharing platforms benefit from this language of autonomy. Drivers for Ola and Uber saw a decline in pay in the beginning of 2017.

The companies reduced their fares and incentives after gaining a sizable driver base, the majority of whom used bank credit to settle their auto loans. This led to a 60% decline in earnings and, a month later, 24% of the drivers stopped using the platforms (Business Standard, 2017). The reported 250,000 Uber and 350,000 Ola drivers were first enticed by the prospect of greater autonomy and pay, but they are not legally regarded as employees of these internet companies, and the state labor department does not address their complaints. Despite this autonomy dilemma, Uber hires drivers, conducts interviews, and uses control mechanisms like rating systems and complaint procedures that have an impact on pay, lending legitimacy to a real job relationship.

The nature of such employment and its future are seriously called into question by the incapacity to determine wages, incentives, or the more general conditions of the working relationship between an employer and employee. This work environment is not just precarious and unsafe, but it is also encased in intrusive control systems. 28 Because they grant an excessive amount of access to personal information (location, driving routes, and acceptance rate) to power the algorithmic operations of the platform, drivers making less than the minimum wage have their every move monitored by technologically enabled forms of surveillance. Though they do not receive regular pay or health or social security benefits, they are similar to factory workers who are constantly watched and monitored.

India's IT Industry

An estimated 3 million jobs are supported by India's software and IT sector (Upadhya, 2016, 2). A significant portion of new jobs created annually in India are produced by the IT sector, in addition to business process outsourcing (bpo) jobs for third-party providers (see Figure 11.4). However, the industry had its first employment crisis since 2008 in 2017. Even though the industry is frequently praised for representing the future of work in India, there are fewer and fewer opportunities for IT professionals and programmers in Bengaluru and Hyderabad. According to

extensive media reports, 56,000 workers are expected to be let go in 2017 (see, for instance, Siddiqui and Sharma, 2017). The tech industry now embraces a smaller, highly skilled workforce that can creatively develop entire products, whereas the IT work of the late 1990s and early 2000s involved labor-intensive and fragmented tasks that led to the deskilling of its workers (Upadhya and Vasavi, 2008).

With Google and other tech giants acquiring small Indian start-ups working with AI and deep learning systems, foreign corporations who formerly relied on body shops have reduced their workforces in India and are looking to the future for technological advancements in cloud computing, artificial intelligence, and machine learning.

For the first time, businesses in India are moving back to the US for technological, political, and financial reasons. One of the nation's first and biggest tech firms, Infosys, has declared its intention to increase the number of American jobs it hires, resulting in the loss of four skilled Indian jobs for every new US-based post. Other companies are expected to follow suit. Such analyses ignore the reality that automation already handles a large portion of routine coding, testing, and call center data mining tasks, regardless of whether this shift is due to the growing skills of American graduates, the rising wages of Indian programmers, a corporate realignment towards the US-based customer base for political reasons, or a combination of these factors (Pallotta and Delmonte, 2013). However, the recent discussion of outsourcing and dismissals shocked our interlocutors in the IT industry and called into question the promises of social mobility personified by its nouveau riche middle class of IT professionals (Fuller and Narasimhan, 2007). The realities of IT-enabled industries or the global outsourcing of flexible workers have been ethnographically documented (Amrute, 2016; Ho, 2009; Lane, 2011; Patel, 2010; Upadhya, 2016).

As automation boosts productivity and efficiency, many regular programming tasks are really becoming extinct, removing a few more employees off payrolls.

More generally, these advancements portend the initial consequences of AI-driven software development: first, humans appear to be left to serve as AI's creative complement or to create exceptions in automated processes as AI largely enables and prepares the manufacturing process of the future through autonomous decision-making, algorithm learning, and software coding. Second, the burden of guaranteeing the required means of production falls on the workers themselves when the excess of highly skilled labor in the Indian IT sector enters international labor markets.

Ilo and Social Protection

It is hardly unexpected that concerns for work security have given way to needs for income security given the experiences of flexibility and autonomy discussed above and the blurring of the lines between formal and informal, standard and non-standard (Sharma, 2006). Like the call for "serious consideration" to be given to Universal Basic Income programs in India's Economic Survey of 2017, Basic Income initiatives and new redistributive policies should be part of the ILO's agenda to reinforce initiatives geared towards decent work and social protection. These initiatives are being promoted as the panacea for the job shortage.

However, the ILO should be able to address the issues of automation and the consequences of an expanding workforce of digital workers who enter the labor market through international platforms, going beyond redistributive measures. By linking its centennial endeavor to the nature of work in the future, the ILO has generated a debate over how automation will affect the global division of labor. The pitfalls and analytical limitations of viewing the future of work through the lens of decent or standard employment are nothing new to the ILO, which has made significant progress in evaluating gig economies (De Stefano, 2016) and non-standard contract work in India (Srivastava, 2015).

Nonetheless, labor is frequently viewed in these and other forums as an antagonistic state of independence and reliance, unemployment, or consciously refusing to work (Denning, 2010; Calvão, 2016). The ILO

has been hesitant to confront the post-wage or post-human labor paradigm in all other areas. This is not to suggest that all occupations will eventually disappear or that humans would be considered redundant. Instead, we suggest that the desire for meaningful dependency as a means of creative action—that is, the ability to establish and sustain relationships of interdependence—is signaled by the universal desire for autonomy and flexibility (Ferguson, 2015; Graeber, 2001).

When viewed as labor-intensive, the digital labor of the future will inevitably require significant human involvement. However, how can the ILO value digital work in between dehumanizing experiences and the need for human autonomy and flexibility if a metric of success for tech companies is the concealment of the human element behind automated data-processing and digitally enabled work (Irani, 2015)?

In order to meet the requirement to value people across labor platforms, including the additional burden that comes with owning the resources required for production, the ILO bears a special obligation. Globally, businesses like Airbnb and Uber are facing more legal scrutiny for their business strategies that reduce pay, transfer risk to its employees, or avoid their social and financial obligations. Uber was compelled to resolve two distinct class action lawsuits in the US, but it is still permitted to employ "independent contractors." However, in a recent ruling with broad ramifications, a London court dismissed Uber's claim that it was offering a shared "platform" for its partners. A convention on digital work that addresses the social value of work, the declining contribution of human labor to economic productivity, and the best ways to guarantee ILO standards and protections for individuals adopting piecemeal work in this new, global digital factory should acknowledge the trend towards virtual human clouds, digital products, and flexible contractors. As proposed here, this means taking seriously the freedom ascribed to these jobs by many workers while scrutinising the un-regulated data-gathering power and control exerted by large corporations.

Second, we propose that the ILO should continue to experiment with digitally mediated work and network governance, and create a new concept of digital labor relations that is not based on traditional work arrangements but rather on methods of self-monetization within a digital ecosystem. A degree of workers' authority and autonomy over digital labor platforms should extend beyond the conditions of employment or independent contract work and include the transferability or ownership of ratings and reputational capital (De Stefano, 2016, 22). This brave new world of the sharing economy, particularly that which is characterized by independent labor made possible by technological platforms, indicates the need for laws and policies to oversee these kinds of workplaces as well as the ways in which private firms use digital surveillance and control. Though the flexible workforce feature of digital economies shares many characteristics with traditional employment and plays a crucial role in the operation of global supply chains, it is crucial to take your time when reimagining work and policy decisions (Tsing, 2009; De Stefano, 2016). More stringent tax laws and social security benefits for contract, independent contractor, and temporary employees should be developed in light of the dearth of social protection in these industries.

Thirdly, a critical examination of the digital commons and platform "cooperativism" is made possible by the new ecosystem of digital work (Scholz and Schneider, 2016). If initiatives to support equitable cooperatives and collective bargaining have been far more successful and pervasive in nations like India, it is possible that the automated and on-demand economy may adopt this model. The goal of this effort should be to examine what it means to rely on privately owned technology platforms to access the labor market, the nature of providing services to multiple employers under the guise of recruiters and commissioners, and what makes up the work product of digitally me- diated, semi-automated labor, as more and more people seek the autonomy of working in these platforms. One significant step in that direction would be to promote the idea of collective co-ownership of digital platforms.

Lastly, by the same token, the ILO should engage with national governments to examine the impact of technology transfers to developing nations as well as the introduction of a competitive and plentiful global labor pool to rich nations in a new international division of labor. In practical terms, this entails creating national plans to offset the disparate economic locations of international digital labor networks (Graham et al., 2014).

Recent legislation has not taken technological advancements and increased productivity into account, failing to appropriately prepare for India's job loss due to automation. India is determined to create low-skilled contract labor in the manufacturing industry despite indications of increasing automation and job losses (Srivastava, 2015). This continued dedication to manufacturing, disregarding the new technology that are replacing human labor, is demonstrated by the recently established "Make in India" program, which focuses exclusively on industrial output. Accordingly, the ILO's future plans should pay close attention to the ways in which "cunning states" selectively apply specific neo-liberal policies and "capitalize on their perceived weakness in order to render themselves unaccountable both to their citizens and to international institutions" (Randeria, 2003,)

Conclusion

The ILO has historically played a significant role in upholding international norms for the defense of workers' rights. This long-standing goal should guarantee that future work will be realized as a social, meaningful activity and to its full potential with regard to equality and justice, notwithstanding the difficulties of organizing labor in the digital economy. Employees and small businesses are essential in promoting more open and moral working conditions and reducing corporate-sponsored competition for lower wages. However, the new global technical brokers of fragmented digital employment shouldn't have the power to decide the connection between an employer and employee or to unilaterally establish the terms of engagement between a worker and a consumer.

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Invisible Exploitation of Legal Interns: A Comparative Study and Addressing the Need for Legal Reform

Gokul. B
Student, B.B.A. LL.B. (Hons)
VITSOL, VIT University, Chennai.

Abstract

Internships are practically a de facto requirement to the legal profession, but the unpaid and *unregulated labour of law has no protection. The purpose of this chapter is to critically discuss and present the working environment of legal interns, both domestically and internationally. Through a comparative empirical study by distributing two structured Google forms to law students in India and abroad, the study reveals the trends, lack of contract, excess working hours, and the lack of awareness among the legal peers. Based on the constitutional articles, international conventions and principles, the study asserts that legal interns commonly work in a legal grey area: performing substantial functions and lacking legal status of workers. The statistically measurable results dispel the myth that internships are purely educational with the realisation of a system of widescale exploitation. This chapter concludes by suggesting a normative framework to hail the institution of internship as constitutional material of labour relations and offers reforms with holding the institutional responsibility and more stringent enforcement mechanisms to correct these maladies in the legal profession.*

Keywords: Internships, Exploitation, Grey Area, Remedies.

Introduction

Internships, a critical and compulsory segment of education in law, present a source of tension, inequality and regulatory ambiguity. With the mandate of the Bar Council of India, Internships post various dilemmas when it conflicts with institutional requirement and internal academic rigidity (*Bar Council of India Rules*, Part IV, Schedule III, Rule 25). Supreme Court

highlights this increasing unrest in the case of *M.D. Imran Ahmad v. State of Uttar Pradesh* (WP(C) 1120/2021. Supreme Court of India). Despite the final year student interning at Supreme court itself, The Court opined not to intervene in the administration decision of Aligarh Muslim University citing *S. Azeez Basha and Anr vs. Union of India* (1968 AIR 662). These cases aren't an exception but a contribution to increased silence regarding structural discontinuity and lived reality of legal education.

As this chapter argues the inconsistencies among legislations, it is ironic that in a career which requires practical experience, these form of internships turn against the supposed beneficiaries, the students. To understand this paradox, the chapter employs a two-survey system and analysis of statutes, case law, and comparisons among nations to reveal the shortcomings of present policy and emphasize the necessity to reform. Survey 1 included only 16 respondents, but they were from elite global institutions. Conversely, Survey 2 involved 115 law students in India, including National Law Universities (NLUs), private, and state colleges.

Google forms served as the survey instrument which included 8 closed-ended questions and 1 general questions. The questions were aimed at reflecting both quantitative and qualitative signs of exploitations and the future perception of regulatory protection. The responses were put under various statistical treatments such as weighting averages of percentages and standardization by z-scores to overcome the likelihood of sampling bias as a result of unequal sample sizes. To make the comparison more rigorous, the responses were subjected to the Chi-Square test of independence which enables us to statistically decide whether the disparity in the proportion of responses across international and Indian cohorts was possible due to random effects or indicated systematic patterns.

Empirical Findings of the Survey

In this section, a comparative compilation of survey results of international and Indian legal interns is given. Since there has been 115 feedbacks from

Indian students, as well as 16 of the foreign jurisdictions, the data indicates dramatic contrasts in the protections of law across internship.

Q1: Number of legal internships completed:

Most of the Indian respondents (34.8 percent) completed 2-3 internships, and others (27.8 percent) completed only one. A considerably lower proportion (15.7 per cent) had made six or more. Conversely, international respondents were more involved in the top end: of as many as 37.5% said they had done 2-3, a total 43.8 percent had done four or more internships. The fact that there is no one among the respondents who has done zero internship abroad points (compared to 2.6 per cent in India) to a more entrenched system of structured internship in the other countries. This may depict institutional requirements.

Q2: Types of organisations you interned at:

The type of internship experiences among Indian interns was quite diverse: most frequent were law firms (57.9%), High Courts/Supreme Court (52.6%), district courts (39.5%) and government legal offices (18.4%). Fewer were interned in NGOs (16.7%) or in the legal departments of companies (15.8%). There is an interesting finding that elite foreign interns were more focused in fewer areas: law firms (37.5%), university legal clinics (31.3%), and chambers (18.8%). The figures indicate that India has a more diversified and court dominated model of data as compared to a more formal and academically enrolled system in foreign countries. Few respondents in India said they had experience of internships in think tanks or academic journals (0.9 per cent), indicating little exposure to research or policy work.

Q3: Paid v. Unpaid internships:

This question was associated with one of the most crucial derailments. In India, 71.3 percent had not received any payment on any internship and 7 percent had received payment on all internships. In a contrasting way, 56.3 percent of international interns were paid fully and the remaining

43.8 percent were paid part of internship. No international respondent was reported to be fully unpaid. All this disparity is not only indicative of different labour norms, but also reflects how the system is undervaluing intern labour about which there is abject silence in India. The Indian data can also indicate the socioeconomic elitism, only people who can afford to work voluntarily can get hold of the highest tier opportunities.

Q4: Average working hours:

The hours of internship in India were highly varied: 27.8 percent undertook 6-8 hours a day, 26.1 percent did 4-6 hours and 21.7 percent was 8-10 working hours. A less significant albeit significant percentage (5.2) worked more than 10 hours implying the possibility of overworking. Conversely, the majority (75 percent) of the international interns have been reporting weekly work hours of 6-8 hour most of the time, an indication of a more ordered and controlled internship year. None of them ever worked less than four hours, a small proportion (12.6%) had to work more than eight hours. This comparison recommends that Indian internships particularly litigation internships and corporate internships tend to have restrictive boundaries of time or a lack of expectations of stability.

Q5: Existence of formal agreements:

Formal agreements regarding the internship were signed with all the foreign respondents (100%). However, 74.8 percent of interns in India claimed that no formal documentation was signed and 12.2 percent signed documentation over the entire internships. This giant loophole reflects the absence of institutional responsibility in the internship culture of India. Lack of written agreements may create ambivalence of expectations, ill-defined criteria of evaluation and ineffective redressal of grievances making the interns prone to informal and exploitative relationships.

Q6: Working beyond regular hours:

In both groups, interns were occasionally supposed to have worked over regular hours, yet the allocation was different. In India, 12.2 percent were

asked frequently and 45.2 percent were occasionally asked to work nights or weekends. Roughly, 42.6 percent of the respondents stated that they were never asked to do it. Only 6.3 percent of international respondents were being asked regularly and 75 percent occasionally, which implied that in most countries, outside the United States, working after regular work hours was not an exception, but it was probably less likely to exist. The Indian trend implies normalisation of long hours in certain parts of the job without institutional protections, especially litigation.

Q7: Awareness of legal and constitutional rights:

Understanding the rights of the interns is an extreme difference between the two populations. Majority of international respondents (100%) showed that they knew about the safeguards that included minimum wage, anti-discrimination, and dignity rights. There was only 43.5 percent popularity on such awareness in India and 40 and 16.5 percent unfortunately were not and were not sure of it. This ignorance is most disturbing considering that they are trainee lawyers. It suggests that there is either a gap in the curriculum or lack of useful legal education on labour protections that can be applicable to an intern.

Q8: Should legal interns be protected by labour laws:

Both groups strongly favoured the legal reform. 75.7 percent of Indian interns and 75 percent of internationals felt that interns ought to be under labour regulation. Fewer than 10 percent of Indian (8.7 percent) and zero percent of foreign interns disagreed. Nevertheless, 15.7 percent of the Indians and 25 percent of the foreigners were undecided, which shows that although the movement in favour of reform is high, the actual shapes of regulation still appear in the grey zone of many legal professionals, including younger ones.

On the whole, the results indicate the structural inconsistencies between the Indian and the international system of legal internship. In comparison, international internships seem to be more universal, salaried, and protective, with institutional infrastructure at the

frequent benefit. Comparatively, the opposite is true in India where internships are characterized by an informal and unprotected nature, and a plethora of unpaid labour, even though workloads are heavy, and there is a general ignorance of rights. These results can validate the need to focus on this issue through immediate policy action and eventually legislative intervention to eliminate inequalities, maintain minimum standards and safeguard the parties of upcoming legal professionals.

Legal Vacuum

The position of the interns in India is in a legal vacuum which has dire implications on the millions of the law students and graduates in unpaid internships. The main contention is that there is no formal recognition by the Indian legislature considering interns as employees and interns as a separate category of workers. This is clearly portrayed by the case of *M.D. Imran Ahmad v. State of Uttar Pradesh* (WP(C) 1120/2021. Supreme Court of India). The High Court of Madhya Pradesh at Gwalior, although appreciating the services of the petitioner as an intern, ruled that an intern cannot demand permanence or the securities of labour laws and the ruling affirmed the absence of enforceable rights to interns (*Siddharth Shrivastava Vs. Bar Council of India and another*. W.P.No.24016/ 2021 (PIL), Madhya Pradesh High Court).

Internships are guided by unwritten contracts or oral agreements which are unclear on the aspects of duration, responsibilities, and remunerations and any remedy in case of disagreements (*The Indian Contract Act,* 1872). Interns are not covered under the labour laws like the *Industrial Disputes Act* (1947), *Minimum Wages Act* (1948) or *Payment of gratuity Act* (1972).

Significant ambiguity comes with this legal exclusion: interns may get full-time working duties without getting paid, be forced to work extra time against their will or be terminated at a moment without prior notice or reason. On the same note, the *Apprentices Act* (1961), which governs formal apprenticeship training and doesn't include legal internships.

(See Section 3, which excludes Internships from the definition of "apprentice"). Further, policies stipulated by University Grants Commission (*Guidelines on Internships for Students of Higher Education Institutions*. 2023) and the Bar Council of India (*Legal Education Rules*. 2008) do not lay down any protection to the interns.

In France, internships lasting more than two months will have to be paid, and interns will have to be provided with lunch subsidies and means of transportation reimbursement (*French Labour Code*, arts. L124-6 & L124-13; Decret n° 2014-1420, 2014). Likewise, under the *Employment Rights Act* (1996) of United Kingdom (c.18), interns who are essentially doing the job of a 'worker', with subjective rules and definitions, will be entitled to the National Minimum Wage (*National Minimum Wage Act,* 1998).

On the contrary, the legislations in India remain without clarity or protection. The right to life guaranteed by article 21 includes the right to dignity where the interns are compelled to be unpaid and in an exploitative setting arguably kills their dignity (*Francis Coralie Mullin v. Administrator, Union Territory of Delhi*. (1981) 1 SCC 608). Similarly, Article 14 can be invoked to oppose the practice of discriminating interns over other classes of workers who are covered by statutory protection (*E.P. Royappa v. State of Tamil Nadu*. (1974) 4 SCC 3). Article 41 of Directive Principle of State Policy which mandates the state to guarantee right to public assistance, education and work (*Constitution of India*, Art. 41). However, the Directive Principle of State Policy may not be binding in a court of law but establishes a moral duty upon the state to promote fair conditions of work to everyone, including interns.

Under an ecosystem where internships turned into a requisite to employment, the interns are left unprotected. Legislative and judicial intervention is long overdue, as this paper contended, and the issue should be formally addressed with legislation which acknowledges their contribution and demonstrates their dignity.

Reforms

The empirical evidence reveals the strenuous nature of internships and lack of any official support from the institutions. This is a paradox: internships, on the one hand, are a vital part of legal education and, on the other, they are not supported institutionally.

Among the most significant issues, the standardisation of attendance policy and internship policy plays a major role. Currently, the majority of law schools in India have a strict policy regarding attendance, usually pegged at 75%, with an inadequate consideration of academic internships (*Sharmila Ghuge vs. University of Mumbai & Ors*. PIL No.14 of 2024). The policies embraced by the most advanced jurisdictions where academic institutions curate a period for internship on their curriculum, acknowledging the pedagogic potential of practical learning, could find its reflection in a reformed structure (European Commission, *Quality Framework for Traineeships*, 2014).

Reforms of waivers of attendance appeals provide a feasible way out (UK Department for Education, *Work Placement Models in Higher Education*, 2018). The institutions should include a conditional waver to students who have a proven legal internship experience (University Grants Commission, *Guidelines on Internship/Apprenticeship Embedded Degree Programmes*, 2021). This can be imposed with a blanket policy directive by the Bar Council of India (BCI), which would lay an obligation on the affiliated institutions to implement the mechanism to protect the interns and it increases the access to internships and eliminate bureaucracy.

In addition, there is no Model Internship Policy which leads to a variable experience of internships across institutions (Menon, N.R.M., *Report on National Consultation for Reforms in Legal Education*, Ministry of Law and Justice). India should refer to the United Nations Internship Policy (UN Secretariat, *Internship Programme Guidelines*, 2020) or the six-factor intern test used by the Department of Labor in the United States (*Face Sheet #71: Internship Programs Under The FLSA*, 2018) to formalize a framework that minimises the exploitations.

These reforms will make sure that the BCI does not solely play a gatekeeping role in the profession but also a facilitating equal access to the formative avenues.

Conclusion

Legal interns in India are still in the precarious position in the grey area where there is no formal acknowledgement or systematic level of protection. As demonstrated through the comparative survey-based analysis and legal review conducted in this paper, it helps to observe that interns, although rendering relatively significant contributions to legal offices, courts and firms, are broadly unprotected by employment law as well as academic policy.

The empirical evidence gathered through two different pools of respondents has pointed out some grave disconnects: students tend to work long hours and, at times, without pay, without any specific contractual understanding as well as any formal grievance redressing and resolution systems. Interns have limited institutional and legal recognition of their labour, though awareness in relation to their rights is high. They are further jeopardised by the lack of a standardised internship policy, or any uniform credit or attendance mechanisms with statutory bodies such as the BCI or UGC.

This paper has illustrated how young legal minds do not only want knowledge but also legitimacy. It is now time to act with an urgent, codified change of both legal academic discourse and employment regulation, drawing on what the world best practice offers, but grounded in the constitutional pledge of equality and dignity.

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Legal Dimensions of Labour Rights and Gender Equality: A Comparative Analysis of Women's Rights in the Global Workforce

Divya S
Research Scholar and Assistant Professor, Vels Institute of Science Technology and Advanced Studies, Pallavaram, Chennai-600117

Dr. Jenifer Stella S
Assistant Professor, Vels Institute of Science Technology and Advanced Studies, Pallavaram, Chennai-600117

Abstract

The protection of women's rights in the workplace is central to modern labour law and gender justice. Although a broad framework of international treaties and national laws exists to ensure fair treatment, equal pay, and safe working conditions, women across the globe continue to face entrenched forms of discrimination. These include wage gaps, occupational segregation, lack of maternity support, and exposure to workplace harassment. This paper critically examines the legal architecture that governs women's labour rights at the international level—primarily through the conventions of the International Labour Organization (ILO) and the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Furthermore, it compares how selected countries such as India, the United States, and member states of the European Union have responded through their domestic legal systems. The study also highlights enforcement gaps, socio-cultural resistance, and institutional barriers that impede the realization of equality. The research concludes that while laws provide a necessary foundation, meaningful gender equality requires robust implementation, continuous legal reform, and a cultural shift in workplace norms.

Keywords: Labour Law, Gender Equality, Women's Rights, International Labour Standards, Workplace Discrimination, Legal Enforcement, Comparative Labour Law

Introduction

Women constitute a significant segment of the Indian workforce, with the 2011 Census reporting approximately 149.8 million female workers, predominantly engaged in rural agricultural activities. Despite their substantial participation, women face systemic challenges in employment, including safety concerns and inadequate regulatory protections, particularly in the unorganized sector. Indian labor law has progressively incorporated specific provisions aimed at promoting women's welfare such as maternity benefits, equal pay, prohibition of hazardous work, provision of childcare facilities, and restrictions on working hours and night shifts to address these vulnerabilities and advance gender equality. This legal evolution aligns with international treaties and conventions that emphasize the protection and empowerment of women in the workplace. However, effective enforcement and increased awareness of these rights remain critical to realizing substantive equality. Ensuring gender equality and safeguarding women's rights within labor legislation are essential for promoting social justice, sustaining economic growth, and fostering inclusive, fair work environments. This study analyzes the relevant international standards and domestic legal frameworks to assess their role in advancing women's rights and equitable labor practices.

Historical Context of Gender Inequality in Labour

Gender inequality in the workforce has historical roots that affect labor dynamics around the world. Societal norms traditionally assigned women to domestic spheres while men took on roles in the labor market. This division laid the groundwork for systemic discrimination against women across various sectors. The Industrial Revolution was a critical turning point as women started to join the workforce. Despite their considerable contributions, they encountered barriers to equal pay and opportunities.

Legislation and cultural mindsets perpetuated these inequalities, creating circumstances where achieving gender equality in labor was mostly unrealistic. The 20th century saw the rise of movements championing women's rights, leading to legal changes aimed at addressing discrimination in the workplace. Nevertheless, even with progress, obstacles remained and continue to shape the conversation about gender equality in the labor force. Historical injustices frequently intersect with existing disparities, highlighting the necessity for sustained advocacy.

International Legal Frameworks

International organizations play a vital role in promoting gender equality in the global workforce. Entities such as the International Labour Organization (ILO) develop frameworks aimed at eradicating discrimination and guaranteeing equitable workplace rights for all genders. These organizations establish guidelines and conventions that they urge member states to implement. The conventions of the ILO address various issues concerning gender equality in the labor market, including the Equal Remuneration Convention and the Discrimination (Employment and Occupation) Convention. These comprehensive legal documents provide a foundation for nations to harmonize their domestic labor laws with international standards.

1. ILO Conventions

The International Labour Organization (ILO) is a specialized UN agency promoting social justice and internationally recognized human and labour rights.

- Equal Remuneration Convention, 1951 (C100): Mandates equal pay for men and women for work of equal value
- Discrimination (Employment and Occupation) Convention, 1958 (C111): Prohibits discrimination based on sex, religion, political opinion, etc.

- Violence and Harassment Convention, 2019 (C190): A landmark treaty recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence.

2. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW, adopted in 1979, is often described as the international bill of rights for women. It obligates states to eliminate discrimination in employment, ensure maternity protection, equal pay, and access to work-related benefits.

3. Universal Declaration of Human Rights (UDHR)

Article 23 of the UDHR states: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment". It laid the foundational moral framework for later binding instruments.

International organizations actively advance gender equality through advocacy and awareness campaigns in addition to setting norms. To create workplaces that support equitable chances, they collaborate with governments, non-governmental organizations, and the corporate sector. These organizations also facilitate systems for reporting and monitoring in order to guarantee accountability. They advance gender equality in labor globally by analyzing gender differences in labor markets, offering practical insights, and suggesting legislation that improve working conditions.

Regional and National Legal Perspectives

1. India

- Constitutional Safeguards:
- Article 14: Equality before law.
- Article 15(1) & (3): Prohibits discrimination and permits special provisions for women.

- Article 42: Directs the state to make provisions for securing just and humane conditions of work and maternity relief.
- Equal Remuneration Act, 1976 (now subsumed under the Code on Wages, 2019): Enforces equal pay for equal work for men and women.
- Maternity Benefit Act, 1961: Ensures paid maternity leave (26 weeks), crèche facilities, and job protection.
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Enacted following the Vishaka Guidelines, this law mandates internal complaints committees in all workplaces.

2. United States

- Equal Pay Act, 1963: Prohibits pay discrimination on the basis of sex for substantially equal work.
- Title VII of the Civil Rights Act, 1964: Prohibits employment discrimination on the basis of race, color, religion, sex, or national origin.
- Pregnancy Discrimination Act, 1978: Amends Title VII to prohibit discrimination on the basis of pregnancy, childbirth, or related conditions.

3. European Union

- Directive 2006/54/EC: Addresses equal opportunities and treatment in employment and occupation.
- European Pillar of Social Rights (2017): Ensures gender equality in labour market participation and pay.

Challenges on Gender Equality in Labour

Gender equality in the labour market continues to be hindered by entrenched legal and structural obstacles, including the persistent gender wage gap that contravenes international and domestic legal mandates for equal remuneration. Discriminatory hiring, promotion practices,

and hostile workplace environments further restrict women's equitable access to employment, with marginalized groups facing additional vulnerabilities such as sexual harassment, infringing on their right to safe and nondiscriminatory workplaces. Socio-cultural norms perpetuate occupational segregation, undermining women's economic rights and opportunities. Addressing these challenges requires comprehensive legal and policy interventions, involving robust enforcement of equality laws, employer accountability, and active participation of civil society to dismantle discriminatory practices and institutionalize gender equity as a fundamental legal right.

Employment opportunities and wage disparity

The attainment of equality in employment requires both equal opportunity and equal treatment, principles firmly established in international and domestic legal frameworks. Equal opportunity mandates nondiscriminatory access to jobs, training, and promotion, while equal treatment ensures parity in wages, working conditions, and social security. Legal instruments such as the ILO Equal Remuneration Convention, 1951, the Indian Constitution (Articles 14 and 15), and the Equal Remuneration Act, 1976, embody these principles, particularly the mandate for equal pay for work of equal value. However, wage disparities persist due to indirect discrimination, occupational segregation, and stereotypes that marginalize women economically, especially in the informal sector where protections are weak. Misconceptions about the costs of employing women, including maternity benefits, contribute to ongoing discriminatory practices. Effectively addressing these challenges requires stringent enforcement of laws, gender-neutral assessment of work value, and transformative legal and social interventions to dismantle entrenched biases in the labour market.

US: Ledbetter v. Goodyear Tire & Rubber Co. (2007): The Supreme Court ruled against a woman's claim for pay discrimination due to time limits, sparking the Lilly Ledbetter Fair Pay Act, 2009

EU: Defrenne v. Sabena (Case 43/75): The European Court of Justice ruled that the principle of equal pay had direct effect and could be enforced by individuals in national courts.

Sexual harassment

Sexual harassment in the workplace constitutes a serious violation of fundamental rights and anti-discrimination principles, adversely affecting individual dignity and organizational productivity. International frameworks, including the ILO's 1985 resolution, have called for preventive and remedial measures such as complaint mechanisms and awareness programs. Jurisdictions like the UK, EU, and Germany have enacted specific laws to address this issue. In India, the absence of formal legislation was addressed by the Supreme Court's Vishaka guidelines (1997), which paved the way for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This Act provides a comprehensive legal regime covering all women workers, mandates Internal Complaints Committees in workplaces with more than ten employees, and empowers District Officers to constitute Local Complaints Committees with quasi-judicial powers. The Act imposes strict procedural timelines and penal sanctions for non-compliance, marking a significant legal development in protecting women's workplace rights.

Maternity Benefits

Women with young children often face legal and practical barriers in balancing employment and caregiving due to inadequate workplace support, especially in the informal sector. Rooted in traditional gender roles, this challenge undermines women's equal participation in the workforce. Legally mandated maternity benefits, as established under international instruments like the ILO Maternity Protection Convention, 2000, are essential to safeguard women's rights to maternity leave, medical and cash benefits, and breastfeeding accommodations. Such legal protections are crucial for ensuring substantive equality in employment and enabling

women to fulfill both their reproductive and productive roles without discrimination.

Gender Equality in Labour Policies

Gender equality in labour law involves establishing and enforcing legal frameworks that ensure equal rights, treatment, and opportunities for all genders in employment. Such laws promote inclusive workplaces by addressing structural inequalities through measures like gender-neutral parental leave and affirmative action to rectify systemic discrimination. Central to these efforts is the enforcement of pay equity laws aimed at closing wage gaps and ensuring equal career advancement. Together, these legal instruments institutionalize gender equality and contribute to a fairer, more inclusive labour market.

Impact of Gender Equality on Economic Growth

Gender equality in labour is not only a matter of social justice but also a critical driver of economic development, with significant implications under labour and economic law. Ensuring equal access and opportunities for all genders in the workforce fosters diversity, enhances productivity, and stimulates innovation key factors contributing to increased national and global economic output. Empirical studies have demonstrated that narrowing gender gaps in employment can substantially boost GDP and labour force participation, thereby strengthening economic resilience. From a legal standpoint, integrating gender-inclusive labour policies such as equal pay, non-discriminatory hiring practices, and supportive workplace regulations expands the talent pool, reduces dependency ratios, and promotes sustainable growth. Furthermore, such legal frameworks contribute to improved employee satisfaction, retention, and more equitable decision-making, ultimately reinforcing the structural integrity of labour markets and ensuring long-term economic stability.

Awareness and Education Programs

Awareness and education programs play a pivotal role in advancing gender equality within the labour sector by serving as legal and policy tools to address and dismantle systemic discrimination. These initiatives implemented through structured workshops, training sessions, and seminars are designed to sensitize employees and employers about existing gender disparities and the legal rights and obligations pertaining to equality in the workplace. By promoting understanding and compliance with gender-inclusive labour laws and policies, such programs contribute to creating respectful and inclusive work environments. Legally, they support the enforcement of anti-discrimination statutes and equality mandates by empowering individuals to recognize violations and assert their rights. As instruments of legal empowerment and behavioural change, awareness and education programs are essential to fostering a more equitable labour market and reinforcing the legal commitment to gender parity In employment.

Conclusion

Despite the existence of international conventions and domestic laws supporting gender equality in the workplace, effective implementation remains a key legal challenge. In India, while laws addressing equal pay, maternity benefits, and protection from sexual harassment reflect alignment with ILO standards, some have yielded unintended adverse effects. Therefore, legal focus must now shift toward strengthening enforcement and redressal mechanisms, particularly at the enterprise level, to ensure practical compliance and gender-sensitive outcomes. Labour laws must continue to evolve to uphold constitutional guarantees of equality, and to promote inclusivity, dignity, and economic justice for women across both formal and informal sectors.

Recommendations

1. Ratify and implement ILO Convention 190: Countries should commit to eradicating workplace violence, a major deterrent to women's participation.
2. Mandatory gender audits: Periodic workplace inspections and transparency in pay structures.
3. Legal aid and awareness programs: For marginalized female workers, especially in agriculture, domestic work, and informal sectors.
4. Encourage unionization and representation: Women should have leadership roles in trade unions and workplace negotiations.
5. Patriarchal norms: Social norms often hinder women's access to legal remedies. For example, many women in rural or informal sectors are unaware of their legal rights.
6. Informal sector vulnerabilities: In countries like India, over 90% of female workers are in the informal sector, where legal protections are minimal or unenforced[15].
7. Weak enforcement mechanisms: Internal Complaints Committees often exist only on paper, and many women fear retaliation for reporting misconduct.

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Evolving Labour Rights Landscape in India: An Analysis Through the Lens of International Human Rights Law

Sanghmitra Parihar
Research Scholar, NLIU Bhopal

Priyansha Singh Dixit,
Research Scholar, Department of Legal Studies And Research,
Barkatullah University, Bhopal

Abstract

In the global discourse on social justice and equitable economic development, the relationship between International human rights law and labour rights has gained increasing significance. Human rights are labour rights, as stated in International Labour Standards (ILS). Labour Laws in India have been greatly influenced by International Human Rights Instruments and standards, including prohibition of child labour, protection of wages, just and humane conditions of work, social security, and right to work of one's choice. This paper aims to analyse the impact of international human rights law in advancing labour rights in India. A nation which is marked by a vast and diverse workforce, significant informal employment, and persistent challenges in labour law enforcement. The paper further aims to examine how international human rights norms have influenced India's labour laws, judicial decisions, and policy reforms. Contemporary challenges, including bonded labour, child labour and gender disparities in employment, are also identified in this paper. The paper concludes by making suggestions to bridge the gap between international obligations and domestic implementation, to ensure that labour rights in India are fully realised as fundamental human rights, promoting dignity, equality, and social justice for all workers.

Keywords: Human Rights, International Human Rights Law, Labour Rights, Social Security, Social Justice.

Introduction

Every worker, irrespective of sector or status, is entitled to basic rights, which are essentially the labour rights or human rights of workers. With the onset of the Industrial Revolution in Europe during the 18th and 19th centuries, a distinct class of factory workers emerged within the global economy. Capital and labour became the two primary factors of production in this new industrial order, giving rise to producers or owners on one hand and workers on the other within the private economic sphere. In order to safeguard social welfare, it became essential to regulate labour standards and ensure adequate welfare measures for workers. As a response to these needs, the International Labour Organization (ILO) was established in 1919 under the League of Nations. The primary objectives of the ILO was to uphold and promote labour rights, foster decent and productive employment opportunities, strengthen social protection, and facilitate social dialogue on work-related matters. In India, labour rights have always been the fundamental aspect of social justice and the backbone of economic equality. With the changing nature of work which is shaped by globalisation, technological advancement, and legislative reforms, there has been a visible shift in the understanding and application of these rights.

While the Indian Constitution lays down important guarantees for the protection of workers through its articles 14, 19(1)(c), 21, 23, 24, 39, 41, 42, 43 and 43A, the enforcement of these rights often faces challenges, particularly in the unorganised sectors and amongst gig workers. Looking at labour issues from a human rights angle has many benefits. Human rights are widely accepted around the world, carry strong legal and moral weight, and are seen as basic and non-negotiable. Careful consideration is requires when these rights are violated. To bring these ideas into labour law, one can either focus only on human rights or combine them with other approaches. The evolving labour rights regime in India can be examined through the lens of international human rights law, with emphasis on the incorporation of international norms into national legislation and the judiciary's role in aligning domestic practices with global standards.

International Human Rights Instruments Governing Labour Rights

Fundamental principles of labour rights and human rights are set out in the ILO's Constitution of 1919, the Preamble to this Constitution refers to "recognition of the principle of freedom of association" to confront injustice, hardship and privation. Several international instruments form the normative basis for labour rights. The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, recognises in Article 23 the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. It also guarantees the right to equal pay for equal work, the right to form and join trade unions, and the right to rest and leisure. The International Covenant on Economic, Social and Cultural Rights (ICESCR), which India ratified in 1979, provides for the right to work (Article 6), the right to just and favourable conditions of work (Article 7), and the right to form and join trade unions (Article 8).

The International Labour Organization (ILO) has determined a set of fundamental conventions that serve as the cornerstone of global labour standards and represent widely acknowledged ideas about social justice and human dignity in the workplace. Thematic areas representing essential labour rights are used to group these fundamental conventions. The core international labour standards encompass several fundamental rights and conventions. The freedom of association and the right to collective bargaining are safeguarded through the Freedom of Association and Protection of the Right to Organise Convention (1948, No. 87) and the Right to Organise and Collective Bargaining Convention (1949, No. 98). The elimination of all forms of forced or compulsory labour is addressed by the Forced Labour Convention (1930, No. 29) and the Abolition of Forced Labour Convention (1957, No. 105). Similarly, the effective abolition of child labour is ensured through the Minimum Age Convention (1973, No. 138) and the Worst Forms of Child Labour Convention (1999, No. 182). The elimination of discrimination in respect of employment and occupation is promoted by the Equal Remuneration Convention

(1951, No. 100) and the Discrimination (Employment and Occupation) Convention (1958, No. 111). Finally, the promotion of a safe and healthy working environment is advanced by the Occupational Safety and Health Convention (1981, No. 155) together with the Promotional Framework for Occupational Safety and Health Convention (2006, No. 187).

These conventions are crucial to preserving human dignity in the workplace and serve as the normative foundation of international labour standards. The conventions collectively serve as the cornerstone of international initiatives to guarantee respectable, equitable, and humane working conditions in all jurisdictions.

Evolving Landscape in India

In India the origins of labour legislations are closely tied to British colonial rule. Early industrial laws were designed primarily to serve the interests of British employers, with political and economic motives rooted in protecting British industry. For instance, the Factories Act was introduced in 1883 largely due to pressure from British textile manufacturers, who sought to make Indian labour more expensive in order to curb competition. This law brought certain welfare measures like the eight-hour workday, a ban on child labour, restrictions on women working at night, and provisions for overtime pay, though its underlying intent was protectionist. The first Indian law to address employer-worker relations was the Trade Disputes Act of 1929, which limited the rights to strike and lockout but lacked mechanisms to resolve disputes. India adopted a more balanced strategy after gaining independence, aiming for collaboration between labour and capital. It was decided at a tripartite conference in December 1947 that capital would benefit from continuous production in exchange for labour receiving fair wages and working conditions. Due to this understanding, the previous colonial law was superseded by the Industrial Disputes Act, 1947, which is still in effect today. Post-independence, therefore, India attempted to put into practise the welfare state idea that was envisioned in the Indian Constitution's Preamble and in the chapter on the Directive Principles of State Policy. Several labour legislations had been enacted.

Several progressive labour laws were passed in India in the decades after independence, especially between the late 1970s and 2010, with the goal of resolving systemic injustices and providing protections to workers who were at risk. One of the first steps toward gender parity in pay and hiring was the Equal Remuneration Act of 1976. This was followed by the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, which aimed to safeguard the rights of migrant labourers often subjected to exploitation. The Child Labour (Prohibition and Regulation) Act, 1986 marked a crucial intervention in protecting children from hazardous occupations, aligning with global human rights commitments. Recognising the precarious conditions in the construction sector, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 provided for welfare boards and mandatory worker registration. The growing size of the informal workforce prompted the enactment of the Unorganised Workers' Social Security Act, 2008, which offered a legal framework for extending social security benefits to informal sector workers. Furthermore, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005 created a legal entitlement to employment, thereby reinforcing the right to work as a socio-economic right. Collectively, these legislations reflect India's gradual alignment of labour protections with international human rights principles, despite persistent challenges in implementation and enforcement.

In a significant overhaul of India's labour law regime, the Central Government consolidated 29 existing labour laws into four comprehensive labour codes. Among them, the Code on Wages, 2019, subsumes older statutes like the Minimum Wages Act and the Payment of Bonus Act. It extends minimum wage protection to all workers, introduces a mandatory national floor wage set by the Central Government, and defines strict timelines for wage payments across various employment types. The law also ensures gender-neutral remuneration and disqualifies bonus eligibility in cases of dismissal due to misconduct such as sexual harassment. The Industrial Relations Code, 2020, simplifies the earlier framework by

merging three major acts and introduces the concept of a sole negotiating union—strengthening collective bargaining—while mandating grievance redressal committees in establishments with 20 or more workers. The Code on Social Security, 2020 notably expands coverage to include gig and platform workers, introduces fixed-term employment, and creates a Social Security Fund to support benefits like pensions and maternity aid, with contributions from employers, governments, and aggregators. It also calls for the establishment of career centres and digitisation of employment records for ease of access and transparency. Lastly, the Occupational Safety, Health and Working Conditions Code, 2020 broadens the scope of workplace safety laws to include various sectors and mandates safety officers, medical examinations, and protective measures for contract and female workers. It allows women to work night shifts with consent and prohibits hazardous work for pregnant employees. Together, these codes represent a major step in modernising and simplifying India's labour laws, reflecting both domestic priorities and global shifts in employment standards. However, they are not the final step but part of an ongoing evolution of labour welfare that began in the colonial era.

Contemporary Labour Rights Issues In India

India's labour market struggles with long-standing injustices. The lack of social security for approximately 90% of workers in the unorganized sector highlights a significant gap in India's Labour Protection Framework. As the COVID-19 migrant crisis made abundantly clear, the unorganised sector and its members, including millions of daily wage labourers, lack access to formal contracts, social rights, and healthcare. These vulnerabilities are made worse by the gig economy and growing contractualisation; gig workers are subject to violent attacks, have limited insurance, and have few options and low platform transparency. NITI Aayog's Report titled 'India's Booming & Platform Economy' projects that the workers in the gig segment are expected to scale up to 23.5 million by 2029-30. Systemic wage inequality and gender discrimination still exist. Even though laws like the Social Security Code of 2020 and the Code on Wages of 2019

provide statutory protections and maternity benefits, they frequently leave out unorganised and informal women workers. Further, there is still a serious disregard for occupational health and safety. Without ergonomic protections or health services, research on informal workers—like baraat light carriers—reveals a high prevalence of musculoskeletal injuries and exposure to electrical risks. The persistence of informality, inequality, and weak enforcement reflects the deep structural barriers confronting Indian workers today. Addressing these challenges requires urgent legal, policy, and institutional reforms to safeguard labour rights as fundamental human rights.

Conclusion and Suggestions

India's labour rights journey is characterised by a complex interaction between international commitments, economic and social pressures, and Constitutional guarantees. These rights have changed significantly from their colonial origins to the recent codification of labour laws, suggesting a progressive shift towards a more comprehensive and rights-oriented framework. However, in spite of this development, it has not consistently complied with international human rights norms, particularly those enshrined in the ILO Conventions and international human rights treaties such as the UDHR and ICESCR. India must seek legal reforms to eliminate these structural gaps and bring its labour laws into compliance with UN and ILO norms. Introduction of some of the international human rights norms such as the right to fair and favourable conditions of work, freedom of association, and the right to protection against forced and child labour has a significant impact on Indian law and policy, but its implementation is uneven. Although the four Labour Codes are a noteworthy effort to simplify and contemporary the legislative provisions, there are still loopholes in terms of social protection for informal workers and gig workers, gender, and proper enforcement provisions. Judicial activism has sometimes filled this vacuum, upholding labour rights as human rights, but structural and administrative constraints prevent its universal realization. Social security coverage—encompassing health, pension, and emergency assistance can

be extended to informal and gig workers. Efforts should also be directed towards strengthening outreach and registration systems, along with introducing gender-responsive measures such as childcare facilities and maternity benefits to ensure greater inclusivity and equity. Trade unions, civil society, and corporate actors should take on a more proactive role in safeguarding workers' rights. In particular, corporate responsibility should emphasise the provision of fair wages, accessible grievance redressal mechanisms, and assurance of safe and dignified working conditions.

India's labour rights situation is certainly changing, and international human rights law is both a mirror and a guide for this change. For this change to translate into substantive justice, India not only has to enact legislation in line with international standards but also make effective implementation and accountability a reality. In this way, alone, can labour rights be comprehensively enshrined and enforceable as human rights, protecting the dignity, equity, and well-being of all workers in India.

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Labour Rights and the Gig Economy: Legal Challenges and Reforms

Ms. GAYATHRI K, LLM (corporate law);
SCHOOL OF LAW,
HINDUSTAN INSTITUTE OF TECHNOLOGY AND SCIENCE

Abstract

The growth of digitalization in world leads to economic revolution and shaping the future of labour employment further it empowers the "on demand economy" is also known as "gig economy", has significant growth in recent years with the help of online or digital platforms technology. In labour markets, the gig economy is referred as short-term work or part-time job or freelances work and it has more flexibility and works are based on contractual form. Basically, the gig workers are employed by the independent contracts and they don't fall under the employer – employee category. Examples of gig workers are food-delivery partners, cab drivers or a person working on a particular project of a company in work from home basis. The flexibility in work and lack of protection of gig workers increase the challenges in gig economy. This paper gives a comprehensive overview of gig economy, gig workers and labour rights and it highlighting the legal challenges faced by them in the gig economy includes concerning about economic status, protection of gig workers and implication of employee status and mainly the protection and reforms to them. Additionally, focusing and analysis of the role of international labour organisation (ILO) efforts to address the challenges faced by the gig workers in the global labour market.

Keywords: Digital platform, gig economy, gig workers, labour rights, independent contracts, International labour organization

Introduction

Technological advancement in the early 21st century called fourth Industrial revolution (4IR) of India. The 4IR reshaped the major portion of the system of production, management and governance. This technological

development increased the digital platforms and gig-able jobs, which leads to growing interest of gig workers in the gig economy. The gig economy is expanding and opening various jobs opportunities to the major section of the population through digital platforms like android applications in the form of works like freelancing, independent contract work and works based on specific projects with the flexibility in the time of working. The gig worker is a person works using the digital platforms outside the tradition of employer- employee relationship with potential of new age workforce.

According to the 2020 -2021 report of Niti Aayog, "The current estimation for gig economy jobs in India is at 8 to 18 million, which is projected to crore 90 million jobs in the non-farm sector in the next eight to ten years. The number of digital platforms increased from 142 in 2010 to 777 in 2020, generating a revenue of at least USD 52 billion in 2019 alone. These digital platforms of labour are primarily concentrated in the US (29%), India (8%), and the UK and Northern Ireland (5%) (ibid)."

Evolution of Gig Economy

Gig economy is open market system where the organisation contract with the workers for temporary or short-term engagements through digital platforms. In 20th century the concept 'gig economy' gained traction as industries recognised the benefits of hiring people for doing specific jobs. By the time, internet showed up which paved a big way for gig world. In this type of economy, a persons' income depends on short-term, project based, or seasonal jobs rather than a permanent position. Over the time, more people choose this route and a high number of persons relied on it, because people crave for freedom. No fixed desk, no fixed schedule. And smartphones, android applications made it a easy access to the work. As technology evolves people are finding new ways to work, earn and live on their own terms. The gig and platform economy expanding, offering new jobs in sectors like ridesharing, delivery, logistics, and professional services. NITI Aayog has projected that the gig economy in India will employ over 1 crore workers in 2024-25, subsequently reaching 2.35 Crores by 2029-30. Recognizing the contribution of the gig and platform workers to the

nation's economy, Union Budget 2025-26 announcement has provisions for (i) registration of online platform workers on e-Shram portal, (ii) issue of identity cards, and (iii) healthcare coverage under Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY)

Why Gig Workers Has to be Classified?

The classification of gig workers is the primary constrain while speaking about the rights of the gig workers so that can claim rights under the labour legislations which will uphold the interest and rights of the gig workers. As said the categorization of gig workers has a significant impact on their legal rights, standard of living and their dignity. In the context of gig economy, there are multiple groups of platform workers and they are mainly categorized into independent contractors, freelancers and solopreneurs. Independent contractors are the persons who is self-employed and responsible for managing their own tax obligations and perks. The freelancers and solopreneurs are the individual expertise in special arrangements of employment with their clients.

Economic Contribution of Gig Economy

According to NITI Aayog report, Employment elasticity to GDP growth for gig workers was above one throughout the period 2011-12 to 2019-20, and was always above the overall employment elasticity. The higher employment elasticity for gig workers indicates the nature of economic growth, which created greater demand for gig workers while not generating commensurate demand for non-gig workers. In terms of industrial classification, about 26.6 lakh (2.7 million) gig workers were involved in retail trade and sales, and about 13 lakh (1.3 million) were in the transportation sector. About 6.2 lakhs (0.6 million) were in manufacturing and another 6.3 lakhs (0.6 million) in the finance and insurance activities. The retail sector saw an increase of 15 lakh (1.5 million) workers during 2011-12 to 2019-20, transport sector 7.8 lakhs (0.8 million), manufacturing — 3.9 lakhs (0.4 million). In the education sector, the expansion was from 66,000 to more than one lakh (100,000) by 2019-2020"

International Perspective of Gig Workers

International labour organisation's initiatives to protect the gig workers or platform workers:

International labour organisation (ILO) actively working to protect the gig workers by advocating for the improvement of social security, standard of labour rights, fair working hours and giving recommendation to strengthening the clear legal frameworks.

In ILO Yellow Report Realizing Decent Work in the Platform Economy,2025 aims to establishes "key standards to improve the working conditions of digital platform workers. These standards are outlined in a convention and further supported by a recommendation. A significant majority of governments recognized that expansion of digital labour platforms has increased opportunities for job creation and work-related income and for enterprise and business development. However, the same majority of governments agree with the overall statements indicated in the questionnaire and aimed at classifying platforms workers within an employment relationship.

In ILO report Realizing decent work in the platform economy,2024 it intends to explore the development of international labour standard to address the challenges and opportunities caused by the increased number of platform work. The report provides a comprehensive note of the current regulations and practices around the globe, also shedding light on how different nations are managing the platform economy.

ILO conventions:

- The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30): This convention sets standards for working hours in commercial establishments, and not directly addresses the platform workers. But it discusses the concept of "on-call" or "standby" time, concluding that such periods may not be considered as working hours all the time. Even if it is not considered as work, workers should still be compensated for being "on call". Some gaps still

remain in current standards, such as, how effectively the overtime can be regulated, how total working hours of multi-job workers is managed, and protect workers' rights to disconnect from platform work without facing negative consequences

- The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87): This convention applies to all "workers," without distinction, including those who are part of the informal economy and who workers who are self-employed. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has clarified that Convention No. 87 extends to all workers, regardless of their employment status, stress the right to organize.
- The Equal Remuneration Convention, 1951 (No. 100): The CEACR has stated that Conventions No. 100 and 111 apply to all workers, regardless of their nationality and employment type, which covers both the formal and informal sectors. This means that, gig workers are also be entitled to fair pay, in spite of their work status.
- The Workers with Family Responsibilities Convention, 1981 (No. 156): This convention applies to all workers, including those who work in full-time, part-time, temporary and non-wage employment. The CEACR has stressed that workers with family responsibilities should be covered, irrespective of their work.
- Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197): This recommendation underscores the need for national occupational safety and health (OSH) systems to protect all workers, especially vulnerable groups such as those who work in the informal economy, like migrant or young workers. This is especially relevant for gig workers in high-risk sectors.
- The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204): This recommendation applies to all workers in the informal economy and intends to provide

guidance on transforming informal workers, such as gig workers, into the formal economy with appropriate protections.

- The Violence and Harassment Convention, 2019 (No. 190): This convention applies to workers in all the circumstances, including to those who are not classified as employees, such as self-employed workers, volunteers, and jobseekers. It also extends its protection to individuals who may be able to exercise employer-like duties.

G20 Labour and Employment Ministers Ministerial Declaration, 2020

It discussed recent global economic and labour market developments and to advance our work towards 'Empowering People' and 'Realizing Opportunities of the 21st Century for All.

In the annex 2: Policy Options for Adapting Social Protection to Reflect the Changing Patterns of Work dicuss the challenges faced by the self employed, workers in the informal economy, workers in vulnerable groups and workers in new forms of employment who may be facing severe economic hardship in the absence of strong and resilient social protection systems. Further it strengthening the social protection system of platform workers.

Indian Legislations Governing to Protect the Gig Workers

Code on Social Security, 2020

This code is one of the India's four major labour codes, it took significant step in extension of social protection to gig and platform workers, who is outside the traditional labour system and for the first time it defines the "gig workers and platform workers in the Act. This empowers the government to frame schemes for gig and platform workers including provisions for accident insurance, health and maternity benefits, old age protection. It mandates that aggregators provide a significant portion of their annual turnover to social security fund, which enables the government to frame welfare schemes to the gig and platform workers. This Code enables the gig workers to register themselves to access benefits, even without a formal

employer-employee relationship. While progressive in intent, the effective implementation and clarity around enforcement remains an ongoing challenge. It mandates that aggregators should contribute a portion of their annual turnover to a social security fund, which will enabling the government to frame more welfare schemes specifically for these gig workers.

Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023

This Act mandates all platform-based gig workers in Rajasthan are required to register with the state's Gig Workers Welfare Board, regardless of the number of platforms used or contract type. Registration results in a unique worker ID, allowing the government for tracking within a unified database and access to benefits. Registered gig workers gain access to social welfare programs, including health insurance, accident coverage, pension, and emergency relief funds, all funded through a Welfare Fund. The act also grants workers the right to grievances redressal mechanisms for payment related issues, scheme access from designated authorities under the Act.

Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill, 2024

The bill aims to provide social security and welfare to platform-based gig workers in Karnataka. The bill proposes mandatory registration of gig workers, the establishment of a Welfare Board, and requires platform owners to contribute to a welfare fund. It also focuses on fair and transparent contracts and comprehensive social security benefits. The bill seeks to address the lack of social security and welfare measures for gig workers in Karnataka. It aims to create a more structured and regulated ecosystem for platform-based work and workers by ensuring the financial contributions from platforms. In a nutshell the bill intends to provide a safety net for gig workers.

Challenges in the Gig Economy

- Vague job description: Clients should clarify job expectations before hiring. HR often misinterprets technical requirements and gives staffing firms vague job descriptions. To clarify requirements, staffing firms should encourage line managers and hiring teams to communicate additionally, many staffing companies use data analytics to shortlist candidates based on job descriptions, emphasizing the importance of accurate job descriptions in recruitment.
- Forecasting: Forecasting demand for temporary staff shows that there are seasonal patterns in different industries. Staffing firms must analyse data to understand what type of staff is needed, when they are hired, where they can be sourced, salary trends, disputes, and payment delays. This analysis helps staffing firms make informed decisions. They should plan to move staff from one cycle to another to reduce idle time and save costs. Additionally, being ready with a pool of staff will help meet future demand during the next hiring cycle.
- Worker classification issue: The classification of gig workers as independent contractors poses a significant legal challenge, and led to many lawsuits and increased regulatory attention, affecting the gig economy as a whole.
- Working conditions for temporary staff present major challenges, particularly regarding safety. While they work on the client's site, the staffing agency is still responsible for them. Safety measures for women and employees in remote areas must be properly addressed before taking on projects. Staffing firms should carefully draft indemnity clauses for these projects.
- Income fluctuations: Gig workers experience income fluctuations due to the lack of fixed jobs, leading them to often overwork to fulfil their financial needs and there is a lack of welfare benefits.

Suggestions and Recommendations

To effectively address the legal challenges of rising gig economy, some targeted recommendations policies and reforms must be considered for safeguard the labour rights also preserving the flexibility offered by gig work. Firstly, there is immediate need for establishing clear legislation to regulate and protect the gig workers. Secondly, Gig workers must be granted access to basic labour protections through the benefits schemes such as Health Insurance, Paid leave, and retirement contributions. Thirdly, Transparency and Accountability in algorithmic management, which governs how tasks are assigned, monitored, and evaluated should be ensured.

Legal frameworks should mandate Gig Platforms to disclose how their algorithms function and offer avenues to redress the unjust deactivation or discrimination. Collective bargaining rights must be extended to gig workers thereby Governments should strengthen the enforcement mechanisms and clarify jurisdictional ambiguities, especially in cross-border gig work, which often falls outside traditional regulatory oversight. Establishing gig worker tribunals or/and ombudsman offices may help the workers to resolve their disputes.

In an International Perspective, harmonization of labour standards through global frameworks lile ILO can ensure consistent treatment of gig workers across borders. Policymakers must draw a careful balance between promoting innovation and protecting worker rights equally by recognizing gig economy is not a passing trend but a fundamental shift in labour structure. Through inclusive, adaptive, and rights-based legal reforms, it will be possible to create a gig economy which will be just & dynamic.

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Labour Rights and Representations in the Platform Capitalist Societies

Ms. Perisha.R
B.A. LL.B (Hons), LL.M
Advocate

Abstract

In recent times the use of digital media has been playing an important and significant role in our lives. Our livelihood is made easier due to the presence of capitalist platform societies in our lives. Through this platform we can avail door step services within a minimal amount of time, speed and money. The platform societies may include swiggy, zomato, Ola etc. Thousands of people get hired and work on these platforms through agencies or through independent contractors. The persons working on these platforms are denied basic traditional rights. Due to these problems they are denied legal protections from corporate societies and respective governments. In this paper the author tries to bring out the rights and representations of the workers in these societies. The paper explains clearly about the use of algorithm management of AI in the place of human workforce which clearly supervises and controls the management of the workers obligations and responsibility. This paper also brings about the legal norms and frameworks carried out by different jurisdictions and countries in the global economy. It also brings about the reform measures and challenges of workers representation in the digital era.

Introduction

The digital economy has contributed significantly towards the social impact and progress. The term platform capitalist society was created by Nick Srnicek in 2017. The platform capitalist societies may be referred to as Swiggy, Zomata, Uber, Amazon; Ola etc these platforms connect users to the producers and manufacturers worldwide through their technologies. It is through these platforms only online interactions are made easier to create

access to the goods and services which are manufactured worldwide. Due to these platforms there happens a profound shift from traditional working methods to digital marketing methods. Their rights and representation like fair wages; employment rights, collective bargaining rights etc are affected at large. It also affects the employee's compensation and pension benefits and schemes through these capitalist platforms.

Need of the study: Platform capitalism's explosive growth has changed employment markets all around the world. The way that work is arranged, mediated, and paid has been completely transformed by platforms like Ola, Swiggy, Zomato, Uber, and Amazon Mechanical Turk. By designating people as independent contractors instead of employees, these platforms have upended traditional employment structures even while they provide flexibility and job prospects. Fundamental labour rights, such as the right of collective bargaining, social security, minimum wages, and occupational safety, have been undermined as a result of this classification.

Review of Literature: Complementary research by van Dijck and others Poell, and de Waal; (2018) and Scholz (2016) highlight the increasing monopolistic strength of platforms, which enables them to control labour processes as well as markets. These pieces demonstrate how, in the digital age, algorithmic management transforms employee autonomy and productivity.

- De Stefano (2016) examines how contract and on-demand labour have undermined traditional labour rights, leading to what he refers to as "platform precarity" in The Rise of the "Just-in-Time Workforce." His research shows that platform workers frequently deal with erratic pay, no social security, and reliance on unreliable algorithms.
- Focusing on the idea of "algorithmic management," Rosenblatt and Stark (2016) contend that companies such as Uber leverage data-driven systems to manage employees in ways similar to conventional managerial oversight—without the accountability or transparency usually associated with employers.

- Mateescu and Nguyen, who published in 2019, argue that algorithmic evaluation systems create a digital kind of surveillance in addition to influencing employee behavior.

Research gap: Despite a wealth of studies on capitalist platforms and its difficulties, there are still a number of gaps:

1. The Global South Contexts: The majority of the literature concentrates on North America and Europe, with little attention paid to platform work in nations such as India.
2. Long-term Impact: Not much research has been done on how gig work affects workers› livelihoods over the long run.
3. Collectively bargaining Mechanisms: More research is required to determine how alternative organizational structures, such as platform cooperatives, and legal reforms can offer long-term representation.

Research hypothesis: Traditional labor rights are eroded and methods of labour negotiations and representation are weakened by platform capitalist workers, which are fuelled by the use of algorithms and the designation of workers as contractors who are independent.

Research objectives: To identify the impact and effects of capitalist platform workers' rights and representations. To find the performance of management of algorithms systems of technology in control and coordination of workers. To find out the legal implications imposed by different nations on gig economy workers..

Research methodology: In order to investigate the state of rights for workers and representations in platform capitalism economies, this study takes a qualitative approach and analytic method, concentrating on secondary data.

Rights of Workers in Platform Capitalist Systems

They are designated as independent and self-employed partners who need not be under the control of an employer. Price fixing- these sectors set their

own prices and fares as well as their own standards of working conditions. Management of Accomplishments and conduct- These are managed through Algorithmic management processes. If an individual or partner in these agencies fails to meet their standards and obligations they are fired from their jobs. Negotiations are affected- labourers are not allowed to bargain their fares and terms and conditions.

Fundamental rights are at peril: Denial of equal pay for equal work- Researchers report that the freelancers are often denied minimum wages when deducted from their expenditures. Industrial safety of workers- Food distributing agents from Swiggy, Zomata etc face certain consequences and challenges like weather conditions and traffic congestion and accidents in the road. Social Services- These workers are denied socio security schemes and measures. They are denied insurance, pension's schemes from governments and organizations. Denial of trade unions- The persons working in these sectors denied from forming unions for these kinds of workers in order to access their rights and representations.

Problems in Algorithmic Management of Labor-These technologies aid in control and management of labourers and workers in the organizations unlike in traditional methods humans do so. Biased and ambiguous way of deciding policies such as workers are not aware of procedures of ratings and reviews given in these platforms. Due to these procedures workers are eligible to get fewer orders and are paid lesser wages and are not recognizable in these kinds of capitalist platform societies. Pricing policies are not certain they keep on fluctuating and recurring changes happen frequently due to which problems of wages instability is faced by labourers. Discharge and dismissal of workers is at full swing as labourers are not aware of the shutoff policies of the companies or organizations in which they are employed.

Role of Contractual or Collective Bargaining Power

ILO Convention No. 98 (1949) guarantees the right to collective bargaining, emphasizing the rights of employees to engage in negotiations with their employers. The main means of exercising this privilege in

traditional businesses have been unions. Platform workers, on the other hand, are frequently denied the rights of collective bargaining since they are not considered employees.

Problems with Collective Bargaining in the Gig Economy: Legal Barriers: In certain nations (including the US), collective bargaining by independent contractors is regarded as price-fixing under their antitrust laws. Fragmentation: Platform employees lack common workspaces and are geographically scattered in different places for their work purposes so there is a lack of union among the workers. Algorithmic Resistance: Due to the presence of digital technologies used in control and management purposes the platforms change work distribution or prices among the labourers. These circumstances lead to conditions to deter and prevent strikes and protests among themselves.

Legislations for Protection of Platform Workers in Various Nations

- India: According to the report of 2022 estimated by the think tank of India known as Niti Aayog it has given records that the population of workers working in these platforms is projected to rise more than 24 million by the year 2029-2030. Due to increasing demand of workers in these sectors the government has brought social and welfare measures in the 2025 economic budget of India to provide protection towards the workers. Due to the emerging economic situation still the government has not implemented the proper labour statistics report regarding the PLFS.

Legalizations on social security code of 2020: It gives definition about the gig workers or platform workers in broader sense in chapter one section 2 (35) of the act. It mandates in creation of fund for socio security workers under the clause- 141. Section -6 of the act provides National security welfare boards and legislation's in monitoring the welfare measures and benefits of the workers. In order to implement these measures and regulations there is a need of an hour for immediate report on the statistics of the labours

enrolled in the platform working economy. The department of statistics and program states that the new legislation on labour code does not clearly define the word the platform capitalist workers or gig worker economy it is referred them as self-employed people. These problems may be due to absence of employment contracts, price fixing rates and services, demand of use of algorithmic management techniques and tools in control and compliance of workers. These conditions lead to gap in implementation of labour statistics in the gig working environment and conditions. Many government initiatives have brought forth to benefit the workers in these platforms they are e- shrank portal, scheme such as PM-JAY plays a vital element in including the workers digitally. The PLFS survey in 2025 has been conducted in expanded formats taking into account the gig working economy. The government has brought forth in updation of identifying workers in gig economy through socio security codes. Survey results and data are collected in full swing from the capitalist platform societies like Amazon, Swiggy etc to ensure protection and welfare schemes.

- Europe: The first and foremost country to bring about developmental changes in the lives of platform capitalist worker's in this country more than 29 million people are working in more than 600 platform capitalist societies. The principle came about in 2021 it was accepted by the country parliament on February 2024 and it became enforced. The set principles put forth a framework on rule of presumption. It means that the workers are too regarded in the same way as traditional rule where both the status of employer and employee exists. Through this status they are regarded as employees with greater rights and responsibilities. In EU the first country to implement it was the country of Spain it brought forth a law on Riders on 2021. This law aims to ensure the rights of delivery agents in companies like Swiggy, Zomata etc. Through this law they are regarded as employees with greater benefits. In the same way countries like France and United Kingdom have made improvements in living conditions of the platform capitalist workers.

- *USA*: In this country important problem resist on representation of workers whether as employees or independent contractors. Case-1: AB-5 regulations- the court of California had made attempts to classify the gig workers as employees. This regulation aims to ensure the status of workers as permanent employees. This similar legislation has been proposed in New Jersey and New York. Case-2: Major gig platforms like Uber and Lyft pushed for Prop. 22, a proposition on the ballot approved by the voters of California in 2020, as a response to AB5. Prop22 gives gig platforms the ability to categorize app-based motorists as independent workers, which entitles them to benefits like healthcare subsidies and minimum wage protections. Prop22 has encountered legal issues, though. Critics contend that by restricting the legislature's ability to provide worker protections like workers' compensation, it violates the constitution of the state of California. Currently, a judge in the county of Alameda has struck down Prop22, underscoring the continuous conflict between labour rules and gig platforms.
- UK: The Uber instance (2021): The United Kingdom's highest court decided that drivers who drive for Uber should be considered "workers," which would allow them to receive pension benefits, holiday pay, and the minimum wage. This offers greater security than the designation of independent contractor, even though it is not equivalent to full employee status. Due to shifting consumer behaviour, flexible job demands, and digital platforms, the gig economy has completely changed the employment landscape in the United Kingdom. Although it has helped industries like transport, hospitality, and the creative sector, it has also sparked regulatory action due to worker rights concerns. In order to safeguard gig workers, the United Kingdom Parliament and Employment Tribunal adopted legislation in October 2024.
- Australia: To protect the laborers working in platform capitalist societies the country had adopted many techniques. The Digital

Employment Platform Removal Code is one of two new laws that Australia will implement on February 26, 2025, to give gig workers such as drivers for ridesharing, package delivery, and food delivery stronger safeguards. Before a gig worker's contract is terminated or deactivated, these reforms guarantee a fair procedure. Digital platforms must permit employees to discuss and contest potential deactivations in accordance with the Digital Employment Platform Deactivating Code, guaranteeing a fair human review procedure prior to any final decision.

Reforms and Measures: Conclusion

Suggestions and Recommendations: Legal Reclassification until the contrary is demonstrated, gig workers are presumed to be employees. Portable Benefits regardless of the worker's employer, social security benefits have to accompany them. Algorithmic Transparency websites ought to reveal how they determine salaries and their evaluation standards. International Standards an obligatory system for platform labour ought to be created by the ILO. Enhancing Worker Rights it is imperative to guarantee that platform employees have access to fundamental labour rights, like social security, minimum wage, and protection against wrongful termination. Encouraging Collective Bargaining: It is essential to set up systems that allow platform employees to negotiate collectively for improved pay and working conditions. Creating New Regulatory Frameworks to handle the particular difficulties presented by the platform economy, governments and legislators must modify current labour laws and establish new ones. Promoting Employee Unity achieving significant change requires fostering unity and organizing between platform workers across various platforms and geographical areas. In conclusion, even though platform capitalism poses serious obstacles to workers' representation and rights, there is growing support for change through legislative changes and collective action.

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Labour Rights in the Gig Economy: Legal Frameworks, Global Lessons, And Reform Pathways for India

R. AISHWARYA,
RESEARCH SCHOLAR,
DEPARTMENT OF LAW – BHARATH UNIVERSITY*
email: ishunair0795@gmail.com

Abstract

The emergence and rapid growth of the gig economy represent a profound transformation of labour markets worldwide. In India, this phenomenon has gained significant momentum through technology-enabled platforms such as Swiggy, Zomato, Ola, Urban Company, and Amazon Flex. These platforms promise freedom and flexibility to workers, offering a way to earn without the rigid structure of conventional employment. However, this apparent freedom often comes at the cost of job security, stable income, and access to social security protections. Gig workers in India face a multitude of challenges: irregular earnings, absence of statutory benefits such as paid leave and insurance, vulnerability to arbitrary termination, and exclusion from collective bargaining rights. Recent judicial and legislative developments—like the Supreme Court's observations regarding gig workers under the Code on Social Security, 2020, and state-level laws in Rajasthan and Karnataka reflect a growing recognition of these issues. International precedents, such as the UK Supreme Court's ruling in Uber BV v. Aslam (2021), and regulatory initiatives like European Union's Platform Work Directive (2024), offer valuable lessons. This paper critically examines India's current legal framework for gig workers, identifies significant regulatory gaps, explores global best practices, and proposes reforms aimed at balancing technological innovation with the fundamental rights of workers. The overarching aim is to secure decent working conditions, economic stability, and dignity for gig workers while enabling the sustainable growth of the digital platform economy.

Evolution and Emergence of the Gig Economy In India

The gig economy, defined by short-term, task-specific, and technology-mediated work arrangements, has witnessed exponential growth in India over the last decade. Platforms such as *Swiggy, Zomato, Ola, Urban Company, and Amazon Flex* have transformed the landscape of service delivery, connecting independent workers directly to consumers through mobile applications. This model has been celebrated for offering autonomy, flexibility, and opportunities for supplementary income, especially for youth, women, and migrant workers who might otherwise face barriers in formal employment. Workers are free to choose their working hours, the volume of work they accept, and in some cases, the geographic areas in which they operate. This perceived independence has been central to the appeal of gig work. However, the reality for most gig workers is far more complex. Earnings are typically inconsistent and dependent on unpredictable factors such as fluctuating consumer demand, platform-determined algorithms, and extended working hours. In many instances, workers fail to meet even the equivalent of statutory minimum wages despite long shifts. The absence of paid leave, health insurance, retirement benefits, and job security exposes workers to heightened economic vulnerability. Moreover, platforms retain significant control over essential aspects of the job such as pay structure, task allocation, and performance evaluation without providing the legal protections that accompany formal employment status.

Recent developments in Indian jurisprudence and policymaking indicate growing recognition of these challenges. The Supreme Court of India, in ongoing deliberations, has examined whether provisions of the *Code on Social Security, 2020* could apply to gig and platform workers even if they are not classified as "employees" under traditional labour statutes. This aligns with a global trend towards extending basic protections to platform-based workers. Internationally, landmark decisions such as the United Kingdom's *Uber BV v. Aslam* (2021) and *the European Union's Platform Work Directive (2024)* have recognised the need for minimum wages, paid leave, and algorithmic transparency in platform-based work. In this context, understanding the evolution of the gig economy and its regulatory

challenges is essential for developing an equitable legal framework that balances innovation with worker protection.

India's Legal and Regulatory Framework for Gig Workers

India's legislative response to the gig economy has primarily been channelled through the *Code on Social Security, 2020 (SS Code),* which represents the first formal recognition of gig and platform workers in national law. The SS Code consolidates nine central labour enactments, including the *Employees' State Insurance Act, Provident Fund Act, Maternity Benefit Act, and Unorganised Workers' Social Security Act.* It defines "gig workers" and "platform workers" explicitly and proposes a range of social security benefits such as life and disability insurance, health and maternity coverage, provident fund contributions, pensions, and skill development programmes. While the inclusion of these categories marks significant legislative progress, the law's impact remains limited as most provisions have not yet been operationalised. Although the SS Code received presidential assent in September 2020, the Ministry of Labour has delayed notification of the key sections required to enforce welfare schemes for gig workers, leaving protections largely on paper. Beyond the central framework, certain states have taken proactive measures. *Rajasthan, in July 2023,* became the first state to enact a dedicated statute the *Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023*. This law mandates registration of all gig workers and platform aggregators, establishes a welfare board with representation from workers, aggregators, and the government, and creates a social security fund financed through a cess on aggregator transactions. It also provides grievance redressal mechanisms and penalises non-compliance by platforms. However, despite the statute's progressive provisions, implementation has been slow, with welfare benefits yet to reach workers at scale. *Karnataka* advanced the framework further with its *Platform-Based Gig Workers (Social Security and Welfare) Ordinance, 2025.* The ordinance mandates aggregator contributions of 1%–5% of transaction value to a welfare fund, ensures transparent contracts, guarantees weekly pay cycles, protects against arbitrary deactivation, and requires algorithmic

transparency. It also introduces workplace safety measures and rest break entitlements. *Telangana, in July 2025*, announced plans for its own welfare bill focusing on *mandatory insurance, the creation of a welfare board, and a digital registry of gig workers*. Despite these promising state-level initiatives, the broader landscape remains fragmented. Implementation is inconsistent, enforcement mechanisms are weak, and protections vary widely across jurisdictions. Without a harmonised national framework, many gig workers remain outside the reach of even these limited protections. The current legal architecture, while evolving, still falls short of addressing the structural vulnerabilities inherent in gig work. Strengthening these frameworks and ensuring their effective implementation will be crucial to safeguarding worker rights in the platform economy.

Critical Legal Gaps

Despite recent policy attention, India's gig economy remains under-regulated, with several key shortcomings that leave workers exposed to insecurity. One of the most fundamental problems is the *unclear legal status* of gig workers. Platform companies often designate them as "independent contractors" rather than employees, enabling the avoidance of obligations such as minimum wage, health insurance, and paid leave. While the Code on Social Security, 2020 defines "gig" and "platform" workers, it stops short of classifying them as employees. This contrasts with jurisdictions like California, which uses the ABC test, or the United Kingdom, which applies "worker status" tests that offer intermediate protection. The second major gap lies in the *absence of basic employment benefits*. Most gig workers have no guaranteed minimum income, no overtime pay, no entitlement to rest breaks, and no coverage for work-related injuries. The Social Security Code mentions schemes for insurance, pensions, and maternity benefits, but these are discretionary and rarely enforced. Without mandatory application, these schemes fail to reach the majority of gig workers. Enforcement mechanisms are also weak. The *government's e-Shram portal,* designed to register and connect gig workers with benefits, has seen poor uptake. Low awareness, minimal outreach, and bureaucratic delays mean

that the funds intended for welfare remain underutilised. This lack of active implementation widens the gap between legislative intent and practical outcomes. Another concern is *opaque algorithmic control.* Platforms use automated systems to decide pay rates, allocate tasks, and suspend or deactivate workers. These algorithms operate without transparency, leaving workers unable to understand or contest decisions that directly affect their livelihoods. The absence of legal safeguards against such automated actions creates a serious power imbalance.

Finally, gig workers have no recognised right to collective bargaining under Indian labour law. They are excluded from the Industrial Relations Code, meaning they cannot form unions or negotiate as a group. While some states have welfare boards with worker representatives, these bodies generally have limited powers and cannot compel platforms to improve pay or conditions. Together, these gaps highlight the urgent need for a stronger, more inclusive legal framework.

Reform Proposals

A comprehensive reform strategy for the gig economy must begin with the creation of a new legal category of "*dependent contractor*" a worker who is not a traditional employee but is economically dependent on a single platform for their livelihood. Such a category, used in the UK and supported by the *California ABC test*, would capture the reality that platforms exert significant control over work allocation, pay structures, and performance monitoring. Under this classification, workers would be entitled to core labour rights while allowing some flexibility for both parties. The second step is to guarantee basic employment rights for all gig workers, regardless of their formal classification. These should include a statutory minimum wage, overtime pay, paid sick leave, maternity and paternity benefits, mandated rest breaks, and compulsory accident insurance. These protections would provide a safety net against the volatility of platform-based income. Third, social security coverage must be made mandatory. All gig workers should be registered on the *e-Shram portal*, with strict deadlines for implementation and penalties for non-compliance.

State-level welfare boards should manage funds transparently, publishing annual reports on the number of workers covered, funds collected, and benefits disbursed. This would ensure accountability and improve public trust. Transparency in algorithmic management is equally essential. Platforms should be legally required to disclose how algorithms determine pay, assign work, and initiate suspensions. Automated terminations should be subject to human review, aligning with global trends like the *European Union's Platform Work Directive*, which limits sole reliance on automated decision-making. Recognising collective representation is another priority. Gig workers should have the right to form unions or associations, and welfare boards should include worker-elected representatives with voting power on key policy decisions. This would enhance worker participation and strengthen advocacy for fairer conditions. Lastly, the government should establish a *National Social Security Fund for Gig Workers, financed by a small levy (1–2%) on platform companies'* turnover. This fund could finance health insurance, pension schemes, skill development, and support for workers transitioning between jobs. Pilot programs in progressive states like Karnataka and Rajasthan could test these reforms before national rollout, ensuring practical, evidence-based policy design.

Global Lessons With Comparative Perspective

Examining global approaches reveals valuable lessons for India's gig economy governance. In the United Kingdom, the landmark *Uber BV v. Aslam* (2021) decision classified drivers as "workers" entitled to minimum wage, paid leave, and protection against unfair dismissal. The judgment emphasised the degree of platform control over drivers' work, challenging the independent contractor model and expanding rights without fully classifying them as employees. The European Union has taken a legislative approach through the *Platform Work Directive (2024),* which presumes an employment relationship when a platform controls essential aspects of a worker's tasks, pay, or performance monitoring. The Directive also mandates algorithmic transparency and gives workers the right to contest automated decisions affecting their employment. In Germany, the Works

Constitution Act ensures strong social dialogue. Employers must consult with works councils before initiating redundancies, provide written justifications, and explore alternatives such as retraining or reassignment. For mass redundancies, companies must negotiate a social compensation plan, and non-compliance can render dismissals invalid. This framework prioritises negotiation and mitigation rather than unilateral action. Singapore adopts a more advisory approach, with tripartite guidelines encouraging early consultation, outplacement support, and avoidance of abrupt terminations due to technology. Employers with at least ten employees must file a mandatory retrenchment notification within five working days and adhere to recommended benefit standards. Although these measures are not legally binding, they establish a culture of cooperative workforce management.

India's current framework, shaped by the Industrial Disputes Act, 1947 and the Industrial Relations Code, focuses heavily on procedural compliance such as notice, compensation, and approval without embedding the proactive social dialogue found in EU and German models. Protections also fail to cover workers in smaller or informal sectors, and remedies tend to be punitive rather than restorative. Adopting global best practices particularly mandatory consultation, retraining obligations, and participatory governance could bring India closer to achieving fair and sustainable regulation for gig work in the digital economy.

Towards a Fair and Resilient Gig Economy

The gig economy in India is growing rapidly, but the absence of comprehensive protections leaves workers vulnerable to economic insecurity and exploitation. Common challenges include irregular pay, sudden deactivation, lack of insurance, and no voice in decision-making. Reform must begin with recognising gig workers as a distinct category within labour law, granting them core rights, and ensuring mandatory social security coverage. Platforms must be held accountable for algorithmic decisions, and worker representation must be embedded in governance structures. National and state-level social security funds, coupled with

targeted skill development, can provide a safety net for displaced workers. Pilot projects in progressive states can help refine implementation before national rollout. Protecting gig workers is not only a legal imperative but also an economic necessity to ensure sustainable growth of the digital platform economy while upholding fairness, dignity, and social justice.

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Labour Rights of Women and Gender Equality in the Global Workforce

Abhishek
Assistant Professor
Himachal Institute Of Legal Studies Shahpur

Abstract

Gender equity and women's labor rights are priority issues in the international labor market that underpin economic progress and social development. Despite international conventions and national legislation to guarantee equal opportunities, women still face significant barriers in the form of wage gaps, job segregation, and limited entry into managerial positions. In addition, discrimination, harassment, and inadequate maternity protection limit women's full entry into the labor market. The intersection of gender with race, class, and other aspects of identity often exacerbate these problems, especially in developing economies and the informal economy. Recent world trends and policy experimentation have highlighted the need for comprehensive approaches that address both legislative systems and workplace culture. Encouragement of women's labor rights benefits not only social justice but also productivity, creativity, and economic resilience. Attaining real gender equality in the labor market requires joint efforts by governments, employers, and civil society to implement anti-discrimination laws, enhance work-life balance, and ensure equal pay for equal work. As the nature of work changes in response to technological change and demographic change, the prioritization of women's rights and empowerment is essential to creating inclusive and sustainable economies.

Keywords: Gender Equality, Labor Rights, Female Workers, Global Workforce, Discrimination

Introduction

The global struggle for women's work rights and equal treatment at work has been transformed significantly over the past hundred years.

Social movements, economic developments, and new legislation have brought this about. Despite this improvement, there remain significant gaps such as differences in pay, fewer women at the top, continued discrimination, harassment, and job segregation. This comprehensive report examines the state of women's work rights and gender equality globally today. It discusses legislation, actual conditions, continued challenges, and successful methods of promoting equality in various sectors and industries.

Historical and International Legal Foundations

Early Support and Notable Events

Methods of obtaining women's labor rights developed within broader feminist campaigns for women's rights during the 19th and 20th centuries. The most significant milestones include the creation in 1919 of the International Labour Organization (ILO), which advocated decent work and improved conditions for all, individual conventions increasingly stressing women's equality in the workplace. The 1948 Universal Declaration of Human Rights and the following ILO conventions established the international norm of equal treatment in work.

Principal International Agreements

Many international rules protect women's rights at work:

Equal Remuneration Convention (ILO C100, 1951): Requires equal remuneration for work of equal value.

Discrimination (Employment and Occupation) Convention (ILO C111, 1958): Prevents discrimination at work.

Maternity Protection Conventions (ILO C183, C103): Mandate paid maternity leave and protection against dismissal.

Domestic Workers Convention (ILO C189, 2011): Serves to protect mostly female domestic workers from exploitation, providing them with decent terms and social security.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979): The global "bill of rights" for women. But the grand objectives of international law tend to outpace their implementation and enforcement, particularly in the developing world and informal economy.

The Role of Women in the Global Labour Market

Labour Force Participation

The global women's labour force participation rate is just under 47%, far less than men's 72%. In the majority of regions, it is more than 50 percentage points behind.

Women are underrepresented in the formal economy, particularly in low- and middle-income countries, where informal and precarious work is the rule.

Table: Major Participation and Gender Gaps Indicator (2025)

Indicator\Women\Men\Gap

Indicator	Women	Men	Gap
Labour force participation (global)	~47%	72%	25pp
Informal employment (low-income countries)	92%	82%	5pp
Managerial positions (global)	30%	70%	40pp

Job and Employment Discrepancies by Type

They are over-represented in low-wage, low-status, and informal employment like domestic work, care work, retail work, and textiles.

There remains occupational segregation in male-dominated occupations, particularly in STEM fields and management.

More than 90% of the rural women in developing countries are informal workers with very restricted access to social protection.

Economic Disparity and Pay Differentiation

Globally, women in the world make 83 cents for each dollar a man makes. The gap is even greater for women of color, women with disabilities, and those who work part-time or in the informal sector.

The wage gap continues to persist. At the existing rate, full pay equality in certain economies could take more than a century.

Collective bargaining and unionization bridge the difference between women's and men's earnings. Women in unions earn much more and enjoy more job security.

Informal Economy

60% of all women in work are in informal work worldwide, and this increases to more than 90% in developing countries and to 92% in developing countries. They have no legal and social protection, such as minimum wages, maternity benefits, and protection against abuse.

Obstacles to Gender Equality in the Workplace

Structural and Legal Barriers

Worldwide, over 2.7 billion women are under legal restrictions that restrict their access to equal job opportunities with men; 69 nations have legal restrictions on women's choice of occupation. In all but a few areas, traditional and religious laws erode legal equality, limiting land rights, inheritance, or freedom to work or travel without a man's permission. Labor laws often do not cover informal, part-time, or gig workers, sectors that are largely populated by women.

Uncompensated Care Work and the "Motherhood Penalty"

Women across the world spend between three and six hours per day on unpaid care work compared to men. The "motherhood penalty" exists, with mothers of childbearing age experiencing even greater pay and career

differentials resulting from care giving responsibilities and stereotypic assumptions.

Discrimination and Harassment

Harassment is still prevalent: a significant proportion of women experience discrimination or sexual harassment at work, frequently going unreported because of a fear of backlash or lack of monitoring. Vulnerable populations (migrants, women of color, LGBTQ+) experience double and triple layers of discrimination, hindering advancement and economic security.

Underrepresentation in Leadership

As of 2025, women hold only 6–8% of CEOs at top global companies and remain disproportionately underrepresented on executive and managerial boards. For every 100 promoted male managers, 65 Black women and 54 Latinas are promoted, demonstrating intersectional promotion hurdles.

The Rise of the Gig Economy and Platform Work

Online platforms offer some level of flexibility; however, they also tend to reinforce gendered inequalities—gig work is rarely linked with stable income, benefits, or legal protections against harassment or wage theft. Gig economy women usually make 11% less than men for doing the same job.

The Impact of COVID-19

The crisis deepened pre-existing inequalities: women's employment fell, women's unemployment increased, and more women than men dropped out of the labor force because of heightened care giving obligation and sectoral shocks. Feminized sectors (health, retail, hospitality, education) were hit the hardest by dismissals, while care work expanded in homes and economies. Disruptions derailed gender equality progress and, in a few instances, rolled back achievements of the past decades.

Opinions on Sectors and Regions

Developing Regions

In the Global South, there is generally formal law but weak implementation and enforcement because of deeply rooted patriarchal cultural values and a lack of resources. Almost all working women in sub-Saharan Africa and South Asia work informally or in precarious work. In countries like India and Nigeria, although comprehensive frameworks claim to protect women workers, there are large differences between actual protection and redress.

Europe and North America

The European Social Charter and the EU's Amsterdam Treaty provide equal opportunity and legal recourse against discrimination and positive action for the under-represented sex. In Western Europe, education and workforce participation have gained much, but pay disparities and executive representation remain problems. The United States has legal protections in place in Title VII of the Civil Rights Act, the Equal Pay Act, and more recent attempts at furthering transparency and permitting paid leave; while improvement in these areas is patchy, recent political events have imperiled key anti-discrimination provisions.

Case Studies: Varied Experiences

Rwanda and Mauritius (Africa) Rwanda has pushed gender equality hard, with women making up the majority of its parliament and strong legal protections. Socio-economic disparities and underrepresentation in the economy, though, persist. Mauritius boasted good equal work legislation, maternity leave provisions, and anti-discrimination laws but still maintains a lower female labour force participation rate and entrenched social/cultural impediments to women's economic progress in spite of more elevated female education.

India

Women form a significant part of the construction industry and the informal economy. Indian law is now covering fundamental protections such as the Maternity Benefit Act, Equal Remuneration Act, and anti-harassment laws, but they remain weakly enforced in the informal economy, and the environment is still unsafe, with women unaware or positioned to claim their rights.

Canada, Russia, USA

Even with high aggregate progress, occupational segregation and pay disparities remain. Legislative systems now promote men's involvement in care and remove overt prohibitions, but social norms and sectoral trends evolve slowly.

Factors and Strategies for Encouraging Rights and Equality

Legislative and Policy Reforms

Comprehensive Labour Laws: Laws prohibiting discrimination, ensuring pay equity, and safeguarding maternity rights are essential. The issue lies in enforcement, however, where there is no system and consciousness.

Ratification of the Major Conventions: Universal ratification and tangible country-specific action plans are essential for conventions such as ILO C189 (Domestic Workers), C100 (Equal Remuneration), C183 (Maternity).

Economic Empowerment and Unionization

Strengthening Collective Bargaining: Union members who are women earn more and have a substantially lower wage gap; labor unions battle for wage transparency and provide mechanisms for resolving workplace conflicts.

Access to Training and Education: Lifelong learning, up-skilling, and women's integration programs in higher-paying, expanding industries (STEM, management) act as bridging mechanisms.

Private Sector Initiatives, Workplace Culture, and Leadership

Corporate Gender Balance and Inclusion Programmes: Some large corporations have set and achieved important gender balance targets, such as Accenture's target to have a 50/50 gender split in leadership positions and Unilever's target to have 50% female managers by 2025.

Compensation Audits and Transparency: Organizations such as Sales force have conducted compensation audits and taken time to close pay gaps, thus serving as industry-wide role models.

Societal Change and Gender Roles

The establishment of paternity leave and the encouragement of joint care giving responsibilities play a prominent role in reducing the motherhood penalty and women's participation in the labor market.

Media, Education, and Advocacy: Positive role models, challenging stereotypes, and educating women and wider communities about their rights raises awareness and utilization of protections.

The Role of Global Institutions and Policy Governance

ILO's Transformative Agenda: The ILO is spearheading the efforts to close the pay gap between men and women, decent work in the care economy, putting an end to violence and harassment at the workplace, and integrating gender equality in all its global policy and technical cooperation efforts.

UN Women and Multilateral Agencies: Mobilize funds, lobby for policy, and track progress on Sustainable Development Goal 5 (gender equality) globally.

Conclusion

Women's labor rights and gender equality in the workplace are pillars of sustainable economic growth and human rights. Advances of the twentieth century have improved the status of women in the workplace, but ingrained barriers and persistent inequalities make it evident that the work is very far

from being done. A commitment to law reform, enforcement with teeth, solidarity, and a rethinking of social and economic systems is required to ensure a more equitable, prosperous, and gender-equal future. The path to making decent, equitable work accessible to all women must be as driven as the aspiration itself.

Key Recommendations at a Glance

Implement and sign all pertinent international agreements. Close legislative loopholes—cover all sectors, including gig and informal. Encourage pay transparency and prompt audit of private and public sectors. Expand childcare, paid leave and flexible work for all. Invest in women's professional growth and leadership. Strengthen and defend collective bargaining. Take intersectionality seriously—aim policies at most marginalized women. Launch social campaigns that will change deleterious norms and stereotypes. The collective will of workers, employees, policymakers, and advocates can change the world of work for future generations for women, ultimately benefitting society as a whole.

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A Critical Study on Cross-Border Labour Exploitation and Human Trafficking: Legal Responses

M.Swathi
Assistant professor, VISTAS

S.Kumudha
Assistant professor, VISTAS

Abstract

Human trafficking and cross-border labour exploitation are among the most pervasive human rights violations in the modern world. Despite international legal frameworks, national legislation, and civil society activism, millions remain trapped in exploitative labour conditions, often due to transnational criminal networks and weak enforcement mechanisms. This paper explores the evolution of legal responses to cross-border labour exploitation and human trafficking, analyzes the effectiveness of current measures, and highlights emerging legal and policy strategies. Using international treaties, regional frameworks, and national laws, along with real-world case studies, it examines how legal instruments can both empower and fail vulnerable populations.

Keywords: Criminal activity, Cross-border, Human trafficking, International treaties, Labour exploitation.

Introduction

Cross-border labour exploitation and human trafficking represent some of the gravest violations of human rights in today's globalized world. These practices involve the recruitment, transportation, transfer, or harboring of individuals—often across national boundaries—through coercion, deception, or abuse of power, for the purpose of forced labour or services. The victims are frequently vulnerable groups such as migrants

seeking better economic opportunities, women and children subjected to gender-based violence, and displaced persons fleeing conflict or poverty. According to recent estimates by the International Labour Organization, tens of millions of people worldwide remain trapped in forced labour conditions, many trafficked across borders, highlighting the scale and urgency of the problem. Labour markets in many countries depend on low-cost migrant workers, who are often excluded from social protections and legal safeguards, making them easy targets for exploitation. The clandestine nature of trafficking networks, coupled with varying national legal definitions and enforcement capacities, further complicates efforts to combat these crimes effectively.

In response, a growing number of international treaties, regional agreements, and national laws have been developed to address human trafficking and forced labour. These legal instruments aim to criminalize trafficking, protect victims, prosecute offenders, and foster international cooperation. Despite these frameworks, challenges such as inconsistent implementation, lack of resources, corruption, and limited victim identification hamper progress. This paper seeks to provide a comprehensive overview of the evolving legal responses to cross-border labour exploitation and human trafficking. It will analyze key international conventions, regional protocols, and national legislations, assessing their strengths and limitations. The discussion will also include emerging trends in legal reforms, policy innovations, and enforcement practices aimed at enhancing victim protection and disrupting trafficking networks. By examining these aspects, the paper aims to underscore the importance of adopting a coordinated, victim-centered approach that balances law enforcement with human rights, thereby contributing to more effective global action against these persistent and complex crimes.

International Legal Responses

The primary international legal instrument addressing human trafficking is the United Nations Protocol to Prevent, Suppress and Punish Trafficking

in Persons, commonly referred to as the Palermo Protocol (2000). The Protocol supplements the UN Convention against Transnational Organized Crime and is guided by the "3Ps" framework: prevention, protection, and prosecution (United Nations Office on Drugs and Crime). The Palermo Protocol provides a broad, internationally accepted definition of trafficking and mandates state parties to criminalize trafficking, protect victims, and promote cooperation among countries. However, it lacks enforceability mechanisms, relying heavily on national implementation. Other international instruments include the ILO Forced Labour Conventions (No. 29 and No. 105), which oblige states to eradicate forced labour in all forms, and the Optional Protocols to the Convention on the Rights of the Child (CRC), which recognize children as especially vulnerable to trafficking.Additionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR) recognize trafficking as a violation of human dignity, particularly for women and children. Yet, despite this rich legal landscape, challenges persist in translation into effective action.

Regional Legal Frameworks

1. Europe: Council of Europe Convention and GRETA

   In Europe, the Council of Europe Convention on Action against Trafficking in Human Beings (2005) builds on the Palermo Protocol and introduces a more victim-centered approach. It emphasizes gender-sensitive protections, safe return for victims, and non-punishment for crimes committed as a result of being trafficked. Its implementation is monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which reviews national compliance and issues country-specific recommendations. However, GRETA's power remains largely advisory, lacking punitive enforcement capabilities.

   Africa: ECOWAS and African Charter

In West Africa, the Economic Community of West African States (ECOWAS) has adopted action plans and model legislation against trafficking. The African Charter on Human and Peoples' Rights recognizes forced labour and slavery as violations, but implementation across member states is inconsistent due to political instability and weak legal institutions.

2. Asia-Pacific: ASEAN and National Laws

The Association of Southeast Asian Nations (ASEAN) has made notable progress through the ASEAN Convention Against Trafficking in Persons (ACTIP), emphasizing protection and regional coordination. Countries such as Thailand, Indonesia, and Philippines have enacted anti-trafficking legislation, though enforcement varies.

National Legal Frameworks

1. United Kingdom: Modern Slavery Act (2015)

The UK Modern Slavery Act 2015 was among the first comprehensive national legislations to consolidate offences related to slavery, servitude, and forced labour. It created the role of the Independent Anti-Slavery Commissioner, increased penalties for offenders, and introduced requirements for businesses to report on their supply chains (UK Parliament). However, critics argue the Act focuses too heavily on criminalization and not enough on victim rehabilitation. Recent amendments to immigration law have also created fears that victims may be deported before receiving adequate support.

2. United States: Trafficking Victims Protection Act (2000)

The Trafficking Victims Protection Act (TVPA), reauthorized multiple times since 2000, provides a three-tiered system to assess global anti-trafficking efforts. Countries in Tier 3 may face sanctions, thereby creating a diplomatic tool for anti-trafficking

enforcement. Despite its strengths, the U.S. faces domestic issues of migrant worker exploitation, particularly in agriculture and domestic work, often exacerbated by irregular immigration status.

3. India: Bonded Labour Abolition Act (1976) and TIP Bill

   India's Bonded Labour Abolition Act (1976) criminalized debt bondage, a common form of labour trafficking. More recently, the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill seeks to centralize enforcement and establish special courts. However, critiques focus on the lack of survivor consultation and unclear definitions of trafficking.

   Challenges in Enforcement

   Despite extensive legal architecture, enforcement remains uneven. Challenges include:

- Lack of victim identification mechanisms: Many victims remain invisible due to language barriers, mistrust of authorities, or fear of deportation.
- Corruption and weak governance: Particularly in transit countries, corruption undermines anti-trafficking efforts.
- Insufficient funding and training: Many enforcement agencies lack resources or knowledge to identify and respond appropriately to trafficking situations

  In the UK, for example, the Gangmasters and Labour Abuse Authority (GLAA), responsible for enforcing labour rights, has faced staffing shortages that affect its capacity to monitor labour supply chains effectively (Anti-Slavery International).

Emerging Legal and Policy Approaches

In response to the evolving nature of human trafficking and cross-border labour exploitation, legal systems are beginning to adopt more proactive and technologically informed strategies. One notable development is

the use of artificial intelligence and data analysis to identify potential trafficking activities, particularly through the monitoring of online job listings and migration flows. These tools help detect irregularities and signs of coercion, especially in regions affected by conflict or displacement. For instance, after the escalation of the conflict in Ukraine, law enforcement and researchers used open-source data to track trafficking routes targeting refugees. Alongside these digital innovations, governments are increasingly holding corporations accountable for exploitation within their supply chains. New legislation in countries such as France and Germany requires businesses to assess and address human rights risks linked to their global operations. Furthermore, legal reforms in many jurisdictions are placing greater emphasis on victim protection rather than punishment. Policies such as "firewalls" between immigration enforcement and victim support services are being introduced to ensure survivors can seek help without fear of deportation. These emerging approaches represent a shift toward a more holistic, preventive, and survivor-focused legal response to trafficking and labour exploitation.

Recommendations

To strengthen the global response to cross-border labour exploitation and human trafficking, a coordinated and multi-faceted legal approach is essential. First, countries should work toward harmonizing their legal definitions and penalties related to trafficking, which would close jurisdictional gaps and facilitate international cooperation. Better victim identification procedures and survivor-centered support services must be prioritized, including access to legal aid, psychological care, and long-term rehabilitation. Governments should allocate more funding and training to enforcement agencies, ensuring they have the capacity to investigate trafficking networks and protect victims effectively. International collaboration should also be enhanced through agreements that allow for joint investigations, intelligence sharing, and the repatriation of victims in a safe and dignified manner. Additionally, it is crucial to hold corporations accountable by enforcing laws that require human rights due

diligence throughout global supply chains. Civil society organizations and local NGOs must be treated as key partners in both prevention and support efforts, especially since they often have direct access to vulnerable communities. Lastly, emerging technologies—such as data analytics, AI, and digital platforms—should be utilized to improve early detection, monitor recruitment channels, and raise public awareness. These combined efforts can help close the enforcement gaps and ensure legal systems protect those most at risk of trafficking and exploitation.

Conclusion

Cross-border labour exploitation and human trafficking remain deeply rooted global issues, driven by economic inequality, conflict, and weak governance. Although there has been progress in developing international treaties, regional agreements, and national laws to combat these crimes, implementation continues to fall short in many areas. Legal frameworks must evolve to be more survivor-centered, enforceable, and adaptable to emerging trends, including the use of technology and shifting migration patterns. Victim protection should be at the core of all legal responses, supported by strong institutional cooperation and meaningful corporate accountability. Additionally, greater investment in prevention, education, and capacity-building is essential to addressing the root causes of trafficking. Only through a comprehensive and collaborative approach can the international community hope to dismantle trafficking networks and protect the fundamental rights and dignity of all individuals.

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Labour Issues in Public and Private Sectors- a Comparative Perspective

BHUVANESHWARI. R
PhD Scholar, School of Law,
Hindustan Institute Of Technology And Science
Padur, Chennai 603103

Dr. K. JAMEELA
Asst.Prof. (SG), School of Law
Hindustan Institute Of Technology And Science
Padur, Chennai 603103

Abstract

The Article deals with the challenges faced by labourers in the public and private sectors have evolved over time and differ in many ways. Public sector jobs are generally considered more secure than private sector jobs. The challenges faced by workers in the public and private sectors are influenced by a range of factors, including industry, organisation size, economic conditions, technology, government policies, and workforce demographics. Both the US and India face a shortage of skilled labour in certain industries. In the US, there is a shortage of workers in fields such as healthcare, technology, and manufacturing. In India, there is a shortage of workers in fields such as engineering, medicine, and IT. The objectives are to know the purpose for enacting the Trade Union Act, to study about the functions of the Trade Union Act, to know the challenges faced by labourers in industries, to know about the factors affecting the employees performance, to know the importance of the Trade Union Act to the labourers. The challenges faced by workers in the public and private sectors can vary significantly due to differences in economic, political, and social factors. Hence there are some common challenges that workers in both sectors may face, such as low wages, limited job security, and lack of benefits. An important aspect of this article will determine whether the

Act ensures equal protection and legal safeguards for workers in both public and private domains.

Keywords: Labourers, Public Sector, Private Sector, Workforce, Trade Union.

Introduction

In the past, unionisation was more common in the public sector than the private sector. Technology has had a significant impact on the job market, and this is no different for public and private sector workers. Both public and private sector workers face challenges in achieving a healthy work-life balance. While some challenges faced by labourers in the public and private sectors have remained constant over time, others have evolved due to changes in the job market and economy. Governments around the world have enacted laws to address the challenges faced by workers in both the public and private sectors.

Employment Standards: Governments have established employment standards laws that set minimum standards for working conditions, wages, and hours of work.

Occupational Health and Safety Laws: Governments have implemented laws that require employers to provide a safe working environment for their employees.

Minimum Wage Laws: Governments have established laws that set a minimum wage for workers.

Equal Employment Opportunity Laws: Governments have enacted laws that prohibit discrimination in employment on the basis of various factors such as race, gender, age, and disability.

Worker's Compensation Laws: Governments have established laws that require employers to provide compensation to workers who are injured on the job.

These laws aim to protect workers' rights, ensure fair treatment in the workplace, and provide a safe and healthy working environment.

The challenges faced by workers in the public and private sectors are influenced by a range of factors, including industry, organisation size, economic conditions, technology, government policies, and workforce demographics. The industry in which a worker is employed can have a significant impact on the challenges they face. The size of the organisation can also influence the challenges faced by workers. Larger organisations may have more resources to invest in training and benefits, while smaller organisations may struggle to provide the same level of support. Economic conditions such as recession or economic growth can also impact the challenges faced by workers. The impact of technology on the workforce has been significant, and it has created new challenges for workers. Government policies such as labour laws, taxation policies, and social welfare programs can also influence the challenges faced by workers. Demographic factors such as age, gender, race, and ethnicity can also play a role in the challenges faced by workers.

The challenges faced by workers in both the public and private sectors are constantly evolving, and current trends such as remote work, skills shortage, automation, mental health, and diversity and inclusion are impacting the workforce. Many industries are experiencing a skills shortage, which has created challenges for both employers and employees. The use of automation and artificial intelligence is increasing in many industries, which is creating new challenges for workers. Mental health has become an increasingly important issue in the workforce, and many workers are facing challenges such as stress, burnout, and anxiety. Diversity and inclusion have become a major focus for many organisations, and workers are facing challenges such as discrimination, unconscious bias, and unequal opportunities. The challenges faced by workers vary from country to country due to differences in economic, political, and social factors. The United States has a highly competitive labour market, which can make it challenging for workers to find secure employment. The country also has a significant wage gap between high-earning and low-earning workers, and workers may face challenges accessing healthcare and other benefits. In India, workers in both the public and private sectors face a

range of challenges, including low wages, long working hours, and lack of job security. Many workers in India are employed in the informal sector, which can make it difficult to access benefits or legal protections. In the public sector, workers may face challenges such as corruption and lack of accountability. Both the US and India have issues with gender inequality in the workforce. In the US, women face challenges such as the gender pay gap, sexual harassment, and limited opportunities for advancement. In India, women face similar challenges, as well as cultural barriers and discrimination in the workplace. Both the US and India face a shortage of skilled labour in certain industries. In the US, there is a shortage of workers in fields such as healthcare, technology, and manufacturing. In India, there is a shortage of workers in fields such as engineering, medicine, and IT.

Objectives

- To know the purpose for enacting the Trade Union Act.
- To study about the functions of the Trade Union Act.
- To analyse Comparative working conditions and rights in public vs. Private sectors
- To study specific challenges in unionisation, representation, and dispute resolution.

Trade Union Act

The article seeks to analyse the legal framework of the *Trade Unions Act, 1926* with particular emphasis on its applicability to both public and private sectors. It aims to examine the purpose, scope, and key provisions of the Act, especially those relating to the registration of trade unions, their rights and liabilities, and the process of recognition. The article focuses on how the Act functions within different employment environments and assess subsequent amendments or State-specific rules have introduced sectoral variations in its implementation. An important aspect is to determine whether the Act ensures equal protection and legal safeguards for workers in both public and private domains.

Trade unions

The role of trade unions in safeguarding labour rights across both public and private sectors. It involves analysing the functions, bargaining power, and overall effectiveness of trade unions in representing and protecting workers' interests in each sector. The article will evaluate whether trade unions operating in public undertakings enjoy greater political influence and legal support compared to those functioning in private organisations. Additionally, it will explore how factors such as union density and the presence of collective bargaining agreements impact working conditions and the overall welfare of employees.

Challenges faced by Labourers

The article also aims to examine the challenges faced by workers in forming and sustaining trade unions. The challenges include legal hurdles such as complicated registration procedures, restrictive labour legislations, and resistance from employers, practical barriers like fear of retaliation, lack of awareness about labour rights, internal disputes within unions, and financial instability often weaken union activities. Sector-specific issues in public sector includes political interference, bureaucratic delays, and restrictions arising from "essential services" regulations limit the scope of union operations, while in the private sector, job insecurity, prevalence of contractual employment, and the non-recognition of unions pose significant obstacles to effective worker organisation.

Dispute redressal mechanism

The grievance redressal and dispute resolution mechanisms in both public and private sectors were established well in each domain. The role played by conciliation officers, labour courts, and industrial tribunals in facilitating settlements vary between the two sectors. The impact of economic liberalisation and globalisation on labour rights and trade unionism which includes employment patterns, outsourcing, gig work, and fixed-term contracts, and studying whether private sector employment

has experienced a decline in collective bargaining rights in the post-1991 reform era.

Finally, the article intends to propose reforms to enhance the effectiveness of trade unions and strengthen worker protection. Recommendations will include amendments to the *Trade Unions Act, 1926* to reflect modern employment realities, along with capacity-building initiatives and awareness programmes for workers and also explore strategies to achieve a balanced approach that promotes industrial harmony while ensuring the protection of workers' rights in both public and private sectors.

Suggestion and Conclusion

Union representation and collective bargaining may be more prevalent in the public sector, while non-unionized workers in the private sector may be subject to arbitrary decisions by management. To address these challenges, workers should be informed about their rights and advocate for their interests in the workplace, while policymakers and employers should work to create policies and practices that promote job security, fair pay, and a positive workplace culture.

The challenges faced by workers in the public and private sectors can vary significantly due to differences in economic, political, and social factors. However, there are some common challenges that workers in both sectors may face, such as low wages, limited job security, and lack of benefits. One way that workers can address these challenges is through trade unions, which can help to negotiate fair wages, benefits, and working conditions on behalf of workers.

In India, the Trade Union Act of 1926 provides legal recognition for trade unions and establishes their rights and responsibilities. This act has been amended over the years to address changes in the labor market and to protect the rights of workers. Trade unions can play an important role in addressing the challenges faced by workers in both the public and private sectors by advocating for their rights and interests. They can help to negotiate better wages, benefits, and working conditions, as well as provide support

and representation in the event of disputes with employers. The challenges faced by workers in the public and private sectors can be significant, but trade unions can help to address these challenges and advocate for the rights and interests of workers. The Trade Union Act in India provides a legal framework for trade unions to operate and protect the rights of workers, making it an important tool in addressing the challenges faced by labourers in both the public and private sectors.

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Legal Borders, Exploited Bodies Human Trafficking in a Global Labour Market

Dharshini Sendilkumar
Jerlin Subiksha K
Immanuel Prince Davidson A
V Year, BBA LLB (Hons.)
School of Excellence in Law, TNDALU

Abstract

Globalization has made it easier for employees to look for new opportunities and for businesses to hire new talent from other countries. Despite this progress, the grim truth of migrant laborers suffering from unsafe housing, wage theft, and poor living and working conditions still exists. Human Rights enriched in the ILO conventions and domestic constitution are repeatedly violated. This paper investigates the legal frameworks aimed at countering cross- border exploitation and jurisdictional issues in protecting such victims. It uses the example of South Asian migrants in the Gulf and workers in global supply chains to demonstrate the lack of protective measures. This paper advocates for legally binding treaties, corporate accountability, and a global approach to uphold human rights, protecting individuals rather than MNCs.

Keywords: Global supply chains, corporate accountability, binding treaties, South Asian migrants

Introduction

Globalization has expanded trade, boosted foreign investment, increased labour mobility but has unfortunately led to the exploitation of labour across borders. The undocumented, illegal transnational trafficking of labour provides an illusion of success for global supply chains, where they are forced to work in dangerous and life-threatening situations. In 2021, the ILO reported over 28 million people in forced labour, with undocumented migrants three times more at risk. According to UNODC, there is a noted

increase in trafficking in persons, particularly of women and girls. There are frameworks like The Palermo Protocol and ILO Conventions, but lack of collaboration among states results in inconsistent enforcement. In Gulf countries, kafala-type systems grant employers absolute power, which facilitates pervasive exploitation. This paper analyses the legal actions taken against such trafficking, identifies gaps in enforcement, and suggests accountability through international treaties.

Understanding Labour Trafficking

Labour trafficking is the recruitment, transit, transfer, harboring, or reception of humans towards exploitation by recruiters for financial gain by means of fraud or coercion to force a person to provide labour or services against their will and it often takes many forms which include forced labour, debt bondage and servitude. Systematic vulnerabilities with weak legal protection and restrictive immigration status combine to make migrant workers susceptible to exploitation, discrimination, and denied access to basic services and trapped in abuse. These conditions call for rights-based, inclusive labour policies and strong international frameworks that center dignity, safety and justice.

Legal Instruments for Protection Of Migrant Workers

The International Labour Organization (ILO) upholds the rights of migrant workers through major agreements. The Migration for Employment Convention (No. 97) guarantees fair pay, the right to join trade unions, access to social security, and legal safeguards for regular migrants, with Recommendation 86 extending such benefits to refugees. The Migrant Workers Convention (No. 143), along with Recommendation 151, targets forced labour, irregular migration, and ensures equal treatment through fair recruitment practices. Broader protections come from the UN Convention on Migrant Workers (ICRMW) and the Palermo Protocol, which defines and combats trafficking. Core human rights treaties like UDHR, ICCPR, CRC, and CEDAW add further safeguards. In India, Article 23 prohibits trafficking and forced labour. The OSH Code offers limited protection,

while the Trafficking in Persons Bill, 2021, aims to strengthen laws. The Indian Community Welfare Fund supports citizens overseas.

Jurisdiction – A Challenge to Victim Protection

Cross-border trafficking cases often stretch across multiple countries namely the place of recruitment, transit routes, and the destination where exploitation occurs, each with its own laws and enforcement systems. When more than one state claims jurisdiction, legal disputes can drag on, impeding justice. Resolving such cases requires strong international cooperation, yet without Mutual Legal Assistance Treaties (MLATs) or extradition agreements, sharing evidence and extraditing offenders becomes slow and impossible. Criminal networks exploit loopholes like the absence of extraterritorial laws, registering in one country but operating in another through shell companies or informal brokers. Many victims are treated not as trafficked persons but as undocumented migrants, detained or deported without legal aid or due process, denying them justice and removing vital witnesses from prosecutions. Inconsistent definitions of "trafficking" further complicate matters as what qualifies in one country may not in another. While international instruments like the UN Convention against Transnational Organized Crime (UNTOC) and the Palermo Protocol offer a shared framework, their enforcement is uneven, lack binding authority, and provide no clear process for settling jurisdictional disputes between states.

Case Study – South Asian Migrant Workers in Gulf Countries

The "Migration of Women Workers from South Asia to the Gulf" report by UN Women and the V.V. Giri Labour Institute discloses the deep-rooted exploitation faced by women from India, Nepal, Bangladesh, Pakistan, and Sri Lanka in Gulf countries. Many are recruited under false promises, only to face contract changes, unpaid wages, passport confiscation, and denial of basic rights. Denied labour protections, they face isolation, overwork, and restricted movement under the kafala system, which binds

their legal status to their employer and enables abuse. Although some Gulf states have introduced reforms such as minimum wages and limited job mobility, weak enforcement and legal loopholes mean exploitation persist. The pandemic further trapped many women in abusive households during lockdowns, cutting off escape routes. In June 2024, civil society groups renewed demands for genuine reform, calling for the abolition of the kafala system, freedom of movement, the right to unionize, and strict accountability for employers. Despite international commitments, structural flaws remain, leaving thousands of migrant women vulnerable to trafficking, abuse, …etc.

Global Supply Chain

A labour supply chain refers to an integrated system of producing goods with people and resources from around the globe which require informal workers to be employed in several nations at once. Sourcing at a lower cost and through more layers dilutes accountability and reduces transparency of the suppliers. It is difficult for the outside entities to keep an eye on the abuses taking place, such as wage theft, debt bondage, unsafe working conditions...etc.

Pattern of Labour Exploitation in Global Supply Chains

Exploitation of labour continues. In 2024, BHRRC recorded 665 cases of migrant worker abuse in agriculture, construction, and manufacturing. In agriculture and food, wage violations and unsafe working conditions led the reports, as did manufacturing. A significant portion of businesses remain unnamed, impeding responsibility. Transparentem's investigation of MP cotton farms revealed intricate systems of child labour, debt bondage, subsistence wages, and exposure to harmful pesticides, illustrating the shortcomings of brand-driven audits. The same or parallel problems affected the supply of seafood to Western supermarkets, where multi-layer sub-contracting obstructs spot audits and traceability.

Corporate Accountability in Labour Exploitation

Corporate Accountability implies companies must tackle supply chain labour exploitation, no matter if they directly employ those workers. The best approach would incorporate sustain strong human rights obligations, access to remedy mechanisms, transparent supply chains, and active participation of workers that would stop abuses before they soar. Amidst numerous corporate accountabilities and ESG commitments, many companies continue to operate in a reactive manner. Probes into construction in Qatar unveiled European companies were indirectly employing workers under lower tier forced labour contracts, and no action was taken until lawsuits or NGO pressure, which highlight the immeasurable rift between corporate policies and actual situation. Laws like the German Supply Chain Act or the European Union Corporate Sustainability Due Diligence Directive seek to mitigate risks, human rights abuses, and provide remedy, but weak enforcement, numerous loopholes and exceptions, overly limited scope result in indirect tiers being unprotected. While the Prohibition of Placing Goods on the Market Produced with the Use of Forced Labour Regulation will come into effect in 2027, the European Union does not impose extra due diligence measures on the importing of goods made with forced labour.

The Consequences of International Labour Treaties

The U.S. Uyghur Forced Labor Prevention Act (UFLPA) prohibits imports from Xinjiang, China unless companies demonstrate no involvement of forced labour. U.S. Customs has seized thousands of shipments from China worth $3.5B, leading brands to step up tracing and audits for polysilicon, cotton, and seafood from Xinjiang. The EU's Forced Labour Products Regulation (2024/3015) will be effective from December 2024 and will prohibit the sale of goods manufactured by forced labour within the EU. It mandates EU and third-country stakeholders to demonstrate compliance with the supply chain, due diligence tracing and risk mitigation requisites based on the ILO Forced Labour Convention.

Unlike voluntary pledges, it utilizes a primary risk assessment database paired with national authority supervision and litigation for inadequate safeguards as enforcement.

Recent Case Studies on Enforcement In Action

Loro Piana, an Italian luxury couturier owned by LVMH, faced judicial scrutiny in July 2025 for their draconian supply chain practices concerning Chinese forced labour at €4 per hour. The legal finding of Blame Credit had monitoring negligence coupled with oversight shortcomings. In Brazil, 163 Chinese employees working in BYD EV's factory were subjected to 'slave-like' housing, confiscated identification documents, up to 70% of their wages withheld, no sanitation, no rest, and no hygiene. Prosecutors claimed R$257M for forced labour, showing domestic enforcement without formal agreements. Bumble Bee Seafoods was charged by four Indonesian fishermen in 2025 who claimed they were being exploited on Chinese tuna ships and claimed relief under the U.S Trafficking Victims Protection Act. Thus, in cross border labour violation destination country courts can make firms liable for the safeguard's failure.

Suggestion

To combat labour exploitation, governments should put into effect borderless supply chain due diligence laws for all tiers of suppliers that go beyond mere voluntary compliance. This will ensure greater compliance with international frameworks. Extending MLATs with extradition agreements fosters international collaboration, mitigates jurisdictional challenges and hastens transnational prosecutions. Migrant workers should be granted the ability to form unions as well as access to grievance mechanisms in the countries they work in to ensure their meaningful participation. Moreover, to improve enforcement and compliance with work standards, independent bodies that can legally impose sanctions, seize goods, and publish blacklist registries for violators should be created.

Conclusion

The interaction between poverty, weak legal frameworks, and vicious recruitment drives exploitation, abuse of migrants and exacerbates the problem of cross border labour trafficking. Labourers are protected under various international agreements such as the ILO Conventions, the Palermo Protocol, and the ICRMW, however, enforcement remains fragmented due to jurisdictional gaps and lack of protective measures for victims. Inaction by the states which aggravated exploitation of South Asia workers in the Gulf stands as stark evidence to the global supply chains which depend on and perpetuate these abuses. Voluntary Corporate Social Responsibility policies lack the effectiveness of legally binding frameworks. Combatting trafficking requires reforming laws, reshaping international relations, and bringing structural changes to how labour, migration, and human rights are governed in a globalized economy.

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A Legal Analysis of Labour Exploitation And Human Trafficking in the Fisheries Sector With Focus on India and High-Risk Jurisdictions

MABEL. S
BCA LL.B (Hons)., LL.M.

Abstract

Fishing is considered to be one of the traditional activities in the early period. It was once a sustainable practice, but later, due to economic changes and poverty, it becomes as a commercial exploitations. Fishermen were abused at sea and isolated for months without returning home. This research presents a legal analysis of labour exploitation and human trafficking in the fisheries sector, with a focus on India and jurisdictions like Thailand, Indonesia, China, and Taiwan, where abuse at sea is widespread and under-regulated. The study critically examines ILO Work in Fishing Convention, 2007 (C188), which is the only international instrument that focused on working conditions aboard fishing vessels. It also helps to understand the key contributing factors that classify these countries as a high risk jurisdiction, including the IUU-Forced Labour Nexus, Jurisdictional Complexity, Flags of Convenience and Supply Chain Accountability and Corporate Complicity.

Introduction

Fishing for many coastal communities its not just an industry, it's a way of life. At first, fishing began as a traditional way of life where families caught fish to feed themselves and sold the rest for income. Over the years what started as a simple way to survival gradually changed. Due to rising poverty, economic pressures, and global demand turned family fishing into commercial labour. Even children began working long hours in unsafe conditions. Eventually this traditional livelihood turned into commercial

exploitation. Today, fishing is one of the most dangerous and least protected industries in the world. In the fishing industry, migrant workers remain the most vulnerable to exploitation and abuse. The ILO reports that more than 27.6 million people worldwide are engaged in forced labor, with many of them working in the fishing industry. With 14 million people reliant on fishing and a vast coastline, India is at significant risk.

Ilo Work in Fishing Convention, 2007 (C188)

The Maritime Labour Convention (MLC), 2006, is well-known but does not apply to fishing vessels, leaving fishers unprotected.To fill this gap, the International Labour Organisation adopted C188, the only international treaty focused on working conditions in fishing vessels. It does not define forced labour and human trafficking because it applies the definition of the ILO convention and the UN Palermo protocol. According to this convention, all fishermen must have medical exams to guarantee their fitness for duty, and the minimum working age is set at 16, with strict training exceptions. It requires written work contracts that explicitly outline the terms of employment, pay, responsibilities, and rights to repatriation. Safety is prioritised through regular emergency drills, the provision of safety equipment, and mandatory occupational health preventative measures. In order to prevent fishermen from working long and hazardous hours, the Convention also establishes minimum daily and weekly rest periods. In addition to the right to repatriate without any delay or cost to the fisherman, adequate food, drinkable water, and safe accommodations on board are mandatory. Furthermore, C188 gives port states the authority to examine fishing vessels flying foreign flags and take enforcement action if requirements are not fulfilled. Importantly, the Convention's application is not confined to large, ocean-going boats. All fishing vessels, regardless of size, are covered; however, smaller craft are given some leeway. Furthermore, it protects commercial fishing operations on rivers, lakes, and canals. Recreational fishing and subsistence fishing, which is done just to provide for domestic food needs, are specifically not included. The main purpose of this convention is to ensure decent working and living conditions for all

fishers, including those engaged in inland fishing operations. Despite its importance, most countries still have not ratified C188, including India, leaving millions of fishers, especially migrants, without protection.

Exploitation in Southeast & East Asia

Southeast Asia is now a world hotspot for forced labor and fishing industry trafficking. Notwithstanding reforms, Thailand's seafood industry continues to depend on abused migrant labour from Myanmar, Cambodia, and Laos. The migrant workers are being held at sea for months or years, working for 22 hours a day. Human Rights Watch reported cases of wage withholding, document confiscation, and physical abuse. The report claims that Saw Win, a labourer from Myanmar, was at sea for two years without ever returning ashore and saw captains murder people.

Indonesia, which has one of the world's largest fishing fleets, faces similar challenges with widespread abuse of migrant workers. Remote islands like Benjina Island have been identified as trafficking hubs where the geographic isolation makes exploitation easier and harder to detect. During the period of 2014 to 2020, the Indonesian Migrant Workers Union documented 338 cases of forced labour, with reported abuses including wage withholding, deception and exploitation through debt.

East Asian Distant-Water Fleets

In East Asia, China and Taiwan operate distant-water fishing fleets with documented abuse and little oversight. China has the world's largest distant water fishing fleet, which operates across the globe. However, it is well known for serious labour abuses and poor oversight. These harmful practices continue because China's fleet receives 1.8 billion dollars in subsidies, enabling forced labour and violent abuse. Environment Justice Foundation (EJF) investigations of Chinese vessels in the Southwest Indian Ocean found that 58% of workers faced physical violence, 85% lived in abusive conditions, and 97% suffered debt bondage or document confiscation. According to recent research by the Environmental Justice

Foundation, North Korean workers were employed by Chinese tuna longliners in the waters of the Southwest Indian Ocean between 2019 and 2024, potentially in violation of UN sanctions. These workers were illegally working on Chinese vessels and often confined for up to a decade at sea. These workers remained at sea beyond the period mentioned in the contract. They were being continuously relocated from one vessel to another rather than being permitted to return home.

Taiwan is considered to be one of the high-risk jurisdictions because the Taiwan government does not provide proper legal protection for migrant workers, leaving them highly vulnerable to abuse in international waters. More than 1,000 Cambodian fishermen were trafficked in the Giant Ocean case in Taiwan. The Taiwan agency hired 1,000 Cambodians to work on ships between 2009 and 2012. These workers only received half of their salary and lived in conditions similar to slavery. The recruiter was given a 10-year sentence by the Cambodian court, and all victims were required to get compensation. This shows how serious labour exploitation is in Taiwan's fishing industry.

India's Legal Gaps in Fisher Protection

India has moved from traditional family fishing to informal, unsafe commercial labour, especially in coastal and migrant communities. Workers are often employed without contracts or safety, increasing risk of trafficking and exploitation. India's constitutional framework provides strong foundations for combating labour exploitation. Article 21 guarantees the right to life and personal liberty, Article 23 prohibits trafficking and forced labour, and Article 24 prohibits child labour in hazardous occupations. In the Supreme Court's expansive interpretation of Article 21, the judiciary has established crucial broader protections for vulnerable workers. In Bandhua Mukti Morcha v. Union of India (1984) case, court had imposed state duties on identifying and rehabilitating bonded workers, establishing principles for fishing communities. The Delhi High Court's 2024 guidelines regarding provisional financial assistance to child labour and bonded labour survivors constitute crucial advances in protection

mechanisms for victims. Yet implementation is patchy, especially in far-off coastal districts.

India has multiple legislative instruments, which are the Bonded Labour System (Abolition) Act, 1976; the Trafficking of Persons (Prevention, Protection and Rehabilitation) Act, 2021; and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, addressing different aspects of labour exploitation. The Merchant Shipping Act, 1958, and the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, govern maritime employment conditions and wage claims on vessels. None of these laws specifically protect fishers, leaving a critical gap in India's labour and maritime legal framework. The most legal drawbacks in Indian jurisdiction are not rectifying the ILO Work in Fishing Convention (C188) and creating significant regulatory voids.

Why These Countries Are High-Risk Jurisdictions

The main factors contributing to high risk status of these jurisdictions are IUU-Forced Labour Nexus, Jurisdictional Complexity, Flags of Convenience and Supply Chain Accountability and Corporate Complicity

1. IUU-Forced Labour Nexus

   One of the biggest drivers is the interconnected link between Illegal, Unreported, and Unregulated (IUU) fishing and forced labour. Illegal fishing often depends on forced labour to stay profitable. Research shows that IUU operations often depend on trafficked workers who are trapped aboard and unable to report abuses.

2. Jurisdictional Complexity

   The fishing industry operates across international waters, making enforcement of labour laws extremely difficult. Workers at sea are isolated for long periods, with no access to communication or rescue. In many cases, a vessel is owned by a company in one

country, flagged under another, employs workers from a third, and fishes in a fourth. This spread of responsibility makes it very difficult to enforce laws and protect workers

3. Flags of Convenience

   Many vessels operate under "flags of convenience", which means there is no guniune link between the flag state and the vessel. The vessels will be registered in countries with weak labour laws and little oversight. This helps shipowners avoid strict inspections or penalties. Because of these combined weaknesses jurisdictional loopholes, IUU–forced labour links, and poor enforcement, exploitation in the fisheries sector remains widespread and largely unpunished.

4. Supply Chain Accountability and Corporate Complicity

   Seafood supply chains are complex, involving many intermediaries making it easy for products linked to forced labour and illegal fishing (IUU) to be mixed into global markets. Based on the Financial Transparency Coalition report, vessels accused of forced labour are owned by European companies, especially from Spain, Russia, and the UK and vessels linked to labour abuse are controlled by companies in China, Taiwan, Thailand, South Korea, and Spain.

Corporate ownership is often hidden using shell companies or offshore registration, making it hard to trace the beneficial owners. Most countries do not require disclosure of beneficial ownership, allowing actual liable person to escape legal responsibility. The U.S. Tariff Act bans imports made with forced labour, but enforcement is inconsistent and limited. The strong connection between IUU fishing and forced labour makes supply chain due diligence even harder. Exploited labour and illegally caught seafood continue to enter global food markets without being stopped.

Conclusion

Maritime labour system in India continues to face significant regulatory and enforcement challenges particularly in the fisheries sector. These challenges must be tackled through immediate legal reforms, international cooperation and institutional strengthening. Priority should be given to the adoption of ILO Work in Fishing Convention (No. 188), the FAO Port State Measures Agreement, and the IMO Cape Town Agreement. Further, measures are needed to strengthen the Trafficking of Persons Bill with sea-specific protections, set up special Maritime Labour Courts to quickly solve labour disputes, improve inter-agency coordination, and enhance regional cooperation to combat cross-border trafficking. Rules on proper rest time, sea-time limits, and mandatory port breaks for fishing crews must be enforced and those who failed must be held with severe punishments. Companies who import fish should be required to confirm that there is no forced labour in their supply chains. Fishing operators are required to publicly disclose vessel ownership, fishing methods, and crew details. All fishing vessels must also be equipped with tracking systems and electronic logbooks to monitor fishing activity and working conditions. collectively, these changes can improve sustainable fisheries governance, lessen the connection between IUU fishing and forced labour, and protect the rights, safety, and dignity of fishers.

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Suffocating Reality of Manual Scavenging: Failure of Legal System

Mithra D,
V Year – School Of Excellence In Law,
Tamil Nadu Dr. Ambedkar Law University.

Abstract

This paper talks about the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 defines" Manual Scavengers " as a person engaged or employed by an individual or a local authority or am agency or a contractor for manually cleaning, carrying, disposing off, or otherwise handling in any manner human excrete in an insanitary latrine or in an open drain or pit into which human excrete from the insanitary latrine is disposed of or on a railway track or in such other spaces or premises as the Central Government or State Government may notify before the excreta fully decomposes in such manner as may be prescribed and the expression 'Manual Scavenging ' shall be construed accordingly". To simplify, "Manual " means of or operated by the hands or working with hands and the term "Scavenging " refers act of collecting and gathering of discarded waste of humans in this context. Constitutionally Manual scavenging is prohibited in the papers through various Articles, namely *Article 14 – Right o Equality; Article 15- Prohibition of Discrimination on grounds of religion, race, caste, sea or place of birth; Article 17- Abolition of Untouchability; and Article21- Right to life and personal liberty. There are other provisions which obligates State to take certain acts as mentioned in Article 38 – State to secure a social order for the promotion of welfare of the people; Article39 (d),(e); Article 41- Right to work; Article 42 – Provision for just and humane conditions of work; Article 46- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections and Article 47 – Duty of the state to raise the level of nutrition and standard of living and to improve public health. All the above mentioned Articles are general in notion but for the purpose of the research, it is to implied for Manual scavengers. Manual Scavenging* is *banned in India from 1993 in India, but the reality hits different.*

Historical Background

International Dalit Solidarity Network defines Manual Scavenging as the removing of human excreta from dry latrines, railroad tracks and sewers by hands, is a caste – based and hereditary occupation form of slavery reserved exclusively for Dalit's.

With this context let us understand the roots of Manual Scavenging in India. In Ancient period, there were texts like Manusmriti and Narada Samhita dealt with the same. When India adopted caste system to it, there were 4 Varna's, one of the Varna was considered as Out Caste people. It is here every other problem of discrimination and oppression of one human by another human began. Rig Veda recognized slavery. Slaves weren't involved in any productive activities but only engaged in household activities. The Digha Nikaya, a data cannot live independently and cannot go as per his wish. Narada Samhita dealt about the slave's one of the duty is scavenging and the work done by slave is referred as impure or dirty work. In Vajasaneyi Samhita, the Chandals and Paulkasa were slaves for disposing of human excretion and night soil. Manusmriti by dealing with Untouchables indirectly favoured the Manual scavenging especially out caste population.

Caste and Manual Scavenging

"Manual Scavenging is not a career chosen voluntarily by workers, but is instead a deeply unhealthy, unsavoury and undignified job forced upon these people because of the stigma attached to their caste. The nature of the work itself then reinforces that stigma", Navi Pillay, UN High Commissioner for Human Rights in 2013.

The context of History of Manual scavenging itself reveals the very nature of the job is assigned or forced based solely on caste. The Government of India has denied the fact if existence of Manual scavenging but nearly 92% of the sewers and septic tank cleaners in India are from scheduled caste or scheduled tribe or other backward classes. A report by The Hindu (2024)

had expressed that with 38,000 workers profiled;77.2% of the workers are from Dalit communities.

The Government of India has conducted survey, in which 58098 manual scavengers have been identified, among them 43,797 manual scavengers caste data is available, the split up is mentioned in the tabular format.

COMMUNITY CATEGORY	No. Of. Manual Scavengers
Scheduled Castes	42,594
Scheduled Tribes	421
Other Backward Classes	431
Other	351

Data posted on 01 Dec 2021, 4:38PM BY PIB Delhi

The data clearly convey the message of one Community is still pulled into this trap and the social stigma survives even in the modern world.

The Issue of Economic Vulnerability

Poverty is always a vicious cycle, when no proper education there is no decent job; if no job, there is no money, ultimately this cycle goes one after the other there is no end to it, unless proper measures are taken. The reasons for the economic vulnerability is because of the following aspects:

- Lack of proper education –There people engaged in this practice even if tend to go to school, are treated differently makes them dropouts and parents themselves in the trap are not in a position to send their wards to better educational institutions. And that they are low skilled and end up in low paid jobs.
- Employment Opportunity- As reason stated above, one because of education they are underemployed and because of lack of proper implementation of 2013 Act which lushes for rehabilitation. Improvised areas do not have much scope of economic activities.
- Credit Facility – Today's financial system being digitalised and more complicated banking system makes difficult for the

uneducated scavengers to approach the financial institutions for their needs and even if they reach lack of security prohibits them from loan facility.

- Health is Wealth – As we all know, manual scavengers are exposed to the unhealthy surroundings which put their health in danger. KK Aggarwal of the Indian Medical Association, says that they (manual scavengers) are exposed to harmful gases like methane and hydrogen sulphide, which put them at risk of developing cardiovascular degeneration, osteoarthritis and intervertebral disc herniation. A woman working without safety equipment's in the filthy places would contract dangerous diseases in the foot, hand and mouth, hepatitis A, meningitis, rotavirus and salmonella infections and so on. If one is hospitalized for the same then he/she can't do any work in turn again lack of money is the ultimatum.

Incompetent Laws

In India, there are numerous laws enacted to eradication of Manual scavenging from the country but everything proved incompetent with manual scavenging still existing 2025 , the interesting part of it is that Government claiming there is zero manual scavengers in the country. Quoting incident in the above context, **A** man aged 31 in Bengaluru died on 21.7.2025 due breathing issued which was the consequence of cleaning manhole without gears on Sunday. The accused persons have been booked under 2013 Act and Section 106 of Bharatiya Nyaya Sanhita,2023.

Let's look into the various laws and various steps by government in this regard.

- The Untouchability (Offences) Act, 1955, had been enacted to abolish the practice and Untouchability and social stigmatization against SC. Later it was amended in 1977 as Protection of Civil Rights Act. This change provided for stricter punishments.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, came into force in 1990.Gocus of the Act

is on atrocious offenses against the said communities and special courts set up for the same.

- The major Act was enacted in 1993 – Employment of Manual scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 prohibited the employment of Manual scavengers and restriction on building of the dry latrines and to maintain the water latrines.
- COMMISSION – NATIONAL SAFAI KARAMCHARI COMMISSION was constituted on 12th August, 1994 as a statutory body by an Act if Parliament for a period of 3 years upto 1997. The latest term extended is from 01.04.2025 to 31.03.2028.
- The Planning Commission formulated a National Plan for Total Eradication of Manual scavenging by 2007, but it was a failure.
- Actions/ Schemes by the Government –

  * Self – Employment Scheme for Rehabilitation of Manual scavengers (SERSMS).

  * Total Sanitation Campaign (TSC), focuses on eradication of open defection.

  * Nirmal Gram Puraskar Yojana is to add on TSC, initiated in 2003.

  * To provide alternative employment, the National Scheme of Liberalization and Rehabilitation of Scavengers was launched.

  * Pre – matric Scholarship for the children of those Engaged in Unclean Occupation.

  * Integrated Low Cost Sanitation Scheme (ILCS).

  * Pay and Use Toilet Scheme.

  * National Safai Karamcharis Finance and Development Corporation.

* Centrally Sponsored Scheme of Assistance to State Scheduled Castes Development Corporations.

* National Workshop on Manual Scavenging and Sanitation held on 11 March, 2011, one of the recommendation was to implement the 1993 Act in letter and spirit in the faster pace.

- Above all, the most crucial enactment was in 2013, Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 prohibits the manual scavenging activity in the country with effect from 06.12.2013. It contains 8 Chapters and 39 Sections, within this small Act lies the core concept of human right to individual and the spirit of fraternity.

In spite of having so many legislations and schemes, India is incapable of prohibition of Manual scavenging.

Labour Laws and Scavengers

After a long discourse, it is evident that there are actions to sort the issue but it is not done rightfully, which deviates the problem and the solution itself.

Primary mess starts with the "Recognition" of the Manual Scavenging, in 1980s, India accepted the evil practice and worked towards its eradication but now all of a sudden, Government proclaim that " there is no report of practice of manual scavenging in any districts " in a written reply to a question in Rajya Sabha by Shri Ramdas Athawale. I might sound critic but it is the reality.

Further, both 1993 and 2013 Act uses the term " Prohibition", instead usage of the word " Abolition " would be appropriate. Because prohibition is stopping some of to act or omit but Abolition means the complete destruction to the ideology and washing away the practice.

As the laws are prohibiting the employment of Manual scavengers, the very nature of remedy or justice or lawful protection is also forbidden.

The 2013 Act is seen as an umbrella for all the issues connected with, but it is not so.

- Trade Union Act, 1926 – it has more complicated registration process which in the first hand restricts them to form an union and people indulged in these activities are scattered throughout the country in various places and it is difficult for coordination and mostly they are illiterate. There are few organizations like Safai Karamchari Andolan, National Dalit Alliance, Aathi Thamizhar Peravai, Akhil Bharatiya Safai Mazdoor Sangh, All India Centre Council of Trade Unions, and others voice out for the Safai Karamcharis.
- Minimum Wages Act, 1948 – Prior to 1993, for employee definition 2(g) included certain employee specified in Schedule 1 Part I of the Minimum Wages Act, under which Employment of sweeping and cleaning of all categories were included, but from 7. 11.2005, the provisions excluded activities prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Actually this violates their right of minimum wages.

Conclusion

"We cannot address Manual Scavenging without addressing untouchability, without taking on inequality"- Bezwada Wilson, Safai Karamchari Andolan.

As pointed out earlier, the social stigma should change with mind set. Government needs to identify the existing scavengers without any dilemma in recording data of them to ensure social security measures based on the collected data. Laws need to get made more stringent. Even after the landmark judgements of Dr. Balram Singh v. Union of India and others, in which the increased the compensation for death of Manual scavengers from 10,00,000 to 30 lakes and for disablement it is fixed at 10 lakhs to 20 lakes. The situation hasn't seen any change as inferred from Bengaluru incident.

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Labour and Artificial Intelligence – Future Law of the World

Mr. P.D. Sujith, B.E., M.B.A., LL.B., LL.M. Assistant Professor & PhD Scholar
Prof. Dr. V.R. Dinkar Dean
School of Law, Hindustan Institute of Science and Technology

Abstract

From the celestial mysteries of the universe to the structured complexities of human societies, labour has remained a cornerstone of civilization. Historically rooted in human necessity and social stratification, labour has evolved through epochs—from manual toil to industrial mechanization and, now, toward digital automation. As Artificial Intelligence (AI) emerges as the cornerstone of the Fourth Industrial Revolution, it challenges the very definition, structure, and rights framework of labour. This paper critically examines the global evolution of labour, identifies inadequacies in present-day legal frameworks, and argues for the formation of a comprehensive, AI-integrated global labour act. Drawing from interdisciplinary expertise in engineering, management, and law, and inspired by empirical research under the mentorship of Prof. Dr. V.R. Dinkar Dean School of Law – Hindustan Institute of Technology and Science, the paper proposes a dynamic legal model capable of preserving human dignity while leveraging AI for equitable growth. Ultimately, the study envisions AI not as a threat, but as a transformative legal ally in redefining labour rights for future generations.

Introduction

The story of labour begins not with automation or algorithms but with the survival of humankind. From ancient agricultural societies to medieval guilds and, later, capitalist industrial regimes, the notion of labour has evolved with every societal shift. Labour is not merely physical effort it encompasses economic participation, social identity, and legal recognition. The Earth, formed after the cosmic Big Bang and cooled over millennia,

became the cradle for this evolution. With industrialization in the 18th and 19th centuries came organized labour, unions, and foundational legal reforms. However, in the 21st century, humanity is encountering a paradigm shift: the rise of AI and automation. The law must now grapple with unprecedented questions what happens when the worker is a machine? How do we ensure fairness in algorithmic decisions? Can AI itself be held accountable? This paper embarks on an interdisciplinary journey to answer these questions and envisions a legal framework that is as intelligent, adaptable, and ethical as the AI systems it seeks to regulate.

Historical Background of Labour and Legal Evolution

Labour law emerged from the tension between productivity and human dignity. In the early industrial period, children worked in coal mines, women toiled in unsafe textile mills, and men laboured under exploitative conditions. This led to the genesis of legal interventions. The evolution of labour rights has unfolded through significant milestones across history. The Factory Act of 1833 in the UK marked one of the earliest reforms, regulating child labour and appointing factory inspectors to enforce compliance. Later, the Trade Union Acts of the late 1800s legalized union formation and collective bargaining, empowering workers to demand fair treatment. After World War I, the establishment of the International Labour Organization (ILO) in 1919 sought to create minimum global labour standards, laying the foundation for international cooperation on workers' rights. The Universal Declaration of Human Rights in 1948 further reinforced this vision by declaring the right to work as a fundamental human right. In the post-war era, many European nations introduced the welfare state, with measures like unemployment insurance, pension systems, and the creation of labour courts to resolve disputes. In more recent decades, modern reforms (2000s–2020s) have focused on recognizing and codifying informal labour sectors and grappling with the regulation of digital and platform-based work. Together, these developments trace the gradual transition toward more comprehensive and inclusive protections for workers worldwide. However, most of these frameworks were designed

with the human worker in mind. As AI increasingly takes the driver's seat in the labour ecosystem, these legacy laws fall short of providing inclusive protections.

Impact of Artificial Intelligence on Labour

AI's integration into the workplace is not hypothetical—it is happening in real-time. From algorithmic stock trading to self-driving logistics fleets, from facial recognition in office access to automated hiring platforms, AI systems are influencing millions of jobs. The rise of artificial intelligence has brought both opportunities and challenges to the world of work. On one hand, job displacement is a pressing concern, with the World Economic Forum predicting that 85 million jobs may be lost by 2025 due to automation, particularly in roles like data entry, customer support, and assembly line operations. At the same time, AI is driving job creation, giving rise to new professions such as AI ethicists, machine learning engineers, and robotic process analysts. The gig economy further illustrates this transformation, as platforms like Uber and Swiggy rely heavily on AI for task allocation, pricing, and performance evaluations often raising questions about the erosion of traditional labour protections. Moreover, ethical and privacy concerns are growing, with AI-driven surveillance tools monitoring workers' keystrokes, productivity, and even emotional responses. These practices pose serious challenges to employee consent, dignity, and autonomy, necessitating careful debate and regulatory safeguards as AI continues to reshape the future of labour. The world is witnessing not just a shift in how work is done, but who or what is considered the worker.

Limitations in Existing Labour Law Frameworks

Existing labour laws are largely inadequate to handle the complexity of AI-augmented work environments.Labour laws today face significant challenges in addressing the complexities of modern work environments. A major issue is fragmentation, as most countries maintain separate laws for wages, dispute resolution, maternity benefits, and working conditions, lacking a unified legal framework. Furthermore, there is a

lack of technological coverage, with many labour codes failing to address the implications of algorithmic decision-making and digital workplaces. Traditional worker classification systems distinguishing strictly between "employees" and "independent contractors" do not adequately consider the realities of gig workers and freelancers. The geographical rigidity of labour laws further complicates enforcement, as legal protections are confined to territorial jurisdictions while AI-driven platforms operate across global boundaries. Lastly, an absence of algorithmic accountability persists, as AI tools used in hiring, performance appraisals, and penalizations often function as opaque "black boxes" lacking transparency and mechanisms for challenge or redress.

This gap leaves millions of digital workers vulnerable, especially in developing economies.

Towards an AI-Driven Global Labour Act

To create a just and inclusive future, we must envision a legal system that is global in its reach and intelligent in its operation. Key Features of the Proposed AI-Driven Global Labour Act: To address the challenges posed by modern work environments and AI integration, several innovative solutions have been proposed. A real-time compliance system utilizing AI-enabled dashboards can monitor labour violations and ensure ongoing adherence to regulations. Establishing minimum global standards for wages, occupational safety, leave entitlements, and social security would provide a universal baseline of worker protections. Strengthening algorithmic accountability involves mandatory audits of AI systems, explainability requirements, and mechanisms for appealing algorithmic decisions. Enhancing worker data rights ensures employees have explicit control over personal data collected at work, including rights to consent, correction, and deletion. The concept of a digital labour identity, using blockchain technology, could create global employment passports that securely record skills, experience, and job history. Finally, the formation of an AI-human ethics committee, comprising multidisciplinary experts, would guide the responsible and ethical deployment of AI in workplaces.

This act should not just mimic old laws—it must be rooted in modern realities and technological capabilities.

Challenges in Implementing AI-Driven Legal Frameworks

While the vision is promising, implementation will face several roadblocks:

Several significant challenges hinder the effective regulation of AI and labour laws in the modern era. First, technological disparity means that developing nations may lack the infrastructure necessary to implement AI-enabled real-time compliance systems. Next, data sovereignty issues arise as varying national regulations on data localization and privacy complicate efforts for cross-border governance. Corporate pushback is another barrier, with employers especially in cost-sensitive industries—often resisting additional compliance burdens. Furthermore, there is a lack of legal precedents, as courts currently have limited experience interpreting AI-related labour rights. Finally, public awareness remains low; many workers do not fully understand AI tools or their rights under evolving laws. Addressing these challenges requires global consensus and carefully phased reforms to ensure fair, effective, and inclusive regulation.9. Recommendations & Solutions

To overcome the above challenges, this paper proposes the following strategies:

- Hybrid Arbitration Councils: Panels comprising legal experts, technologists, and labour representatives for dispute resolution.
- Global Legal Forums: Virtual equivalents of ILO for digital labour policies and transnational conflict resolution.
- AI Literacy Campaigns: Training for lawmakers, judges, and trade unionists to understand AI's implications.
- Incentivized Compliance: Financial incentives for companies adopting AI ethics protocols and worker-friendly algorithms.
- Public-Private Partnerships: Collaborative governance involving governments, tech firms, and civil society organizations.

These solutions emphasize collaboration over confrontation.

Conclusion

AI is not the end of labour it is its redefinition. The future of work is neither fully human nor fully robotic, but a synergy of both. The legal framework must reflect this new reality. An AI-Driven Global Labour Act is not a utopian ideal but a necessity to protect human dignity amidst automation. If crafted wisely, such a framework can transform AI into a tool for equality, empowerment, and justice.As we stand at the intersection of technology and humanity, law must be the bridge and not the barrier. Artificial Intelligence does not signal the end of labour; rather, it ushers in a profound redefinition of what labour means in the twenty-first century. Work is no longer confined to human effort alone, nor is it destined to be monopolised by machines; the future of work will be shaped by a synergistic partnership between human intelligence and artificial intelligence. This integration demands that our legal, economic, and social frameworks evolve in tandem with technological innovation.

The pace of AI adoption has outstripped the capacity of traditional labour laws to safeguard the rights of workers in emerging digital economies. Without deliberate intervention, automation risks amplifying inequality, displacing vulnerable segments of the workforce, and eroding hard-won labour protections. It is therefore imperative to conceptualise and implement an AI-Driven Global Labour Act—a comprehensive international framework that harmonises technology-driven productivity with the preservation of human dignity, fair wages, and secure working conditions.

Such a framework should be grounded in the core principles of equality, non-discrimination, and social justice, while remaining adaptable to the rapid evolution of AI technologies. This includes recognising digital labour rights, addressing algorithmic bias, ensuring transparency in AI decision-making, and guaranteeing universal access to upskilling and reskilling opportunities. In doing so, AI can be transformed from a potential disruptor into a powerful instrument for inclusive growth and empowerment.

The role of law in this new era is neither to resist technological change nor to surrender uncritically to it, but to act as a mediator—ensuring that innovation serves the collective good. As we stand at the crossroads of unprecedented technological advancement and pressing socio-economic challenges, the law must function as a bridge, connecting the promise of AI to the enduring values of human rights and social equity.

If we succeed in this endeavour, the twenty-first century will not be remembered as the age when machines replaced humans, but as the era when humanity redefined labour in a way that embraced technology while upholding the principles of justice, equality, and dignity for all.

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Behind Every Product, A Lost Childhood: Are We Fulfilling Our Constitutional Promises

Praharshitha. R, BCA,LL.B (Hons), Tamilnadu Dr.Ambedkar Law University, School of excellence in law, Chennai

Abstract

Imagine sending your child to a factory instead of a classroom. Imagine their tiny hands weaving carpets instead of holding crayons, inhaling dust instead of dreams. For millions of families, this is not imagination it is their everyday reality. Our Constitution vowed to protect every child, to give them a life of education, dignity, and freedom. But decades later, the question still echoes: have we kept that promise?

This study delves into the painful realities of child labour in global value chains. It investigates how hazardous work endangers children's lives while also denying them the right to learn and grow. It investigates the disparity between constitutional ideals and lived experience, legal victories and grassroots failure. Behind every inexpensive product is a story we refuse to see: a child who should have been in school rather than a sweatshop. Until every child is safe, smiling, and dreaming freely, our constitutional promise is only words on paper. And the everyday reality for a child is still every parent's worst nightmare.

Keywords: Child Labour, Global Value Chains, Constitutional Promises, Exploitation, Education Rights, Hazardous Work.

Introduction

On a sweltering July afternoon in 2025, 23-year-old Karthik was mixing volatile chemicals in a cramped shed at the Neerathilingam Fireworks factory in Sivakasi, Tamil Nadu the same facility that had its license suspended years earlier for safety violations.[1] At 3:50 PM, an explosion tore through the unauthorized unit, killing Karthik and two of his relatives

instantly, while severely burning several others. This tragedy was not an isolated incident; it was merely the latest chapter in a harrowing story that has plagued India's fireworks capital for decades, where the constitutional promise of protecting children from hazardous work collides with the stark reality of economic desperation and systemic enforcement failures.

The constitutional guarantee under Article 24 that "no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment" was designed to shield India's most vulnerable citizens from precisely such dangers. Yet in 2024-25 alone, over 53,000 children were rescued from exploitative labour across working in sectors classified as the worst forms of child labour. In Sivakasi's fireworks factories, where 90% of India's fireworks are produced, children as young as 10 continue to handle explosive materials despite decades of judicial intervention following the landmark M.C. Mehta v. State of Tamil Nadu case in 1996.

Confronted with such recurrent tragedies, it becomes evident that constitutional mandates alone cannot eradicate hazardous child labour. The clear prohibition of Article 24 must be reinforced by rigorous enforcement, unwavering political commitment, and support for at-risk families.

The profound disparity between legal safeguards and conditions in Sivakasi highlights the urgent necessity for innovative interventions thorough inspection of informal workshops, empowered community monitoring, and sustainable rehabilitation initiatives targeting the underlying drivers of exploitation. Only through a cohesive, multi-faceted approach that fully respects both the letter and spirit of the Constitution can India fulfill its promise of a safe, dignified future for every child.

Legal and Constitutional Framework

The Indian Constitution provides a robust legal bulwark against the exploitation of children in hazardous labour, placing clear obligations on the State to safeguard every child's right to a safe dignified childhood. At the forefront is Article 24, which prohibits the employment of any child below

fourteen years of age in factories, mines, or other "hazardous employment." This absolute ban reflects a commitment to preventing harm to children's physical and moral wellbeing by expressly removing them from the most dangerous work environments.

Complementing Article 24 are several allied constitutional provisions that together reinforce a child's entitlement to protection, education, and freedom from exploitation. Article 21A guarantees every child aged six to fourteen the right to free and compulsory education, recognizing schooling as the primary antidote to hazardous work. Articles 39(e) and 39(f) in the Directive Principles of State Policy mandate that the State direct its policies toward ensuring neither childhood nor youth is abused, and that citizens are not forced by economic necessity into avocations unsuited to their age or strength. Meanwhile, Article 23 outlaws trafficking and beggar (forced labour), broadening constitutional protection against all forms of exploitative child labour.

Supreme Court Interventions

Judicial intervention has been critical in translating these constitutional guarantees into actionable protection. In M.C. Mehta v. State of Tamil Nadu (1996), the Supreme Court interpreted Article 24 as self-executing, delivering detailed directives for the identification, withdrawal, and rehabilitation of children working in Sivakasi's fireworks factories. The Court

required offending employers to contribute to a Child Labour Rehabilitation-cum-Welfare Fund and directed the State to provide alternative employment or financial support to families, ensuring compliance through periodic reporting. In subsequent rulings, the Court expanded its supervisory role, mandating tighter enforcement of child labour laws and reinforcing the child's right to health, education, and development as fundamental constitutional imperatives.

These constitutional and judicial measures establish a comprehensive framework designed to eradicate hazardous child labour. Yet, as recent

rescue operations and recurring accidents reveal, the challenge lies in bridging the gap between law and practice underscoring the need for continued vigilance, resource allocation, and community engagement to ensure every child's constitutional rights are fully realized.

Case Study: Sivakasi Fireworks Industry

Facts

Sivakasi, located in Virudhunagar district of Tamil Nadu, produces nearly 90% of India's fireworks. industry comprises over 1,000 licensed factories and numerous unregistered units. As early as the 1990s, surveys revealed more than 2,900 children working in registered match and fireworks factories, their small hands prized for dexterity despite exposure to explosive chemicals and high-risk operations. Incidents are frequent: in April 2025, a blast at the Neerathilingam Fireworks factory killed three workers and injured several others, underscoring ongoing safety lapses.

Legal Tragedy

In the landmark *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court directly invoked Article 24's prohibition on hazardous child labour, treating it as self-executing. The Court ordered:

- A comprehensive survey of all children employed in fireworks and match factories.
- Immediate withdrawal of children and their admission into educational institutions.
- A ₹20,000 penalty per child on non-compliant employers, deposited into a Child Labour Rehabilitation Fund.
- State responsibility to employ an adult family member in lieu of the child or deposit ₹5,000 per child if employment was unfeasible.
- Capping work hours and mandating schooling support for children in non-hazardous roles.

Despite these sweeping directives, enforcement faltered. Many factories circumvented inspections by operating home-based sheds and subcontracted

workshops, leaving thousands of children vulnerable to the same hazards the judgment aimed to eliminate.

Ongoing Realities Post-Judgment

Nearly three decades after *Mehta*, hazardous child labour persists in Sivakasi's fireworks sector:

- Rescues Continue: In 2024–25, state authorities uncovered underage workers in suspended and clandestine units, prompting further inspections and unit closures.
- Informal Evasion: The shift to unregistered backyard units has kept many children off official records, evading both labour law enforcement and judicial oversight.
- Recurring Accidents: Between 2022 and 2025, multiple explosions at both licensed and unlicensed factories resulted in fatalities and injuries, including child victims, emphasizing minute improvements in safety culture.
- Rehabilitation Gaps: Rescued children, though removed from hazardous work, often lack sustained educational support and economic safety nets for families, raising the risk of return to illicit employments.

This case study highlights the stark contrast between constitutional mandates and lived realities. Sivakasi's fireworks industry remains emblematic of the broader challenge: translating robust legal protections into enduring on-ground change for India's most vulnerable children.

Key Issue Analysis

Persistent Hazardous Child Labour Despite Legal Protections

Even three decades after the Supreme Court's landmark *M.C. Mehta v. State of Tamil Nadu judgment and the clear ban under Article 24 of the Constitution, hazardous child labour remains entrenched in India's most vulnerable communities. This persistence stems from a complex interplay of factors:

1. Economic Desperation: Families living on the margins of poverty often view their children as necessary contributors to household survival. When a child's daily wage— however meagre can mean the difference between a meal and an empty plate, statutory prohibitions lose their practical relevance.
2. Informal Sector Evasion: Many hazardous industries operate in the shadows of the formal economy. Backyard fireworks workshops in Sivakasi, unregistered garment stitching units in Delhi, and small-scale brick kilns in rural districts routinely evade official oversight, making enforcement of child labour laws extraordinarily difficult.
3. Weak Enforcement Infrastructure: Labour inspectorates are chronically underresourced and overburdened. Inspectors must cover vast territories with limited staff and funding, resulting in sporadic raids rather than sustained monitoring. Even when violations are detected, the follow-through—prosecutions, penalties, or rehabilitation—often stalls amid bureaucratic delays.

Recent Evidence and Supporting Data

- Nationwide Rescues: Between April 2024 and March 2025, over 53,600 children were rescued from child labour and trafficking operations across 24 states. Nearly 90% of these children were found in the "worst forms" of child labour, including hazardous occupations. Telangana's Leading Role: In this period, Telangana topped the rescues with 11,063 children freed—underscoring the scale of exploitation even in relatively prosperous states. Delhi's Surprising Surge: Child labour rescue cases in Delhi rose by 51% in early 2025 compared to the previous year, with 202 children removed from illicit garment workshops, many trafficked from impoverished rural areas. Recurring Tragedies: In July 2025, a fireworks unit blast in Sivakasi claimed the lives of three workers and injured several others—yet subsequent inspections once again uncovered underage workers in unlicensed, makeshift facilities.

These figures illuminate a troubling reality: legal and judicial successes have not translated into the total eradication of hazardous child labour. The data reflects not only the depth of the problem but also the urgent need for targeted reforms that address its root causes and logistical challenges.

Recommendations

Statutory Community Child Labour Surveillance Committees (CCLSCs) with Delegated Inspection Authority

To overcome the chronic shortage of government labour inspectors in hazardous sectors, India should move from informal local groups to a legally recognized mechanism. By amending the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 or through delegated rulemaking under Section 17 Parliament should introduce Community Child Labour Surveillance Committees (CCLSCs) as statutory "Local Advisory Inspecting Bodies" empowered with limited inspection and reporting powers.

These committees would comprise Anganwadi workers, self-help group members, former child labourers, and local school teachers, thus embedding social legitimacy at the community level.

Drawing on Article 243G (Panchayat powers) and Article 24 (prohibition of child labour), this reform would decentralize and democratize oversight, allowing local actors to assist government inspectors in detecting, documenting, and reporting violations more effectively. To motivate performance and accountability, outcome-based grants disbursed after independent, random audits of committee work should be instituted. This statutory model not only fills national inspection gaps (which, in 2022, amounted to less than one inspector per 300 hazardous factories) mrdac but also aligns grassroots vigilance with constitutional directives on child welfare.

Mandatory AI-Driven Child Labour Risk Mapping and Public Transparency

Standard enforcement typically triggers interventions only after violations occur, losing the opportunity for prevention. To address this, the law should mandate that every District Magistrate publish quarterly "Child Labour Risk Heat Maps", integrating AI-powered risk assessments with statutory inspection reporting as required under Section 17A of the CLPR Act and RTI mandates.

District Child Protection Units, in collaboration with State Child Protection Societies under the Juvenile Justice Act, should aggregate and analyse real-time data on school absenteeism (via UDISE+), minor injury records from local health centres, MNREGA wage flows, and other socioeconomic indicators. Predictive analytics can then signal impending risks before children enter exploitative work. By making these risk maps publicly accessible, social accountability is strengthened, empowering NGOs, journalists, and local communities to scrutinize and advocate more effectively for at-risk children. This approach operationalizes the Directive Principles in Articles 39(e) and 39(f), shifting policy from reactive rescue to proactive prevention.

Child Labour Abolition Bonds for High-Risk Industries

To achieve direct industry accountability and generate sustainable funding for child welfare,

Parliament should require manufacturers in high-risk sectors to purchase Child Labour Abolition Bonds government-issued securities equivalent to 1–2% of annual turnover. These bonds would only mature and be refunded if an independent annual audit confirms the absence of child labour within the participant company's operations. In the event of a violation, the bond is forfeited and transferred to a dedicated Local Child Welfare Fund supporting bridge education, direct cash transfers for vulnerable families, and vocational training for adolescent workers.

Modelled after India's environmental performance bond framework in the mining sector, this scheme can be enforced through rules under the Factories Act and the CLPR Act, with constitutional anchoring in Article 21A (right to education) and Article 24. By shifting risk and monitoring costs from the state to industry, the bond system provides both a sharp deterrent and a dedicated resource for local reintegration programs while integrating seamlessly with existing industry compliance obligations such as ESI and insurance.

These recommendations collectively offer a blueprint that harnesses statutory innovation, technology, and market-based incentives to bridge the persistent gap between constitutional promise and lived reality for India's most vulnerable children. Through a combination of legal reform, community empowerment, and transparent, data-driven oversight, India can move closer to fulfilling the fundamental rights its Constitution so clearly guarantees.

Conclusion

The enduring presence of hazardous child labour in India reveals a stark disjunction between the Constitution's lofty guarantees and the everyday experiences of its youngest citizens. Article 24's unequivocal prohibition against employing under fourteen in factories, mines, or other dangerous work stands as one of the world's strongest legal protections. Yet, despite landmark judgments such as the Supreme Court's directives in M.C. Mehta v. State of Tamil Nadu children continue to toil in informal workshops, fireworks units, garment clusters, and brick kilns, driven by poverty, inadequate enforcement, and fragmented rehabilitation efforts.

Addressing this crisis requires a holistic strategy that unites legal authority with grassroots engagement, technological foresight, and market incentives. Embedding Community Child Labour Surveillance Committees within the statutory framework will bring enforcement into the heart of affected communities, reflecting the spirit of Articles 243G and 24. Quarterly, AIenhanced risk maps published by District Magistrates will

transform child protection from reactive rescue operations into proactive prevention, in harmony with the Directive Principles of Articles 39(e) and 39(f). Introducing Child Labour Abolition Bonds will align industry responsibility with social welfare under Article 21A tying financial liability directly to the absence of child labour and generating dedicated funds for education, family support, and vocational training.

Ultimately, realising the Constitution's promise to every child demands more than legal provisions on paper. It calls for unwavering political commitment, sustained investment, and an embrace of innovative, evidence-driven solutions. Only by bridging the gap between constitutional ideals and lived realities can India ensure that no child is ever forced into hazardous labour and that every young life is granted the safety, dignity, and opportunity it deserves.

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A Legal Analysis of Gig Workers' Rights in India in the Context of a Globalized Economy

Renuka. S
BA.LL. B (Hons)., LL.M.

Abstract

The spread of gig and platform work in India has opened new income opportunities but has also exposed workers to serious insecurity. Delivery riders, drivers, and service providers often work long hours without minimum wages, social security, or collective rights. Existing laws, including the Code on Social Security 2020, have only offered recognition on paper and little in practice. This study explores how courts, state governments, and global experiences have tried to respond to these challenges. By looking at India alongside ofdifferent countries, the paper shows that reforms are both possible and necessary. The main argument is that India must move towards a system that balances flexibility with fairness by creating an intermediate legal category, introducing compulsory welfare measures, and ensuring stronger enforcement. Without these changes, millions of gig workers will remain outside the protection of labor law.

Introduction

India's gig economy has grown very quickly in the past few years. Delivery apps, ride-hailing services, and freelance platforms now employ millions of people. For many workers, this kind of job offers flexibility and an easy entry into the labour market. At the same time, it shows the weakness of India's legal system in protecting people who are neither traditional employees nor fully independent.

They are denied rights that the employees normally enjoysuch as minimum wages, job security, or provident funds. These workers are managed and controlled by platforms through ratings, penalties, and incentives.

The Indian government tried to respond with the Code on Social Security, 2020. This law officially mentioned gig and platform workers for the first time. But recognition on paper has not translated into strong protection. The Code leaves most benefits to future schemes, and there is no clarity on how money will be raised or distributed. Courts have also been hesitant. They have pointed out the imbalance of power but avoided declaring gig workers as employees. This paper studies how India is dealing with the issue, what gaps remain, and what lessons can be taken from other countries. The aim is to find a balance where gig work stays flexible but also fair.

Current Legal Framework in India

India's first real attempt to recognize gig and platform workers in law came through the Code on Social Security, 2020. The Code introduced legal definitions for "gig workers" and "platform workers," acknowledging the fact that millions of people now earn their livelihood outside the traditional employer-employee setup. On paper, this recognition looked like progress. However, it has remained mostly symbolic because the law does not give workers enforceable rights. Instead, it leaves the matter of governments designing welfare schemes in the future, without any guarantee of implementation or funding. The larger problem is that Indian labor law still relies on a rigid, binary classificationa worker is either an "employee" entitled to a full set of rights or an "independent contractor" with almost none. Gig workers, who clearly depend on platforms for their income but do not enjoy the protection of formal jobs, usually fall into the second category. As a result, they are excluded from the Minimum Wages Act, 1948 and the Industrial Disputes Act, 1947. This means no legal right to a fair wage, no protection against sudden dismissal, and no recourse to dispute resolution forums.

Social security is where the exclusion becomes most severe. In regular employment, companies must contribute to provident funds, health insurance, gratuity, and other benefits. Platforms, by contrast, have no such obligation. The entire financial burden falls on workers, who often cannot

afford to buy private insurance or save for retirement. This is particularly dangerous in high-risk jobs like food delivery or ride-hailing, where workers face traffic accidents, long hours, and health hazards without any safety net.

Another imbalance lies in taxation. Gig workers are required to pay income tax, just like salaried employees. But unlike salaried employees, they do not enjoy tax-linked benefits such as subsidized insurance or pension contributions. In effect, they shoulder the responsibilities of formal workers without receiving protection.Finally, while the Code allows states to create welfare schemes for gig workers. The current framework amounts to recognition without real protection. Gig workers are acknowledged in law but remain outside the circle of meaningful labor rights, leaving them in a vulnerable position that reflects the growing mismatch between India's legal categories and the realities of platform work.

Judicial Responses

Indian courts have been hesitant to settle the status of gig workers once and for all. Judges know that calling them "employees" would force companies like Uber, Ola, and Swiggy to completely change how they operate. It could also take away the flexibility that makes these platforms popular with both workers and customers. Because of this, courts have chosen to deal with disputes one at a time instead of laying down a broad rule. The outcome is an uneasy middle ground: workers are not entirely ignored, but they are not fully protected either.

There have, however, been a few encouraging developments. The Karnataka High Court, for instance, recognized that Swiggy delivery partners had certain rights, even if it did not go so far as to label them employees. This was an acknowledgment that platforms cannot claim complete immunity from responsibility. Indian courts are also keeping an eye on what is happening elsewhere. The UK Supreme Court's ruling in Uber BV v. Aslam (2021), which treated drivers as "workers" entitled to minimum wage and paid leave, is now a reference point in India. Similarly, the California Supreme

Court's Dynamex decision (2018) is often cited in academic discussions. These examples show that the global conversation is shaping legal debates in India, even if change has been slow at home. What we see so far is a cautious judiciary, willing to offer workers some recognition but unwilling to take the leap of full employee status. This piecemeal approach avoids disrupting platform business models, but it leaves millions of workers uncertain about their rights. Until Parliament passes clearer laws, Indian courts are likely to continue moving in small steps, offering partial relief without fully addressing the bigger problem.

State-Level Initiatives

Since the central laws have done very little for gig workers, a few states have tried to step in on their own. Rajasthan took the biggest step when it passed the Platform-Based Gig Workers (Registration and Welfare) Act in 2023. The law created a welfare board and said that every gig worker in the state must be registered. It also forced companies to put a small part of their earnings into a fund that can be used for insurance and accident benefits. For many workers, this was the first time they saw the law recognize their contribution in a concrete way.

Kerala has also moved in this direction by bringing platform workers under some of its welfare boards and offering them insurance coverage. Tamil Nadu has talked about drafting a separate law, but so far, the details are unclear. In most other states, there has been almost no action. This means that workers in one state may get some basic protection, while others doing the same work elsewhere get nothing at all. The Rajasthan law is important, but it is far from perfect. Questions remain about how the welfare fund will be run and whether companies will pay enough to make it useful. There is also doubt about whether other states will follow the same path or simply wait for the central government. Now, the result is a very patchy system. A worker's rights depend less on what job they do and more on where they live, which makes the system unfair and unpredictable.

Gaps and Challenges

Even with all the talk about the gig economy, the law in India is still far behind. Right now, you are either an "employee" with rights or an "independent contractor" with almost none. Gig workers are stuck in between. They depend on platforms for income, yet they are denied the protections employees get. This leaves them without steady pay, without security, and often without even the right to ask questions when platforms change the rulesovernight. Social security is another weak spot. In a regular job, the company must put money into provident funds, health insurance, or pensions. For gig workers, nothing like this exists. The platforms call them self-employed and shift the burden entirely on workers. But in practice, most workers cannot buy their own insurance or save for retirement. When an accident happens or income dries up, they are left with nothing.

Earnings are also unpredictable. Delivery riders and drivers are usually paid per trip, and the platform can cut rates or remove bonuses at any time. Many end up working 12–14 hours just to make ends meet. Add to this the risks on the road, harsh weather, and constant algorithmic pressure, and the reality is tough. Without minimum wages or job protection, workers live with constant uncertainty. Even when some protections exist, they are not enforced properly. The last big challenge is the lack of voice. Employees can form unions, bargain, or strike. Gig workers are scattered, isolated, and not legally recognized as a group. Some collectives and protests have started, but they remain small compared to the power of big tech platforms. All of this shows that the problem is not just legal recognition. What matters is whether rights can be enforced and whether workers have real bargaining power. Unless these gaps are fixed, gig workers will remain in a vulnerable and uncertain position.

Policy Proposals and Reforms

The law so far has only recognized gig workers in name. What is needed now is real protection. The biggest change should be in how workers are classified. Right now, they are treated as either employees or contractors,

and neither category really fits. A separate status, something in between, could help. The UK already uses the idea of a "worker," which gives basic rights without making it a full-time job. India could do something similar.

Social security is another area where the gap is obvious. Regular employees get provident funds, health cover, and pensions. Gig workers get none of this. Rajasthan has made a start with a welfare fund, but it is only one state. If it stays like this, protection will depend on where you live, which is unfair. A national fund, with contributions from platforms, is a better answer. Earnings are also unstable. A rider can earn well one week and much less next, often because platforms change incentives overnight. Having a rule for a minimum base pay would give stability. There should also be rules on working hours and safety, because right now many workers feel pressured to take risks just to make enough money. Another missing piece is the right to organize. Gig workers are scattered, and most do not know each other. This makes unions difficult. But online platforms could allow digital unions or associations, where workers bargain together. France has tried this model, and it shows that collective voice is possible even without a traditional workplace.

Finally, rules mean little without enforcement. Companies can always find loopholes unless there is strong monitoring. A special authority or tribunal for platform work could help. Workers would then have a place to take complaints instead of fighting alone. Overall, reforms should try to strike a balance. Flexibility should remain, because that is what attracts many workers. But flexibility should not mean insecurity. A fair system would give basic protection, steady pay, health support, accident coverwithout taking away independence.

Conclusion

The gig economy in India has grown very fast, but the law has not kept pace. Workers are driving cabs, delivering food, and running errands for apps every day, yet they remain outside most legal protections. The truth is that recognition on paper has not been translated into real rights.

The Code on Social Security, 2020 mentioned gig and platform workers, but it did not guarantee them wages, insurance, or job security. Courts have also been cautious. They know that a bold ruling could shake the platform model, so they have offered only small steps, not a clear solution. A few states like Rajasthan have gone ahead with welfare funds, but protection still depends on which state a worker lives in. This unevenness creates more confusion than clarity.

The main gaps remain the same: no fixed legal status, no safety net, no stable income, and no real voice. Unless these are addressed, gig workers will remain vulnerable. What this really means is that millions of people are working in one of the fastest-growing parts of the economy, but without the basic rights that protect most other workers. India has a choice to make. It can either leave gig workers in this grey zone or take serious steps to provide minimum protection. The future of work is already herethe real question is whether the law will recognize it in time.

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Rethinking Work Life Boundaries and Global Developments

Ms. Nandini. G, LLM (Corporate Law),
School of Law, Hindustan Institute of Technology and Science

Abstract

"What do you do sitting at home? How long can you stare at your wife? How long can the wives stare at their husbands? I regret I am not able to make you work on Sundays. If I can make you work on Sundays, I will be more happy, because I work on Sundays". The remark made by the Chairman of L&T S.N. Subrahmanyan though couched in humor, such statements reflect the entrenched culture of overwork in India's corporate landscape, where dedication is often measured by an employee's availability. This paper analyzes international models, and assess their applicability in the Indian legal context and argues for a balanced approach that respects employer interests while safeguarding employee autonomy, and advocates for legislative intervention to institutionalize the "Right to Disconnect" as a fundamental component of decent working conditions in digital age.

Keywords: Right to disconnect, work life balance, personal space, global developments, digital surveillance.

Introduction

The outbreak of COVID-19 pandemic introduced a new normal where remote work not just became a necessity but a dominant mode of employment across various sectors. Although working from home offered flexibility and safety at the same time it also led to a disturbing overlap of conventional boundaries between professional and personal life. A survey of 2000 workers by Linkedin in partnership with the Mental Health Foundation found that a loss of boundaries between work and home life and additional job-based pressures have meant those working from home during the crisis are working on average 28 hours extra a month.

As employees remained constantly connected, the expectation to be "always available" began to infringe upon their right to rest, leisure, and mental well-being often resulting in burnout and stress which ultimately resulted in tragic passing of a 26 year old chartered accountant of Ernst and Young, Pune due to what her mother claims was "work pressure. It is against this backdrop that the demand for a Right to Disconnect has gained urgency. Across the globe, countries have started to recognize this right and yet India hasn't recognized this as a social problem and have not introduced legal measures.

Right to Disconnect

The Right to disconnect refers to an employee's entitlement to refuse to engage in work-related communications outside their official working hours, such as responding to emails, phone calls, or messages, without facing disciplinary action or negative consequences.

Performance Impacts of Ceaseless Work

The 'State of Emotional Well-being Report 2024' by 1to1help finds that mental health concerns have risen to 15%, becoming one of the top two concerns for employees reaching out for counselling and that over 90% of corporate employees under the age of 25 reported experiencing symptoms of anxiety, compared to 67% of those over the age of 45. Over 59% of individuals referred by their manager displayed signs of suicidal risk.

Double Burden of Professional and Unpaid Domestic Responsibilities Of Women

The ILO's extensive post-pandemic study on global teleworking revealed that the majority of remote workers are women. It is found that women are 43% more likely to have increased their hours beyond a standard working week than men, and for those with children this was even more clearly associated with mental distress. The worst impacted were working women with families who had to now find a balance between both their work life and home life while acting as primary caretakers of their families.

Soft-Law Mechanism for Digital Disengagement by Corporates

In general work life measures can be applied in two folds at the individual level, "flexibility I-deals," or "idiosyncratic deals," draw as an individually negotiated agreement where employees formally set limits on availability beyond working hours, decline after-hour calls or messages, or shift their workday to avoid burnout. But research shows that "I-deals" present potential risks, such as coworker dissatisfaction and team coordination difficulties and most importantly it undermines equitable flexibility measures, because only the most privileged workers can negotiate and secure them. At the organizational level many companies have started taking initiatives to support the Right to Disconnect and help employees disengage from work after office hours. Here are some notable company-level initiatives:

- Volkswagen (Germany) Policy: Since 2011, Volkswagen's management and union representatives signed a history-making, company-level agreement that blocked access to emails on smartphones between 6:15 p.m. and 7:00 a.m automatically for certain employees 30 minutes after their shift ends.
- German company Henkel declared an "email amnesty" during the week between Christmas and New Year's Eve in 2012.
- The French IT company Atos declared its intent in 2011 to become a "zero-email" company by 2014.
- Daimler AG introduced an "auto-delete email" feature. When employees are on vacation, incoming emails are deleted and the sender receives a notice to contact someone else. "The idea behind it is to give people break and let them rest," says Daimler spokesman Oliver Wihofszki.
- Facebook Initiative encourages employees to use the "Do Not Disturb" feature in internal tools and schedule messages to be sent during work hours only.
- Google Flexibility Policy while not enforcing strict disconnect rules, Google promotes a "No Meetings Week" and encourages

teams to block "focus time" and wellness Programs to manage digital fatigue.

Emergence of the Right to Disconnect

PRECEDENT FRANCE

The term "Right to Disconnect" was first formalized in this "Mettling Report" or "Au Travail!" report of before becoming law named after Bruno Mettling, former HR head of Orange published in 2015 prior to the El Khomri Law. In particular, the Law on Labor, Modernization of Social Dialogue and Professional Career Securing of August 8, 2016 which imposed an obligation to negotiate on the issue. Specifically, since January 1, 2017, the exercise of the right to disconnect has been the subject of negotiations as part of the annual negotiations on occupational equality between women and men, as well as on quality of life and working conditions. In France, the El Khomri Law introduces the right to disconnect through Article 55(1), which amended Article L. 2242-8 of the Labour Code as,

"The procedures for the full exercise by the employee of his right to disconnect and the establishment by the company of mechanisms for regulating the use of digital tools, with a view to ensuring respect for rest periods and leave as well as personal and family life. Failing agreement, the employer shall draw up a charter, after consultation with the works council or, failing that, with the staff delegates. This charter defines these procedures for the exercise of the right to disconnect and furthermore provides for the implementation, for employees and management and management personnel, of training and awareness raising activities on the reasonable use of digital tools".

Rather than a one size fits all approach, charters are worked out on a firm-by-firm basis allowing for flexibility in terms of different employer and employee needs across sectors and companies. This allows firms to set different parameters depending on flexible work schedules, overtime protocols and the time zones of clients and customers.

Australia

A new right to disconnect for private sector employees in Australia commenced on 26 August 2024 (small businesses (less than 15 employees) will be covered from 26 August 2025). The right was introduced through an amendment to the Fair Work Act 2009. Under this new statutory right, employees may refuse to monitor, read or respond to contact (or attempted contact) from an employer outside of their working hours unless that refusal is unreasonable. The right also extends to contact outside of the employee's working hours from a third party if work-related but excluding most state public sector or local government employees. This new right does not limit employers or others from contacting or attempting to contact employees but provides protections for employees who choose to disconnect where there is a reasonable basis to do so. The Fair Work Act also lists factors that are to be considered in determining when refusal of contact outside of working hours would be unreasonable. These include:

- The reason for the contact;
- How the contact is made and how disruptive it is to the employee;
- How much the employee is compensated or paid extra for being available to perform work during the period they're contacted;
- The employee's role in the business and level of responsibility; and
- The employee's personal circumstances, including family or caring responsibilities.

Belgium

The obligation to provide a right to disconnect is only applicable to employers who employ at least 20 employees. No category of employees are excluded by law. The right must be implemented at company level by a collective labour agreement ("CLA") in accordance with the law on CLAs. The said implementation at company level is not mandatory if the right was already implemented by a CLA made binding by the King and concluded either at the level of the competent joint labour committee ("JLC")2 for sectoral level or at the level of the National Labour Council

at the national level. Employers employing at least 20 employees must in principle conclude a company level CLA setting out the modalities of the right to disconnect for employees and the implementation of regulatory mechanisms for the use of digital tools. Said modalities and regulatory mechanisms must at least provide for:

- Practical arrangements for the application of the employee's right not to be contactable outside working hours it includes closure of access to the company's computer server during certain time slots, activation of absence/redirection responses and the use of automatic signatures indicating the non-imperative nature of an immediate response.
- Instructions on how to use digital tools in such a way as to ensure that employees' rest periods, holidays and private or family life are guaranteed like refraining from answering work-related e-mails and calls on their mobile phone outside working hours, activate an out-of-office message when employees are unavailable.
- Training and awareness-raising initiatives for employees and management on the sensible use of digital tools and the risks associated with excessive connection.

There is no direct sanction provided by the legislation regarding the right to disconnect and there is no significant impact on the work place per se. The only positive impact it contributed is towards collective consultation on the right to disconnect.

Colombia

On January 6, 2022 the Congress of the Republic issued Law 2191, which establishes that employers must respect the work schedule agreed with their employees and cannot require them to be available or connected outside of it, except in the case of an emergency or a situation of force majeure. The Law of Labor Disconnection in Colombia is considered a human right. This means that employers cannot require their employees to answer emails, calls, messages or any other task assigned outside the

agreed working hours. If an employer does not comply with its obligations regarding labor disconnection, it may be interpreted as labor harassment towards employees, so employees may go to the Labor Inspector to file a complaint for labor harassment. Also, it can lead to fines by the Ministry of Labor, which can reach up to 5,000 times the legal monthly minimum wages in force

All employers are obliged to adopt and develop an internal policy on work-related disconnection, which must define at least the following aspects:

- The way in which this right will be guaranteed and exercised, including guidelines on the use of information and communication technology.
- A procedure that determines the mechanisms and means for employees to file complaints regarding the violation of the right, in their own name or anonymously.
- An internal procedure for handling complaints that guarantees due process and includes mechanisms for conflict resolution and verification of compliance with agreements reached and cessation of conduct.

Changes in the horizon relating to right to disconnect

In August 2023, the Constitutional Court recognized this right as fundamental for all employees, including those in management, trust and supervisory positions, who were previously excluded under Law 2191. This ruling strengthens legal protections and ensures that employees in leadership roles also benefit from disconnection rights. Additionally, in September 2024, the House of Representatives approved a favourable report on the labor reform proposed by President Gustavo Petro. This reform seeks to improve working conditions. Key provisions include adjustments to night work schedules and increased compensation for work on holidays. These legislative and judicial advancements reflect Colombia's growing commitment to strengthening labor rights and ensuring healthy work-life balance.

Spain

The right to disconnect in Spain is provided under article 88 of the Organic Law 3/2018, on the Protection of Personal Data Guarantee of Digital Rights which exclusively talks about right to digital disconnection and implementation of this right varies depending on the terms of collective bargaining agreements and internal company policies, which provides additional details on how the right to disconnect is to be exercised within a particular organization.and further the importance of this right is provided under the amended Employment Relationships Act (ZDR-1D). The employer ought to develop and implement internal policy that clearly outlines the modalities of exercising the right to disconnect and most importantly this policy should be created in consultation with employee representatives to ensure it meets the needs of the workforce.

Construction Sector Being Largely Unregulated With Respect to Right to Disconnect in India

The discourse on work-life boundaries has gained traction globally, particularly through the recognition of the Right to Disconnect in various jurisdictions. However, the Indian legal framework remains underdeveloped in this area, especially in relation to unorganised and informal sectors. The construction industry, which constitutes a significant portion of India's workforce under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 lacks explicit provisions to protect workers from excessive work demands or after-hours engagement. There is no statutory recognition of the right to disconnect, nor any regulatory mechanism to ensure rest periods or limit employer communications outside of standard working hours. This legal vacuum perpetuates exploitative work conditions and highlights the pressing need for sector-specific labor reforms that align with international labour standards on decent work and occupational well-being.

Recognition of Right to Disconnect In India

Supriya Sule, a Member of Parliament in India, introduced a private member's Bill aiming to incorporate the Right to Disconnect into the Indian workplace. The proposed legislation envisions the establishment of an Employee Welfare Authority, which would be responsible for safeguarding employee interests. This authority would also be mandated to develop a charter within one year of its formation, detailing the terms and conditions to be mutually agreed upon by employers and employees of any company or organization but unfortunately the bill was not even considered for discussion in parliament. As of now India does not have a codified legal right to disconnect and even including the new Indian labour laws including the occupational safety, Health and Working Conditions Code, 2020 is silent about this right to disconnect. The only available option is we ought to link this idea with the constitutional right of article 21 so that right to life and personal liberty could be interpreted to include mental well being and work life balance. Similarly the judicial pronouncements have recognized the importance of dignity at work, which could be used to support arguments in favour of the right to disconnect.

Recommendation

Societal behaviour in India always glorify overwork and always available culture so by creating nationwide awareness campaigns stressing the importance of right to rest, leisure, mental health and healthy digital work boundaries by encouraging corporates to adopt Right to disconnect policies by including them in Environmental, Social, and Governance (ESG) disclosures or Corporate Social Responsibility ratings. As envisioned in Supriya Sule's private member bill an independent authority National Employee Digital Welfare Authority to monitor compliance and mediate could be beneficial but unfortunately India's Private Member Bill refers specifically to ICT-based disconnection Right to Disconnect is primarily associated with digital or technology-based work-related communication, but its meaning is broader than just digital tools so as to include physical obligations outside working but future expansions should also cover

non-digital expectations too. Although it is a tough task to guarantee the right to disconnect across all sectors equally but it can be made possible with sector specific, flexible and balanced approaches like creating custom disconnection frameworks for sectors. At the global level global benchmarking and certification system should be implemented so that "Right to disconnect certification" for companies similar to ISO standards so as to encourage voluntary adoption and global benchmarking.

Conclusion

The "Right to Disconnect" has become an essential workplace right in today's hyper-connected world. Although it initially aimed to address the challenges posed by after-hours digital communication, its significance goes much deeper. It embodies the broader principle of safeguarding an individual's right to rest, personal autonomy, and mental well-being. To make this right meaningful, it must be adapted to the specific needs of different sectors and backed by enforceable legislation and supportive workplace culture. Ultimately, it's not just about switching off devices it's about ensuring that all workers, regardless of industry, are respected in their time away from work and protected from the demands of being constantly available. Change in "3 Ps" policy, Practice and Perception surely can strengthen and implement the "Right to Disconnect" effectively across all sectors.

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The Right to Disconnect: A Missing Piece in Inida' S Labour Law Framework

Joseph Jude Jacob
Second Year B.A. LL.B. (Honors) Student, School of Law,
CHRIST (Deemed to be University), Bengaluru -560029

Abstract

We live in a time where the quality of work is increasingly assessed on the basis of the number of hours a person spends in the office, or how readily available they are for meetings, or how quickly they respond to official communication. If a person lags behind in any of these aspects, among others, he does not fit into the traditional imagination of a good employee. Today, when employers are advocating for 70-hour work weeks, and at the same time, the contribution of employees are greatly under-valued in organizations, it is pertinent to discuss on the employee's 'Right to Disconnect'. This paper is an attempt at such a discussion, which it tries to achieve firstly, by looking into the many reasons for such a demand for the right to disconnect. This is followed by tracing the origins of the Right to Disconnect, starting from the coinage of this concept in France to global practices adopted by legislative means in various nations. The existing legislations from across the world and its practical working are analyzed, followed by a reflection on how India can effectively bring in the 'Right to Disconnect', not only as part of its labor legislations, but also explore the possibilities of making it a fundamental right, in furtherance of the Directive Principles of State Policy which require the state to secure a social order for the promotion of welfare of the people and to secure health and strength of the workforce. The paper concludes by proposing some non-legislative policy measures which can be adopted by companies to signify their commitment to protecting the best interests of their greatest asset their employees.

Introduction to The Right to Disconnect

A healthy working environment is one in which there is not only an absence of harmful working conditions but also an abundance of health-promoting ones. Today, the working environment in most formal sector

establishments have evolved to fulfill most of the basic conditionalities that the labor legislations have imposed on them. These steps, to a large extent, have resulted in the creation of workplaces that are devoid of harmful conditions that physically and mentally endanger the employees. But the extent to which these measures have been successful in sustained promotion of employee well-being is a debatable topic. This is especially so, in the context of today's rapidly evolving digital work culture, wherein, employees must be in the loop even after formal working hours – responding to calls, replying to mails and engaging in other commitments.

Such a situation calls for the 'Right to Disconnect' – a right of the employee's, allowing them to disengage from work and refrain from engaging in work-related communications during non-work hours. Though this concept seems slightly utopian for today's day and age, where one cannot afford to miss out on information or communication, there are examples in the form of nations like Australia, Belgium, France, Ireland, Portugal and Spain which in various ways have incorporated the Right to Disconnect into their labor law framework.

In India, though numerous employee welfare groups have facilitated discourse and pressured governments to introduce the right to disconnect, there has been no formal action in this regard till date.

The increasing concerns about toxic productivity in workplaces, which often manifests in the form of employees being compelled to be available for work/work-related communication post their working hours, creates a strong case for a right to disconnect.

In this context, the paper seeks to examine the concept of the 'Right to Disconnect'. It traces the efforts that have been taken till date, by the government, to secure the right to disconnect. This is followed by an implementation of this right in other nations of the world and the benefits it has been able to secure for their workforces. It then underscores the pressing need for a similar right in India, highlighting the potential advantages it can have for the Indian workforce and their productivity.

The paper concludes by offering some proposals which can help empower employee's to disengage from work and related communication post the formal working hours.

Defining the Right to Disconnect

Rapid digitization and other new developments in work along with globalization have eroded and reshaped the global labor market. While the digital tools have given employees the freedom to organize their working time according to their convenience, the risk of no longer having a clear demarcation between working and rest time under such digital arrangements should not be neglected. The need for a right to disconnect becomes more evident in such a situation.

A right to disconnect is seen as an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications such as e-mails or other messages during non-work hours. It is also defined as the right of teleworkers to disconnect from their work and to stop receiving or responding to e-mails, calls or messages outside of normal working hours.

This however does not imply that the right to disconnect is exclusive in its application to teleworkers. It is just that the necessity for this right has resulted especially for those who work in telework arrangements or managerial positions, as in these cases it is difficult to reconcile personal and professional lives. The objective of the right to disconnect is thus, to allow employees to reconcile their personal and professional lives.

In a very colloquial sense, the Right to Disconnect is a tool that can potentially bring back the era of the traditional '9-to-5' jobs. It would effectively ensure that once an employee leaves the office, they are restricted from engaging in any work related activities.

However, it is pertinent to note that the right to disconnect extends beyond mere regulation of working hours. It encompasses broader constitutional

issues like preservation of individual autonomy of the workers and their right to privacy outside of work-related obligations.

Thus, while there is no universally accepted definition for the right to disconnect, there is a general consensus on what are the essential ingredients that shape this right and what it strives to achieve for the workers.

Efforts to Realize the Right to Disconnect In India

The efforts of various employee welfare groups and activists in helping secure the much needed demarcation between professional and private lives for employees has resulted in vocal debates around the right to disconnect.

In India, there is no formally recognized right to disconnect. Despite a great deal of discussions on toxic workplace productivity and incidents of workplace stress-induced mortality, lawmakers have not made efforts to extend their much-deserved right to rest and have private time to the employees.

The closest we have come to legislation was in the form of a private members' bill introduced in the Lok Sabha by Member of Parliament Smt. Supriya Sule in the year 2019.

This bill sought to recognise the right to disconnect as a way to reduce stress and ease tension between an employee's personal and professional life. It envisaged the constitution of an 'Employee's Welfare Authority' for the purpose of the Act, consisting of ex-officio members of specified ministries. This authority was to discharge such functions as necessary to ensure the welfare of employees in the country and formulate a charter that outlines the terms and conditions to be negotiated between employees and employers of a company or society.

The Bill clearly laid down that every employee must have the Right to Disconnect, when contacted for work related purposes after work hours. If contacted, the employee is not obliged to reply or shall have the right to refuse to answer such calls or any other form of communication.

The Bill also instructs every company to create Employees' Welfare Committees consisting of its employees to assist the employees for negotiation of terms and conditions of out-of-work hours with employers.

Despite providing a solid framework for incorporating the right to disconnect into the Indian labour law regime, the bill however lapsed without much substantive debate.

Ever since this attempt, there has been no further positive signals in the direction of India's workforce getting the privilege of a right to disconnect.

While the legal case for such a right is strong, the public health imperative is urgent and comparative precedents are exemplar, what is lacking to make this right a reality is the political will and consensus among all stakeholders involved.

Comparative Global Perspectives

Many world nations have extended the right to disconnect to their employees, in varying forms and degrees. There are nations that have formally incorporated this right into their labor law regime, making the violation of this right a penal offence. Other nations have policies that lay the groundwork for successfully enabling the employees to disconnect post-working hours while not giving it the force of law. Without any government intervention, in some nations, the employers themselves have taken measures to ensure that their employees are able to effectively divide their time between personal and professional commitments.

Below is a study of two models, one self-regulatory and other legislation-empowered that have been adopted in Germany and France respectively to provide the right to disconnect to their labor force.

Germany

Germany is a European nation that is home to one of the most skilled industrial work forces in the world. The employers in this nation, which

boasts of being Europe's largest economy, have made significant steps in regulating after work hours. They have done so by introducing internal policy measures, avoiding adoption of any formal legislation like France.

Many German firms like Volkswagen, BMW and Puma have voluntarily imposed restrictions on when managers can communicate with their employees outside of the formal working hours.

In 2013, the German Labor Ministry had implemented a policy to prevent worker burnout. It issued certain guidelines which effectively stated that the employees should not be penalized for ignoring calls or messages post-regular work hours.

The self-regulatory model that has been adopted in Germany, without any formal legislation to guarantee the right to disconnect, works well to ensure that the employees are able to suitably divide their time between personal and professional commitments.

France

In 2016, the El Khomri Law was promulgated in France, seeking to modernize the existing labor laws in the country. This law is one of the earliest global attempts at formalizing the concept of the right to disconnect. It effectively captures the right to disconnect, acknowledging how the digital era has led to blurring of professional/personal boundaries.

Under the French model, the employees are allowed not to receive or be able to ignore any work-related communication outside of their defined working hours. The punitive measures that have been developed to prevent non-compliance include a potential fine of 3750 euros and up to one year in prison for the senior management personnel concerned.

The French law, rather than providing a concrete set of rules to implement the right to disconnect, focuses on bringing the management and employees to agree upon an arrangement that values the right to disconnect for the employees.

Companies with a headcount of fifty or more personnel should negotiate with employee representatives to figure out the application of this right (Gonzalez). This shows the formal recognition of the worker's right to rest and support for collective bargaining systems, emphasizing the role of trade unions and worker associations. Following the French example, many other nations have introduced this concept in their domestic legislations.

Other contemporary examples

In Ireland, the Code of Practice on the Right to Disconnect came into effect as of April 1, 2021, which states that employees have a right to disengage from work and refrain from engaging in work-related electronic communication. Here, there are three essential elements to this right – the right of an employee to not routinely perform work post working hours, the right not to be penalized for refraining from attending work matters beyond working hours, and the right to respect another person's right to disconnect (O'Rourke).

In the European Union, the right to rest is recognized as a fundamental social right of every worker. The right to limitation of working hours, daily and weekly periods of rest, and annual paid leave has been encapsulated in Article 31(2) of the EU Charter of Fundamental Rights, and this right is given specific form in the EU Working Time Directive (Council Directive 2003/88/EC). For the application, it was clarified that 'the workplace must be understood as any place where the worker is required to exercise an activity on the employer's instruction, including where that place is not the place where he or she usually carries out his or her professional duties' (Case C-580/19, para. 35).

Therefore, even in the case of remote work, even if it is for a limited number of hours, it constitutes 'working time' and, as such, it needs to be counted towards the limits established by the directive (Bell 425).

Similarly, many other nations like Italy, Belgium, and Portugal have made the right to disconnect a part of their labour law legislations.

Need for a Right to Disconnect in India

The Constitutional Promises for Worker Rights

Though the prominent linkages that can be made between the Constitution and the rights of workers, in case of their exploitation, are through Article 21 and the right against exploitation; while making the case for a right to disconnect, these linkages may sound like a stretch. Instead, viewing the necessity for a right to disconnect through the lens of the directive principles of state policy outlined in Part IV of the Constitution will be more concrete and definite for this research, ignoring the fact that the directive principles are essentially non-justiciable. The directive principles of state policy have been incorporated into the Indian Constitution in pursuance of the preambular objective of attaining socio-economic justice for the citizens of the country (Mukherjee). They set forth the humanitarian precepts that were and are the aims of the Indian social revolution (Austin). This shows the importance that the directive principles of state policy occupy in the grand constitutional scheme of our country, despite their non-justiciable nature being a huge constraining factor in their application to state policy. Multiple provisions highlight the importance of securing workers' rights. Article 38(1), for instance, states that the state shall strive to promote the welfare of the people by securing and protecting a social order in which justice shall inform all institutions of national life (Constitution of India. Art. 38(1). 1950.).

To ensure justice, particularly social justice, at the workplace, employee's must be able to divide their time effectively between their work and non-commitments. Without work-life balance, we cannot say that the working conditions are just or fair. Connecting Article 42 to this, the state, which is required to make provisions for securing just and humane conditions for its workers, must ensure that the working conditions are not overburdening or reliant on toxic productivity-based work methods. In case employees are required to work post-formal working hours, it must

be ensured that they are compensated for that effort. Article 39(e) can be considered the cornerstone of the state's obligation towards workers. The state is to direct its policy towards securing the health and strength of workers. In the absence of a right to disconnect, it is the health and strength of the workers that are being compromised, and as long as the state does not endeavour to help realize such a right, it is being oblivious towards the expectation set by the Constitution with regard to protecting the security of workers.

The United Nations Declaration on Human Rights (UDHR) – Article 24

The Right to Disconnect, upon close observation, seems to imbibe the spirit of Article 24 of the Universal Declaration of Human Rights (UDHR). Article 24 states that 'everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay' (Universal Declaration of Human Rights, Art.24).

If some seriousness were attached to this principle, the workplaces in India would have been truly employee welfare-oriented. A criticism may arise to this view that the formal sector establishments in India provide 'sufficient' breaks during working hours and have also made provisions for a fixed number of employee leaves in a year. However, it is pertinent to note that employees who already put in their hard work and effort during the formal working hours are engaged by their organization even during post-formal working hours. This engagement may take the form of e-mail communications detailing urgent tasks, business calls with clients, and even internal team calls.

Therefore, it is clear that, as envisaged by the UDHR Article 24, India is not effectively engaging in reasonable limitation of working hours or providing its workforce the right to rest and leisure. Being a country that is fundamentally socialist and whose most significant resource is its population, the nation must focus on legitimizing the Right to disconnect at the earliest.

The digitalization of work – How remote and hybrid work necessitates the Right to Disconnect

It is a well-known fact that when Covid-19 was at its peak and the whole world had to go into a complete physical shutdown, most of the firms, transitioned into online mode of work. We came to know that the same work which employees did by commuting to office daily, signing in and sitting in their cubicles, could be completed with almost the same efficiency within the comfort of their homes. This was possible due to the primarily digital nature of the work carried out in most formal sector establishments and corporates. The flexibility this form of work provided to employees ever since, is a welcome one. There are numerous benefits of such flexible working arrangements if appropriately implemented. For example, employees with children can effectively distribute their time and effort between work and caring responsibilities, and some workers with health issues or disabilities could opt for working remotely to reduce the fatigue and stress that offline work causes. Some people with neurodevelopmental conditions, e.g., autism, can encounter barriers where the workplace is busy and noisy; being able to work remotely might allow for a more conducive environment (Bell).

However, these benefits came at a considerable cost. Remote and hybrid work began to be associated with higher levels of work intensity. This was due to expectations of permanent connectivity, higher weekly working hours, and reduced rest periods. Those working regularly from home were much more likely to report that they worked during their free time compared to those who worked in the employer's premises (Eurofound 24).

There was also evidence of impacts on health for highly mobile people or who regularly worked from home. This was linked to higher rates of stress, eyestrain, headaches, and sleep disorders (Eurofound 35). Even though the employees who worked remotely or in a hybrid environment during the lockdown had the means to chart their schedule and work flow according to their convenience, they often ended up working for longer hours. In the present day, even after the COVID-19-mandated shutdowns, many

Indian firms continue to allow employees to work remotely or in a hybrid format. Though it is beneficial for employees to divide time between their work and other priorities, this does not happen in reality. On the contrary, in concurrence with the previously stated facts, the workers are strained and overburdened. Thus, there is a strong need for a right to disconnect in India to help employees divide their time effectively between work and non-work priorities and maximize their productivity.

Workplace-stress-induced deaths

Building on the discussion above, when employees cannot effectively divide their time between work and non-work commitments, it leads to stress. Stress can have tremendous negative implications on a person's mental, physical, and even professional performance. Workplace stress-induced deaths have become the farmer suicides of the digital era – reported every day, but accompanied by no positive action to deal with it, except for temporary consolations and false hopes. There are often headlines about how employees sacrifice their mental and personal health due to the immense pressure and expectations placed on them by their superiors. The intense pressure, long working hours, tight deadlines, and frequent communication result in grave negative implications on employees› mental health and overall morale. One such recent incident that shocked the nation was the death of an employee affiliated with a Big four firm in 2024. There have been many other such instances in our country. However, nothing much happens as a consequence thereof. The firms only suffer bad press for a limited while, with minimal or no substantive legal action, while the kith and kin of the affected employees are left to suffer in silence.

All establishments must take cognizance of the fact that employees or human resources are an organization's greatest asset and the deals locked or revenues clocked by the organization do not come into being by themselves, but due to the synchronized efforts of hundreds and thousands of mortal beings working tirelessly, often ignoring other personal priorities and racing against deadlines.

Though there might not be a formal right to disconnect legislation in India, the firms must view it as an onus on their part to provide reasonable private time outside of the non-work hours for the employees, wherein they shall not be bothered with any communication or work load.

Concerns About Disconnecting

While the case has been made effectively for why India needs a right to disconnect at this point, there can still be many concerns on extending such a right to the Indian workforce. This concern can be why we still do not have any formal policy framework that tries to reconcile employee flexibility and productivity. Therefore, at least some of these concerns must be addressed to further the cause of a right to disconnect. One of the primary criticisms is the efficacy of shortening the formal work hours to accommodate enough space for the employee's private priorities in their total available time in a day. The best answer to this concern is a series of trials conducted in 2015 by Alda, Association for Democracy and Sustainability, an Icelandic organization that introduced shorter working hours with no reduction in pay (Alda and Autonomy). The trials defied myths like shorter working hours will mean more stress (to compensate for the shorter working time) and less work efficiency. Workers came out happier from the short work weeks and with improved productivity (Sharma). Therefore, it is pretty evident from the above study that the shortening of working hours will not always be counter-productive but may solve the problems of employee fatigue and increase productivity.

The second concern stems from the character of specific jobs requiring round-the-clock work, that is, employees must be available 24*7 for the smooth functioning of that work. Some examples include IT customer support, law enforcement, healthcare, etc. Enforcing disconnection norms may not be feasible for such jobs. One of the other significant concerns is distinguishing between voluntary undertaking and pressurized undertaking of work post-work hours. In the case of an existing right to disconnect legislation, an employee may voluntarily take up work or engage in work-related communications post working hours. Still, he may claim later on

that he was pressured to take up the same, and there is no other way to verify the veracity of his claim.

Yet another concern that has been raised is whether the right to disconnect shall be exclusively for those working in formal sector establishments or, more specifically, corporate employees. This is raised when discussing the universal applicability of the right to disconnect. It is a matter of fact that there can be a lot of challenges in guaranteeing the right to disconnect for gig workers or platform workers. This is because of the specific nature of their jobs, which are algorithm-controlled, demand-driven, and are frequently continuous. No system has yet been publicized that can ensure the right to disconnect for this distinct class of workers.

For the effective formalization and legitimization of the Right to Disconnect, all these criticisms and concerns from various corners must be considered, and solutions must be provided.

The Way Forward

From all the discussion above, it is pretty clear that the right to disconnect should not remain an aspiration for the workers; it is necessary and imperative for their productivity and, at a cruder level, their sanity. The right to disconnect is not a straightjacket solution for the problem of overworking and toxic workplace productivity. Still, it can be a positive step toward solving these problems slowly and steadily. Though India does not have the right to disconnect guaranteed in any of its formal legislations, the commitment to promote the welfare of the people and to provide just and humane conditions of work that have been outlined in the Directive Principles of State Policy necessitate India to take steps towards securing for employees their much-deserved right to rest and have private time. In the absence of a legislative framework governing the right to disconnect, India can still adopt some non-legally binding policy frameworks that shall be applied in workplaces, subject to the discretion of the employers, until legislation is introduced sometime in the future. Examples can be taken from world nations that have introduced such policy frameworks in their

jurisdictions. For instance, Germany had implemented a policy measure to prevent worker burnout and protect employees' mental health, in which the right to disconnect was a component. Canada, too, introduced a policy in Ontario in 2022, wherein employers with more than twenty-five employees had to create a written policy on disconnecting from work. Indian labour laws should be amended robustly and dynamically, keeping pace with corresponding changes in industry trends and emerging workforce challenges. The employers must recognize that it is not policies for 70-hour work weeks or working on weekends that can create better results, but ensuring the health and well-being of employees that makes them work more and be productive, thereby producing extraordinary results for the establishment.

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Rights Beyond Borders: Analyzing the Impact of Labour Laws on Cross Border Labour Exploitation & Human Trafficking

Abisha Christolin S
Vth year, BA.LL.B. (HONS)
Ph.: 9385481861
E-mail; christolin004@gmail.com
The Tamil Nadu Dr. Ambedkar Law University – School of Excellence in Law,
Chennai – 600 113

Abstract

"Human resource is the greatest resource in the world". The development of labour laws and human rights have improved the working conditions and labour standards over years. Though the momentum of development of these laws is high it is important to analyse its impact and effectiveness for continuous improvement and enhancement to match its phase with the growing world and the increased living conditions. The health and safety of labourers cross borders must be given high consideration to prevent them from being exploited. Human trafficking and labour exploitation beyond national borders are matters of high concern and the frameworks surrounding this must be strong from loopholes to protect their life and wellbeing. This paper aims to analyse the existing labour laws and international conventions to understand the pre-existing legal framework and issues in cross border labour exploitation and human trafficking of vulnerable migrant workers, and highlights the areas of reform while advocating for their safety and dignity. The research paper adopts empirical study to gather the views and suggestions from students, academicians and scholars across various fields and also collects public opinion and suggestions. The paper concludes by providing suggestions and recommendations to policy makers and the government to improve the legal safeguard by enhancing the legal framework.

Keywords: Human trafficking, Labour exploitation, Domestic Laws, International Convention

Introduction

Globalization opened national borders and increased cross border labour flow to access employment opportunities. People often leave their homeland to escape poverty and satisfy their demands through earning from foreign countries. These workers who move from one country to another to seek job opportunities are called as migrant workers. These migrant workers improve the economy of not only their family but also the host country through foreign remittance. Yet the rights of these workers are often undermined by weak legal protection and enforcement. Theses labourers are often exploited by the agencies and the employers in various forms such as illegal working hours, improper rest, wage theft, arbitrary suspension and contract substitution. Though there are laws, conventions and regulations such as International Labour Organization (ILO) Conventions, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) intending to protect these labourers their enforcement remains weak due lower ratification which is further elevated by improper institutional oversight, inconsistencies with domestic laws and fragmented domestic implementation. Moreover, improper registration of workers and the increase of labourers in informal workforce push them towards a more vulnerable situation where their rights are buried deep down the undocumented bonds.

This research paper tends to critically examine the impact of existing labour laws in preventing exploitation and trafficking of migrant labourers by analysing various reports and reviewing the opinion of people.

Review of Literature

1. Building a better understanding of labour exploitation's impact on migrant health: An operational framework by Sabah Boufkhed, Nicki Thorogood, Cono Ariti and Mary Alison Durand (Published on August 1, 2022)

This Article revolves around the exploitation of migrant labour and is addressed to be the first to create an operational framework for the same. It demonstrates the existence of a "continuum from decent work to forced labour" by analysing four key dimensions of migrant labour exploitation namely, 'Shelter and personal security', 'Finance and migration', 'Health and safety' and 'Social and legal protection'. The authors employed empirical methodology and involved 180 experts. The paper overall provides a new dimension of quantitative analysis the reflects the issues of migrant labourers.

2. Labour Migration, Human Trafficking and Multinational Corporations: The Commodification of Illicit Flows edited by Ato Quayson and Antonela Arhin (Published on March 5, 2012 by Routledge)

   The book provides a different dimension of exploitation of migrant labour who migrate due to economic deprivation in home country. The book address migrant labour exploitation as more subtle form of exploitation than commercial sex trafficking. The book revolves around the central theme of the complicate nature of detachment of labour trafficking from mainstream migrant management.

   The author meticulously explains the market pressure on multinational corporations that make them either directly or indirectly involve in labour exploitation in order to stay commercially stable in their field of competition and how these practices deprive the labourers their basic rights. The author also discusses the measures taken by the policy makers to resolve the issue involved in the sphere of migrant labour exploitation.

3. Social Issues: Human Trafficking, Rights of Migrant Workers and Their Education edited by Manju Mohan Mukherjee (Published on January 1, 2011 by Atlantic Publishers and Distributors (P) Ltd)

The book focuses on the challenges of migrant workers on South Asia's migrant corridor and Gulf countries. It takes up a human rights-based approach to define the structural inequalities raised by caste, gender and economic status that makes the migrant labours vulnerable to trafficking in the sectors of domestic work, agriculture and construction which is mostly unorganised. It emphasises its findings through case studies from India, Bangladesh, Nepal, and the Gulf. The author exhibits how the proliferation of labour exploitation and trafficking happens due to inadequate domestic legislation, weak labour inspections, and the kafala system. The book recommends harmonization of international conventions with domestic laws and vigilant governance with strong support system for the migrants to protect them from being exploited.

Hypothesis

1. Enhanced harmonization of international conventions with domestic law possibly reduces labour exploitation and trafficking of migrant labours.
2. Pre and Post migration awareness programs would enhance reports on exploitation and help them protect their human rights.
3. Improvements in Labour market governance is directly proportional to the improvements in health and safety of migrant labourers.

Scope

1. The study analyses the existing legal framework and their harmony with each other to understand the structural gaps and the ways to resolve it.
2. It investigates the labour exploitation mechanism that begins from the recruitment such as wage theft, debt bondage, contract substitution etc particularly in undocumented informal work force of informal labour market.

3. It assesses the migrant labour's access to grievance redressal mechanism, legal aid and social protection in combating their health and safety rights.
4. It analyses the caste and gender-based hindrances faced by the migrant labours as labours belonging to lower caste and women are more vulnerable.
5. It states the importance of structural implementations required to protect migrant labours from debt bondage and kafala system.
6. It provides empirical evidence gathered from survey of students, academicians, and field practitioners to provide effective recommendations in fighting for the rights of migrant labours.

Statement of Problem

the globalisation has opened the borders for cross border labour shift. Though there are so many international and domestic laws present to protect the migrant labours their fragile enforcement due to limited ratification, underdeveloped structural facilities and fragmented implementation often fails to protect the health and safety of migrant workers. They are often subjected to human rights violation and exploitation which is not limited to but also includes wage theft, long working hours, no or low rest hours, contract substitution, arbitrary layoff, debt bondage and poor working condition which is more pervasive in undocumented informal sector.

Non-alignment of international conventions with domestic laws and the non-enforcement of international conventions further makes them powerless to protect the rights of migrant labours. Furthermore, the inadequate implementation of necessary structural changes in infrastructure, inadequate inspections, poor market regulatory mechanism and improper institutional oversight exacerbates the hindrance in resolving this issue. The improper maintenance of records and inefficiency of the existing registration and documentation process particularly in informal and unorganised sector, make these workers' lives more miserable and vulnerable in attaining proper justice. Insufficient awareness pre and post migration and the historically institutionalised caste and gender bias

further elevate the issues making particular class of migrant labours more vulnerable.

All these given factors determine the lives of millions of labourers working beyond their homeland. Identifying the gaps in these areas are necessary to find solutions to enhance the living conditions and prevent trafficking and exploitation of these labours. It is the need of the hour to examine the existing legal and institutional framework to take proper measures to protect the human rights and dignity of these labourers. This research analyses all the key factors to determine the gap and tries to provide solutions at its best possible.

Objectives

1. To analyse the effectiveness of existing international and domestic laws relating to migrant labours and their safety and well being
2. To identify the gaps and weaknesses of existing legal and infrastructural framework in the protection and prevention of exploitation and trafficking of migrant labours.
3. To analyse the key factors and dimensions of labour exploitation including the structurally internalised vulnerability of gender and caste in hindering their rights.
4. To assess the levels of labour market governance in addressing the health, safety and well-being of migrant labours.
5. To check the existing grievance redressal mechanism and the accessibility to justice in cases of human rights violation.
6. To provide recommendations to policy makers and the government in bringing in a more robust framework that protects the dignity and living condition of migrant workers that helps the socio-economic development of both the home and host countries.

Methodology

Mixed method approach was used in the research to investigate the multifaceted dimension of existing legal framework and its impact on

prevention of migrant labour exploitation and trafficking. This was adopted to provide a more robust and nuanced analysis of the research problem and a comprehensive understanding of the complex interplay of key factors in determining the health, safety and wellbeing of migrant labours.

Semi-structured interviews with 15 purposive samples representing dynamic background, socioeconomic statuses, and diverse lifestyle including migrant labours were utilized to analyse the qualitative component. The interview explores the experience of migrant labourers working in various sectors, their knowledge on existing laws and the hindrances they faced. Recurring themes and patterns in the data collected in interview was analysed through thematic analysis.

A quantitative survey was also administered to a larger sample of 75, complementary to the qualitative data to collect data regarding their access to grievance redressal mechanism, awareness on laws and enforcement mechanism to check the perceived level of impact of these laws and framework. The data was collected through systematically and meticulously drafted questionnaire and analysed using descriptive and inferential statistical tests to identify the corresponding relation between the factors such exploitative techniques of debt bondage, wage theft, illegal working hours, issues in informal sector and inadequate living condition.

The ethical consideration of the paper included obtaining informed consent and protection of the identity of participants by maintaining confidentiality and anonymity throughout the research process. Finally, data validation and reliability were achieved through data triangulation, whereby insights gained through interviews and surveys were compared and contrasted to provide an excessively credible and easy understanding of the impact of existing international domestic laws in combatting exploitation and trafficking of migrant labours.

Result and Discussion

Table I: Demographic Information

Characteristics	Category	No. of Respondents	Percentage of Respondents
Age	18 - 25	50	66.6%
	26 - 35	12	16%
	36 - 45	8	10.7%
	46 - 60	5	6.7%
	Above 60	0	0
Gender	Male	42	56%
	Female	33	44%
	Others	0	0%
Education	Under Graduate	50	66.6%
	Post Graduate	17	22.7%
	Doctoral	8	10.7
Occupation	Student	34	45.33%
	Migrant Workers	25	33.33%
	Academic / Researcher	8	10.67%
	Government Official	8	10.67%

Source: Primary Data

The respondent group is predominantly youth (66.6%), with 66.6% being undergraduate, and male (56%). A significant portion is made up of students and migrant workers, making the result a blend of academic and practical perspectives. This high number of educated groups influence the research while the low number of older populations lacks the research with the element of generalizability. The representation of actual migrant workers (33.33%) ensures direct practical insight, but relatively few respondents above 35 or from other occupational backgrounds may underrepresent the

hindrances faced by long-term and old migrant workers which perhaps change the ground reality.

Table II: Familiarity with Migrant Worker Protection

Familiarity Level	No. of Respondents	Percentage of Respondents
Very Familiar	4	5.33%
Somewhat Familiar	50	66.67
Slightly Aware	14	18.67%
Not Aware at all	7	9.33%

Source: Primary Data

Most of the respondents (66.67%) are "somewhat familiar" with legal rights and protections available to migrant workers, while only a slight minority of 5.33% are "very familiar". Nearly 28% (slightly aware or not aware at all) revealing a significant and persistent gaps in legal outreach and knowledge. This highlights an immediate need for targeted awareness campaigns and information accessibility, especially among the group with limited or no awareness, to ensure migrant workers are equipped with the knowledge and ability to recognize their rights and potential violations and protect themselves from the same.

Table III: Exploitation Issues Faced

(Multiple selections allowed; percentages of 75)

Issues	No. of Respondents	Percentage of Respondents
Wage theft	45	60.0%
Excessive hours/poor conditions	45	60.0%
Unsafe/unhealthy workplaces	45	60.0%
Contract substitution/arbitrary dismissal	30	40.0%

Issues	No. of Respondents	Percentage of Respondents
Human trafficking/debt bondage	22	29.3%

Source: Primary Data

The 3 major exploitations addressed by a significant number of respondents are Wage theft, excessive hours, and unsafe workplaces (each cited by 60%). 29.3% responding the prevalence of human trafficking and debt bondage is alarming and requires immediate action. 40% assuring the persisting issue of contract substitution shows the need for systematic and structural change to protect the rights of the migrant labours. Despite the enactment of strong legislations, such high reported rates reflect significant gaps in the practical enforcement of labour standards, protections and support system matching with global patterns where regulatory frameworks often exist with weak implementation and monitorization.

Table IV: Hindrances to Protection

Challenges	No. of Respondents	Percentage of Respondents
Weak enforcement of existing laws	8	10.7%
Lack of awareness among workers	42	56.0%
Poor access to grievance/legal support	15	20.0%
Gaps between international & domestic laws	3	4%
Discrimination (gender/caste/ethnicity)	7	9.3%

Source: Primary Data

A majority of 56% report lack of awareness, highlighting the critical barrier that insufficient knowledge poses to the exercise of rights and access to protections which mitigate the usage of exiting enforcement mechanism made to protect their basic rights. While only 10.7% report weak law enforcement, and fewer mentioning legal/institutional gaps, the persistence of these issues reflects the need for a comprehensive approach which includes a combination of education, stronger enforcement, accessibility to grievance mechanisms, and special attention to intersectional vulnerabilities such as discrimination responded by 9.3%.

Table V: Effectiveness of Awareness Programs

Level	No. of Respondents	Percentage of respondents
Very effective	15	20.0%
Somewhat effective	30	40.0%
Not very effective	30	40.0%
Not effective at all	0	0.0%
Not sure	0	0.0%

Source: Primary Data

Only 20% of respondents finds the existing awareness programs as effective, while a significant portion of 80% are of the opinion between somewhat (40%) and not very effective (40%). But one felt the programs were entirely ineffective or "not sure," indicating everyone was aware or has an opinion that an effective implementation perhaps changes the reality. The data shows there is a strong foundation to construct upon, but there remains considerable room to improve the reach, quality, and practical outcomes of awareness initiatives, particularly for groups with lower level of legal literacy.

Table VI: Groups Most Vulnerable

Group	No. of Respondents	Percentage of Respondents
Women	15	20.0%
Children/Youth	15	20.0%
Unskilled/Undocumented workers	15	20.0%
Lower-caste/minority groups	7	9.3%
All equally vulnerable	23	30.7%

Source: Primary Data

A majority (30.7%) of the respondents are of the view that all these groups as equally vulnerable, reflecting the intersectional and systemic nature of risk of exploitation. Nevertheless, women, young person, and unskilled/ undocumented workers (each 20%) are seen as mostly at risk, validating academic literature on intersectional vulnerabilities driven by gender, age, and documentation status. This supports the need for policy priorities around targeted support for these groups while also calling for holistic protections.

Table VII: Key Changes Needed

(Multiple selections allowed; percentages of 75)

Changes	No. of Respondents	Percentage of Respondents
Greater legal aid and support access	60	80.0%
Stronger enforcement of laws/ inspections	53	70.7%
International cooperation	38	50.7%
Mandatory awareness/training programs	30	40.0%
More inclusive registration/ documentation	30	40.0%

Source: Primary Data

A significant group of the respondents responding for the immediate need of Legal aid and enforcement making it top the list of required changes, with 80% and 70.7% support respectively. A considerable portion of respondents also call for enhanced international cooperation and inclusive registration. This indicates demand for a robust, multi-level policy response combining government oversight, legal reform, and transnational mechanisms. The data demonstrate public consensus around both direct (i.e., legal aid/enforcement) and enabling (i.e., awareness, documentation) reforms as top priorities for improved migrant worker protection.

Findings and Suggestions

The data reflects the reality of young, educated, and moderately aware respondent. The respondents recognizes both common and severe forms of exploitation, and the data collected indicates clear view on the existing barriers and necessary reforms needed. Awareness of existing support mechanism and enforcement continue to pose to be the dominant challenges, with intersectional vulnerability extending across several groups, especially those marginalized by gender, age, or documentation status. Respondents overwhelmingly seek stronger legal frameworks, improved institutional support, and continuous education. These results are consistent with global critiques of the "implementation gap" in migrant labour law, where comprehensive regulation exists but practical realization for workers is hindered by informality, lack of knowledge, and weak enforcement.

The research hence hereby suggests and recommends:

1. Strengthening the existing legal framework through effective implementation of enforcement mechanism and providing Pre and post migration awareness
2. Creation of Independent survivor centric help centres for migrant workers and community awareness campaigns

3. Bringing in capacity building programs for officials and service providers to inform migrants of their rights and safe migration practices
4. Providing easy and free access to legal support without it being detrimental to their career
5. Frequent inspections in the premises of labour by the authority of law creating stronger labour market governance
6. Creation of mental support system for the emotional wellbeing of the migrant labours
7. Ensure contracts are truly followed and respected
8. Enhance Collaboration and Coordination among labour unions
9. Improving the living and working conditions
10. Promoting Fair and Ethical Recruitment process
11. Improving documentation and registration of migrant labours especially in areas of undocumented informal sector.
12. Creation of an uniform international framework in order to harmonize national and international laws, a model similar to UNCITRAL model law for the unorganized sector to form uniformity in the registration and documentation process.

Limitations

1. This is non-doctrinal research that primarily relies on empirical and qualitative data rather than in-depth analysis of existing schemes and programmes. As a result, the result may not be solely relied.
2. The paper since non-doctrinal research relies on qualitative methods of surveys and interviews, and hence the questionnaire may be influenced by my perspectives and individual bias, potentially leading to skewed findings.
3. The insights drawn from the qualitative data may not be applicable in macro level due to the subjective nature of society and cannot be generalized limiting its practical applicability.

Conclusion

The contemporary economy is a globalised economy that makes migration for work an easy process. It is now a common a practise across the globe to travel around to earn. It is hence now necessary to provide stronger support to those who migrate for work. The law in this regime must be constructed in a harmonious way benefitting both the host and the home country of the workers. The human rights of these migrant labourers must be protected through strong enforcement mechanism and legal aid. Despite having various international conventions and domestic laws these laws are often weakly enforced creating failures in the protection mechanism.

Public awareness must be created among the common flock which could only make them to utilise the support system available to them. A stronger labour market governance with frequent inspections and other protection to the necessary migrant worker would help them improve their living condition and have a dignified living.

The "implantation gap" in the existing law must be addressed through a combinational approach aligning theoretical dimension with the practical reality in bringing in success to these enacted laws. Frequent examination of the ground reality through grassroot level analysis by conducting random survey would help the government to understand and regulate the areas with special needs and update law with the need of the reality.

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Rights of the Labour Under the Constitution of India

Mr. Vikrant
B.A. LL.B (Hons)
Himcapes College of Law, Una Himachal Pradesh.

Abstract

Under this paper we shall be discussing the concept of "Rights of the Labor under the Constitution of India". Under this topic we shall be knowing about the meaning of the term Labor and the laws governing the Labor. We shall also be clarifying the concept of Labor rights. By way of this paper we shall be discussing the concept of the rights of the labor under the Indian Constitution and we shall also know about the concept in broad sense. We shall be discussing under this concept are Rights of the Labor and how the Constitution of India protect the rights of labor and what are the Articles which deals with the rights of the labor under the Indian Constitution. Under this concept we shall also be touching the concept of Gender Equality. In other words, we all can say that the rights which promote equality and provide safeguard to the interest of the labor under the Constitution of India.

Keywords: Labor, Labor Rights, Equality, Equal opportunity.

Introduction

Right of the Labor under the Constitution of India is a very vast topic which tells us about the concept of Labor laws in connection to Indian Constitution. This concept primary focuses on providing the safeguard to the rights of Labor or workers from the exploitative approaches of the Employer.

This paper primarily focuses on the constitutional background of the rights of labor. And how the constitution of India plays a major and prominent role in protecting the rights of the labor and prevents the exploitation of

labor. Here, we shall also be touching the concept of child labor under this theme. So, this was some point of introduction on the topic of the "Rights of the Labor under the Constitution of India".

Rights of the Labor's

Now, we shall be throwing light on the concept of the right of the labor under the Constitution of India: -

Right to Equality: This concept talks about the following: -

Equality before the law: - Everyone is equal in the eyes of law, no discrimination based on any condition;

Equal protection of the law: - It means that fairness should be there in the application of law. All laws should be applied reasonably and fairly, for e.gs, we have right to education as a fundamental right this means all students must have right to education irrespective of any type of discrimination;

These two principles were incorporated in the Article 14 of the Constitution of India.

Article 15: It talks about the prohibition from discrimination on the ground of religion, caste, race, creed, sex, place of birth or any other type of discrimination. This right simply prohibits any type of discrimination which is held not only to workmen but also prohibits discrimination with others based on any kind of discrimination.

Article 16: It talks about the equality of opportunity in respect of public employment. This right simply talks about the rights in respect to employment in public opportunity. By way of this right we can protect the interest of people in terms of employment opportunities. This right provides a wide range of employment opportunity for the promotion of equality. By way of this right we can protect the rights of a person to be given equality in opportunity in terms of public employment. This right provides safeguard form any type or kind of discrimination in terms of employment.

Article 19: This article of the Constitution of India talks about the freedoms granted to persons. The six freedoms given under the Article 19 are as follow:

- Freedom of Speech and Expression;
- Freedom to form assembly but without arms;
- Freedom to form associations or unions;
- Freedom to move freely in territory of India;
- Freedom to reside and settle in any part of India;
- Freedom to practice any kind of profession or trade or occupation or business.
- We shall be discussing about the freedom to form assembly and to form associations or unions.

Art. 19 (1) (b): This article says that everyone have right to assemble peacefully. But we shall be discussing this right in context of labor law. This right says that workers or employees have the right to form the associations or unions. This right provides that workers can form peaceful assemblies and can assemble for representing the workers. The foremost thing is that the objective of these assemblies must be peaceful not to violate the rights of others. By way of this right an employee can conduct a meeting or can assemble for the preservation of their rights.

Art. 19 (1) (c): This freedom provides right to form association or unions to all the people. But we shall be discussing this right in terms of right of employee. Under this right the employees have the right to form an association or union. This right protects the rights of the workmen by providing them freedom in terms of to form associations or unions. This right in other words we can say that this freedom gives an power in the hands of the workmen to form an workers union to protect their right and interests and these rights have been one of the important aspect of the workers life for their upliftment. So, this was the concept of freedom to form association or union.

But there are some reasonable restrictions too which have been imposed on these freedoms. So, this means that these freedoms are subject to restrictions. The points of the reasonable restrictions are as follow: -

- Sovereignty and integrity of India;
- Friendly Relation with Foreign State;
- Decency and morality;
- Public Order;
- Contempt of Court;
- Defamation.

So, these were the reasonable restriction on the upper discussed freedoms conferred under Article 19 of the Indian Constitution.

Article 21: It talks about the right to life and personal liberty. This right says that everyone have the right to live according to his or her will. The scope of this right is very much wide as it includes a range of thing which the human life need. In other words, we can say that this right extends to all the rights which are our human life need and enables. This right provides that the entire person have the right to live according to its will and this right extends to all the living processes which are included in the daily life style of a person. This right provides that the life of the individual is one of the foremost elements of the right to live. By way of this right we can know about the personal liberty is very much important for the life of an individual and there scope. But we shall be discussing this right in context of Labor rights. Right to live in context of labor right gives them absolute privilege. Because this right includes the daily routine work or task of a workmen. By way of this right we can give much more benefits to the workmen.

Article 23: This right provides prohibition of trafficking and forced labor. Before knowing about this right we first have to know about the meaning and concept of human trafficking and forced labor. First we shall be discussing about the concept of 'Human Trafficking'. Human Trafficking means that selling of the human or using human being as a thing.

This is a very much harsh and ill treatment with all the human being because it affects the public at large. This term denotes that human being can be trafficked and their right can be volatile in such a way that will affect not only that person but others as well. And now we shall be discussing about the concept of forced labor. This term forced labor can be means forcing someone to do a thing without its will or not paying someone according to its work. This term denotes that no one can be force to do a certain task or work without its consent. This right prohibits any kind of human trafficking and forced labor. By way of this right a person can be protected from any kind of ill treatment or any other thing which can harm the dignity as well as basic human rights of a person.

Article 24: This right says that "Prohibition from Child Labor". Now, before discussing about this concept we first have to know about the meaning of the words child labor. Child Labor is one of the concept which talks about the rights of the children's. Before knowing we first have to know about the child is a minor who have not attained the age of majority i.e. 18 years of age. That can be regarded as a child. Child Labor is a very crucial concept. This concept talks that child labor is one of the important concept and its prohibition is very much necessary because it not only affect the rights of children's but also it affects the future as well. So, this was the concept of the child labor. If we talk about this right under the Constitution of India it says that there should be prohibition of the child labor. Because it not only affect the rights of child but also it affect the education as well as mindset of a child. So, to have a check on this child labor this right which prohibits child labor was made.

Article 39: This Directive Principle of State Policy (DPSP) says that "Equal Pay for Equal Work". We can know this right by its name only equality in the pay for the same work done. This is a labor write which talks about the equality in giving pay for the same nature of work done. In simple word no discrimination should be made and every employee should be paid equally for the task which is of same nature. This right promotes equality between

the employees irrespective of any kind of discrimination and prevents them from and such thing in terms of wages.

Article 41: This DPSP talk about the "Right to Work". We can know this right by its name only. This right says that right to do any kind of work which is of lawful nature. This right is specifically dealing with the rights of employees in terms of employment. In other words we can say that this right deals with the right of the workers or labor in terms of employment to do any kind of work which is not an illegal act or crime. So, this means this right gives person power to do the work for uplifting their lifestyle.

Legislations on Labor Law

This legislation has been made to preserve the rights of the employee. The aim of these laws was to safeguard the interest of employees form any kind of ill treatment and to prevent them and also to promote equality. Some of those legislations are as follow: -

a. Minimum Wages Act, 1948;
b. Payment of Wages Act, 1936;
c. Payment of Bonus Act, 1965;
d. Equal Remuneration Act, 1976;
e. Employees' Compensation Act, 1923;
f. Factories Act, 1948;
g. Maternity Benefit Act, 1961;
h. Child Labor (Prohibition and Regulation) Act, 1986.

So, these were some of the laws which deals and protects the rights of the Labor in India.

Conclusion

At last, we all can conclude that "Rights of the Labor under the Constitution of India" is a very vast topic it not only talks about the concept of the Labor rights under the Indian Constitution but also it deals with the gender equality. Because it promotes equality in terms of

equal opportunity for all whether he or she is a man or a woman. Because the main aim of these rights is to protect the employment of a person.

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The Role of International Human Rights Law in Strengthening Labour Rights

Sowmiya.V.S, LLM (Corporate Law),
School of Law,
Hindustan institute of technology and science

Abstract

International human rights law strengthens labour rights by setting global standards through instruments like the UDHR, ICESCR, and ILO core conventions. These frameworks protect fair wages, decent work, non-discrimination, and freedom of association. International monitoring bodies help hold states and corporations accountable for violations. Legal frameworks, case law, and institutions have shaped national labour laws and empowered workers. Despite legal commitments, implementation gaps remain, especially in developing countries. Integrating human rights into labour governance is essential for ensuring fair and humane working conditions globally.

Introduction

Human rights are fundamental, universal rights inherent to all individuals, grounded in human dignity. They include labor rights such as safe working conditions, fair wages, freedom of association, collective bargaining, and benefits like insurance and medical care. The close relationship between labor and human rights promotes justice and individual autonomy. Recognizing labor rights as human rights strengthens workers' claims, especially for the disadvantaged. This paper examines how labor rights are protected under human rights law at the international level, addressing both their scope and challenges to this approach.

Historical Context of Labour Rights and Human Rights

Labor rights have developed significantly over time, beginning with responses to industrialization and driven by social movements demanding fair wages, safe working conditions, and the right to organize. Activists and reformers in the late 19th and early 20th centuries played a key role in raising public awareness and pushing for labor legislation. The establishment of the International Labor Organization (ILO) in 1919 marked a turning point, creating a global framework for labor standards. After World War II, labor rights increasingly merged with human rights, culminating in the 1948 Universal Declaration of Human Rights, which recognized labor rights as fundamental to human dignity and embedded them within international human rights law.

International Human Rights Instruments Addressing Labour Rights

There various international instruments that have addressed labour rights as one of the human rights. Those are given below in a detailed manner.

Universal declaration on human rights (UDHR,1948)

UDHR is a document that acts like a global road map for freedom and equality for protecting the rights of every individual everywhere. It is encompassed of 30 articles of that article 23 and 24 states as follows

ARTICLE 23 and ARTICLE 24

- All individuals Everyone has the right to work with free choice of employment, fair conditions, and protection against unemployment. Equal pay for equal work must be ensured without discrimination. Workers are entitled to fair wages that support a dignified life and social protection if needed, as well as the right to form and join trade unions to defend their interests.
- Everyone has the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay.

International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

ARTICLE 6

States Parties to the Covenant acknowledge the right to work, ensuring everyone has the opportunity to earn a living through voluntary work. They will implement technical and vocational guidance, policies, and techniques to promote economic, social, and cultural development.

ARTICLE 7

The state parties to covenant recognise the right of everyone to fair and favourable work conditions, including fair wages, equal pay for equal work, decent living for themselves and their families, safe and healthy working conditions, equal opportunity for promotion, rest, leisure, reasonable working hours, periodic holidays with pay, and public holiday pay. Equal pay, decent living, safe working conditions, and seniority- and competence-based advancement are guaranteed.

ARTICLE 8

States Parties rights to form and join trade unions for economic and social protection, without restrictions. Trade unions can form national federations or confederations, strike legally, and function freely. However, armed forces, police, and state administration can legally restrict these rights. The Covenant does not authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures that would undermine its guarantees.

International Covenant on Civil and Political Rights (ICCPR, 1966)

ARTICLE 22 - Deals with the right to freedom of association, including the right to form and join trade unions, for their interests. Restrictions on this right are only necessary in a democratic society for national security,

public safety, public order, public health, morals, or others' rights. This article does not prevent lawful restrictions on armed forces and police.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)

ARTICLE 11 - Governments will eliminate discrimination against women in the workplace. Women will have the same employment rights as men as well as maternity leave and special protection against harmful work during pregnancy.

Convention on the Rights of the Child (CRC, 1989)

Article 32 of this convention states that "The child shall be protected from economic exploitation and from performing work that is hazardous to his/her life and development"

Role of International Labour Organisation

The ILO, as part of the United Nations, operates through a three-tiered structure: the International Labour Conference, the Governing Body, and the International Labour Office, uniting governments, employers, and workers. In 1998, the ILO's Declaration on Fundamental Principles and Rights at Work committed member states to uphold core labor standards. These include freedom of association and collective bargaining (Conventions 87 & 98), elimination of forced labor (Conventions 29 & 105), abolition of child labor (Conventions 138 & 182), and elimination of employment discrimination (Conventions 100 & 111). Ratifying and implementing these conventions show member states' dedication to aligning national labor laws with international standards, advancing labor rights as an integral part of global human rights

International Human Rights Law and Right to Decent Work

The right to decent work ensures fair and favourable working conditions, forming a key aspect of human dignity. It includes protections such as the prohibition of forced labour, equal pay for work of equal value, fair

wages, non-discrimination, and the right to form and join trade unions. These rights are recognized by instruments like the Universal declaration of human rights, ICESCR, and core ILO conventions. Other sustainable development goals include "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all." Ensuring decent work requires respecting workers' rights, providing living wages, maintaining occupational safety, and eliminating child and forced labour. Increasingly, businesses are being urged to carry out due diligence on human rights within their operations and supply chains.

Freedom of Association and Right to Collective Bargaining

Freedom of association—the right of workers to form and join organizations—is a core principle of democratic workplace governance, closely linked to collective bargaining, which ensures fair negotiation between workers and employers. These rights empower workers to protect their labour and human rights, combat forced and child labour, and promote better working conditions, accountability, and workplace democracy. They also enhance productivity, transparency, and innovation by involving workers in decision-making. International standards, including ILO Conventions No. 87 and No. 98, and the Fundamental Principles and Rights at Work, strongly uphold these rights.

Prohibition of Forced and Child Labour

The International labour organisation has established two key conventions to combat child and forced labor: Convention No. 138 on minimum age and Convention No. 182 on the worst forms of child labor. These are fundamental under the ILO Declaration, obligating all member states to work toward abolishing child labor, even if they haven't ratified the conventions. Convention No. 182 is the first ILO convention to achieve universal ratification and was the fastest ratified in ILO history after its 1999 adoption. Convention No. 138 has also seen widespread ratification. While many countries have enacted laws to address child labor following

these conventions, the issue remains widespread, especially in developing nations, and cannot be resolved by legislation alone.

Protection Against Discrimination and Promotion of Equality in Employment

"Equality means absence of discrimination and discrimination means absence of equality"

Discrimination refers to "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation." — ILO Convention No. 111, Article 1 (1) (a).

Equal protection and equality before the law are key principles in the Universal Declaration of Human Rights and UN human rights treaties. Protection from discrimination in employment is a fundamental right, along with abolishing forced and child labor, freedom of association, and the right to organize. The Equal Remuneration Convention (1951) (No.100) and the Discrimination (Employment and Occupation) Convention (1958) (No.111) set essential standards to eliminate discrimination and promote equality at work.

Impacts of Globalization and Transnational Corporations on Labour Rights

Globalization, driven by advances in technology, transportation, and trade liberalization, has deeply interconnected economies but also created significant challenges for international labour regulations. Global supply chains often span multiple jurisdictions, making it difficult to enforce labour standards, especially when lead firms outsource production to countries with weak regulations. Developing nations frequently attract foreign investment by offering cheap labour and lax laws, resulting in compromised worker protections. Vulnerable groups such as migrant and informal workers face exploitation due to lack of legal safeguards. Labor

rights advocates push for stronger protections, though some argue that raising standards may impact economic competitiveness. Current legal systems are struggling to keep pace with rapid changes in global labour markets.

Transnational corporations (TNCs) play a dominant role in shaping global labour conditions, often criticized for exploiting workers through poor conditions, low wages, and anti-union practices in countries with weak enforcement. Companies like Apple and Nike have faced such allegations, highlighting the lack of effective oversight. While some argue that TNCs can bring skills and innovation to developing economies, they currently have no binding obligations under international law. Efforts like the proposed UN Treaty on Business and Human Rights aim to improve corporate accountability, but consensus remains elusive. Additionally, globalization has introduced new labour challenges, such as those in the gig economy and automation-driven job shifts, which require updated labour laws, stronger international cooperation, and focused policies on education, retraining, and workplace safety to ensure fair treatment and protection of all workers.

Challenges in Enforcement of International Labour Standards

Despite the ILO's efforts to protect rural workers through international standards, significant gaps remain in legal coverage, ratification, and implementation, as highlighted by the ILO's Committee of Experts. Several key conventions address these issues: Convention No. 11 (Right of Association in Agriculture, 1921) guarantees agricultural workers the right to unionize and has been ratified by 122 member states; Convention No. 87 (Freedom of Association and Protection of the Right to Organise, 1948) ensures workers can freely form and join organizations; Convention No. 98 (Right to Organise and Collective Bargaining, 1949) promotes collective bargaining and protects against anti-union discrimination; and Convention No. 141 (Rural Workers' Organisations, 1975) emphasizes the importance of organizing rural workers. However, in many countries, agricultural and rural workers are still denied these rights,

and even where legal protections exist, union membership in the sector remains disproportionately low, weakening the practical impact of these conventions.

Rural workers face major challenges in forming unions due to the nature of small businesses, self-employment, seasonal jobs, and exclusion of temporary and out-grower workers from collective bargaining. Many governments restrict unionization rights in agriculture, limiting free association. While collective agreements can improve working conditions, they are rare and poorly enforced because of weak labour inspections. Although 169 ILO member states have ratified the Discrimination (Employment and Occupation) Convention (C-111) and 167 have ratified the Equal Remuneration Convention (C-100) supporting non-discrimination and equal pay for rural workers, many—especially women and disadvantaged groups—still face discrimination, poor conditions, and low wages. Export-driven agriculture has employed many women in developing countries for over a decade.

Child labour is prevalent in agriculture, with 70% of over 132 million working children aged 5 to 14 involved in this sector. The Minimum Age Convention, 1973 (No. 138) sets the minimum employment age between 14 and 16 and mandates compulsory education. The Worst Forms of Child Labour Convention, 1999 (No. 182) prohibits hazardous child labour, including work that harms health or morals. Despite these protections, children suffer from pesticide exposure, dehydration, and machinery injuries at higher rates than other sectors. Governments are urged to update and enforce hazardous work lists. Forced labour continues despite the Forced Labour Convention, 1930 (No. 29) and its Abolition Convention, 1957 (No. 105), with migrant and trafficked agricultural workers, particularly in Asia and Latin America, facing bonded labour and unpaid wages. Some national laws even mandate child labour on farms, underscoring ongoing exploitation and enforcement gaps.

India's Commitment to International Labour Standards

India, a founding member of the ILO, has actively participated in its proceedings and ratified 43 out of 189 conventions and 1 protocol as of July 2015. These include key core conventions such as C-29 (Forced Labour), C-105 (Abolition of Forced Labour), C-100 (Equal Remuneration), and C-111 (Discrimination in Employment), as well as three priority conventions—C-81 (Labour Inspection), C-122 (Employment Policy), and C-144 (Tripartite Consultations). At the 104th ILC session, India supported Recommendation R-204 on transitioning from the informal to the formal economy. Convention ratification in India is voluntary and based on alignment with domestic laws, involving consultation with ministries and stakeholders, followed by Cabinet and parliamentary approval. Post-ratification, compliance becomes legally binding, and India regularly reports on it. Through the Decent Work Country Programme (2013–2017), India emphasizes core convention ratification and supports International Labour Standards. The country promotes tripartism via labour committees representing workers and employers, and aligns national laws and policies with ILO standards. While some core conventions remain unratified, India maintains that ratification should reflect each nation's socio-economic context and prefers a gradual, structured approach.

Future Direction and Recommendation

Multifaceted approaches are needed to implement international labour standards in domestic laws and strengthen global governance. Countries should prioritise aligning their labour laws with core International Labour Organisation (ILO) conventions to address fundamental rights like freedom of association, collective bargaining, removal of forced labour, child labour, and discrimination. Governments must have well-funded labour inspectorates and judicial systems to quickly address violations. Develop nations need capacity-building programs to turn international commitments into legal and institutional frameworks. The ILO must strengthen its authority and coordination globally. This

includes promoting international cooperation, peer reviews, and adding labour standards to international trade and investment agreements. Multilateral institutions and transnational corporations must also fulfil their labour rights obligations in global supply chains. Making global labour governance more equitable and enforceable requires a rights-based, inclusive, and participatory approach involving workers, employers, civil society, and international bodies.

Conclusion

"The protection of labour rights is not a marginal concern—it is at the heart of human dignity and social justice." - Mary Robinson

International human rights law plays a crucial role in advancing labour rights by protecting workers' dignity, equality, and freedom worldwide. Key instruments like the UDHR, ICESCR, and ILO conventions have elevated labour rights to fundamental human rights. However, enforcement remains uneven, especially in global supply chains and developing countries where informal work, forced labour, and unsafe conditions persist. Precarious employment and gig economy models often lack adequate legal protection. Weak enforcement, limited resources, and resistance from some states hinder progress. Strengthening global governance, imposing binding obligations on multinational corporations, improving national laws, and fostering inclusive dialogue are essential to uphold workers' rights universally and adapt to evolving labour challenge.

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Socio-Legal Perspectives on Constitutional Rights in the Gig Economy: The Case of India's Digital Platform Workers

S.Emlin Jobitha, Research scholar, School of Law, Hindustan Institute of Technology and Science, Chennai.
Dr V.R.Dinkar, Professor, School of Law, Hindustan Institute of Technology and Science, Chennai.

Abstract

India's gig economy has transformed the nature of work, offered flexible income opportunities while challenging conventional labor protections. Gig workers often operating without formal contracts or employee status frequently face legal ambiguity, yet they are still entitled to core protections under the Indian Constitution. This article provides a socio-legal analysis of how constitutional rights apply to platform workers, focusing on three key provisions: Article 14 (equality before law), Article 21 (protection of life and personal liberty), and Article 23 (prohibition of forced labor). Through this lens, it argues for broader and more inclusive interpretations of fundamental rights that reflect the realities of digital-age work. As gig labor continues to grow in visibility and impact, India's constitutional framework remains a vital tool for ensuring dignity, fairness, and justice regardless of how or where work is performed.

Keywords: Gig Economy, Constitutional Rights, Socio-Legal Analysis, Platform Workers, Fundamental Rights

Introduction

The expansion of India's digital economy has catalyzed a transformation in the nature of work, shifting from conventional employment arrangements to flexible, task-oriented engagements mediated by technology platforms. This phenomenon—commonly referred to as the gig economy—has given rise to a new class of laborers known as digital platform workers,

who provide services such as ride-hailing, food delivery, domestic care, and logistics through applications operated by companies like Uber, Swiggy, Urban Company, and Dunzo. These workers operate outside the bounds of traditional employer-employee relationships and, as a result, face unique socio-legal vulnerabilities.

India's gig workforce is projected to grow to approximately 23.5 million workers by 2029–30, a nearly 200% increase from 2020–21 levels. This segment is expected to constitute 4.1% of the total workforce and 6.7% of the non-agricultural workforce, contributing significantly to urban employment and platform-based innovation. Despite their economic relevance, digital platform workers are confronted with precarious working conditions, absence of job security, limited social protection, and insufficient legal recourse. The nature of their work—algorithmically managed, unilaterally governed, and often devoid of direct employment contracts—raises pressing concerns regarding their access to constitutional rights, particularly those enshrined under Articles 14 (equality), 19(1)(c) (freedom of association), and 21 (livelihood and dignity) of the Indian Constitution.

Recent legislative developments, including the enactment of the *Code on Social Security, 2020* and the launch of the e-SHRAM portal, signal a nascent attempt by the Indian state to recognize and regulate gig and platform workers. The Code defines gig and platform workers under Sections 2(35) and 2(36), and provides for welfare schemes under Chapter IX (Sections 109–114), including the creation of a Social Security Fund financed by aggregator contributions under Section 141. The e-SHRAM portal, launched in 2021, aims to register unorganised workers—including gig workers—and facilitate access to social security benefits. However, implementation remains uneven, and judicial clarity on workers' legal status is still pending. The absence of a stable classification—neither employee nor fully autonomous contractor—places digital platform workers in a legal limbo, undermining their entitlement to constitutional protections and labor rights.

This paper interrogates the intersection of constitutional law and digital labor by examining how the socio-legal status of gig workers in India aligns with or departs from the foundational principles of equality, freedom, and dignity. It asks whether current legislative responses adequately safeguard these principles or merely reinforce existing vulnerabilities.

The scope of the study is limited to digital platform workers engaged through app-based systems, with a doctrinal focus on Indian constitutional and labor law. The methodology combines doctrinal analysis of statutes, constitutional provisions, and judicial precedents. Empirical references to policy reports, worker surveys, and platform governance data. Comparative study of international regulatory models including the United Kingdom, Spain, and California.

By placing India's gig economy in a constitutional frame, this paper seeks to contribute to the evolving discourse on labor rights, digital work, and inclusive legal reform.

Literature Review

Legal Classification and Worker Status

The foundational debate in gig economy scholarship centers on the legal classification of digital platform workers. Most Indian scholars emphasize that these workers are not deemed employees under existing labor statutes, but instead occupy a third category—neither wholly independent contractors nor traditional wage earners. The *Code on Social Security, 2020* attempts to address this gap by introducing statutory definitions for gig and platform workers, yet commentators argue that mere definitional recognition does not equate to meaningful legal entitlement. Judicial silence on the employment status of platform workers continues to fuel ambiguity, with pending litigation such as the IFAT PIL challenging this classificatory impasse.

Social Protection and Regulatory Gaps

Scholarly analysis also highlights the limited access to social protection among gig workers. While the 2020 Code mandates the creation of a Social Security Fund under Section 141, implementation remains fragmented and unenforced. Researchers point to the gap between legislative intent and administrative execution, noting that platforms resist contributions and workers lack awareness of welfare mechanisms. The *e-SHRAM portal*, touted as a digital registration interface for unorganised workers, is analyzed critically for its failure to capture the distinct vulnerabilities of gig workers. State-level innovation—particularly Rajasthan's 2023 legislation—is viewed as a promising model for federated reform.

Algorithmic Control and Worker Agency

A third thematic strand interrogates the algorithmic governance and lack of autonomy that characterize platform labor. Scholars argue that digital platforms exercise de facto employer-like control through data-driven rating systems, task assignment algorithms, and incentive manipulation—without assuming employer obligations. This asymmetrical power dynamic undermines worker agency and contradicts constitutional protections under Articles 21 and Article 23. Literature also explores the erosion of collective bargaining rights, noting the absence of statutory pathways for unionization under the Industrial Relations Code, 2020.

Comparative Jurisprudence and Global Insights

Finally, comparative literature sheds light on international legal reforms as normative benchmarks. Jurisdictions like the United Kingdom, Spain, and California have enacted statutory and judicial responses that reclassify gig workers as employees or introduce hybrid rights frameworks. Indian scholars argue that these models offer instructive lessons in balancing flexibility with protection, especially where constitutional values intersect with platform-based precarity. However, critics caution against wholesale transplantation of foreign models into India's informalized labor context, stressing the need for context-sensitive adaptations.

Legal and Judicial Analysis

A. Constitutional Framework and Interpretive Potential

India's constitutional guarantees offer a foundational lens for assessing the rights of digital platform workers. Scholars and litigants alike have emphasized the relevance of Article 14 (equality before the law), Article 21 (right to life and livelihood), and Article 19(1)(c) (freedom of association) as normative benchmarks in the struggle for legal recognition.

Courts have interpreted Article 21 expansively to include the "right to livelihood," most notably in *Olga Tellis v. Bombay Municipal Corporation*, where eviction of pavement dwellers was held to infringe upon their constitutional right to subsistence. This precedent arguably extends to gig workers, who may face economic exclusion through deactivation or algorithmic penalties, without due process or grievnce mechanisms.

Article 14—prohibiting arbitrary classification—also gains traction in the gig context. Scholars argue that excluding platform workers from employment benefits creates an unconstitutional distinction, especially when the nature of their tasks parallels formal jobs. Judicial engagement on this front remains limited, but evolving petitions may prompt reinterpretation.

B. Statutory Ambiguity and Legislative Gaps

The *Code on Social Security, 2020* marked a legislative turning point by defining gig and platform workers under Sections 2(35) and 2(36), and establishing welfare provisions under Sections 109–114. However, these remain recommendatory, lacking enforceable entitlements or grievance mechanisms.

Section 141 mandates aggregator contributions to a Social Security Fund, yet there is no clarity on scheme design, beneficiary coverage, or monitoring frameworks. Moreover, gig workers are not included in core employment protections under the Code on Wages or the Industrial Relations Code, leading to fragmented policy articulation.

This statutory recognition—while novel—is not accompanied by reclassification. Gig workers remain outside the definition of "employee" or "worker," effectively barring them from rights related to minimum wages, unionization, or dispute settlement.

C. Judicial Developments and Strategic Litigation

The most prominent judicial intervention is the IFAT PIL (W.P.(C) No. 1068/2021) pending before the Supreme Court. Filed by the Indian Federation of App-Based Transport Workers, the petition argues that gig workers qualify as unorganised workers under the 2008 Act and must be registered under the e-SHRAM portal. It also contends that denial of social protection violates Articles 14, 21, and 23, invoking constitutional obligations for humane labor conditions.

Lower courts have witnessed individual petitions by Swiggy and Zomato delivery partners, seeking recognition and compensation for termination without due process, but these cases remain isolated and procedurally stalled.

D. Enforcement Challenges and Administrative Inertia

Despite statutory innovations, implementation remains patchy. Ministry reports confirm that fewer than 5% of eligible gig workers are registered under e-SHRAM. The aggregator contribution mechanism under Section 141 is not operational, and enforcement agencies lack the tools to audit platform compliance.

Administrative schemes such as the Pradhan Mantri Suraksha Bima Yojana (PMSBY) offer limited cover, and there is no integrated approach linking the Code's provisions, e-SHRAM data, and welfare delivery. This fragmented design weakens the constitutional promise of social justice, particularly under Directive Principles like Articles 39 and 43.

Legal and Policy Framework

A. Statutory Recognition of Gig and Platform Workers in India

The principal legislation recognizing gig and platform workers in India is the *Code on Social Security, 2020*. Section 2(35) defines a gig worker as "a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship," while Section 2(36) further distinguishes platform workers as those engaged through digital technology intermediaries. This marks a legislative departure from conventional labor regulation, acknowledging the algorithmically-mediated nature of modern work arrangements.

Section 141 of the Code empowers the Central Government to establish a Social Security Fund for gig and platform workers, supported through contributions from aggregators—defined entities under Schedule I—including food delivery, transport, and household services platforms. Aggregators are mandated to contribute 1–2% of their annual turnover, capped at 5% of total payments made to workers, thereby creating a funding pool for welfare schemes encompassing health, maternity, life and disability cover, and old-age protection.

In addition, Section 113 facilitates self-registration of gig and platform workers via Aadhaar-linked platforms, promoting portability of benefits. Section 112 introduces facilitation centers to improve access to schemes, although implementation remains nascent.

B. Unorganised Workers' Social Security Act, 2008: Precursor and Limitations

The *Unorganised Workers' Social Security Act, 2008* preceded digital-era labor developments, framing welfare entitlements for informal workers. Section 2(m) defines unorganised workers as home-based, self-employed, or wage earners not covered under the *Industrial Disputes Act* or Chapters III to VII of the Social Security Code. Sections 3 and 4 authorize the Union and State governments to formulate schemes with variable funding modalities—state-sponsored, shared financing, or contributory models.

Despite its foundational character, the Act does not explicitly incorporate gig or platform workers, creating an interpretive vacuum later addressed by the 2020 Code. The ongoing Public Interest Litigation filed by IFAT in the Supreme Court seeks to rectify this exclusion by asserting gig workers' eligibility under the 2008 Act, thereby engaging Articles 14, 21, and 23 of the Constitution.

C. Intersections with Other Labour Codes

While the *Code on Wages, 2019* provides a comprehensive framework for wage regulation, its definitions exclude gig workers from minimum wage guarantees due to their atypical engagement. Similarly, the *Industrial Relations Code, 2020* and the *Occupational Safety, Health and Working Conditions Code, 2020* do not extend collective bargaining or workplace safety protections to gig workers, reflecting a regulatory gap in harmonizing labor flexibility with constitutional guarantees.

D. State-Level Legislative Innovations

The *Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023* represents a state-driven model of intervention. It establishes a Gig Workers Welfare Board, mandates aggregator and worker registration, and introduces a state-level Social Security Fund. The Act is the first in India to provide quasi-statutory recognition and structured representation, signaling a federated approach to digital labor regulation.

E. Institutional and Policy Developments

Regulatory discourse has expanded through non-binding mechanisms. The *Fairwork India Ratings 2022* evaluate platforms on dimensions such as fair pay, conditions, contracts, management, and representation. Meanwhile, reports from NITI Aayog and the Ministry of Labour acknowledge the vulnerabilities of platform workers and advocate for inclusive digital infrastructure, fiscal contributions from aggregators, and grievance redressal systems.

Comparative Jurisprudence

A. United Kingdom: Uber BV v. Aslam and the "Worker" Classification

In *Uber BV v. Aslam*, the UK Supreme Court unanimously held that Uber drivers are "workers" under Section 230(3)(b) of the *Employment Rights Act 1996*, entitling them to minimum wage, paid leave, and other statutory protections. The Court emphasized that employment status must be determined by the actual working relationship, not merely the contractual terms. It found that Uber exercised significant control over drivers—setting fares, allocating trips, and penalizing refusals—thus creating a relationship of subordination and dependency.

Importantly, the Court ruled that drivers were "working" not only when transporting passengers but also when logged into the app and available for assignments. This broadened the scope of working time and reinforced the principle that platform-mediated labor can attract statutory protections, even without formal employment contracts.

B. California: AB5 and the ABC Test

California's *Assembly Bill 5 (AB5)*, enacted in 2019, codified the ABC test for determining employment status, replacing the more flexible *Borello* test. Under AB5, a worker is presumed to be an employee unless the hiring entity proves:

- (A) The worker is free from control and direction;
- (B) The work is outside the usual course of the hiring entity's business;
- (C) The worker is engaged in an independently established trade or business.

This test significantly narrowed the scope for classifying gig workers as independent contractors. However, Proposition 22, passed in 2020, carved out exceptions for app-based transportation and delivery drivers, allowing them to remain independent contractors under specific conditions. The legal tension between AB5 and Prop 22 reflects the conflict between worker

protection and platform flexibility, with ongoing litigation challenging the constitutionality of Prop 22.

C. Spain: Rider Law and Presumption of Employment

Spain's *Ley Rider* (Law 12/2021) introduced a presumption of employment for platform-based delivery workers, following a 2020 Supreme Court ruling that classified Glovo riders as employees. The law amended the *Workers' Statute* to presume an employment relationship where platforms exercise control via algorithms.

Notably, the law also mandates algorithmic transparency, requiring platforms to disclose the logic and parameters of automated decision-making to workers' representatives. Spain's approach is distinguished by its tripartite consensus—the law emerged from negotiations between trade unions, employer associations, and the government, and was followed by collective agreements (e.g., Just Eat) that institutionalized labor protections.

D. Lessons for India: Recognition vs. Enforcement

India's *Code on Social Security, 2020* adopts a recognition-based model, defining gig and platform workers under Sections 2(35) and 2(36), and establishing a Social Security Fund under Section 141. However, unlike the UK and Spain, India does not reclassify gig workers as employees or workers under core labor laws. The model is welfare-oriented but non-redistributive, relying on aggregator contributions without altering employment status.

Comparative jurisprudence suggests that legal recognition alone is insufficient. Effective protection requires:

- Statutory entitlements (UK),
- Presumptive employment frameworks (Spain),
- Enforceable classification tests (California),
- Collective bargaining mechanisms and algorithmic accountability.

India's challenge lies in bridging the gap between legislative recognition and practical enforcement, especially in the absence of judicial clarity and platform compliance.

Policy Recommendations

The socio-legal challenges facing India's digital platform workers require targeted policy interventions beyond definitional recognition. Drawing on comparative jurisprudence and constitutional principles, this section outlines actionable reforms:

1. Statutory Clarification of Employment Status Amend core labor statutes to define platform workers as a legally protected category, ensuring clarity on rights and entitlements. Consider adopting a classification test akin to the UK's "worker" model or California's ABC test.
2. Operationalization of Welfare Schemes Activate the Social Security Fund under Section 141 of the *Code on Social Security, 2020*, with transparent scheme design, enrollment protocols, and aggregator audit frameworks.
3. Algorithmic Accountability Introduce regulatory standards for algorithmic fairness, including disclosures on task assignment, rating logic, and income impact. Leverage Spain's Rider Law model for platform transparency.
4. Collective Bargaining Pathways Amend the *Industrial Relations Code, 2020* to explicitly include gig and platform workers in union registration and dispute resolution mechanisms.
5. Federated State Innovation Encourage replication of Rajasthan's legislative model across states, facilitating decentralised welfare boards and localised grievance redressal.
6. Judicial Engagement and PIL Reform Fast-track constitutional litigation on platform worker rights to establish precedent for protective interpretation under Articles 14, 19, and 21.

Conclusion

India's digital platform workforce represents a rapidly growing and structurally vulnerable segment of the labor market. Although recent legislative efforts—such as the *Code on Social Security, 2020* and the *e-SHRAM portal*—acknowledge their existence, legal classification and welfare entitlements remain unresolved. Comparative experiences from the UK, California, and Spain demonstrate that platform-mediated labor can be regulated to uphold both flexibility and fairness.

This paper argues that constitutional principles of equality, livelihood, and dignity must guide the development of a coherent legal framework that goes beyond definitional inclusion. Effective reform must integrate legislative clarity, regulatory oversight, and judicial affirmation—ensuring that India's gig workers are not just recognized, but protected. In doing so, the law can play a transformative role in aligning the digital economy with the constitutional vision of social justice.

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Sanitation Labour in India: Legal Blind Spots and Occupational Health Risks in the Informal Workforce

VENKATESAN M
PhD Scholar, Faculty of Law,
Dr. M.G.R Educational and Research Institute University,
Maduravoyal, Chennai, Tamil Nadu 600095, India.

Dr. GOMATHY SANKARI
HOD, Faculty of Law,
Dr. M.G.R Educational and Research Institute University,
Maduravoyal, Chennai, Tamil Nadu 600095, India.

Abstract

Official assessments are not accessible for the mortality or morbidity among disinfection labourers (counting manual scavengers) in India. Little is realized about their medical problems and wellbeing looking for conduct with regards to their health related risks (work practices and openings). The government failed to comprehend the idea of medical conditions of sterilization labourers utilizing a lay epidemiological process. Descriptive examination was finished to plan the word related wellbeing status, health care seeking rehearses and the social help systems set up. Wounds and chest ache were the most ordinarily detailed sicknesses. Most labourers kept on working without proper treatment as they disregarded their ailment, and didn't have any desire to miss their wages or lose their employment. Self-drug was normal. Admission of liquor was pervasive to adapt to the cruel errand of cleaning dirty sewage, and as a methodology to fail to remember their medical issues. The example of ailments detailed during month to month checking was additionally announced as well established diseases. There was no such thing as wellbeing and security components in the work environment and were not commanded by administrative bodies. Also the safety and security of sanitary workers has been deficiently tended to in general wellbeing research. Sterilization work needs unambiguous defensive administrative rules to address wellbeing dangers dissimilar to

other unsafe occupations. This article uncovers basic connections between the ordinary real factors of sanitation labourers and the imperceptible yet all unavoidable position framework that is still well established in the Indian culture.

Keywords: Manual Scavengers, Diseases, Self-Drug Addiction, Sewage, Epidemiological.

Introduction

India has perceived the right to a perfect and safe climate as a basic right certain under Article 21 of the Indian Constitution for example Right to Life. To guarantee this right is accessible to every last one, no other than the sanitation labourers do the working and put their wellbeing and security in danger. It generally stays an inquiry to see regardless of whether they are furnished with any insurance. It has been a very long term battle to accomplish an existence of pride and security for themselves but the battle isn't completely fruitful. In India, the worry isn't restricted to their work conditions just, yet additionally different factors, for example, standing separation, social exclusion and orientation assume a significant part. Sanitation labourers are the people who work in any piece of the disinfection chain. They guarantee that the people's contact with human waste ends when the people leave the toilet, one of the main positions in the public eye, but they remain for the most part concealed and undervalued.

According to the World Wellbeing Association ("WHO"), 'disinfection work' incorporates exhausting latrines, pits and septic tanks; entering sewer vents and sewers to fix or unblock them; shipping waste; working treatment plants; as well as cleaning public latrines or poo around homes and organizations. The WHO has consistently communicated its anxiety in regards to elevating the principles of wellbeing, nobility and soundness of the disinfection workers. India, being a key signatory, has endeavoured to perceive the rules set somewhere near WHO. Post-Autonomy, there have been endeavours via regulations, plans and projects for upliftment of the Dalits (framing roughly 90% of the sterilization labour force) and manual scroungers, yet it is disheartening to see their unfortunate execution and

absence of sharpening in the general public for the work done by them. The public authority of India has acquainted numerous issues with work on the personal satisfaction of clean specialists on of them is a program called (Namaste). NAMASTE is a central sector scheme launched by the Ministry of Social Justice and Empowerment (MoSJE) in collaboration with the Ministry of Housing and Urban Affairs (MoHUA). NAMASTE imagines security and respect of disinfection labourers in metropolitan India by making an empowering environment that perceives disinfection labourers as one of the vital givers in tasks and support of disinfection framework in this manner giving economical vocation and upgrading their word related wellbeing through limit constructing and further developed admittance to somewhere safe and secure stuff and machines.

Objective of the Study

1. To create an awareness on the life of sanitary workers.
2. To convey the problems faced by sanitary workers.
3. To focus the precautions, actions taken by the government and the potential solutions to the problems faced by sanitation workers

Creating Awareness on the Life of Sanitary Workers

Creating awareness about the lives of sanitary workers is not merely an act of social empathy; it is a foundational step toward dismantling caste-based occupational hierarchies, improving public health outcomes, and reforming labour law frameworks. Sanitary workers, often drawn from historically oppressed communities, perform tasks that are essential to urban hygiene and disease prevention, yet their contributions remain largely invisible in public discourse, policy design, and legal protections. Awareness begins with recognition - recognizing that sanitation work is not just “dirty work” but skilled labour performed under hazardous conditions. The invisibility of sanitation workers is deeply rooted in caste ideology, where manual scavenging and waste handling are relegated to marginalized communities through generational stigma. Public awareness campaigns must confront this logic and reframe sanitation work as a public service deserving of

dignity, safety, and legal rights. Educational initiatives, media storytelling, and participatory research can play a transformative role. Documenting the voices of sanitation workers, especially women, reveals their struggles with health risks, lack of protective gear, and social exclusion. By amplifying these narratives through community forums, school curricula, and local governance platforms, awareness can shift from passive sympathy to active solidarity.

Legal awareness is equally critical. Most sanitation workers are unaware of their entitlements under existing labour laws and occupational safety codes. Targeted legal literacy programs—especially in regional languages—can empower workers to demand protective equipment, health benefits, and formal contracts. Occupational health hazards are often normalized among sanitation workers, leading to chronic illness and premature death. Awareness must therefore include health education, access to preventive care, and recognition of sanitation work as hazardous under labour law. Public health awareness also intersects with the lives of sanitation workers. During the COVID-19 pandemic, disinfection workers were hailed as "frontline warriors," yet many lacked basic safety gear or medical support. Despite their essential role in urban resilience, sanitation workers remain excluded from health infrastructure. Awareness campaigns must advocate for their inclusion in health insurance schemes, vaccination drives, and emergency response planning. Hence, creating awareness about the lives of sanitary workers is a multidimensional effort. It involves recognizing their labour, amplifying their voices, educating the public, and reforming legal and health systems to reflect their dignity. Awareness is not a substitute for justice; but it is a necessary precursor.

Occupational Hazards Faced by Sanitary Workers

Sanitary workers face a spectrum of occupational hazards that are both physical and systemic, yet these risks remain largely unacknowledged in mainstream labour discourse. Their daily tasks ranging from manual cleaning of drains and sewers to handling biomedical and municipal waste expose them to toxic substances, infectious diseases, and mechanical

injuries. Despite the essential nature of their work, sanitary workers are rarely provided with adequate protective equipment, health insurance, or safety training. One of the most immediate hazards is exposure to pathogens. Workers often come into contact with human waste, decomposing organic matter, and contaminated surfaces without gloves, masks, or boots. This increases their vulnerability to gastrointestinal infections, skin diseases, respiratory conditions, and vector-borne illnesses. In many cases, the lack of access to clean water and sanitation facilities at the workplace further compounds their health risks. Chemical exposure is another critical concern. Disinfection workers, especially during public health emergencies like the COVID-19 pandemic, handle high concentrations of bleaching agents, phenyl, and other industrial disinfectants. Prolonged exposure without proper ventilation or protective gear can lead to skin burns, eye irritation, and long-term respiratory damage. Yet, these workers are rarely classified under hazardous occupations in labour codes, leaving them outside the purview of statutory protections. Musculoskeletal injuries are common due to the repetitive and strenuous nature of sanitation work. Tasks such as lifting heavy waste bins, bending for extended periods, and manually cleaning clogged drains contribute to chronic back pain, joint disorders, and fatigue. These physical strains are often dismissed as part of the job, with little attention paid to ergonomic interventions or rest cycles. Beyond physical hazards, sanitary workers also endure psychosocial stress. The social stigma attached to their work—often rooted in caste-based discrimination—leads to isolation, verbal abuse, and exclusion from community spaces. Many workers report feelings of shame, anxiety, and low self-worth, exacerbated by the lack of recognition and respect for their labour. This emotional toll is rarely addressed in occupational health frameworks, which tend to focus narrowly on physical injuries.

The absence of formal employment contracts and social security coverage further intensifies these hazards. Most sanitary workers are employed through informal arrangements like daily wages, subcontracting, or municipal outsourcing; without access to paid leave, medical benefits, or compensation for workplace injuries. In the event of accidents or fatalities,

families often struggle to receive any form of redress or financial support. Moreover, data invisibility remains a structural hazard. There is a glaring lack of official statistics on the morbidity and mortality rates among sanitation workers, especially those involved in high-risk tasks like manual scavenging or sewer cleaning. This data gap hinders policy formulation, legal accountability, and public health planning, effectively rendering their suffering invisible to the state.

Legal and Policy Gaps in the Protection of Sanitary Workers

Despite the existence of constitutional safeguards and sectoral labour laws, sanitary workers in India continue to operate within a legal vacuum that fails to recognize the full scope of their vulnerabilities. At the heart of this gap is the limited legal recognition of sanitation work as hazardous labour. While the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013) criminalizes manual scavenging, it narrowly defines the practice and excludes many forms of sanitation work that are equally dangerous—such as sewer cleaning, drain desilting, and biomedical waste handling. This narrow framing allows municipal bodies and contractors to bypass accountability by reclassifying tasks or outsourcing them informally. The Occupational Safety, Health and Working Conditions Code (2020), though intended to consolidate labour protections, does not adequately address the specific risks faced by sanitary workers. It lacks enforceable provisions for mandatory protective equipment, health surveillance, or hazard allowances tailored to sanitation labour. Moreover, the Code's applicability is often restricted to formal establishments, leaving out the vast majority of sanitation workers employed through informal or contractual arrangements. Social security schemes such as the Employees' State Insurance (ESI) and Provident Fund (EPF) are rarely extended to sanitary workers, especially those hired on daily wages or through third-party contractors. This exclusion denies them access to medical care, maternity benefits, and retirement savings—basic entitlements under labour law. Even when workers are technically eligible, bureaucratic hurdles and lack of documentation prevent enrollment.

Policy fragmentation further weakens protection. Multiple ministries like Urban Development, Health, Labour, and Social Justice have overlapping responsibilities for sanitation work, yet coordination is minimal. This leads to duplication of schemes, inconsistent standards, and diluted accountability. For example, health interventions for sanitation workers may fall under municipal health departments, while safety gear procurement is handled by engineering wings, resulting in gaps and delays. The absence of grievance redressal mechanisms compounds the problem. Sanitary workers often face wage theft, verbal abuse, and unsafe working conditions, but lack access to complaint platforms or legal aid. Labour inspectors rarely visit sanitation sites, and when they do, violations are normalized or ignored. Workers are discouraged from speaking out due to fear of job loss or retaliation. Caste-based discrimination, though constitutionally prohibited, remains embedded in the structure of sanitation labour. Many workers are recruited from Dalit communities and subjected to degrading treatment, including denial of protective gear, segregation in work assignments, and exclusion from welfare schemes. Yet, anti-discrimination provisions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are seldom invoked in sanitation-related cases.

Conclusion and Suggestion

The life and labour of sanitary workers reflect a paradox: they are indispensable to public health and urban hygiene, yet remain socially invisible, legally neglected, and structurally vulnerable. Hence, we recommend legal recognition, universal social security, dedicated health infrastructure, mandatory protective gear, accessible legal aid, anti-discrimination enforcement, participatory governance, transparent data systems, and public awareness campaigns. These reforms must center workers' lived experiences to build humane, accountable, and stigma-free sanitation ecosystems. Sanitation workers are out in full force tasked with disinfecting the public spaces as COVID-19 crisis continues to impact the country on top of other serious challenges faced by the government and it has undertaken various successful initiatives by means of policies,

schemes, laws and programs to ensure safety and dignity to our sanitation workforce. The Swach Bharat Mission launched on the 2nd of October 2014, in particular, focused on ensuring a dignified and safer source of livelihood for sanitation workers and other vulnerable communities by integrating them into the formal workforce through a convergence scheme with the National Urban Livelihood Mission (NULM).

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Invisible Chains: Legal Lacunae in India's Fight Against Cross-Border Labourer Exploitation

R.S.KARTHIKA
B.A.LL.B (HONS.)
School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University

K.KARUNASRI
B.A.LL.B (HONS.)
School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University

JOSHINI AKSHARHA.G
B.A.LL.B (HONS.)
School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University

Abstract

Cross-border labour exploitation and trafficking have plagued India's migrants. According to various studies, in 2021 India had an estimate of 11 million people forced into modern slavery – bonded labour, forced labour and trafficking. Many Indians under the pressure of making ends meet tend to seek low-wage jobs in foreign countries, often end up paying huge extortionate fees, face deceptive recruitment and fall into debt bondage. India has ratified flagship instruments like the UN Trafficking Protocol, 2000 and International Labour Organisation conventions on forced labour. Domestically, Article 23 of the Indian Constitution prohibits forced labour and trafficking.Statutes like the Bonded Labour System (Abolition) Act, 1976 and the Emigration Act, 1983 criminalise various forms of labour exploitation. Despite these frameworks, doctrinal gaps do exist in uneven enforcement and migrants falling through the legal cracks.This paper titled "Invisible chains: Legal Lacunae in India's Fight Against Cross-Border Labour Exploitation" provides a doctrinal analysis on the international conventions, domestic laws and landmark judgments on labour trafficking. It seeks to identify the lacunae and examine how the court interprets them.

The objective of this paper is to examine India's normative commitments under the international and domestic legislations and advance legal reforms to fortify protections for the transnational migrant labourers.

Keywords: labour trafficking, bonded labour, migrant workers, international organisations, India, legal analysis.

Introduction

India is one of the world's leading exporters of labour: roughly 13 million Indians live and work abroad. Most are low- or semi-skilled migrants drawn from poorer states (like Kerala, Tamil Nadu, Uttar Pradesh or Bihar) by limited domestic jobs and the lure of higher Gulf or Asian wages. Their remittances back home are vital, yet many migrants endure severe abuse. In Gulf countries especially, the socalled kafala sponsorship system, dating from the 1950s— ties a migrant's legal status to a single employer. This gives sponsors enormous power over workers' lives; passports are often withheld, wages delayed or denied, and complaining can even trigger illegal deportation. In Southeast Asia, too, Indians abroad (for example on fishing boats or as domestic workers) have been documented in forced-labour and trafficking scenarios. In short, Indian migrants face "invisible chains" of debt, restricted movement, and abuse that basic contracts or official papers cannot break.

Over the years New Delhi has built a thin regulatory framework to manage migration, but gaps remain. Under the Emigration Act, 1983, for example, India licenses recruiting agents and caps their fees (nominally). The Ministry of Overseas Indian Affairs (now the MEA's Overseas Indian Division) even signed memoranda with Gulf and Asian governments on worker welfare. But these laws mostly govern paperwork and recruitment—not the conditions of service abroad. India has not ratified key international labour conventions (for example ILO Migration and Domestic Workers standards), and its Constitution or domestic labour laws do not apply extraterritorially. In practice, enforcing rights against a foreign employer is very difficult. As one review notes, the 1983 Act is "not in sync with

international standards," allowing recruiters to charge fees that should fall on employers. These legal lacunae leave many migrants with little recourse.

Research Methodology

This paper follows a doctrinal research method, using primary and secondary legal sources to examine India's response to cross-border labour exploitation. The primary materials include international treaties such as the UN Palermo Protocol and relevant ILO Conventions, along with domestic laws like the Emigration Act, 1983, the Bonded Labour System Act, 1976, and relevant provisions from the Indian Constitution and the Bharatiya Nyaya Sanhita. Secondary sources include government reports, judicial decisions, law commission reports, news articles, and academic commentaries on migration and trafficking. These help in analysing gaps in the law and its enforcement.

The study also considers memoranda of understanding signed between India and major labour- receiving countries such as the UAE, Saudi Arabia, and Kuwait, to assess the role of international cooperation in protecting migrant workers. Where appropriate, comparative references to other legal systems have been included to suggest good practices and policy alternatives. A qualitative approach has been adopted, relying on a close reading of texts, policy documents, and court rulings. Case studies and news reports have been used to bring out real- world experiences of migrant workers and the consequences of legal failure.

Socio-Economic Drivers of Migration

India is a major source of international labour migration. In mid-2019, an estimated 30 million Indians lived abroad, with around 9 million in the Gulf Cooperation Council (GCC) countries. Over 90% of India's migrant workers (mostly low- or semi-skilled) work in the Gulf or in Southeast Asia. Common destinations include Saudi Arabia, the UAE, Kuwait, Oman, Qatar and Bahrain, as well as Malaysia and Singapore. Persisting poverty, high unemployment and low wages at home push many Indians to look abroad. India's labour force has grown much faster

than formal employment, and official unemployment remains around 7–8%. An ILO analysis found that even low-skilled Indian workers earn roughly 1.5–3 times the pay in Gulf countries (e.g. Kuwait, Saudi Arabia, UAE) compared to similar jobs in India. As a result, even unskilled or semi-skilled work overseas offers substantially higher income. Indeed, researchers note that India's poorest, highest-unemployment states (such as Uttar Pradesh, Bihar, Kerala and Tamil Nadu) have historically supplied the bulk of labour migrants to the Gulf. Migration is also driven by family expectations. Remittances from abroad finance households: families often rely on a migrant's wages for daily living, children's schooling or marriage expenses. One study found that "household pressure" (for example, debts or wedding costs) commonly compels young men to migrate, and that families become "almost exclusively dependent" on the migrants' money. In effect, going overseas is seen by many poor households as a necessary strategy to escape poverty.

Recruitment Pathways and Promises

India's Overseas Employment is regulated by the Emigration Act of 1983, under which only government-licensed recruitment agents can legally arrange foreign employment. Registered agents must display their licence and are subject to restrictions (for example, they may not charge more than ₹30,000 plus GST in fees). In practice, however, many would-be migrants use informal brokers, friends or family networks to find jobs abroad. The government has warned that unlicensed agents are proliferating – especially on social media – offering fake job contracts, taking large advance payments (often ₹2–5 lakh) and then disappearing. Both licit and illicit recruiters commonly advertise "guaranteed" jobs: they promise migrants official work visas, formal contracts and high pay. Official guidance emphasizes that a genuine job offer should include a signed employment contract and even paid airfare, lodging and insurance from the employer. Migrants are thus reassured they will be protected by law. In reality, however, many of these promises prove false. Investigations and court cases report migrants arriving with no job, no contract and no valid visa in hand. For example,

Reuters documented cases of Indian workers lured by agents' promises of "good pay and easy work" who instead were held captive in abusive low-paid jobs; recruiters confiscated their passports and even extorted ransom from their families.

Because migrants often take loans to pay recruitment fees, broken promises can quickly spiral into debt bondage. The official advisory warns that using any channel other than a registered agent carries "serious risk" – effectively amounting to human trafficking. Even when workers have a formal contract, enforcement of labour protections abroad is weak.

International Events of Cross Exploitation

The International Labour Organisation (ILO) estimates that 12.3 million people are victims of forced labour worldwide, with 2.4 million trafficked across borders for sexual or labour exploitation. This reflects a long legacy of subjugation and economic exploitation, rooted in colonial practices. In Africa, indigenous people were forced into camps and plantations, while the Witwatersrand Native Labour Association (WNLA) recruited thousands under coercive conditions and low wages, pushing many into migration due to poverty and debt. In Mexico, peonage trapped indigenous people in hereditary debt cycles, leaving generations in servitude. Similarly, the indentured labour system in Asia sent poor Indians to harsh conditions in Fiji, South Africa and Mauritius. A 2021 survey recorded 29.3 million people living in modern slavery.

Today, these systems survive in disguised forms. Migrant workers from South Asia are promised high wages in Gulf states but face abuse, violence, and wage theft. The Kafala system, still used in places like Qatar, ties workers to employers, denying them freedom to change jobs or leave the country. Human Rights Watch and Amnesty International report widespread exploitation, including sexual and physical abuse, particularly of women workers from Sri Lanka, Ethiopia and elsewhere.

In the United States, undocumented migrants from Mexico, Honduras and Guatemala form the base of agricultural and construction sectors

but are paid below minimum wages and silenced from protesting. The Global Slavery Index 2018 estimated 40.3 million people in modern slavery, with Asia-Pacific accounting for 62 percent. Across all regions, the exploitation of vulnerability—whether through poverty, gender, or lack of legal protection—remains central. Despite international conventions like ILO Convention No. 29 on Forced Labour and the Palermo Protocol, enforcement continues to be weak against well-organised systems of labour exploitation.

Bridging Legal Gaps Through Regional Cooperation

The Universal Declaration of Human Rights would be the main source to consult. It is obvious that Article 4 forbids slavery in all its manifestations, including contemporary slavery. The United Kingdom created the National Referral Mechanism to identify victims of human trafficking or modern slavery as a result of the UDHR. However, the new report indicates that NRM is overloaded with notifications and recommendations, which is causing them to fulfil their tasks ineffectively. Since migrant workers are marginalised, it is believed that they will be afraid to seek the statutory bodies. Instead, they advise the impacted individuals to contact law enforcement. This process is further hampered in the UK by the "Illegal Migration Act."

The most frightening part of all of this is that developed nations serve as bastions for countries fighting modern slavery. The worst aspect is that, according to one report, Europe has created prisons in Libya to prevent migrant labourers from entering the nation. It is also noted that women from South-Asian countries were affected due to "poor integration of context-related factors, flawed assumptions about the power inequalities, including barriers preventing women from asserting their rights." In Canada, Employer-specific work permit regimes, including certain Temporary Foreign Worker Programs expose migrant workers to modern forms of slavery since they are unable to denounce abuses without fear of deportation.

International Labour Organisations Conventions on Migrant Labour Protection

The ILO has key Labour standards, Social protection standards and specific provisions that are related to migrant workers. Article 8 of the C097 states that migrant labourers cannot be expelled back to their countries or be treated inhumanely on the grounds of sickness. After the incident in Italy, caused by the drop in migrants to 66,317 - which is nearly a 60% reduction is an example of how the conventions are being ratified. Conventions Nos, 100 and 111 also suggest that 'Migrant workers have the right to equal remuneration and are protected from all forms of discrimination on the grounds of employment and occupation'.

Especially in the 2030 Agenda, which is adopted by the United Nations General Assembly, has recognised "the positive contribution of migrants for inclusive growth and sustainable development. The Sustainable Development Goals [SDG] 10 has played a key role in advocating for the betterment of the life of the migrant workers. Four significant measures are suggested at the workplace.

Gaps in the Law - Pain Cross Borders

Despite the rise in the volume of Indian labour migration, India's legislative policies have often been found insufficient in addressing the complex and progressing nature of cross-border exploitation. It is strongly agreed that the structural shortcomings and the lack of proper enforcement are some of the few reasons that has left a legal lacunae. Here are few other major lacunae in detail:

Outdated Emigration laws

The Emigration Act of 1993 was enacted as a result of the Gulf migration trends around the 1970-80s. It had focused on the emigration clearance procedure and to regular the recruiting of the agents, but it gravely failed to protect the rights of the migrant workers once they'd reached the foreign land. The unskilled and semi-skilled workers were left blind in the midst

of it all making them the most vulnerable and especially women domestic workers.

Lack of Legal Aid in Host Countries

The majority of the Indian migrant workers who are employed abroad lack knowledge about the extent of legal remedies available at their disposal due to financial constraints and unfamiliarity with the foreign judiciary. India also does not have a structured policy for providing legal aid to migrant workers in distress, nor does it systematically track or intervene in legal proceedings involving Indian labourers overseas.

Ineffective Bilateral Agreements

India is a signatory to various bilateral agreements and memoranda of understanding (MoUs) with foreign governments like; MoU between India and the United Arab Emirates (UAE), MoU between India and Saudi Arabia. But most of these agreements lack binding force or are prone to faulty implementation, and also a failure in setting up clear redressal machinery. As a result, Indian migrant workers are highly vulnerable to abusive employment conditions without an appropriate authority to advocate for their rights or any legal recourse. CHAPTER

Recommendations

Modernize migration laws

India must modernize migration laws by updating the Emigration Act or enacting a new Overseas Employment law to safeguard workers and align with global standards. Recruitment fees should be banned, liability placed on employers, and abuses like passport retention, contract substitution, and wage default criminalized. The draft Emigration Bill 2021 already proposed welfare funds, pre-departure training, and embassy labour wings, which should be adopted. The law must also address the vulnerabilities of women domestic workers and be gender-sensitive. Finally, India should ratify core ILO conventions and the UN Migrant Workers Convention to strengthen protections on wages, social security, and fair treatment.

Strengthen recruitment oversight

Strengthen recruitment oversight by tightening licensing and monitoring of agencies, with surprise audits and strict penalties for fraud or illegal fees. An online tracking system should allow workers and regulators to verify contracts, while a blacklist of exploitative brokers and a green list of trusted firms can guide safe recruitment. All overseas job contracts must be in clear Hindi/English or local languages and registered with Indian authorities to ensure workers know their rights. Informal brokers should be curbed by authorising only vetted agencies, possibly through higher capital requirements or bonding. A stronger Recruitment Regulatory Authority, as proposed in recent Bills, must enforce these rules effectively.

Enhance consular protection and legal aid

Expand the support role of Indian missions. Each embassy or consulate in labour-destination countries should have a dedicated Labour and Welfare Wing (as provided in draft Emigration laws) staffed by labour attachés who can handle complaints around the clock. Government- funded legal aid clinics (or partnerships with local NGOs) should assist distressed workers facing lawsuits or detention. India could fund emergency repatriation loans or an insurance scheme: for example, Gulf employers could be required to maintain an insurance policy or contribute to a joint emergency fund that pays stranded Indians' wages or travel costs if jobs collapse. At home, the MEA's Madad helpline and MADAD portal should be widely publicized in sending districts, and integrated with police and labour departments so that missing or abused migrants are tracked and helped before it is too late.

Improve recruitment and pre-departure education

Invest in training and information campaigns for aspiring migrants. Before departure, every worker should undergo a mandatory orientation on rights abroad, local laws, health precautions and contact points (embassy, labour attachés). This could be done through mobile apps, kits and village-level awareness sessions. Simultaneously, India should build skills-certification programs so workers qualify for safer jobs (for example, Gulf construction

sites increasingly demand safety certificates). Employers can be encouraged or required to accept only certified workers. By raising the skill base, India also gains leverage: a more specialized workforce makes outright replacement by lower-cost nationalities harder.

Deepen international cooperation

India should use its market strength diplomatically to secure better protections for migrant workers. In labour agreements and high-level talks, it must press for stronger clauses and binding enforcement, such as joint monitoring committees. Outdated MOUs with Gulf countries like Saudi Arabia and the UAE should be renegotiated to guarantee timely wages, decent housing, and a ban on passport confiscation. Labour rights can also be tied to wider strategic interests, as Gulf states value India's role in energy and security. Beyond the Gulf, India should expand cooperation with Southeast Asia for instance, updating its 2009 agreement with Malaysia to cover plantation and fishing workers. Where bilateral progress is slow, India can raise migrant issues in multilateral platforms like the UN Human Rights Council, while also backing global anti-trafficking initiatives such as the ASEAN consensus and Bali process. Its diaspora policies must align with, rather than undermine, regional labour standards.

Data and monitoring

Build better data systems. A surprising reason for inaction is ignorance about the scale of problems. The government should compile and publish annual reports on complaints from each country (as it partially does now) so policymakers see trends (e.g. spike in wage claims from Kuwait or domestic worker cases from Malaysia). This data should inform policy (for example, tightening rules on visas for problem sectors). In addition, regular surveys of returning migrants can flag new scam patterns or labor-market abuses. Transparent data will also engage civil society and the public, generating pressure for reform. Each of these recommendations is practical and concrete. They can be started by India immediately and built out over time. For instance, India could

issue executive orders to strengthen embassies' labour wings or launch mobile "Migrant Workers' Rights" campaigns in Kerala and Punjab. At the same time, Parliament could speed up the Emigration Law reforms, ensuring new policies do not remain mere paper promises. Importantly, proposals like banning recruitment fees or requiring employer insurance meet ILO guidelines and have worked in other contexts. By combining legal fixes at home with diplomatic effort abroad, India can substantially cut abuses.

Conclusion

Indian migrant workers abroad often bear the worst of both worlds: poor protection at home and little legal standing in foreign lands. This analysis has highlighted how outdated laws, weak enforcement, and policy gaps leave cross-border labourers vulnerable to exploitation. The shortcomings are not merely technical: they translate into real suffering - lost wages, debt bondage, and even injury or death for workers whose plight is unseen by policy-makers.

The "invisible chains" that bind these labourers can be broken, but only with urgent reform. Protecting migrants is no longer optional for India; it is a moral imperative and an economic one too. The central government and state governments must act decisively to update laws and strengthen institutions. Time and again, tragedies have shown that inaction carries a high human cost. The above recommendations from banning recruitment fees and cracking down on rogue recruiters, to empowering embassies and negotiating stronger treaties – provide a roadmap. Implementing them will not be easy. It will require political will, resources, and sustained attention.

Yet the alternative is worse: continuing to send workers into harm's way while hoping for mercy. India cannot afford this. The sacrifices of its migrant labourers deserve better than silence. With focused legal and policy change, the country can ensure that its sons and daughters abroad live and work with dignity, not as trapped labour.

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Privatization, Labour Law Reforms, and Constitutional Safeguards: A Critical Analysis in the Indian Context

Shona.K.P
Assistant Professor, VISTAS

Abstract

This chapter critically analyzes the interaction between privatization, labour law changes, and constitutional protections in India. It discusses the theoretical foundations and real-world implications of economic liberalization for the rights of workers. Privatization has transformed labor markets, frequently undermining constitutional protections like the right to equality, right to livelihood, and the right to unionization. It analysis the recent reforms to labour law, assesses their effect on the working class, and interrogates how constitutional protections have reacted or not reacted. The analysis is based on comparative legal traditions and international trends and concludes with policy prescriptions for reconciling economic efficiency and social justice.

Introduction

The emergence of liberalization, privatization, and globalization (LPG) in India, starting in 1991, was a turning point from state-led development to market-driven economic policies. Privatization of public sector undertakings (PSUs) has been one of the most salient aspects of this change based on arguments of efficiency, competitiveness, and fiscal consolidation. Nonetheless, privatization has often led to worker retrenchment, job security dilution, and the erosion of long-established employment benefits once protected under state ownership. For example, Air India's disinvestment in 2021 brought to light such conflict between economic objectives and labour rights.

In tandem with privatization, labour law reforms have also significantly changed. Between 2019 and 2020, the Indian Government amalgamated 29 central labour laws into four Labour Codes. Although these reforms were brought in as a way to simplify compliance and attract investment, most scholars contend that they dilute workers' protections by liberalizing the conditions of layoffs and strikes. The Industrial Relations Code, 2020, significantly curbs employees' right to strike by mandating a notice period of 60 days, thus casting doubt under Article 19(1)(c) of the Constitution.

These trends pose significant questions regarding the prematurity of constitutional protections like the right to equality (Article 14), freedom of association (Article 19), and right to livelihood (Article 21). Recent cases such as Indian Public Service Employees Federation v. Union of India (2023) show how the judiciary is attempting to reconcile economic policy with the protection of workers' rights.

Privatization in India: Context and Implications

Evolution of Privatization

Privatization in India was formalized in the economic reforms of 1991, undertaken as a reaction to a severe balance-of-payments crisis. New Economic Policy changed the economic strategy of India from state-dominated industrialization to liberalization and market-oriented reforms. Disinvestment, the central element of this policy, entailed the relinquishing of ownership and control of public sector undertakings (PSUs) into private hands, either in part or whole. The policy, over time, metamorphosed from passive sale of stakes to "strategic disinvestment" whereby management control, too, was handed over to private parties. A case in point was the privatization of Air India in 2021, which was sold to Tata Group, marking a new era of in-depth privatization and state retreat from commercial aviation (Press Information Bureau [PIB], 2021).

Privatization Objectives

The major motivation behind privatization has been to enhance economic efficiency and alleviate the fiscal burden of PSUs that incur losses. Governments have always contended that private ownership will lead to greater productivity, professionally managed firms, and competitive discipline. Further, privatization is likely to raise non-tax revenue, bring in foreign direct investment (FDI), and provide a level playing field across sectors. The Economic Survey (2020–21) highlighted that privatization would allow for optimal resource allocation and enable the government to concentrate on its core welfare functions.

Employment Impact

Privatization, notwithstanding economic reasons, has severe social and labour consequences. Its impact on employment security is a principal concern. Various studies have established that privatization tends to result in "labour shedding," wage cuts, and contractualization of permanent employment. The transition from secure government jobs to flexible private contracts degrades job security and watered-down protections previously granted under PSU service rules. In Bharat Petroleum Corporation Ltd. Employees Union v. Union of India (2020), the Bombay High Court recognized workers' fears over job security and post-privatization service terms but finally reaffirmed the right of the government to privatize, again projecting it as an issue of economic policy.

The absence of an all-encompassing social security system for displaced workers further aggravates these challenges. In the absence of effective legal safeguards in transition processes, workers' rights and livelihoods are exposed to risks in a regime of privatization that values efficiency over equity.

Labour Law Reforms: A Critical Review

Historical Background

India's labour regulatory system has traditionally been plagued by fragmentation and complexity. Until the recent reforms, more than 40 central laws and over 100 state laws regulated labour relations, wages, industrial disputes, social security, and occupational safety. This multiplicity of laws put administrative and compliance pressures upon employers as well as enforcement agencies. Further, most of the laws, including the Industrial Disputes Act, 1947, and Factories Act, 1948, were seen as outdated in terms of contemporary economic realities, and the need for codification and simplification was felt.

New Labour Codes

In response to such issues, the Government of India passed four unified labour codes between 2019 and 2020: the Code on Wages (2019), the Industrial Relations Code (2020), the Occupational Safety, Health and Working Conditions Code (2020), and the Code on Social Security (2020). These reforms sought to streamline labour laws, enhance ease of doing business, and expand social security coverage. The Wage Code, for instance, brought in a single definition of wages, and the Social Security Code brought gig and platform workers under social security benefits a significant inclusion in the digital economy.

Key Concerns

Even with these progressive plans, a number of labour experts as well as trade unions have expressed concerns regarding the content as well as implications of the codes. First, raising thresholds for applicability (for instance, from 100 to 300 employees for retrenchment approvals) may exclude a huge majority of workers from security. Second, prohibitions on strikes like the requirement of 60-day advance notice are viewed as abridging the rights of laborers under Article 19(1)(c) of the Constitution.

Third, fixed-term employment and contract labour facilitation may erode job security and benefits of permanent employment (Sankaran & Madhav, 2021). In All India Trade Union Congress v. Union of India, the petitioners opposed the codes for diluting collective bargaining rights, although the Supreme Court refused interim relief, seeking to balance regulation and economic efficiency.

Informalization of Labour

India's labour market is still overwhelmingly informal, and almost 90% of the workers are without formal contracts, job security, or benefits (International Labour Organization [ILO], 2018). The critics point out that the new codes do not adequately address the vulnerabilities of the informal workers, especially in construction, domestic work, and gig work. While the Social Security Code mentions informal and platform workers, it is without any enforcement mechanisms or fiscal commitments from the state.

Constitutional Safeguards and Labour Rights

The labour rights are enshrined in the Indian Constitution under the umbrella of fundamental rights and directive principles. Article 14 ensures equality before the law as a fundamental safeguard against discriminatory labour practices. Article 19(1)(c) provides the right of workers to unionize or form trade unions, which is a linchpin of collective bargaining. Article 21, as interpreted liberally by the Supreme Court in Olga Tellis v. Bombay Municipal Corporation (1985), encompasses the right to livelihood as part of the right to life, directly correlating economic security with constitutional dignity. Moreover, the Directive Principles of State Policy particularly Articles 38, 39, 41, 42, 43, and 43A are binding upon the state to advance social justice, humane working conditions, and workers' participation in industrial management.

Yet, privatization and labour law amendments have grown increasingly challenging to the tenacity of these constitutional safeguards. Retrenchments from privatization, such as the disinvestment of Bharat Petroleum and Air

India, have raised legal and moral questions about the extent of Article 21. Courts have tended to give precedence to economic policy over workers' rights, based on the claim that issues of privatization fall within the policy space of the executive. In Balco Employees' Union v. Union of India, the Supreme Court vindicated disinvestment, holding that it could not intervene in policy unless they compromised basic constitutional framework. Legal scholars contend that this deference at times degrades constitutional morality and weakens labour rights in practice.

Judicial Responses

The Indian judiciary has had a multifaceted and changing role to play in reconciling labour rights and economic reforms. On numerous occasions, the judiciary has reaffirmed and broadened the ambit of constitutional guarantees for labourers. In Bandhua Mukti Morcha v. Union of India (1984), the Supreme Court identified bonded labour as a breach of Articles 21 and 23, stressing the constitutional responsibility of the state to eliminate exploitative labor and uphold human dignity. Consequently, in Olga Tellis v. Bombay Municipal Corporation (1985), the Court ruled that the right to livelihood is a facet of the right to life under Article 21, thus confirming that economic security is a matter of constitutional concern and not just a matter of policy.

Despite this, however, the judiciary has also shown growing deference to executive economic policy, particularly in the post-liberalization era. In Balco Employees' Union v. Union of India (2002), the Supreme Court declined to interfere with the government's disinvestment policy, holding that decisions with regard to privatization fall within the policy domain of the executive, as long as they do not infringe any fundamental right. The Court reiterated that judicial interference with economic governance was not to be permitted unless there was a clear constitutional violation.

This two-pronged approach mirrors the judiciary's difficulty in balancing social justice and economic liberalization. Although it has sometimes enlarged labour protections, it has also sanctioned economic choices that

threaten to erode those same rights. Consequently, it is left to legislation and activism to guarantee that labour rights are not subordinated to concerns of efficiency and fiscal prudence.

International Labour Standards and India

India, being one of the founder members of the International Labour Organization (ILO), has bound itself to the enforcement of core labour standards in terms of the principles of freedom of association and the right to collective bargaining. These are codified in ILO Conventions 87 and 98, which constitute the ILO's eight core conventions (ILO, 2020). Although India has ratified a number of foundational conventions like those governing child labour and forced labour it has not ratified Conventions 87 and 98. The government of India has argued that it is concerned about the possible interference in public order through the extensive unionization of crucial services, especially that of government servants.

This part-way commitment indicates a gap between India's constitutional principles and global standards. Indian Constitution articles 19(1)(c) and 43A uphold the right to unionize and engage in management in keeping with ILO guidelines. Recent limits in the Industrial Relations Code, 2020, including the requirement of 60 days' notice for strikes and more stringent requirements for union registration, have been accused of lagging behind global best practices. Therefore, India's legislative and policy framework is still in need of substantial reform in order to meet global labour rights standards in full compliance.

Comparative Perspectives

Experience in labour rights under privatization and economic reform is not limited to India. In Latin America, specifically in countries such as Chile and Argentina, the privatization wave of the 1980s and 1990s under structural adjustment programs resulted in mass labour discontent and diminishing trade union strength. Collective bargaining structures were frequently circumvented through such reforms, leading to the deterioration of job

security and social protections for workers. The erosion of union strength, particularly in state-owned enterprises, reflected the Indian experience that has also tested organized labour in a similar manner.

The European Union (EU), on the other hand, offers a very different model. Even with liberalization and economic restructuring, the EU has maintained strong labor protections through institutionalized collective bargaining mechanisms, strong welfare policies, and the legal protections under the European Social Charter. For example, countries like Germany and Sweden maintained high standards of employment security and worker participation even while pursuing privatization. This reflects a commitment to integrating economic reform with social justice—something India has struggled to balance. These comparative experiences suggest that it is possible to pursue economic efficiency without compromising labour rights, provided the institutional will exists.

Privatization and Social Justice

Privatization, while often defended on grounds of efficiency, financial responsibility, and competition, has profound social and ethical implications. It is more than a technical reorganization of ownership; it is a reorganization of the state-capital-labour relationship. Economic policies, according to Amartya Sen (1999), should be assessed in the light of social justice, where human freedom and dignity, particularly of the most vulnerable, take precedence.

Labour is more than just an input to production but a source of citizenship, agency, and identity. The move from the public to the private sector usually results in job losses, benefit erosion, and diluted collective representation affecting the working poor and marginalized groups disproportionately. Such effects trigger serious distributive justice questions, especially in a nation like India where labour markets are unequal and informal.

Therefore, any privatization policy should not be measured by financial parameters like profitability or growth in GDP, but by its effect on equity, inclusion, and human rights. A framework based on human rights—

grounded in constitutional and international obligations—has been necessary to determine whether or not privatization promotes or erodes social justice.

Recommendations

In order to make privatization and labor reforms constitutional and conform to international standards, the following are major recommendations made:

- Strengthen Labour Institutions: Labour law enforcement agencies, including inspectorates and labour courts, need to be well-staffed, funded, and equipped to check for compliance and resolve disputes. Reducing inspection regimes under the new labour codes could undermine enforcement. Restoring effective grievance redressal mechanisms, particularly for informal workers, is essential to make legal rights more than symbolic.
- Universal Social Security: India needs to extend the ambit of social protection to cover gig economy and informal workers, who constitute more than 90% of workers (ILO, 2018). The Code on Social Security, 2020, gives a framework, but that has to be implemented with strong digital infrastructure, inclusive data banks, and contributory support for low-wage workers.
- Tripartite Consultations: Inclusive policymaking is important. Tripartite consultations between employer organizations, trade unions, and state actors should be institutionalized, as stipulated by ILO Convention 144. The recent reforms have been accused of bypassing meaningful dialogue, disempowering democratic participation (ILO, 2020).
- Restrict Arbitrary Privatization: Privatization should not be motivated solely by financial considerations. An open policy environment should review the social and distributive consequences of disinvestment, especially in sensitive areas such as health, transport, and education. Labour displacement, access to public services, and regional differentials should be part of impact assessments.

- Judicial Oversight: Courts need to be more proactive in examining economic policies that impact constitutional rights like equality, livelihood, and unionization. The test established in Olga Tellis (1985) and Bandhua Mukti Morcha (1984) should be the guiding principle in examining policies that negatively impact the working class.

A rights-based, inclusive, and socially responsible approach to economic reform will more suitably align India's growth trajectory with its constitutional promise of justice and dignity.

Conclusion

Indian labour reforms and privatization are not distinct economic policies but integral to a political and constitutional debate. These reforms have far-reaching effects on the rights, security, and dignity of the workforce—particularly in a country where most are informally employed. While growth and efficiency can be contributed by economic liberalization, it should not be at the cost of constitutional safeguards like the right to equality (Article 14), the right to freedom of association (Article 19), and the right to livelihood (Article 21) (Olga Tellis v. Bombay Municipal Corporation, 1985).

The new labour codes and pushful disinvestment strategy are symptoms of a pivot towards a market-oriented model of governance. But, in the absence of effective legal protection and participative consultation, these transitions have the potential to exacerbate inequality and erode social justice. A rights approach—tuned to both domestic constitutional mores and international labor norms—is critical to reconcile growth with equity.

Finally, India's democratic promise has to be expressed not only in electoral politics, but also in the way it organizes its economy and its workers. Reforms have to be shaped with compassion, responsibility, and constitutional imagination that is committed to both development and dignity.

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A Critical Analysis of the Ilo Convention in India

KAMALLINI G
School of Law,
HINDUSTAN INSTITUTE OF TECHNOLOGY AND SCIENCE

Abstract

This study focuses on ILO conventions ratified by India. Among the total number of ILO conventions, India has ratified 47 conventions and 1 protocol which included 6 out of 10 core conventions, 3 out of 4 priority conventions and 38 out of 178 technical conventions. Out of 47 Conventions and 1 Protocol ratified by India, of which 37 are in force, 5 Conventions and 0 Protocol have been denounced; 6 instruments abrogated; none have been ratified in the past 12 months. Since the establishment of ILO in 1919, India has been a founder member which continues to be the only surviving major creation of the Treaty of Versailles, which established the League of Nations. India has been a permanent member of the ILO Governing Body since 1922. It became the first specialized agency of the United Nations in 1946. ILO has 4 principal strategic objectives comprising upholding labour standards and rights, boost decent employment opportunities for everyone, expand social protection, and fortify relationships and dialogue among workers, employers, and governments. The International Labour Organization (ILO) and its key conventions have significantly influenced Indian labour laws. These international standards, which are legally binding upon ratification by member states, have led to positive changes in India's national legal framework, primarily by enhancing worker's rights protection and improving working conditions.

Keywords: Core Conventions, Non-ratification, labour reforms, Freedom of Association, Child Labour.

Introduction

The International Labour Organization, or ILO, started in 1919 after World War I. Its main goal was to promote social justice and internationally

recognized human and labour rights. It's the very first specialized agency of the United Nations, and India was one of its founding members. Today, 187 countries are part of the ILO. What makes the ILO unique is its tripartite structure. This means when they discuss labour issues, three main groups are always involved: governments, workers, and employers. This teamwork is crucial for them to achieve their goals. The ILO believes that social justice is essential for lasting peace, which is why they even won the Nobel Peace Prize.

A big step for the ILO was in 1998, when they adopted the Declaration on Fundamental Principles and Rights at Work. This declaration outlines four basic rights that are considered universal which are freedom to join groups and bargain, No forced labour, No child labour,No discrimination which constitute the basic core conventions of ILO.

Recommendations made by ILO are non-binding but better set out guidelines orienting countrywide policies, procedure and help in developing actions. These resolutions and recommendations are mainly passed through International treaties which establish international labour standards that the member states such as India is encouraged to implement.

India & ILO

India has a long and significant history with the International Labour Organization (ILO), right from its beginnings. India, being a founding member, has signed and agreed to 47 ILO conventions and 1 protocol, covering many crucial areas like ending forced labor, ensuring workplace safety, equal pay, getting rid of child labor, and preventing discrimination. The ILO's standards are all about making work more accessible, sustainable, and productive worldwide, while also promoting equality, dignity, and security for everyone.

The ILO operates through three main parts: a) The International Labour Conference: This is like their annual meeting. Representatives from governments, workers, and employers from member countries get together to discuss overall policies, create and agree on international labor rules,

and pick the Governing Body. b)The Governing Body: This is the ILO's executive team. They make important policy decisions, set the agenda for the big conference, approve the budget, and choose the top boss, the Director-General.c)The International Labour Office: This is the ILO's permanent staff, basically the folks who handle the day-to-day operations. They run programs to help countries with technical assistance, and organize awareness campaigns and information sharing.

India's standing at the ILO reflects its proactive approach to international labor standards. ILO instruments, though not always legally binding in India, have been a guiding light, providing a valuable framework for developing labor laws and administrative measures that protect and advance workers' interests.. Even so, India has ratified 47 ILO conventions to date, which is a significant number compared to many other countries. India has made great strides, there's still plenty of room to grow in fully adhering to all international labor standards.

Literature Review

1. Impact of ILO on Indian Labour Laws by Anurag Singh & Dr. Amit Kumar Singh-- International Journal of Research in Management & Business Studies:

According to the author, the main objective of the international labour organization is to protect workers' rights, and it has a few fundamental conventions. In order to better serve the interests of the Indian labour class, researchers are attempting to examine how ILO directives and recommendations have affected Indian labour legislation.

2. Implementation and Enforcement of International Labour Standards in India by Zafar Hussain in the Indian Law Institute's Journal:

The author of this essay has attempted to describe the shortcomings of the Indian industrial relations framework and provide ideas to bridge the gaps in collective bargaining, the elimination of forced labor, fair compensation, and employee state insurance programs.

3. Labour Law deregulation in India- A threat to the application of international labour standards and workers' rights by International Trade Union Confederation:

This paper analysed that India's labor law deregulation under the "Make in India" policy is criticized for undermining workers' rights and international labor standards. Reforms consolidating 150 laws into four codes risk increasing insecurity, weakening unions, and reducing employer accountability. The ITUC urges India to consult social partners and align with ILO obligations.

4. An Analysis on Indian labour Laws & International labour Organization with Recent Scenario by Sakthivel A in International Journal of All Research Education and Scientific Methods:

The author discusses about the ILO structure and its recent issues to consolidate upon the effect of ILO in India and discussed recent trends.

Conventions Ratified

There are 10 core conventions, 4 priority conventions and 178 technical conventions in International Labour Organisation, out of which India has ratified 6 core conventions,3 priority conventions and 38 technical conventions. Core conventions establish the most basic protections for workers: Forced Labour (C029, C105)-Mandates the prohibition of any form of involuntary or compulsory labour, Equal Remuneration (C100)-Requires equal pay for work of equal value, irrespective of gender or other discriminatory factors, on-Discrimination (C111)- Prohibits discrimination in employment and occupation based on specified grounds, Child Labour (C138, C182)- Sets the minimum age for employment and mandates the elimination of the worst forms of child labor.Priority Conventions include Essential for Labor Governance-These conventions are critical for the effective administration and oversight of labour standard,Labour Inspection (C081)-Establishes a system for inspecting workplaces to ensure compliance with labor law, Employment Policy (C122)- Requires states to pursue active policies aimed at promoting

full, productive, and freely chosen employmen, Tripartite Consultation (C144)- Mandates consultation mechanisms involving government, employer, and worker representatives on international labour standards. Key Technical Conventions: include Specific labour Regulations, they cover detailed aspects of working conditions and related areas, such as Working Hours (e.g., C001, C006, C014),Regulate daily and weekly working hours and rest periods, Safety and Health (e.g., C026), Address specific issues like minimum wage-fixing machinery, Social Security & Maritime labour (e.g., MLC, 2006): Govern various aspects of social protection and conditions for seafarers.

Of the ratified conventions, 37 are currently enforceable. Some have been formally withdrawn (denounced) or rendered obsolete (abrogated). Importantly, these international standards have significantly influenced and improved India's domestic labour legislation, leading to enhanced worker protections and better working conditions.

Domestic Laws in India Concerning ILO Conventions

Followed by the Core Conventions (Fundamental Rights at Work), India has enacted quite number of legislation in relation to the core conventions ratified. The enactments are:

- Forced Labour (ILO C029, C105):

  The Bonded Labour System (Abolition) Act, 1976: This act directly prohibits and abolishes bonded labour, a significant form of forced labour.

  Various provisions in the Bharatiya Nyay Sanhita (BNS) address human trafficking and other forms of coerced labour. Example: Section 95,99,139

- Equal Remuneration (ILO C100):

  The Equal Remuneration Act, 1976: This act mandates equal pay for men and women for the same work or work of a similar nature. This Act directly implements the principles of C100.

The Code on Wages, 2019: It consolidates and amends laws relating to wages, including provisions for equal remuneration.

- Non-Discrimination (ILO C111):

  The Constitution of India: Articles 14, 15, and 16 provide fundamental rights guaranteeing equality and prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth in matters of employment.

  The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act): It aims to prevent and address sexual harassment, which is a form of discrimination.

  The Rights of Persons with Disabilities Act, 2016: It promotes non-discrimination and equal opportunities for persons with disabilities in employment.

  Various provisions in the Labour Codes (e.g., Industrial Relations Code, Occupational Safety, Health and Working Conditions Code): They contain clauses aimed at preventing discrimination in employment.

- Child labour (ILO C138, C182):

  The Child and Adolescent Labour Act, 1986: It prohibits the employment of children below 14 years in any occupation or process, and adolescents (14-18 years) in hazardous occupations and processes. This directly reflects the principles of C138 and C182.

  The Juvenile Justice Act, 2015: It addresses rehabilitation and protection of children, including those rescued from child labour.

  Followed by the Priority Conventions, India has enacted quite number of legislation in relation to the Priority conventions ratified. The enactments are:

- Labour Inspection (ILO C081):

  The Factories Act, 1948: The act includes extensive provisions for the appointment of Inspectors and their powers to ensure health, safety, and welfare of workers in factories. The Shops and Establishments Act (various state-level acts): State has enacted legislations having specific provisions for inspection mechanisms in commercial establishments. Example: The Tamilnadu Shops And Establishments Act, 1947

  The Occupational Safety, Health and Working Conditions Code, 2020: The act consolidates and expands provisions related to safety, health, and working conditions, including aspects of inspection.

- Employment Policy (ILO C122):

  Ratifying the ILO convention C122 there isn't just one act but various government policies, schemes, and programs aim to promote employment and human resource development, aligning with the spirit of C122. Examples include skill development initiatives, employment generation schemes, and policies promoting self-employment. The Payment of Wages Act, 1936,The Minimum Wages Act, 1948, The Industrial Disputes Act, 1947, The Factories Act, 1948, The Employees' State Insurance Act, 1948, The Employees' Provident Funds and Miscellaneous Provisions Act, 1952, The Maternity Benefit (Amendment) Act, 2017, The Contract Labour (Regulation and Abolition) Act, 1970. Some prominent employment schemes include the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Pradhan Mantri Kisan Sampada Yojana, Pradhan Mantri Kaushal Vikas Yojana (PMKVY), and the Prime Minister's Employment Generation Programme (PMEGP).

- Tripartite Consultation (ILO C144):

  India's tripartite tradition, as seen in bodies like the Indian Labour Conference (ILC) and various committees involving

government, employer, and worker representatives, embodies the spirit of C144. While specific laws might not explicitly mandate consultation for every single labour standard, the established practice and institutional framework support this.

Followed by the Technical Conventions, India has enacted quite number of legislation in relation to the Technical conventions ratified. The enactments are:

- Hours of Work (ILO C001, C014):

  The Factories Act, 1948: The act regulates working hours, weekly holidays, and overtime for factory workers.

  The Shops and Establishments Acts (state-level): The act governs working hours, rest intervals, and holidays in commercial establishments. Example: The Tamilnadu Shops And Establishments Act, 1947

  The Occupational Safety, Health and Working Conditions Code, 2020: It also contains provisions regarding working hours and conditions.

- Minimum Wage-Fixing Machinery (ILO C026):

  The Minimum Wages Act, 1948: The act provides for the fixation and revision of minimum wages for various scheduled employments.

  The Code on Wages, 2019: It includes provisions for minimum wages and their determination.

- Maritime Labour (ILO MLC, 2006):

  The Merchant Shipping (Maritime Labour) Rules, 2016 and The Merchant Shipping Bill 2024: These rules were specifically promulgated to implement the provisions of the Maritime Labour Convention, 2006, after India's ratification and the bill empower the Director-General to regulate maritime education and training.

Constitutional Provisions for ILO

The Indian Constitution incorporates its core principles through various provisions. Article 14 ensures equality, preventing workplace discrimination, while Article 16 guarantees equal opportunity in public employment. The vital Article 19(1)(c) protects the right to form unions, reflecting the ILO's principle of freedom of association, even though India hasn't ratified the specific conventions on this. Article 21 broadly safeguards life and liberty, interpreted by courts to include a right to dignified work and livelihood, thus supporting safe working conditions. Crucially, Articles 23 and 24 directly prohibit forced labor and child labor respectively, aligning with India's ratified ILO Conventions on these issues. Article 38 broadly commits the State to promoting a just social order for welfare. Article 39 further directs the State to ensure adequate livelihoods for all (39a), equal pay for equal work (39d, mirroring India's ratified ILO Convention 100 on Equal Remuneration), protection of worker health and strength (39e), and the healthy development and protection of children from exploitation (39f). Article 41 of the Indian Constitution ensures the right to employment, education, and government support. Meanwhile, Article 42 requires the provision of fair and humane work environments, including maternity benefits. Article 43 aims for a living wage and decent working conditions, and Article 43A promotes worker participation in industrial management, a key aspect of ILO's social dialogue. The Eleventh and Twelfth Schedules include provisions related to labor and social welfare. This allows for the local-level implementation of policies consistent with ILO principles, reinforcing India's commitment to international labor standards across all tiers of governance.

Impact of ILO in India

Freedom of Association allows workers and employers to form organizations and engage in collective bargaining. While India hasn't ratified ILO Conventions 87 and 98, the ILO's Committee on Freedom of Association still investigates violations in India.

Forced Labour persists in sectors like agriculture, carpet weaving, and manual scavenging, affecting women and children most. India has ratified ILO Conventions 29 and 105, and Article 23 of the Constitution bans forced labor. Laws exist, but enforcement is weak.

Child Labour remains a concern despite progress. India has ratified ILO Conventions 138 and 182 and passed the 2017 Child Labour Rules banning hazardous work for children. UNICEF and ILO monitor SDG 8 to eliminate the worst forms by 2025.

Discrimination in the workplace is addressed through India's ratification of ILO Conventions 100 and 111, promoting equal pay and workplace equality.

Employment and Income are supported through Convention 122, which India ratified, committing to full, productive, and freely chosen employment.

Wages and Working Conditions are protected under India's labor laws, including support for equal pay under Convention 100.

Social Protection is ensured through programs like ESIC and the Code on Social Security (2020), aligning with ILO standards on minimum social security.

Health and Safety are governed by laws such as the Factories Act, 1948, and the Occupational Safety Code, 2020. India has ratified Convention 81 on labor inspection.

HIV/AIDS prevention is prioritized, promoting safe, inclusive, and non-discriminatory workplaces under both ILO and Indian law.

Suggestions

1. Conventions 87 & 98 (Freedom of Association & Collective Bargaining): It is essential for union rights and collective bargaining. India cites limits on government servants' rights as

a barrier but could ratify with safeguards for other workers and through tripartite dialogue.

2. Convention 102 (Social Security Minimum Standards): It sets global standards for benefits like healthcare, pensions, and maternity leave. This ratification would strengthen India's social protection, especially for informal workers, by expanding coverage and benefit adequacy.
3. Conventions 155 & 187 (Occupational Safety and Health): It promotes national policies for safer workplaces. Ratifying of these conventions would improve enforcement, update safety laws, and reduce workplace accidents.
4. Convention 189 (Domestic Workers): It ensures fair wages, decent conditions, and protection from abuse. Ratification would benefit millions of domestic workers through specific legal safeguards.
5. Convention 131 (Minimum Wage Fixing): It requires a fair, regularly updated minimum wage system. Ratifying would improve wage policy, enforcement, and living standards.

Ratification of these conventions would align India with global labour standards and promote fair, safe, and inclusive work for all.

Conclusion

As a founding and permanent member of the ILO's Governing Body, India has ratified 47 conventions and one protocol, including six of the ten core conventions. These have influenced key laws on child labor, forced labor, equal pay, and non-discrimination.

However, India has yet to ratify key conventions on freedom of association (C87) and collective bargaining (C98), mainly due to concerns over government employees' rights. Other recommended ratifications include conventions on minimum wage (C131), domestic workers (C189), occupational safety and health (C155 & C187), and social security (C102).

Ratifying these would enhance worker protection, align India with global standards, and support sustainable development. Progress requires continued tripartite dialogue and gradual legal reforms.

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Social Security Code, 2020 and its Impact on Gig and Platform Workers: A Critical Assessment

Swati.v,
Assistant professor,
Vels Institute of Science, Technology & Advanced Studies
Nikitha shree. T,
Assistant professor,
Vels Institute of Science, Technology & Advanced Studies

Abstract

The rise of the gig and platform economy has reshaped the modern workforce, offering flexibility and autonomy but often at the cost of social protection. In India, gig workers such as delivery partners, ride-hailing drivers, and online freelancers frequently operate without access to essential social security benefits like health insurance, provident fund, or pension. The Social Security Code, 2020 was introduced with the intent to bring these marginalized workers into the fold of formal social protection systems. For the first time, Indian legislation has explicitly recognized "gig" and "platform" workers as distinct categories deserving of welfare measures.

This research paper critically examines the extent to which the Code delivers on this promise. It unpacks the definitions provided, the schemes envisioned, and the mechanisms for funding and administration. While the recognition of gig workers is a landmark step, implementation remains riddled with ambiguities particularly concerning the contribution responsibilities of aggregators, registration hurdles for workers, and the lack of clarity on enforcement mechanisms. By analyzing the provisions through a legal, practical, and socio-economic lens, this study highlights the gaps between policy intent and potential ground realities. It further draws on international best practices to offer recommendations for creating a more inclusive and enforceable framework. Ultimately, the paper argues that while the Code is a

significant starting point, a more robust, participatory, and rights-based approach is necessary to truly safeguard the livelihoods and dignity of gig and platform workers in India's evolving labour landscape.

Keywords: Social Security Code 2020, Gig Workers, Platform Economy, Labour Law, India

Introduction

The global labour landscape is undergoing a profound transformation, driven by technological innovation, changing consumer behaviour, and evolving economic models. At the heart of this transformation lies the gig economy—a system of work characterized by short-term, task-based assignments often mediated by digital platforms. In India, this trend has gained rapid momentum, propelled by the growth of app-based services such as Ola, Uber, Swiggy, Zomato, and Urban Company. According to NITI Aayog, the number of gig and platform workers in India stood at approximately 7.7 million in 2020, and is expected to reach 23.5 million by 2030, comprising nearly 4.1% of the total workforce.

While the gig economy provides much-needed employment opportunities and flexibility—especially for youth, women, and migrant populations—it also exposes workers to economic precarity and legal ambiguity. Gig and platform workers are often classified as "independent contractors" rather than formal employees, thereby excluding them from key labour protections such as minimum wages, maternity benefits, health insurance, and pension schemesTheir employment relationships are mediated by algorithms rather than human supervisors, further limiting their ability to negotiate terms or seek grievance redressal

In contrast, traditional employment models in India have historically included strong statutory safeguards under laws such as the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, Employees' State Insurance Act, 1948, and Maternity Benefit Act, 1961. These legislations ensured health coverage, social security, and protection from arbitrary dismissal. However, gig workers—due to their informal and

non-standard employment status—have been largely excluded from the purview of such benefits, reinforcing their status as an invisible yet integral part of the economy Recognizing the urgent need to bridge this protection gap, the Government of India introduced the Social Security Code, 2020. For the first time in Indian legislative history, the Code explicitly defines and acknowledges gig workers and platform workers under Sections 2(35) and 2(61), respectively. This legal recognition is both symbolic and substantive—it not only affirms the growing importance of this workforce but also proposes mechanisms for their inclusion in social security schemes such as life and disability cover, accident insurance, and health benefits.

However, significant concerns remain regarding the scope, enforceability, and operational clarity of the Code. Critics argue that the definitions used in the Code—such as "outside the traditional employer-employee relationship"—are vague and open to multiple interpretations[6]. Additionally, the absence of uniformity between this Code and other labour laws, including the Code on Wages, 2019 and the Industrial Relations Code, 2020, could lead to regulatory fragmentation and enforcement challenges.

This research paper aims to critically assess whether the Social Security Code, 2020 effectively addresses the structural vulnerabilities faced by gig and platform workers in India. It seeks to analyze the legal, economic, and institutional dimensions of the Code, explore its practical implications for workers and platforms, and offer recommendations for enhancing its inclusivity and implementation.

Legal Recognition of Gig and Platform Workers under the Code

The Social Security Code, 2020 marks a significant shift in Indian labour law by formally recognizing gig and platform workers as distinct classes within the labour ecosystem. This legislative reform reflects the growing relevance of digital and app-based employment in India, which has reshaped traditional labour models. For the first time, the Code acknowledges the changing nature of work and seeks to include workers operating beyond standard employer-employee relationships within the ambit of social security

Section 2(35) of the Code defines a gig worker as someone engaged in "outside of the traditional employer-employee relationship," while Section 2(61) describes a platform worker as an individual who accesses other organizations or individuals through an online platform and provides services on payment.These definitions serve both symbolic and practical purposes. Symbolically, they validate the economic contribution of gig workers, who have historically been left out of formal policy frameworks. Practically, the definitions pave the way for their potential inclusion in benefits like life and disability cover, accident insurance, and maternity support

Despite this formal recognition, several ambiguities in the definitions have raised concerns among legal scholars and policymakers. The phrase "outside of traditional employment" is vague and leaves ample room for interpretation. For instance, it does not clarify whether a worker who earns most of their income from a single platform would be treated similarly to a formal employee or remain outside the scope of employment benefitsT. his lack of clarity could allow platform companies to continue distancing themselves from any employer obligations by relying on loosely defined classifications.

Another key issue lies in the non-uniformity of definitions across India's newly codified labour laws. The Code on Wages, 2019 and the Industrial Relations Code, 2020, for instance, do not use the same definitions for workers, creating potential for legal contradictions and enforcement issues. This fragmentation in legislative language may complicate the application of laws in real-world scenarios, weakening the implementation of protective provisions for gig and platform workers.Moreover, the Code falls short in outlining administrative and institutional mechanisms for registration, contribution collection, and benefit distribution. While the Code proposes the creation of welfare schemes funded by platform aggregators and central/state governments, it remains silent on how gig workers will be identified, how compliance will be ensured, and how disputes will be resolved Without strong and clear institutional backing, the recognition risks being more

symbolic than enforceable.In addition, the Code lacks explicit enforcement provisions to hold platforms accountable for non-compliance. It also does not define penalties or grievance redressal systems for gig workers who are denied their due benefits. In the absence of regulatory oversight and worker representation in policymaking, implementation of the Code may face significant delays and resistance from private platforms

Coverage and Scope of Social Security Benefits

The Social Security Code, 2020 introduces a new and inclusive framework aimed at extending social protection to gig and platform workers in India. This is a landmark development, as previous labour laws were primarily designed for formal employment relationships and did not cover the growing segment of informal and digital workers. Under the new Code, gig and platform workers may receive a range of benefits, including life and disability insurance, health and maternity coverage, old age pensions, and education support for their children. The Code envisions that these benefits will be delivered through welfare schemes designed and implemented by the Central Government. It allows for the creation of targeted schemes for different worker groups, with funding contributions expected from three main sources: the government, platform aggregators (companies like Uber, Zomato, Swiggy), and the workers themselves. This model, known as the tripartite funding mechanism, aims to distribute the financial responsibility fairly among all stakeholders involved in the gig economy.

A significant proposal in the Code is the establishment of a National Social Security Board for gig and platform workers. This board is expected to play a central role in formulating, recommending, and monitoring social security schemes. It may include representatives from the government, employers, and the worker community. However, the actual composition, powers, and authority of this board are yet to be clearly defined. Without a well-structured and empowered body, there is a risk that welfare schemes may remain poorly implemented or delayed. Moreover, there is still ambiguity about eligibility criteria, scheme design, and how contributions will be tracked and collected. The absence of a centralized worker database or a

mandatory registration mechanism adds to the uncertainty. If workers are not registered or identified systematically, they may be left out of welfare benefits altogether, despite being legally entitled to them.

Registration and Access to Benefits under the Social Security Code, 2020

The Social Security Code, 2020, represents a significant step toward integrating gig and platform workers into India's formal social protection systems. One of the key provisions of the Code is the mandatory registration of these workers on a centralized online portal to become eligible for social security schemes. While this digital initiative is a move toward modernization and efficiency, it also introduces several practical challenges, especially in a country where digital penetration and literacy are uneven. According to Section 113 of the Code, every gig and platform worker is required to self-register through a portal specified by the Central Government. This digital-first approach can potentially streamline benefit delivery, improve transparency, and minimize the role of middlemen in accessing entitlements. It also allows for the creation of a centralized database that can be used for policy design and performance monitoring of welfare schemes.

However, in practice, this approach could alienate many intended beneficiaries. A significant portion of India's gig workforce comes from economically and educationally disadvantaged backgrounds. Many do not have access to smartphones or stable internet connections, particularly those in rural areas or engaged in part-time or low-paying platform work. Even among urban gig workers, digital literacy levels vary, and navigating government portals without assistance can be daunting. In such cases, mandatory online registration may become a barrier rather than a facilitator.Moreover, the burden of registration is placed entirely on the worker. There is no clear obligation for platform companies or aggregators to assist their workers in this process. Given the nature of gig work often involving long hours, high workload, and platform dependency many workers may lack the time, awareness, or resources to complete the

registration process on their own. This could lead to low participation in the schemes, undermining the very goal of social inclusion.

Furthermore, the Code does not clarify how disputes will be resolved if a worker claims benefits but is denied due to incorrect or missing data. In the absence of clear grievance redressal mechanisms or accountability measures for aggregators, many workers may fall through the cracks. This raises concerns about exclusion and the long-term sustainability of the social security architecture intended for gig and platform workers.

Comparative Legal Perspectives

The global gig economy has prompted widespread debate regarding the classification, rights, and protections of gig and platform workers. Countries around the world are responding with varied legislative and judicial approaches, each attempting to strike a balance between innovation, labor rights, and economic sustainability. A comparative legal analysis offers critical insight into how different jurisdictions are addressing the same fundamental question: how should gig workers be classified and protected under labour laws.

In the United Kingdom, a landmark judgment by the Supreme Court in *Uber BV v. Aslam* brought significant changes to the gig economy. The Court ruled that Uber drivers were not independent contractors but rather "workers" under UK employment law, entitling them to minimum wage, paid holidays, and other statutory protections. The Court emphasized the degree of control Uber exercised over its drivers, including fare setting, performance monitoring, and termination mechanisms, which effectively placed drivers in a subordinate relationship to the company.This ruling has been widely regarded as a turning point, setting a legal precedent that redefines worker-employer relationships in the platform economy.

Across the Atlantic, California's Assembly Bill 5 (AB5) introduced in 2019 sought to reclassify many gig workers as employees by applying the "ABC test," which presumed worker status unless the employer could prove otherwise. The legislation aimed to extend basic employment rights to

workers previously considered independent contractors. However, intense lobbying by platform companies such as Uber, Lyft, and DoorDash led to the passage of Proposition 22 in 2020, which exempted app-based transportation and delivery companies from AB5's requirements. Proposition 22 replaced full employment status with limited benefits, such as a guaranteed minimum earnings floor and partial health insurance subsidies, but critics argue it institutionalized a lower tier of labor protections.

In contrast, India's Social Security Code, 2020 adopts a more cautious approach. While it recognizes gig and platform workers as a distinct category eligible for welfare schemes, it does not reclassify them as employees. This classification avoids imposing traditional employer obligations on aggregators, thereby preserving platform flexibility but at the cost of comprehensive labor rights. The Indian model seems to favour gradual inclusion into the social security framework through contributory schemes rather than a wholesale transformation of employment definitions. This incremental approach may be politically expedient and economically flexible, but it falls short of providing enforceable labour rights akin to those in the UK or even partial protections like California's Proposition 22. Moreover, the absence of a strong judicial or administrative mechanism to enforce aggregator contributions and worker entitlements raises concerns about practical implementation.

A comparative analysis thus reveals that while India has taken a step toward acknowledging gig workers, it lags behind in terms of embedding these acknowledgments within a binding rights-based legal framework. The experiences of the UK and California illustrate the importance of robust enforcement and clear classification in achieving real protection for gig workers. India's future trajectory may well depend on whether it remains committed to an accommodative model or moves toward stronger labour integration policies.

Socio-Economic Impact on Gig Workers and the Critical Analysis of the Karnataka Ordinance in Light of the Social Security Code, 2020

The rise of platform-based gig work has redefined traditional labour relations in India. While the gig economy offers flexibility and autonomy, it also strips workers of stable income, legal protections, and social security benefits. This precarity was glaringly evident during the COVID-19 pandemic, when gig workers, particularly those involved in food delivery, transportation, and courier services, faced massive income losses, heightened health risks, and food insecurity without institutional support systems.Many of these workers belong to marginalized socio-economic groups who often resort to gig work due to lack of better alternatives rather than as a preferred career path. The absence of benefits like health insurance, retirement savings, paid leave, or job security reinforces cycles of poverty and economic stagnation. Studies show that a majority of Indian gig workers operate in informal conditions, with no formal contracts, leaving them vulnerable to arbitrary terminations and wage theft. While some platforms introduced short-term relief mechanisms during the pandemic, such as temporary funds or sanitization kits, these initiatives were inconsistent and lacked accountability

The Social Security Code, 2020 attempted to bridge this gap by bringing gig and platform workers under the ambit of social protection. It mandated aggregators to contribute 1–2% of their annual turnover to a social security fund for the benefit of gig workers. However, the implementation of this provision has been slow, and its enforcement mechanisms remain vague. Moreover, the Code does not adequately define gig workers' rights, nor does it guarantee access to crucial benefits like maternity support or unemployment insurance In response, Karnataka a leading hub for digital labour in India took a pioneering step by introducing a state-level ordinance aimed at providing welfare benefits to gig and platform workers. The ordinance proposes to extend social security schemes like health insurance, pensions, and accident coverage. While commendable, the initiative has several structural flaws. Informal or unregistered gig workers continue to be excluded, and the continued classification of such workers as "independent contractors" denies them the rights associated with formal employment.

Implementation challenges further undermine the effectiveness of the ordinance. The lack of a digital registry for gig workers, absence of monitoring frameworks, and unclear guidelines on aggregator contributions could derail the scheme's sustainability. Additionally, gig workers were not meaningfully consulted during policy formulation, which has led to poor awareness and limited participation. The ordinance also does not provide a clear legal grievance redressal mechanism for workers, leaving them in limbo when disputes arise.

To strengthen its legal foundation, the Karnataka ordinance must harmonize with the national Social Security Code and take cues from international models. For instance, California's Assembly Bill 5 (AB5) reclassifies certain gig workers as employees, granting them access to unemployment insurance and paid sick leave. Similarly, the European Union is moving towards granting gig workers a "dependent contractor" status, which balances flexibility with essential protections.

Challenges in Implementation

Despite the potential of the Social Security Code, 2020 to improve the welfare of gig and platform workers, its successful implementation faces several critical hurdles. One of the most significant issues is the absence of concrete timelines for the rollout of various schemes, including the establishment of the National Social Security Board for unorganised workers. Without a clear implementation roadmap and time-bound targets, the promises of the Code risk remaining aspirational rather than actionable.

Another structural challenge lies in the centralized nature of decision-making. The Code delegates considerable authority to the central government, which may result in uneven execution across Indian states. In a country as diverse and decentralized as India, a one-size-fits-all approach could hinder local adaptation and responsiveness. States with varying administrative capacities and political will may lag in enforcement or fail to prioritize gig worker welfare, thereby exacerbating regional disparities.

Moreover, the digital infrastructure necessary to register and track gig workers is still in its nascent stage. The unavailability of comprehensive, reliable databases impedes the identification of beneficiaries, thereby delaying service delivery and creating scope for exclusion errors. This is particularly concerning as many gig workers operate informally, often without formal contracts or documentation.

A further concern arises from the requirement of collecting sensitive data to administer social security benefits. To ensure effective targeting and accountability, the government and platforms may need access to personal information such as work history, income levels, and location data. However, in the absence of a comprehensive data protection framework in India, this raises serious concerns about privacy, consent, and the potential misuse of information. Without robust safeguards, the surveillance of gig workers could become an unintended consequence of well-intentioned welfare efforts. Additionally, the lack of a grievance redressal mechanism specific to gig and platform workers within the Code raises questions about enforcement. Workers may find it difficult to hold platforms accountable or to seek justice in cases of exclusion or unfair treatment. Given the unequal power dynamics between platforms and gig workers, such omissions further entrench their precarity.

Conclusion

The Social Security Code, 2020 marks a pivotal moment in India's evolving labour landscape, particularly in its attempt to include gig and platform workers within the fold of social protection. In doing so, it recognizes the transformation of employment models in a digital economy and signals an initial legislative willingness to adapt to these changes. However, while the symbolic recognition of gig workers is laudable, the effectiveness of the Code depends heavily on the practical enforcement of its provisions and the clarity of its legal commitments. The legislation falls short of addressing the core structural issue: the classification of gig workers. Without granting them the status of "employees" or providing them an equivalent legal footing, the Code limits the extent of rights these workers can assert.

Comparative jurisdictions, such as the United Kingdom and California, have taken more assertive stances—reclassifying gig workers to ensure the provision of minimum wage, insurance, and other employment benefits 1. India, in contrast, has adopted a more cautious, incremental approach that provides welfare without redefining employment relationships, arguably to avoid antagonizing tech platforms that thrive on labour flexibility.

To fulfill its promise, the Social Security Code must be treated as a starting point, not a final solution. Future legal reforms must center workers' voices and prioritize participatory mechanisms in policy design. Enforceable rights, well-defined obligations on platforms, and transparency in benefit disbursement will be essential to ensure the Code translates from paper to practice. Moreover, the forthcoming Digital Personal Data Protection Act must be harmonized with labour laws to safeguard workers' digital and economic rights concurrently. Ultimately, India must strive for a labour ecosystem that offers both flexibility and security. A nuanced legal architecture that reflects the complexities of the gig economy—one that is adaptive, equitable, and enforceable—can ensure that the benefits of technological advancement are shared not only among platforms and consumers but also among those whose livelihoods depend on it.

Recommendations

To ensure that the Social Security Code, 2020 delivers tangible benefits to gig and platform workers, a multi-pronged and inclusive policy approach is essential. These recommendations aim to improve coverage, enhance fairness, and foster long-term sustainability in the implementation of social security measures.

1. Mandatory and Simplified Worker Registration

A critical challenge is the lack of visibility and formal identification of gig workers in the system. Platforms should be mandated to facilitate the registration of all gig and platform workers onto government databases. This shared responsibility model—where aggregators act as co-enablerscan ensure greater compliance and reduce the procedural burden on individual

workers who often lack digital literacy or access^1. A centralized digital portal, linked with Aadhaar, could simplify this process.

2. Harmonization of Definitions Across Labour Laws

Discrepancies in the definition of terms like "gig worker", "platform worker", and "aggregator" across various labour codes can create confusion and enforcement challenges. A harmonized definition across the Social Security Code, the Occupational Safety, Health and Working Conditions Code, and the Industrial Relations Code would ensure legal clarity. This alignment would aid enforcement agencies, platform companies, and workers alike in understanding their rights and obligations under the law.

3. Tiered Contribution Framework Based on Worker Engagement

The existing contribution mechanism 1–2% of the aggregator's annual turnover may not reflect the actual level of labour exploitation or worker reliance. A more equitable approach would be a tiered contribution model based on the number of active workers and the average number of hours worked per week. Such a framework would proportionally allocate responsibility based on workforce size and intensity of work, thereby creating a fairer system for both large and small aggregators.

4. Independent Grievance Redressal Forums

The establishment of neutral, accessible, and tech-enabled grievance redressal forums is critical to address disputes around benefit access, incorrect classification of workers, or non-compliance by aggregators^4. These forums must be decentralized and designed with worker convenience in mind, such as mobile-based complaint portals or local facilitation centers.

5. Integration with Existing Welfare Schemes

To maximize impact and minimize administrative costs, social security benefits for gig workers should be integrated with existing welfare initiatives like Ayushman Bharat (for health insurance), PM-SYM (for pensions), and e-Shram (for identity and tracking) Leveraging existing infrastructure

would improve benefit delivery and avoid duplication of effort. Together, these policy measures can bridge the gap between recognition and realization of rights for India's gig and platform workforce. With timely implementation and robust enforcement, the Social Security Code can serve as a foundational framework for a just and inclusive future of work.

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Technological Disruption: AI and Future of Work, Constitutional Reflections

Author: Krupa Sankara Thulasi Mani Ram, Hindustan School of Law
Co-author: Priyadharshini R, Hindustan School of Law
Co-author: Sai Lakshmi Krishnamoothy, Hindustan School of Law

Abstract

The future of technological work and associated labor law borne by technical workers, looms over the constitutional rights presented for them. The future of technology and its evolution is founded upon mass lay off and abandoning labor rights through resignation through buy-outs. This paper intends to bring the true nature of disruption upon labor rights and its relevant technology by virtue of technology, aims to study the ripple effects of technical disruption through technical advancement. For years humans were hired to clean, feed, and organize data into millions of AI models. These models evolved from intelligent "models" to Artificially intelligent "agents". The AI agent does any work it is trained for with precision, seven days a week, with no breaks and only eating expensive graphic cards with insatiable appetite for electricity. AI agents are workers without law. There is no standing order to adhere, no union to answer and remunerations to expect. This disruption upon technical workers, cracks the foundation of labor law, which is already driven to brink of non-existence by abject privatization. Now, anomaly reaches towards constitution and framework of labor rights.

Keywords: Labor rights, Mass Lays-offs, Artificial intelligence.

Introduction

The early days of semi-conductor industry was plagued with cancers of all type among its workers. The legal follow-up on *semi-conductor driven deaths* upon workers took years to be settled or acknowledged publicly. Human lives were the cost of the advent and evolution of technology, and they were treated as expendables, when billions of dollars were weighted more than humans. Humans are now being replaced by machine learning

enabled artificial intelligences that may prevent occupational hazards upon them, but will snatch occupations from them. For all intents and purposes, this might have been the pitch for investing on artificial intelligence, but occupations need to be there for hazards to happen, and replacing humans are not heathy business model pitch. Technical evolution through artificial intelligence took a deep-seated crunch on the job market, consuming entry-level jobs, and disrupting every graduate's dream of finding works.

The nature of such changes in labor market is not an isolated incident. It is a *pandemic upon labor lives and labor laws* with arbitrary loss of jobs at expendable tiers, and voluntary buy-outs at executive tiers. And there is no cure for these happenings, because these are *intentional, man-made, expected, and made-to-last*. The influence of corporations and their frameworks upon global market and governments will only adapt to protocols for long-term payment, until *saturation finds its way at the horizon of applied technologies of the time*. The adherence to understanding of labor rights and labor laws by conglomerates and medium or small business owners were always secondary, or arbitrary since time immemorial. And adopting highly expensive machine learning and *artificial intelligence infrastructure at the cost of structured remuneration towards labors and commitment to labor rights and welfare*, is less laborious for these commercial organizations because with constitutional backbone made with numerous acts to support labor lives, but it will be not be merrier for the insatiable institutions of business around the globe.

Now, the history to learn from the past, will not possess any opportunity to repair what has been implemented at the present, because future will not exist to be corrected. As the future can be seen at the grip of automation driven by artificial intelligence, and that will smother any possible future for humans and their welfare within the terms of labor legal system.

Thousand Ways to Automate Humans

The beginning of the machine learning and artificial industry are very humble, and existed only during the lab period of research scholars. The

graphics processing units (GPU) or in other words graphic cards, rendered the much-needed processing power for gaming industries of late 90's, and gradually evolved within every industry, until it found itself to be the primary mining tool of Crypto currency, which increased the demand and price of GPUs globally.

The *crypto currency bubble* initiated an increase in need automation, along with value of GPUs, which gave rise to the present Artificial Intelligence bubble in global market. The crypto bubble was poked by fraudulent practices and disregard for regulations around the globe, which wiped off saving of retirees, bankrupted an entire nation, and woke many us from *crypto currency will make us rich* dream, just to realize that it was a worst financial nightmare for investors and hobbyists involved with crypto currency market. Such is similar to the development of machine learning and artificial intelligence. People were enticed of the prospect of being a part of a technological revolution of our time, and they were called *data scientist*. They were trained with basic coding and rout learning to *clean, process, and structure terabytes of digital data of general public with or without their consent*. For instance, the data required to figure out if a person is likely to default on his loans are automatically detected using machine learning, and such users are flagged and their financial existence is stored across all bank databases. Thus, etching a tag called *defaulter* into any future financial situation such users might find themselves in.

Frameworks of data processing was then used to make today's Large Language Models (LLM) and AI agents, that are designed to eliminate every human intervention to operate as told, and as long as possible, with no rights to enforce, or no laws to adapt to, or labor unions to answer to; corporation are at their volition without human presence within their premises. And they find this prospect to be very profitable, empowering, and full of long term returns until a precise legal system make it harder for them implement their free will.

Constitutional Rights for Human Workers

The complexity of being a human can be observed with the rights bestowed upon them from constitution. For instance, Indian constitution provide following provisions to protect labors with "Fundamental rights" under part 3 and "Directive principle of state policy" under part 4.

Fundamental rights: Right to Freedom: Article 19: Protection of certain rights regrading freedom of speech.

1. (c): All citizens shall have right to form association or unions;

Article 23: Right against exploitation: Prohibition of traffic in human beings and forced labor.

1. Traffic in human being and beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: Prohibition of employment of children in factories, etc: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

And under Directive principle of state policy:

Article 39: Certain Principles of policies to be followed by the state:

The state shall, in particular, direct its policy towards securing-

a. That the citizens, men and women equally, have the right to an adequate means of livelihood.

(d) That there is equal pay for equal work for both men and women;

(e) That the health and strength of the workers, man and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age of strength;

(f) That children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and

youth are protected against exploitation and against moral and material abandonment.

Article 41: Right to work, to education, and to public assistance in certain cases: The state shall, within the limits of its economic capacity and development, make efficient provision for securing the right to work, to education and to public assistance in cases of unemployment and old age, sickness and disablement, and in other cases of underserved want.

Article 43: Provision for just and humane conditions of work and maternity relief: The state shall make provisions for securing just and humane conditions of work and for maternity relief.

Article 43: Living wage, etc, for workers: The state shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, condition of work ensuring a decent standard of life and full of enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas.

Article 43-A: Participation of workers in management of industries: The state shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments, or other organizations engaged in any industry.

The true intention of expounding the rights provided by Indian constitution to its labors is to prove that law makers never expected automation to replace actual workers. Almost all of the constitution and law makers around the world are at nascent stage to enable a regulation for *automated technologies* driven by machine learning. And this *legal lacuna* enabled corporations to make use of the situation to its profitability until any intervention from governments of the world. Such intervention is not in sight and not a thing of near future. Hence, there are thousand ways to automate a human without repercussion.

Globalized Shrinking of Middle Class, Secure Future, and Labour Laws

Labor driven middle class is the driving force behind any growing economy. Japanese economic miracle after second world war is a prime example of it. Though automation was not an element of that time, there existed an equilibrium between human workforce and automated works. Such were the case until mid 2010's, were one could observe some equality among humans and machines in the aspect of works and labors. Economy of all kind have seen increase in net worth of corporations and its key players, raising prices of basic requirements, and an entire generation realizing that it can never have the secure retirement their parents had.

This situation of economic imbalance and bitterness among working population are exacerbated by adopting automation, when graduates out of college, finds that the training, knowledge, and wages meant for them, were spent on machine learning infrastructures, the resultant *disruption in human resource will be a long-term problem*. The workforce frame work diagram shows the relation between the imperative elements of work force driven society and their interdependency to coexist. An instance of uncoupling any of the link will affect the nature of all elements in it, and crumbles the pillars of the workforce framework.

This workforce framework is an object of evolution. It evolved from *industrialization* which replaced workers and the legal system adopted acts to safeguard its workers. And when computers made its revolution, relevant acts were enabled at appropriate time. That is the requirement of this time and day; a legal system to regulate automation and protect human workers.

The workforce framework, from the *year 2020 to present* includes the evolution of workforce frame work into *automation era*. A little look into the past will show different element present in the same flowchart, and all those were regulated according to human preferences with technology as an imperative tool and not as impeding factor.

The Workforce Framework (2020-Present)

Automation in workforce regulation policy

Short title and extent:

A policy to regulate and monitor *automation* in human workforce, and adapt *mandatory* human intervention in Machine learning and artificial intelligence enabled *technological frameworks.*

This policy adapts the approach of using descriptive, evaluative, and prescriptive types to initiate its understanding and applicability. And asks rudimentary questions to answer intricate questions. Such elements of policy answers are:

Condition: What is happening?

- Human workers are being replaced by AI driven automation at various sectors and process of work force, and it not regulated, this would lead to irreparable damage to human link in future technological, economic, and social development.

Criteria: What should be happening?

- A proper legal framework must be established to make humans to oversee and work along with automation and not get replaced from their positions. An equilibrium must exist between human and machine-driven workforce.

Cause: Why is the condition happening?

- Corporations and conglomerates find the aspect of employing automation to be an easy prospect. Save for the enormous expense with Machine learning infrastructure, the perks of infinite work hours, absolutely absence of regulation upon worker welfare and definite remuneration policies, entices these corporate frameworks to adapt and prefer automation in the place of human workforce.

Effect: What might happen next?

- The growing trend to automate human workforce will replace graduates out of college, destroying their future, diminishing middle class, and irrevocably damage all strata of any workforce, because automation is coming for workers of all possible types.

Definitions:

1. "Automation" within the aspect of this policy means, pre-trained, Machine learning and artificial intelligence driven hardware, software and software-driven machinery system
2. "Human-machine intervention" means presence of human in Data collection, Data cleaning, Training, Development, and application of any Machine learning and artificial intelligence enabled computer and machinery system
3. "Technological framework" within the aspect of this policy means any automated technology using machine learning and artificial intelligence.
4. "Workforce framework" means a technological setup using machine learning and artificial intelligence for conducting their commercial operation or business.
5. "Working environment" within the aspect of this policy means a technological setup that uses machine learning and artificial intelligence for everyday business of services and productions.
6. "Commercial entity" means any private or public organizations engaged in commercial flow of service, production, and equitable process of remuneration and trade.
7. "Academic prudence" means academics required to train and manage automation.
8. "Professional prudence" means practical and industrial experience with automation notwithstanding to *academic prudence*.

Structure of workforce framework:

1. Any *working environment* that employs Machine learning and Artificial intelligence driven *technological framework* shall employ a human to teach, monitor, and operate along with such *workforce framework*.
2. Any individual employed shall be prudent enough to handle such training and development of automation. The level of such *academic* and *professional* prudence may be decided by appropriate process of selection.
3. Any dismissal of human employment shall adhere to the aspect of *professional prudence and academic prudence* and its direct effect during the period of employment.
4. Any *working environment* shall train its employees in all aspects of *automation.*
5. Any advancement in the automation sector shall adhere to the provisions enabled.

Conclusion

The policy proposed is an evolving element. Such evolution is expected with this policy as our research progress further.

Time has arrived for legal system to enforce labor rights into another era of technology, its disruptions and societal changes workers of all kind need to endure. The global legal system always adapted to regulated *unknowns* on time, but with advent of Machine Learning and Artificial Intelligence the world can observe an utter lack of protocol to understand and operate along with *unknowns*. We saw such lack of oversight with cryptocurrency and its resultant havoc upon financial systems. The workforce framework proposed shows an absence of constitutional regulation towards automation. Though such regulation may affect the immediate financial interest of corporates and conglomerates, there will be a long-lasting benefit for labor force if timely addition to oversight and regulate machine learning and artificial

intelligence were made to the heft bounds of labor acts available in this globalized world.

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The Feasibility of a Four-Day Work Week in India: A Comparative Analysis of the United Kingdom's Flexibility and Japan's Cultural Challenges

Ms. Shreya parvathinathan
Student, tamil nadu law university, trichy

Abstract

Traditionally, India has followed a six-day work week model, later transitioning to a five-day, 40-hour week in response to evolving workplace norms. As global conversations around employee well-being, technological advancement, and productivity intensify, the concept of a four-day work week is gaining momentum. The UK serves as a progressive example of the four day work week system, with government funded trials demonstrating that shorter work weeks can enhance productivity, reduce burnout, and improve mental health without compromising output. (4-Day Week) Legal adaptability and flexible business practices have supported this transition. On the other hand, Japan's rigid corporate culture, emphasizing long hours and hierarchical structures, poses significant resistance to reduced workweeks, despite governmental reform efforts. (Asada) These contrasting models provide critical insights into the legal, cultural, and economic implications of shorter work weeks. This paper critically explores the feasibility of adopting a four-day work week in India through a comparative analysis of the United Kingdom and Japan.

Introduction

In India, the six-day work week has been the norm traditionally, where an employee is given one day of paid leave for every six days of work. Gradually, employers shifted to a five day work week, where working 40 hours eventually became the norm where a typical work day consisted of 8 hours. However, as workplaces evolved due to improvements in technology, changes in expectations of employees and economic structures,

many countries are exploring alternative work arrangements to enhance productivity and employee well-being. One such alternative is the "four day work week" model, where employees work only four instead of the typical five or six days a week. This model has gained global attention as a possible solution to improving work-life balance, reducing burnout, and increasing efficiency.

In the United Kingdom, the four day work week has been experimented with extensively, where there were trials conducted to assess the inclusion of a flexible work policy that allowed employees and employers to tailor their workdays according to their needs in order to increase their productivity. These trials have indicated that reducing the number of workdays does not necessarily lead to a decline in output. Rather, they have led to higher employee engagement, reduced absenteeism, and improved mental health, which makes it a viable option for workplaces today.(*4-Day Week*)

On the other hand, Japan's work culture is similar to India's, as it emphasizes long hours, dedication, and hierarchical corporate structures. Historically, the Japanese have resisted shorter work weeks, despite there being multiple attempts to promote "work-style reform" initiatives, the most recent one being an introduction of the four day work week for government employees in Tokyo. (Asada) Concerns regarding social expectations, corporate discipline, and potential economic disruptions have made the transition more challenging. This research seeks to examine the legal, economic, and social dimensions of a four-day work week in India by drawing comparisons with the UK and Japan to evaluate the feasibility of its implementation.

Labour Laws in India- An overview

There is a lack of clear regulations and guidelines concerning a four-day work week in India. There also remains an implementation challenge specific to the sectors-for instance, in IT, this benefit would be immense, while in a labour-intensive industry such as manufacturing units, it would cause significant problems in implementation. Due to the plethora of labour laws existing in India, only the ones that pose a challenge to the

implementation of the four day work week are discussed below, along with the challenges that they pose.

The Factories Act, 1948

In case of employees engaged in manufacturing and industrial establishments, the Factories Act, 1948 is the law regulating working hours, health, safety, and welfare provisions. This act established a framework for daily and weekly working hours for works employed in factories as defined under this act.

Under this act, a maximum weekly working hour limit and a maximum daily working hour limit have been imposed, which amount to 48 hours and 9 hours respectively. This structure is premised on the conventional five- or six-day work week. Any work that is done beyond the above specified lime limit will be classified as overtime work under the act, and thus attracts a compensation of twice the normal wage. It also mandates minimum prescribed rest in between hours of work to take care of the occupational health and safety of workers. This act states that a work employee has to be allowed half an hour for rest after five hours of continuous work. Additionally, the total spread over time of an employee's workday cannot exceed 10.5 hours a day including rest breaks.

In case a four day work week is to be implemented in India, labour intensive industries, such as the ones covered under the Factories Act, 1948, such as textile manufacturing, automobile production, and heavy engineering that rely on continuous operations and shift based work might face significant challenges. To ensure that the machinery operates round the clock, they might require higher workforce rotation or increased automation, both of which involve substantial financial investment. Export oriented industries may also be forced to compromise on global supply chain commitments in case they are forced to adopt a four day work week. Additionally, the act does not provide for an extension of the daily working hours to 10-12 hours a day without triggering overtime provisions. In case of manufacturing

industries, there is also a danger of increased worker fatigue and subsequent risk of workplace accidents and injuries.

Occupational Safety, Health and Working Conditions (OSH) Code, 2020

The OSH Code has been designed to ensure safety in working conditions, regulate welfare among employees, and create uniformity with respect to occupational health provisions across different sectors in India. It brings together 13 of the most critical labour laws such as the Factories Act, 1948; the Contract Labour (Regulation and Abolition) Act, 1970; the Mines Act, 1952; the Dock Workers (Safety, Health and Welfare) Act, 1986; and the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, into one code with 143 provisions.

Mirroring the provisions of the Factories Act, 1948, this code also provides for a six-day work week. The code also mandates that including rest periods, the total work day cannot exceed 12 hours under any circumstances. The Code also provides for overtime wages, which states that any work day that extends beyond the statutory maximum prescribed must be compensated at twice the normal wage rate.

The OSH code finds application in various industries, ranging from manufacturing processes, construction, IT services, and mining, each with its unique set of health and safety regulations. The four day work week can be implemented relatively easily in industries such as finance and IT services, whereas it would pose some challenges for labour-intensive industries because they need to maintain continuous operations. It also does not offer any provisions for extending the daily working hours to 10-12 hours a day without triggering overtime payments, similar to the special provision under the Factories Act of 1948.

Four Day Work Week in Comparative Jurisdictions

To implement a four day work week in India, Japan and United Kingdom offer the most suitable comparisons as the cultural aspects of Japan with

respect to its work culture are similar to what exists in India, where long hours have historically been associated with dedication and loyalty; while in the United Kingdom, a more flexible, business led approach has been adopted where government trials have demonstrated that reduced workweeks can increase productivity without financial losses. ("The 4 Day Week UK Pilot Programme Results")

UK and the Four Day Work Week

The United Kingdom has been at the forefront of implementing the four day work week across different industries and sectors, with extensive government backed trials and an increase in the interest of corporate firms to implement this model in order to boost productivity. There are two key legislations that govern working hours in the UK- Working Time Regulations, 1998, and the Employment Rights Act, 1996. The former states that the maximum working hours in a week cannot exceed 48 hours, with employees being entitled to rest breaks if they work for more than six hours. It also provides for a paid annual leave of 28 days per year. Since this legislation does not prescribe a specific number of working days, it makes it legally possible to implement a compressed work schedule, such as the four-day work week, as long as total weekly hours remain within statutory limits. The Employment Rights Act also gives employees the right to request for a compressed work week, thus promoting the implementation of a 4 day work week.

The trial for implementing a four day work week in the UK was organised by 4 day week Global in 2022, where they involved various organisations in the UK, ranging from corporates to non-profits to other private firms engaged in manufacturing, recruitment and IT. (*Firms Stick to Four-Day Week after Trial Ends*) The trial involved a two month training programme, coupled with workshops and coaching from industries and organisations that have already implemented the four day work week. Each company was allowed to implement a tailor-made policy for themselves, as long as the pay stayed at 100% and employees had a "meaningful" reduction in the time worked. ("The 4 Day Week UK Pilot Programme Results" 5)

This trial found that the four day work week had extensive benefits for the well-being of employees, particularly by shifting their attitudes and ensuring that they get time to recover and recuperate before returning to work. ("The 4 Day Week UK Pilot Programme Results") The trial was a resounding success, with 92% of companies that participated in the trials continuing with it. It reported lower levels of stress, anxiety and burnout among employees, thus improving their fatigue and sleep issues as well. There was an improvement in the work-life balance of employees as well. ("The 4 Day Week UK Pilot Programme Results" 6) For businesses, there was an increase in revenue of around 35% compared to previous years, which indicates healthy growth as a result of reduction in work time.("The 4 Day Week UK Pilot Programme Results" 7)

Post the completion of the trial, it was seen that technological and professional services were the sectors that reported highest levels of adoption, as their work model was primarily based on output. Manufacturing industries had partially adopted this model, through restricting of shifts as opposed to a reduction in the workweek. Since there were continuous service requirements in healthcare and retail industries, they showed low levels of adoption. (www.ETHRWorld.com)

Japan and the Four Day Work Week

Japan and the four day work week are not two concepts that generally go hand in hand, owing to Japan's work culture that glorifies overworking and considers work life balance a myth. As a nation characterized by its intense work culture, shifting to a four day work week expresses a change in the modern mentality of people, where ideas like corporate loyalty, lifetime employment, and the phenomenon of karoshi (death by overwork) take a back seat and work life balance is brought to the forefront. Working hours in Japan are governed by the Labour Standards Act, 1947, which states that standard work time is limited to 8 hours per day and 40 hours per week. This act also provides scope for flexible work arrangements, such as the four day work week. It also provides for the payment of premium wages on overtime work and ceiling on overtime hours.

Experiments with the four day work week had been carried out in Japan as early as 2019, with Microsoft Japan carrying out a new project called "Work-Life Choice Challenge Summer 2019", where they gave their entire workforce five Fridays off without decreasing their pay. It was seen that this experiment led to more efficient meetings, happier workers and increased productivity, while also reducing the number of days employee took off in between the work days. 92% of the employees said that they liked the shorter week.(Paul) Based on these results, they also continued to offer a four day work week. Panasonic and Mizuho Financial Group have since followed suit with similar programs, offering optional compressed workweeks for eligible employees.(Shan)

In recent times, Japan has been facing a population crisis, with the birth rate in Japan hitting an all-time low in 2024. To reverse this phenomenon, the Japanese government has taken multiple measures, including mandating companies to offer generous parental leave, added subsidies for day care and offering cash payments to parents.(Quiroz-Gutierrez) In continuation to this, the Tokyo metropolitan government is set to implement a four day work week for its employees from April 2025, to help employees, especially female employees, to ensure that no one has to give up their career for family events like child birth or childcare.

However, this idea is still seen as radical by Japanese companies, who equate longer working hours to the loyalty for the company. Dedication to the workplace is demonstrated by how long one spends working, and promotions are generally based on seniority as opposed to performance and productivity. Sometimes, workers themselves resist the idea of a shorter work week, as the shorter work day or week is seen as a loss of commitment or they risk being penalized professionally.

Four Day Work Week in India- Fiction or Reality?

India is now faced with a dilemma of whether to continue with the established traditional labour paradigms of the five or the six day work week, or to reimagine them and introduce in four-day work week in various

sectors. In this scenario, it is pertinent to use a critical analysis of the four day work week in the United Kingdom and in Japan, two countries that have actively experimented with or engaged in the discourse surrounding the four-day work week, to understand the viability of this model into India's social and legal landscape using the insights that it provides.

The trials conducted in UK show that the reduction in workdays did not compromise productivity; rather, it improved employee retention, satisfaction, and efficiency. UK's legislations also include provisions that allow for flexibility in working hours and also ensure weekly hour limits for the work. In contrast, India's regulations related to labour laws are much more rigid and offer only partial and limited support for compressed work schedules. Another contributing factor to the structural challenges is the extensive informal and contractual employment dominating India's labour market. Thus, while it is indeed possible that the UK experiences trends of a four-day work week that can be learnt by India, it must first perform robustly legislative reforms that create flexibility and but would, however, protect workers' rights in areas like hours of work, overtime pay, and consent mechanisms before such an arrangement could be made feasible in India.

Japan's four-day work week experience illustrates culture and corporate dynamics that shape labour reform. Japan has not introduced a four-day work week nationwide; however, trial runs such as that conducted by Microsoft in Japan have shown its feasibility. The Work Style Reform Act, since its enactment in 2019, limiting overtime work and favouring flexible work options, has changed the landscape, but real changes occurred when corporate leadership embraced and supported these legal changes, keeping in mind objectives like the betterment of mental health, workforce gender equality, and demographic issues. Learning from this approach, India, with its own hierarchical workplace culture that values performance based on visibility, has much to gain from this example.

Conclusion

In India, the four-day working week might not be a far-fetched idea; however, the practicalities and cultural shifts required would determine its success. Current labour laws in India restrict daily and weekly working hours and mandate overtime pay in case of their violation, complicating matters for the employers who wish to adopt longer yet fewer working days with associated costs. Besides these, implementing a four-day-week uniformly across the sectors is extremely challenging, especially keeping in view the informal and contractual nature of a large part of India's workforce.

A peek across other jurisdictions offers a glimpse of what may have been, as the flexible environment in the UK allowed employers to trial the four-day week successfully without loss of pay or productivity. Employee well-being, job satisfaction, and even profits of the company had improved after these trials. What worked well for the UK was a mixture of employee faith, supporting laws, and freedom for companies to adapt the model to suit their needs- a lesson India could take if it hoped to creep slowly into an ambitious dream.

In cultural terms, Japan taught another lesson. Being legally able to adopt flexible hours, Japan nevertheless finds it difficult to escape the deep-seated culture of long working hours and presenteeism. Nevertheless, Microsoft Japan and recent governmental measures of allowing a four day work week for employees in Tokyo have proven that change is possible if leadership is engaged. For India, whose workplaces are similarly hierarchical, changing the mindset that equates long hours with dedication will be as important as legislative reform.

The four-day workweek in India, although not a fairy tale, is not quite grounded in reality, either. Through legal amendments, flexibility according to sectors, and a gradual shift of culture, it is something that can be achieved in the near future. Instead of a regulatory push from above, India could start with a gradual implementation through pilot programs in sectors that can accommodate flexibility most readily, such as IT and services, with

solid legal backing and sound communication. If it is introduced with care, the four-day workweek may be a situation in which everybody wins.

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The Impact of Globalisation on the Unorganised Sector

L Ranjitha, B.com, LLM
Assistant Professor
Dr. M.G.R Educational and Research Institution

Abstract

Globalization has emerged as a defining force in the 21st century, shaping the economies, societies, and labour markets across the globe. While its effects on the unorganized sector remain less in case of systematical examination. The unorganized sector, provides livelihoods to nearly 80–90 percent of the workforce, in developing countries like India, it plays a vital role in sustaining the economy, especially through small-scale enterprises, agriculture, construction, domestic work, and informal services. However, globalization has generated a paradox for this sector which simultaneously created opportunities and deepened vulnerabilities. On the positive side, globalization has opened new channels of employment through outsourcing, subcontracting, and integration into global value chains. Informal workers have gained access to digital platforms, micro-entrepreneurship, and service-based jobs, which have broadened income sources and enabled skill transfer. At the same time, increased competition, mechanization, and the dominance of multinational corporations have displaced traditional artisans, weavers, and small-scale producers. Workers in the unorganized sector often face exploitative conditions, including inadequate wages, long working hours, lack of job security, and the absence of social protection measures. Women workers are particularly disadvantaged, as they continue to be concentrated in low-paid, insecure jobs, while also bearing unpaid for the care responsibilities. Migrant workers and children employed in hazardous industries further reflect the sector's systemic challenges under globalization. This paper critically analyses the dual impact of globalization on the unorganized sector, highlighting its economic, social, and gendered dimensions and it further evaluates the role of international standards, such as ILO conventions, and Indian legal measures like the Unorganized Workers' Social Security Act and the labour codes in addressing these challenges.

Keywords: Globalization, Unorganised Sector, Informal Employment, Social Security etc.

Introduction

The phenomenon of globalisation, while often celebrated as a catalyst for economic growth and technological advancement, has also triggered profound structural shifts in labour markets across the Global South. In India, the transition from a protectionist economy to a liberalised one in the early 1990s marked a watershed moment, ushering in foreign investment, deregulation, and integration into global supply chains. However, this transformation did not unfold uniformly across sectors. While formal industries adapted through capital infusion and technological upgrades, the unorganised sector was characterised by informal employment, low productivity, and minimal regulatory oversight which was left to navigate these changes with limited institutional support. The unorganised sector, which employs the majority of India's workforce, operates in a space where legal protections are weak, social security is absent, and economic volatility is deeply felt. And the Globalisation has intensified these vulnerabilities by introducing competitive pressures, displacing traditional occupations, and fragmenting local markets. Informal workers, often lack in bargaining power or access to skill development, and find themselves caught between the promise of modernisation and the reality of marginalisation. This paper situates the impact of globalisation within a broader historical and economic context, examining how macroeconomic reforms have interacted with micro-level labour dynamics. It explores the sector's structural invisibility in policy discourse, the asymmetry between formal and informal growth trajectories, and the systemic neglect of informal labour in global value chains. By doing so, it lays the groundwork for a deeper inquiry into the legal, constitutional, and ethical dimensions of informal labour governance in a globalised economy.

Research Objective

The objective of this study is to make

i. To analyse the economic, social, and gendered impacts of globalization on the unorganized sector and
ii. To identify the challenges faced by informal workers, including issues of employment security, wages, and social protection.

Research Methodology

The study adopts a qualitative and doctrinal research method, relying on primary sources such as legislations, judicial decisions, and ILO conventions, along with secondary sources including books, reports, and scholarly articles.

Globalization and Employment Patterns in the Unorganized Sector

Globalization has not only transformed production systems worldwide, but has also redefined the nature of work. In countries like India, where a vast majority of workers are employed in the informal or unorganized sector, its impact has been profound. With the liberalization of the economy in 1991, India became increasingly integrated with global markets, welcoming multinational corporations, encouraging foreign direct investment, and opening up trade. While these reforms generated opportunities in high-growth industries, they also altered the very fabric of employment in the unorganized sector. The unorganized sector in India comprises workers who operate without formal contracts, job security, or access to social protection. This includes agricultural labourers, street vendors, artisans, construction workers, home-based producers, and gig economy workers. Globalization has produced a dual effect: it has created new categories of informal employment while simultaneously weakening traditional livelihoods. Understanding this shift requires a closer look at the employment patterns emerging under globalization.

Expansion of Informal Jobs Through Outsourcing and Subcontracting

One of the most significant impacts of globalization on the unorganized sector is the rise of informal jobs through outsourcing and subcontracting. In order to remain competitive in global markets, multinational corporations and large domestic firms often transfer parts of their production to small-scale units or local contractors. This allows them to minimize costs while ensuring large-scale and quick production. For instance, the garment and textile industries are heavily dependent on informal labour to meet the demand of international markets. Global fashion brands outsource stitching, embroidery, and finishing tasks to small workshops and home-based units in countries like India, Bangladesh, and Vietnam. Similarly, the construction industry, which has expanded rapidly due to foreign investment and urbanization, operates almost entirely on subcontracted labour. Large developers employ multiple layers of contractors, who in turn hire unskilled daily wage workers. While outsourcing generates employment for millions, the conditions remain precarious. Workers are employed without contracts, receive wages below legal minimum standards, and are exposed to occupational hazards without safety measures. For example, construction workers often lack helmets, harnesses, and health insurance, leading to frequent workplace accidents. Since the workforce is fragmented under multiple subcontractors, enforcing labour laws becomes nearly impossible. Thus, outsourcing under globalization has created employment without security, highlighting the contradictions of global economic integration.

Decline of Traditional and Artisanal Occupations

Globalization has also contributed to the steady decline of traditional and artisanal occupations that were once the backbone of rural and small-town economies. Crafts such as handloom weaving, pottery, leatherwork, and blacksmithing have been marginalized due to mechanization and the influx of cheap machine-made goods. For instance, the handloom industry, which historically provided livelihoods to millions of weavers, has been

pushed to the margins because of power looms and global textile imports. Handmade sarees and fabrics are now confined to niche luxury markets, while everyday consumer demand is dominated by cheaper synthetic fabrics. Similarly, traditional pottery and brassware industries struggle to compete against mass-produced factory goods, leading to loss of income and cultural identity. This decline has triggered large-scale rural-to-urban migration, as artisans abandon ancestral trades to take up casual labour in construction, transport, or services. Globalization, therefore, has not only eroded traditional employment but has also weakened cultural heritage and indigenous knowledge systems. Without state support or protective policies, these occupations are unable to withstand global competition.

Gender Dimensions in Employment

The impact of globalization on the unorganized sector cannot be fully understood without considering its gendered dimensions. Women constitute a significant portion of the informal workforce, particularly in domestic work, home-based production, agricultural labour, and garment manufacturing. Globalization has expanded opportunities for women in export-oriented industries and platform-based jobs, yet the benefits remain uneven. Women workers often receive lower wages than men for the same tasks, are denied maternity benefits, and lack protection against workplace harassment. In addition, they face the "double burden" of managing both paid work and unpaid household responsibilities. For instance, women in garment factories producing for international brands often endure long working hours with minimal pay, while women domestic workers remain excluded from most labour legislations. Although globalization has integrated women into the labour market, it has not translated into gender equality or improved working conditions.

Migrant Workers and Child Labour

Globalization has also intensified the movement of labour within and across regions. Migration from rural to urban areas has increased as workers seek employment in construction, hospitality, and service industries. Migrant

workers form the backbone of many unorganized sectors but remain among the most exploited, as they often lack identity documents, social security, or union representation in host states. Child labour also persists in industries indirectly linked to globalization, such as bangle-making, Zari work, and stone-cutting, where global demand for cheap goods drives exploitation. Although international conventions and national laws prohibit child labour, weak enforcement in the unorganized sector allows such practices to continue.

Role of International Labour Organization (ILO) Conventions and Policies

The International Labour Organization (ILO) has played a key role in setting global labour standards, many of which directly relate to the protection of unorganized workers. Conventions such as Convention No. 87 (Freedom of Association), Convention No. 98 (Right to Organize and Collective Bargaining), and Convention No. 102 (Social Security - Minimum Standards) provide a framework for safeguarding workers' rights. Although India has not ratified all these conventions, it has aligned several national laws and welfare schemes with ILO principles. The influence of these conventions is seen in initiatives such as the Unorganized Workers' Social Security Act, 2008, which draws from ILO's emphasis on social protection and decent work.

Suggestions and Recommendations for the Future

To strengthen the protection of unorganized workers, the government must focus on strict enforcement of existing laws along with effective monitoring mechanisms. Expanding the scope of social security benefits and ensuring their portability across states is essential, especially for migrant workers. The use of digital registration platforms can help bring a greater number of workers under welfare schemes and reduce exclusion. Further, awareness campaigns and active collaboration with trade unions, self-help groups, and NGOs can empower workers to claim their rights. Most importantly, aligning national labour policies with ILO conventions

on collective bargaining, minimum wages, and social security will help India move towards a more inclusive and just labour framework.

Conclusion

It can be concluded by saying that the unorganized workforce forms the backbone of India's economy yet continues to face insecurity, lack of recognition, and limited access to welfare measures. Though legislative steps such as the Unorganized Workers' Social Security Act, 2008 have been introduced, implementation gaps remain a major challenge. A holistic approach that combines effective enforcement, technological innovations, and compliance with international labour standards can help bridge these gaps. Ensuring dignity, social protection, and equality for unorganized workers is not only a matter of social justice but also crucial for sustainable national development.

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Transnational Labour Unions and Constitutional Freedom of Association: A Critical Analysis

Ms. Salini.C
Assistant Professor, VISTAS

Introduction

Transnational Labour Unions (TLUs) have gained prominence as globalization transforms labour markets. Global supply chain workers are frequently exposed to precarious work, leading unions to extend organizing across borders. TLUs seek to bargain IFAs and act collectively against multinational companies. The constitutional freedom of association right articulated in Article 11 of the European Convention on Human Rights (ECHR) and ILO Convention No. 87 is the basis for union action.

National constitutions differ significantly in their safeguarding of this right. For instance, Germany's Basic Law (Art. 9) thoroughly enshrines trade union liberty, whereas U.S. constitutional protections, while stemming from the First Amendment, are less extensive in labour contexts in light of judicial precedent like Janus v. AFSCME, 585 U.S. (2018), which undercut union fee collection from public sector employees. Conversely, the Constitution of South Africa (Section 23) provides clear and strong protection of labor rights in accordance with international standards (Deakin & Koukiadaki, 2013).

Legal enforcement of transnational contracts continues to be complicated. TLUs are found within a piecemeal legal climate where their jurisdiction might not be universally accepted. For example, IFAs between Global Union Federations (GUFs) are frequently not enforceable in host

jurisdictions because of sovereignty concerns and varied labour legislation (Bercusson, 2009). Nevertheless, Rana Plaza v. EU Apparel Brands (Bangladesh, 2013) indirectly spurred the legally enforceable Bangladesh Accord, a sign of increasing accountability through transnational union processes.

The European Works Councils (EWCs), established under the EU Directive 2009/38/EC, are an important legal development facilitating consultation of workers in multinational companies. However, post-Brexit uncertainty and jurisdictional constraints lessen their efficacy in all EU-associated territories.

Notwithstanding challenges, TLUs play a key role in guaranteeing corporate responsibility and labour justice. Intensifying international legal frameworks e.g., advocating the ratification of ILO Conventions Nos. 87 and 98 and implementing national reforms acknowledging transnational collective rights are imperative. The emerging role of TLUs, especially in connection with digital organizing and cross-border solidarity campaigns, indicates that constitutional safeguards should evolve to accommodate this international labour movement.

Conceptual Framework

Association freedom

Association freedom is a human right that is the basis of the ability of workers to organize and negotiate their interests collectively. It is safeguarded by Article 20(1) of the Universal Declaration of Human Rights (UDHR) and Article 11 of the European Convention on Human Rights (ECHR), which provide that everyone shall have the right to freedom of association, including the right to form and join a trade union for the protection of their interests. Within constitutional democracies, this right plays a central part in promoting the notion that labour shall not be subordinated unilaterally to capital and that there should be democracy at the workplace.

In domestic legal systems, the constitutional protection of this freedom differs. For instance, Article 19(1)(c) of the Indian Constitution grants the right to association or union, but it is subject to reasonable limitations in the cause of public order and sovereignty. The United States, while the First Amendment ensures freedom of association, the rights of labour are generally governed through statutory rules such as the National Labor Relations Act (NLRA). Decisions made recently like Cedar Point Nursery v. Hassid, 594 U.S. (2021), have constrained the realm of union entry into workplaces, invoking worries regarding erosion of associational rights in reality.

In South Africa, Section 23 of the 1996 Constitution guarantees workers' freedoms of forming and joining trade unions, collective bargaining, and striking, providing one of the most advanced legal interpretations of freedom of association (Currie & De Waal, 2013). Legal diversity like this demonstrates how constitutional protections, though universal in theory, are translated unevenly across jurisdictions.

Transnational Labour Unions (TLUs)

Transnational Labour Unions have become major players in the global labour regime in response to the rising mobility of capital and supply chains' globalization. TLUs include Global Union Federations such as IndustriALL and UNI Global Union, European Works Councils set up under EU Directive 2009/38/EC, and transnational company-specific forums. These associations aim to span the jurisdictional fractures that weaken local labor protections by promoting international standards and negotiating International Framework Agreements.

TLUs mainly aim to solve problems that cannot be limited within borders, including the exportation of work to jurisdictions with poor enforcement mechanisms or the suppression of union action in authoritarian states. An outstanding case is the Bangladesh Accord on Fire and Building Safety, signed in response to the 2013 Rana Plaza building collapse. The Accord, between GUFs and multinationals, instituted binding safety

standards and worker representation, a major step forward in transnational labour regulation. But TLUs work in sophisticated legal landscapes. Their success tends to rely on how far national legal frameworks respect and promote transnational collective action. In Partneri Ltd v Svenska Byggnadsarbetareförbundet [2007], the European Court of Justice held that collective action by Swedish unions against a Latvian firm was disproportionate under EU law, occasioning tensions between labour rights and free movement. This ruling depicts the legal tension TLUs encounter in establishing cross-border solidarity actions.

Furthermore, corporate opposition, in addition to regulatory divergence, still limits TLUs' operations. The ITUC Global Rights Index 2023 records increasing restraint on union activity, including in democracies, as evidence that constitutional assurances of freedom of association are progressively facing threat. Therefore, legal recognition and institutional empowerment of TLUs continue to be necessary to counterbalance the authority of multinational companies and advance international labour standards.

Historical Development of Labour Rights and Transnational Organizing

The historical development of labour rights has been fundamentally shaped by the socio-economic transformations caused by industrialization. During 18th and 19th centuries, workers in Europe and North America started organizing themselves to seek better wages, decent working hours, and better working conditions. Early unions tended to be illegal and were subjected to extreme state repression. Progressively, laws such as the Trade Union Act 1871 (UK) came to legalize collective organization, paving the way for contemporary labour law. In the United States, influential court decisions such as Commonwealth v. Hunt, 45 (1842), established the legitimacy of labour combinations, paving the way for legal union activity.

Internationalisation of the working-class movement was institutionalised by the establishment of the International Labour Organization in 1919 as part of the Treaty of Versailles. The ILO was created to ensure social

justice and equitable working terms across the world, its Conventions No. 87 (1948) and No. 98 (1949) codifying freedom of association and collective bargaining rights. These conventions have been widely ratified and continue to serve as the normative cornerstone of international labour rights.

In the late 20th century, the rise of neoliberal globalization marked by deregulation, privatization, and the mobility of capital undermined national labour protections and necessitated new forms of international solidarity. This resulted in the establishment of Global Union Federations (GUFs) like IndustriALL, UNI Global Union, and the International Trade Union Confederation (ITUC), which organize campaigns, legal action, and negotiations against multinational companies. They seek to transcend the constraints of national arrangements to govern global capital.

The Maastricht Treaty (1992) was a watershed moment for labour regulation in the European Union, initiating the European Works Councils to formalize employee representation in multinational corporations operating in the EU, obliging information and consultation rights across borders. Although EWCs lack complete bargaining capacity, they have played a crucial role in promoting transnational labour exchange.

Recent events, including the Bangladesh Accord (2013) after Rana Plaza, demonstrate the increasing importance of transnational mechanisms to enforce workplace standards. This binding legal agreement, brokered by GUFs, is a turning point in labour history by forcing multinational brands to acknowledge collective responsibility for factory safety overseas.

Legal and Constitutional Aspects

National Constitutions and Freedom of Association

Freedom of association is constitutionally enshrined in most jurisdictions, but its interpretation, scope, and enforcement differ considerably. In the United States, freedom of association and speech are covered by the First Amendment. Still, in the labor sphere, the National Labor Relations

Act of 1935 is the primary statutory scheme. Court decisions like Janus v. AFSCME, 585 U.S. (2018), excluding compulsory union fees for government workers, demonstrate a contraction of First Amendment labour protections.

Article 9(3) of the German Basic Law protects each person's right to associate and form unions to protect and enhance employment and economic conditions. This right under the constitution is strongly shielded, enabling collective bargaining and strikes within lawful boundaries. Under Indian law, Article 19(1)(c) of the Constitution provides for the right to association, but this right is open to reasonable restrictions under Article 19(4). Indian courts have tended to interpret this provision narrowly, particularly with regard to public sector trade unions.

By contrast, South Africa's 1996 Constitution has an express and progressive labour rights framework. Section 23 not only guarantees the right to join and form trade unions but also ensures the rights to strike and collective bargaining. The Constitutional Court in NUMSA v Bader Bop (Pty) Ltd [2003] ZACC 2 confirmed minority unions' right to strike, further entrenching the pro-labour orientation of the Constitution.

These constitutional differences greatly influence the way Transnational Labour Unions (TLUs) function. Where national safeguards are either missing or uncertain, TLUs are confronted with ambiguous legal situations, enforcement challenges, and hostility from employers as well as states.

International Legal Norms

Globally, the ILO Convention, specifically Convention No. 87 (Freedom of Association) and No. 98 (Right to Organize and Collective Bargaining), constitute the normative backbone for global labour rights. These norms compel states to respect union rights free from employer interference. Going above ILO requirements, the UN Guiding Principles on Business and Human Rights (2011) also focus on business accountability to uphold freedom of association throughout worldwide operations. Likewise, the OECD Guidelines for Multinational Enterprises urge enterprises

to respect and encourage collective bargaining irrespective of national setting.

In Europe, the European Convention of Human Rights (ECHR) under Article 11 and the Charter of Fundamental Rights of the European Union, and specifically Article 12, guarantee freedom of association and assembly, including workers. The European Court of Human Rights restated the same in Demir and Baykara v. Turkey (2008), holding that the right to collective bargaining is inherent to Article 11 rights.

Conflict of Laws and Jurisdictional Issues

TLUs are confronted with severe legal and jurisdictional obstacles because national labour legislation is disjointed. What is legal in one jurisdiction could be against the law in another. Secondary boycotts and solidarity strikes, for instance, are legal in some European states but prohibited under U.S. labour law. The inconsistencies make it difficult for TLUs to organize international campaigns and negotiate strong International Framework Agreements.

Further, implementation of transnational agreements is frequently subject to jurisdictional conflicts. The European Court of Justice in Laval v. Sweden held that the actions of Swedish unions against a Latvian service provider infringed EU internal market law, showing the conflict between labour rights and economic freedoms. These conflicts indicate the challenge of obtaining universal recognition of union rights across borders and the requirement of more effective international legal harmonization.

The Role and Strategies of Transnational Labour Unions

Collective Bargaining and Framework Agreements

Transnational Labour Unions have also made new means of bargaining labour standards across the borders, in particular, through International Framework Agreements. IFAs are voluntary but enforceable agreements between Global Union Federations and multinational corporations to ensure core labour standards such as freedom of association and collective

bargaining rights along entire global supply chains. For instance, the International Transport Workers' Federation entered into an IFA with Maersk in 2011 that requires minimum labor protections for seafarers of all nationalities and locations.

IFAs, though non-enforceable like domestic collective agreements, are rooted in ILO conventions and supervised by the unions and corporations together. They serve as soft law mechanisms of industrial democracy within transnational firms. Yet, the enforceability and applicability of IFAs are usually subject to questioning through national legal systems that have no provisions to recognize such agreements, thereby having limited direct legal effects in nations with non-supportive legal environments.

Campaigning and Advocacy

Global campaigning and public advocacy are another vital strategy of TLUs, generally in association with NGOs and coalitions of civil society. These campaigns are used to bring corporate abuses into the public eye, create consumer pressure, and shape regulatory reform. Examples include, for example, transnational campaigns against Nike in the 1990s led by activists and unions, which brought international attention to the sweatshop conditions in Southeast Asia and compelled Nike to change its code of conduct. Amazon is more recently the focus of international labour campaigns mounted by UNI Global Union highlighting low working conditions and anti-unionism in a number of countries.

These campaigns take advantage of reputational risks that are associated with multinational companies to push them into bargaining and agreement on international labour standards. Online media, international media, and organized demonstrations magnify the number of people reached as well as the influence of TLU-led campaigns, thus providing them with great leverage even in anti-unionist jurisdictions.

Legal Mobilization

Apart from lobbying, TLUs are increasingly employing legal mobilization tactics, filing lawsuits in various jurisdictions to enforce labour rights and

corporate responsibility. Strategic lawsuits have been filed to tackle abuse happening in global supply chains, especially regarding human rights due diligence and exploitation of labour. For example, in the Vedanta Resources plc v. Lungowe [2019] UKSC 20 case, while chiefly environmental, held that the UK-based parent companies would be held accountable for the harms done by the subsidiaries overseas, which was a precedent the unions can now apply in labour-based cases.

Likewise, TLUs have assisted employees in making complaints under the OECD Guidelines for Multinational Enterprises, a quasi-judicial process by which unions can bring to account corporate conduct before national contact points. These platforms, without providing binding remedies, have the potential to lead to mediated resolution and reputational damages for non-compliant companies.

Though litigation is expensive and jurisdictionally cumbersome, it has emerged as a key mechanism of holding multinationals to account, particularly where domestic remedies are not available or sufficient. It supplements other TLU mechanisms in creating legal precedents as well as strengthening international labour standards.

Case Studies

European Works Councils (EWCs)

European Works Councils (EWCs) are a legally recognized institution under EU law, established by the 1994 EU Directive, to institutionalize transnational labour representation in multinational firms operating across EU member states. EWCs enable formal communication between central management and employee representatives to ensure that employees are consulted and informed about cross-border business decisions like mergers, relocations, or redundancies. Without direct bargaining rights, EWCs play a major role in influencing the policy of companies and protecting employment interests through soft law tools and recurrent interaction. An influential example is the EWC at General Motors Europe, which had a critical role in the 2009 restructuring negotiations.

Bangladesh Accord on Fire and Building Safety

The Bangladesh Accord signed in 2013 after the Rana Plaza factory building collapse that killed more than 1,100 workers was a turning point in transnational labour governance. It was negotiated with global union federations (IndustriALL and UNI Global Union) and more than 200 multinational fashion brands. The Accord imposed legally enforceable commitments on workplace safety, independent inspection, public disclosure of results, and financial accountability for remediation. As opposed to the majority of corporate social responsibility measures, the Accord brought enforcement through arbitration, which was a precedent for international cooperation in the enforcement of labour rights. Its 2018 shift to the International Accord further extended coverage and reaffirmed commitments.

Global Union Federations (GUFs)

GUFs, such as the Building and Wood Workers' International (BWI), International Transport Workers' Federation (ITF), and Education International (EI), serve as transnational advocacy and coordination bodies for sectoral unions worldwide. BWI's involvement in Qatar, particularly in the lead-up to the 2022 FIFA World Cup, illustrates GUFs' strategic role. Working with the International Labour Organization and domestic stakeholders, BWI campaigned for protections of migrant workers, enhanced health and safety measures, and the reform of the kafala sponsorship regime. These actions evidence GUFs' increasing power to promote labour rights within authoritarian or restrictive regimes.

Challenges and Critiques

A significant challenge confronting Transnational Labour Unions is the absence of means of enforcement of International Framework Agreements. Though IFAs define minimum labour standards with multinational companies, they are usually non-binding and subject to voluntary compliance. As Papadakis (2008) suggests, the lack of legal enforceability often leads to uneven application, especially in states with deficient labour

inspection regimes. This has a negative effect on the practical meaning of TLUs' attempts to protect global labour rights.

Another challenge is rooted in state sovereignty and legal pluralism. TLUs function within a territory with extremely diverse labour legislation, degrees of union liberty, and perspectives regarding international norms. The nation-state authorities might be hostile to transnational labour regulations, reserving sovereignty over industrial relations. E.g. Daugareilh (2012) observes that union rights are legally recognized differently, which restricts the enforceability of transnational agreements in countries such as the U.S. or China.

Representation and accountability are also matters of serious concern. TLUs usually do not have a democratic mandate that crosses borders. Compared to national unions that have well-defined membership structures, TLUs can have limited direct means for the participation of workers particularly those in the Global South in decision-making. This may result in charges of elitism or top-down decision-making that ignores local agenda.

Lastly, corporate opposition continues to be a persistent stumbling block. Multinational corporations have often employed union-busting measures, including intimidation or employer-controlled unions. For instance, Amazon employed surveillance and forceful anti-union propaganda in America and Europe. In more authoritarian states, TLUs encounter legal hindrances, such as prohibitions against foreign organizations or refusal to register unions, further diminishing their ability.

Conclusion

Transnational labour unions are an important counter to the challenge of globalization. Whether they can function effectively depends directly upon constitutional protection of freedom of association. Although considerable legal, political, and practical obstacles still exist, TLUs have made considerable progress in redefining labour organizing in the 21st century. Legalizing frameworks, building cross-border solidarity, and adopting new

strategies will be indispensable for transnational labour organizing in the future.

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Breaking the Labour Code: Women, Equality and the Unwritten Rule of Work

Manjari Sugirtha A
Student, Chennai Dr.Ambedkar Government Law College, Pattaraiperumpudur.

Ashok Priyadarshan R
Student, St. Joseph University Chennai.

Abstract

This article explores the role of women in the global workforce, highlighting the progress made to secure their rights and the persistent challenges they continue to face. India has emerged as one of the world's largest outsourcing destinations. Over the past few decades, women's participation in the workforce has seen a significant rise, making them integral members of the labour force. Despite being guaranteed various legal rights, women continue to face discrimination, violation of their rights, and exploitation in the workplace. To address these issues, enormous national legislation and international conventions have been implemented. However, significant gaps remain in the effective implementation of these measures. This article aims to shed light on the labour rights of women in the global workforce, examine the disparities in working conditions and gender rifts, and propose measures to address the unwritten rules and systemic challenges that hinder the advancement of women in the workplace.

Keywords: Women's rights, labour rights, Women's workforce, Gender equality, Global workforce

Introduction

The significant strides of women in the workforce significantly contributed to economic activity, enhancing personal well-being and the overall upliftment of the nation and their families. According to the 2023-2024 report, the participation of the women's labour force increased by 23% compared to the 2017-2018 report of FLFPR. Notwithstanding

any challenges such as deprivation of rights or exploitation, women had played a pivotal role in driving economic growth and contributing to the development of national wealth.

Diversification is a key factor for women's empowerment, which opens the doors driven by the advancement of technology, changing demographics, and increased inclusion of women in leadership in many organizations.

Women with proper education are the key to independence. According to the report, 39.6% of women with post-graduation, 23.9% of women with higher secondary education, and 50.2% of women with a primary level of education are a major source of the workforce in India. Two key indicators that reflect women's engagement in the labor market are FLFPR (Female Labour Force Participation Rate) and FWPR (Female Worker Population Ratio). FLFPR includes both women who are currently working and those who are actively seeking employment, indicating overall labor force engagement. FWPR, on the other hand, measures only the proportion of women who are actively employed. An increase in both indicators suggests that more women are participating in economic activities, either through employment or active job search, signaling a positive trend in women's economic involvement.

Gender equality refers to the idea that individuals of all genders shall have the same rights, responsibilities, and opportunities in all fields, such as employment, education, leadership, and personal development. It includes fair treatment, ensuring access to the resource, taking part in decision-making, and acting without any bias or discrimination. Including the means of providing equal pay for equal work and fostering inclusive workplaces where all employees can thrive based on their skills and performance. Global workforce: Due to the advancement of technology, demographic changes, and employment opportunities, people are engaged or seeking to get placed in work across the nation in various sectors such as healthcare, service, unorganized sectors, freelancers, gig workers, IT, non-IT, Skilled workers, etc. Women have been subjected to several obstacles, such as

unequal pay for work, extra work times, job segregation, and workplace harassment.

Regulatory Protection for Women Workforce

Indian labour legislation and some International instruments had laid an important foundation for the protection of the rights of workers, especially women.

The Factories Act, 1948, ensures the protection, health, safety, and well-being of employees in factories. Particularly for the welfare of women, the act demands separate washrooms, creches, etc. The act regulates that the working hours of an adult worker should not be more than 48 hours a week and not more than 9 hours a day. Furthermore, work must not go on for longer than five consecutive hours without a compulsory break of half an hour. For overtime work, employees will be paid double their salary. The act does not cover officers and executives. They are not entitled to receive payment for working overtime under the act. This has been an open window for multinationals to take advantage of the workers.

The Equal Remuneration Act, 1976: The Act compels employers to offer equal wages to men and women for the same or similar tasks, hence excluding gender discrimination in the matter of wages. In addition, it limits the assignment of women to jobs with hazardous duties, above all, ensuring their well-being.

Minimum Wages Act, 1948: This legislation ensures that all workers, including women, irrespective of their employment status (permanent, temporary, contractual, daily-waged, or hourly-rated), are entitled to receive minimum wages as notified by the appropriate government for the nature of work performed.

Maternity Benefit Act, 1961: The Maternity Benefit Act permits female workers to enjoy 26 weeks of full-pay leave for childbirth in the event of the first two children and 12 weeks in the case of subsequent births without any reduction of wages. Further, postpartum work-from-home could

also be allowed, depending on the nature of the work and the agreement between the employer and the employee.

POSH, 2013: This act applies to all workplaces and intends to safeguard women workers from unwanted behavior, such as sexual advances, offensive comments, and other types of harassment. It makes it mandatory to set up an Internal Complaints Committee (ICC) in companies employing 10 or more people, which is accountable for disposing of complaints within 90 days while keeping the complainant strictly confidential. This act covers a broad range of behaviors and demands, such as work, promotion, sexual harassment, etc., and covers the following areas: organized, unorganized, housing, and public as well as private organizations. Vishakha guidelines, Prior to this precedent, there was no such legislation to protect the rights of women in the workplace. The SC recognized the urgency of the requirement to provide a redressal mechanism and prevent sexual harassment; guidelines are issued, and they are binding under Article 141 of the Constitution. Based on this guideline, the POSH Act was enacted in 2013.

COI, 1950, various provisions have ensured the rights, and it has been interpreted in various circumstances. The Indian Constitution enshrines the very basic principle of equality for one and all, and no one is to be treated unfairly under the law, showing the anti-discrimination policy. *Air India vs. Nargesh Meerza*, in which it was ruled by the Supreme Court that the discharge of a woman from her job on grounds of pregnancy constituted discrimination and infringement of the right of gender equality.

Also, it rules out gender-based discrimination and enables the government to make special provisions in order to empower women. This principle was reaffirmed in AP vs. P.B. Vijayakumar, in which a scheme reserving government employment to the extent of 30% to women was challenged. The court upheld the scheme, observing that such practices are legitimate and necessary to advance genuine equality as well as social justice. In public employment, the Constitution provides equal opportunity to all. In C.B. Muthamma, where sex-discriminatory service rules in the Indian Foreign Service asked for permission before marriage and asked women to resign if

they married or became pregnant. The court declared such practices to be unconstitutional and discriminatory.

The Constitution also instructs the government to provide both men and women a reasonable standard of living and equal pay for equal work. It stresses upon fair conditions of work and protection of maternity. In the Municipal Corporation of Delhi case, the court held that even casual or temporary female workers are entitled to maternity benefits, thus upholding their right to dignity and security at work.

International Labour Organization (ILO) Convention: India has ratified 47 international conventions, many of which directly impact the conditions and rights of women in the workforce. The Equal Remuneration Convention (100), Discrimination (Employment and Occupation) Convention (111), Hours of Work in Industry (001), Weekly Rest in Industry (014).

Convention On Elimination Of All Forms Of Discrimination Against Women (CEDAW): aims to eliminate discrimination against women in the form of restricting enjoyment. Under Article 11, it explicitly guaranteed the rights of women to social security, maternity, and equal pay for equal work.

Reality Check: Hidden Challenges

Women have been trying hard to break the barriers and march toward fighting for equal rights and recognition in this patriarchal society. However, they are subjected to enormous problems that try to hinder their growth. The following is the unfiltered truth of women at work:

Women work hard to be recognized in their professional lives as they also work hard to keep their work as well as maintain their personal lives. They are still underrepresented at all levels of employment, from entry-level to executive leadership. Though they promoted equal pay and there exist legal protections and directives that are being put into place to close the gender pay gap, still, the pay disparities between men and women continue to exist. In rural areas, the women in unorganized sectors, like agriculture, get

less pay than the men. Even with the legal protections against harassment in the workplace, many "#MeToo" claims have been submitted, but most remain unreported owing to the fear of identity disclosure, lack of trust in the process, fear of retaliation or inaction by management, and a low level of awareness of the laws that are meant to protect their rights. Social expectations tend to lay down the first responsibility of household management, childcare, and supporting parents on women. This does a lot to hamper their professional and personal growth. With little support from their families, most women find it difficult to balance work and family. Consequently, many women are compelled to drop their ambitions because of stress, work-life imbalance, inadequate support for childcare, and poor parental leave policies.

The lack of designated working hours in numerous organizations usually forces workers to work overtime to achieve targets, leading to higher stress and burnout. A recent case involving the ghastly death of a 26-year-old female Chartered Accountant has highlighted the high level of work pressure and unhealthy organizational culture in certain companies. The incident highlights the need for mandatory work hours and a conducive workplace environment. The lack of mentorship and sponsorship is a major obstacle to career advancement for women. Unlike their male counterparts, women tend to have restricted access to professional networks and fewer chances to meet influential mentors or sponsors who can nurture their growth and champion their causes. This deficiency in support can stifle progress and limit exposure for important projects or promotions.

Women are more prone than men to doubt their capabilities. This is mostly as a result of societal stereotypes, cultural norms, and long-standing practices that devalue women's competence and discourage them from reaching their full potential. These barriers are normally system-based and end up making women undervalue themselves, which in effect constrains their professional and personal development. Even with the presence of social security legislation for leave during maternity, health benefits, and protection from job loss, a large percentage of women work in the informal

sector, where these protections usually do not apply. Women are not aware of their rights, and ineffective enforcement mechanisms further restrict their implementation.

Conclusion & Suggestion

From time immemorial, women have been victims of gender-based violence and are subjected to harassment in the workplace. Despite various legislation for protection, due to the norms in practice and stereotypes of society, women still face discrimination in their workplace. Organizations should never settle on just hiring women; they must provide the tools, opportunities, and support to enable career progression. Empowering women in the workplace must be prioritized, considering the ongoing challenges.

Consideration on implementation of a menstrual leave policy, as done in nations such as Spain in the European Union, Enactment of structured work schedules as part of organizational policies can minimize stress. Updating current labor codes to address contemporary society's needs is fundamental to enabling women to contribute to the workforce worldwide. Creating awareness among women, especially unorganized, informal workers, regarding their rights and legal protection available to them is necessary to empower them to handle workplace issues efficiently. Educated women can better speak for themselves, achieve their career objectives, and make a better contribution to economic growth and development. Therefore, a significant change in attitude by coworkers, leadership, families, and society as a whole is needed to make real change.

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A Constitutional Perspective on the Right to Decent Work: A Comparative Study of India, South Africa, Brazil.

PRAVEENA.E
Student B.COM,LL.B (HONS.)
TamilNadu Dr. Ambedkar Law University, School of Excellence in law.

Abstract

This study explores the right to decent work from a constitutional perspective within India, South Africa, and Brazil, which are three Southern democracies with contrasting socio-economic issues and diverse labour markets. The notion of "decent work" stems from international frameworks like the ILO's Decent Work Agenda and the ICESCR. In India, though Articles 14, 21, and 39 do protect dignity, livelihood infractions, there is no recognition of "decent work" as a justifiable right. The South African Constitution faces legal protection gaps with the COVID-19 migrant labour crisis and state accountability. South Africa also struggles with rising youth unemployment, inequality, informally contracted worker exploitation despite Section 23's guarantee of fair labour practices. Brazil's Article 6 Constitutional safeguards face increasing strain due to labour deregulation post-2017, raising concerns of social protection and social job security. In order to make decent work, concrete and enforceable socioeconomic right needed this study reviews these frameworks critically and advocates for incorporating stronger elements of decent work constitutionalisation, proposing harmonized approaches.

Keywords: Decent work, Constitutional Labour Protection, Socio-economic rights.

Introduction

According to Guy Ryder, former Director General of the ILO Stated "Social justice must be the Foundation of economic development and Decent work is the pathway". The right to decent work has become a key part

of the International human rights conversation.This study takes a closer look at India, South Africa, and Brazil the three significant democracies in the Global South, each facing unique socio-economic hurdles and labour market situations. In India, even though Articles 14, 21, and 39 of the Indian Constitution provide certain guarantees, decent work isn't explicitly recognized as a fundamental or enforceable right under Indian Constitution. South Africa, on the other hand, has a more progressive stance with Section 23 of its Constitution, but still struggles with enforcement issues, especially for migrant and informal workers. Brazil, supported by Article 6 of its Constitution, has seen setbacks due to labour reforms post-2017 that have eroded worker protections. This research deals into these differences, looking at how constitutional provisions translate into real-world protections.

Review of Literature

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2. S.Harish Kumar,Gig workers and the Constitution redefining employment rights in the 21st Century, Indian Journal of legal review. The Study reveals Gig workers in India do not have clear legal protection. They exist in a grey area between employees and independent contractors. Even though their role in the economy is increasing, they are left out of important labour rights. It is crucial to reform labour laws to guarantee their constitutional rights and social security.
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Possíveis Violações frente à Reforma Trabalhista," Brazil's 2017 labor reform prioritized employer flexibility over worker rights, weakening a number of 1988 Constitutional protections. Strong judicial oversight is necessary to protect social guarantees because, despite being portrayed as modernization, it compromised the constitutional ideal of decent work.

4. R. A. Teixeira (2016) The article "Trabalho decente: direito fundamental e vetor para an efetivação da dignidad do trabalhador" Brazil continues to struggle with forced and degrading labor despite the ILO's and the Constitution's protections for decent work. The study comes to the conclusion that vigorously opposing such practices is necessary to protect worker dignity.
5. Govindjee, A. & Dupper, O. (2011) Constitutional perspectives on unemployment security and a right to work in South Africa Journal: Stellenbosch Law Review, Vol. 22(3) This article argues that while South Africa's Constitution guarantees labour rights (Section 23), it does not include an explicit "right to work." The authors suggest introducing a qualified constitutional right to work or unemployment protection. This change would help fill the constitutional gap and promote decent work for everyone.

Objective of the Study

1. To explore how the constitutions of India, South Africa, and Brazil either acknowledge or overlook the right to decent work.
2. To investigate how decent work rights are enforced during socio-economic crises and amidst labour market disparities.
3. To Analyse the constitutional and legal shortcomings that hinder informal, migrant, and vulnerable workers from accessing decent work and also to suggest a comparative unified frame work for embedding decent work into the constitutions of developing democracies.

Statement of Problem

1. Why isn't the right to decent work consistently recognized as a justiciable constitutional right in India, South Africa, and Brazil?
2. What effects do labour deregulation and informal work have on the constitutional guarantees of fair labour practices and the dignity of workers?
3. Can a unified constitutional model enhance the enforceability of decent work in nations facing various socio-economic hurdles?

Research Methodology

The research is conducted through Primary as well as Secondary Sources. The Primary sources includes Constitutional provisions and landmark judgments, While Secondary Sources such as legal commentaries, journal articles, and reports to analyze the right to decent work in India, Brazil, South Africa.

Research Gap

The study has been done on how administrative inaction and judicial interpretation not provided the enforceability of the right to decent work in Brazil, South Africa, and India. The Study focus on how federalism and state-level choices affect the constitutional realization of decent work in multi-level governance systems like India, Brazil, and South Africa. The gap is in comparing how decentralization influences enforcement, budget allocation, and policy innovation in labour rights.

Research Analysis

DEFINITION OF DECENT WORK

The International Labour Organization (ILO) defines decent work as:

"Opportunities for work that is productive and provides a fair income, job security, and social protection for families. It includes better chances for personal development and social integration, freedom to express concerns,

organize and participate in decisions, and equal opportunity and treatment for all."

Recognition Under International Human Rights -Udhr

The Universal Declaration of Human Rights (UDHR) affirms work-related rights in Article 23 & 24.While Article 23 guarantees the right to work, fair conditions, equal pay, and protection from unemployment. It ensures fair wages for a decent life and the right to form trade unions.

Whereas,Article 24 ensures the right to rest, limits on working hours, and paid holidays. These rights highlight that decent work is inseparable from human dignity.

Constitutional Perspective of Right to Decent Work in India

FUNDAMENTAL RIGHTS

After India Got Independence in 1947, every citizen of India got rights as well as duties through the Indian Constitution,1950. Through this everyone has treated equally, prohibited caste, creed, sex, religion,race,freedom to trade etc,. But, Article 19 provides right to form association, union and also right to trade,profession, occupation.Therefore, decent work in India were not explicitly enacted by the Indian Constitution instead it has been interpreted impliedly by judiciary under Article 21 of the Indian Constitution. In Olga Tellis v. Bombay Municipal Corporation, the Court recognized the Right to Livelihood as a key part of the Right to Life under Article 21.In Francis Coralie v. Union Territory of Delhi, the Supreme Court broadened the meaning of Article 21. It stated that the Right to Life includes the right to live with dignity.

While Article 23 Of the Indian Constitution,1950, Prohibits trafficking in human beings and forced labour. Whereas Article 24of the Indian Constitution,1950, Prohibits the employment of children under 14 years in hazardous industries. Additionally, in D.K. Yadav v. J.M.A. Industries, the Court noted that the right to livelihood is crucial for liberty and dignity.

Without it, life turns into mere animal existence. These rulings describe the Right to Work as a Fundamental Right, but it mainly applies to the State in public employment cases. However, this right does not apply in private employment unless there are specific laws in place.

Directive Principles of State Policy

Though these are not legally enforceable, they guide state policy. While Article 38 Promotes a social order that fosters welfare and reduces inequalities. Meanwhile Article 39(a)-(d) Ensures adequate means of livelihood, equal pay for equal work, and protection against abuse and exploitation. Whereas Article 41 Guarantees the right to work, education, and public assistance and Article 42 Ensures just and humane working conditions and maternity relief. At last Article 43 Guarantees a living wage and decent standard of life for workers. All the provision which had been stated above, the state must take an action to implement,which still been treated as a policy, but not legally enforceable one.

Decent Work in India 2018-2019 Vs. 2024-2025

LABOUR FORCE PARTICIPATION AND INFORMALITY

In 2018, the labour force participation rate was only 37.5%. Of those, 52% were self-employed, about 25% were casual labourers, and 68.2% were in informal non-agricultural jobs. Among regular wage workers, 69.5% had no written contracts. Additionally, 54% lacked paid leave, and 52% had no social security. By July 2023-June 2024, the labour force participation rate rose significantly to 60.1% for people aged 15 and older. In rural areas, it reached 63.7%, while in urban areas it was 52%. Unemployment remained stable at 3.2%. However, over 86% of workers continued in informal or unorganized employment.

Therefore, despite a significant increase in labour force participation to 60.1% by 2023, the Indian workforce is still mostly informal and unprotected. More than 86% are in unorganized jobs, with restricted access to contracts, paid leave, or social security.

Earnings and Employment Vulnerability

In 2018-2019, 42.2% of regular wage earners made less than ₹9,750 a month. Among self-employed individuals, 58% and 92.5% of casual workers also earned below this amount. For 2024-2025, updated wage data is still pending, but ongoing high informality indicates that low and irregular earnings will continue. This situation disproportionately affects women, rural workers, and SC/ST communities.

Labour Violation and Emerging Challenges

With regards to Child labour between April 2024 and March 2025, 44,902 children were rescued from labour, with 90% in the worst forms of labour. However, 70% returned to work in districts like Krishna and NTR. In terms of state rescues, Telangana (11,063), Bihar, and Rajasthan lead, showing systemic issues.

Hence, the labour force participation rate has increased notably since 2018. However, informality, low wages, and violations of labour rights, particularly child labour, continue to be issues.

Constitutional Perspective of Brazil on Right to Decent Work

On 20 September 2023, at the UN General Assembly in New York, the U.S. and Brazil, with support from the ILO, launched a Partnership for Workers' Rights. It focuses on five key areas:

Protecting labour rights against forced and child labour,
Ensuring decent and safe work,
Fair transition to clean energy,
Ethical use of AI and technology,
Ending workplace discrimination.

The partnership promotes global labour justice and urges all nations to join. On October 2024, Brazil and the ILO signed a new agreement at the 11th Brazil-ILO South-South and Trilateral Cooperation Meeting at Itamaraty Palace in Brasília. This agreement aims to promote labour rights and

decent work. While Brazil's 1988 Federal Constitution clearly establishes the right to decent work as an essential part of social justice and human dignity. Article 6 recognizes "WORK" as a fundamental social right. While Article 7 offers many protections for workers, including fair wages, limits on working hours, social security, maternity and paternity leave, health and safety measures, and protection against unfair dismissal. It also guarantees rights to collective bargaining and equal treatment regardless of gender or position. Whereas Article 170 highlights that the economic order is based on the value of human labour and social well-being. It commits the state to promote full employment and reduce inequality. Labour rights are backed by Brazil's specialized labour courts system (Articles 111–114), which provides enforcement for these constitutional guarantees. Brazil also adheres to international standards by ratifying several ILO conventions, including Convention No. 189 for domestic workers. So, while Brazil's Constitution offers a strong framework for decent work, gaps in implementation and high informality present significant challenges.

Decent Work 2018-2019 Foundational to 2024-2025 Developments on Decent Work

During 31, January 2018, Brazil ratified ILO Convention No. 189 (Domestic Workers Convention), bringing legal protections like an 8-hour day, paid leave, access to social security, and prohibition of child labour to Brazil's about 7 million domestic workers. While Brazil's Constitution (Articles 6, 7, 170) previously ensured decent work rights, there were still challenges widespread informality, inadequate labour inspection, and uneven application of protections for vulnerable groups such as rural and informal workers.

International Leadership and Policy Expansion 2024–2025

On 16th June 2023, Brazil initiated the South–South Cooperation Programme 2023–2027 ("Social Justice for the Global South") to address decent work, eradicate child and forced labour, promote occupational safety, and enhance equity in partner states.

On 14 October 2024, the ILO and Brazil launched a $5 million trilateral project entitled "Decent Work and Social Justice" to enhance social dialogue, wage equality, labour inspection, and child/forced labour prevention in countries in the Global South.

In its November 2024 G20 presidency, Brazil championed the endorsement of G20 policy statements on promoting decent work, gender equality, living wages, and fair energy transitions. The ILO pointed to the leadership of Brazil in integrating decent work into multilateral global frameworks.

In June 2025, Brazil backed an ILO effort to prepare a new international convention for the protection of the rights of app-based (platform) workers. In Madalena Gordiano Case, a 38-year-old domestic worker who was enslaved without labour rights. Held the right to decent domestic work and anti-slavery protections were strengthened when employers were found guilty and fined. The problem of modern slavery in Bento Gonçalves more than 200 harvest workers were exploited in appalling conditions. It had been Held that the workers were saved by the authorities, and the supply chain accountability and decent work standards were strengthened by the over R$3 million fine imposed on the employers.

Constitutional Perspective of Southafrica on Right to Decent Work

Section 23 of South Africa's Constitution guarantees everyone the right to fair labour practices. This includes the right to form and join trade unions, engage in collective bargaining, and protect workers from unfair dismissal and exploitation.

Structural Challenges in 2018-2019

South Africa faced high unemployment at 37.8%, low labour absorption around 40%, and stagnant productivity, particularly in manufacturing and export sectors. Informal employment accounted for over 27% of the workforce, especially among youth and women, often without social protection or contracts. While the Constitution Section 23 guarantees fair

labour practices, enforcement was inconsistent. Although labour rights existed in law, they did not lead to inclusive, quality jobs.

Productivity Driven Policy-Shift 2024-2025

In response, South Africa teamed up with the ILO and Switzerland to start the Productivity Ecosystems for Decent Work Programme (2021 to 2025). By 2024, over 50 small and medium enterprises (SMEs) had been trained using tools like 5S and quality circles to improve working conditions. Workshops introduced new measures, such as Quality-Adjusted Labour Input, with participation from multiple agencies, aiming to measure and encourage inclusive productivity growth. Although unemployment remains high, policy has shifted toward creating sustainable, decent jobs. Therefore, Between 2018 and 2025, South Africa moved from inconsistent enforcement to a focus on building productivity as a path to decent work, although implementation and informal sector inclusion still need improvement. The dismissal of employees who refused a 10% pay cut was deemed substantively unfair in Shushu & Others v. Distell Ltd (Springs). The retrenchments were disproportionate because cost savings had already been realized, providing employees with serious harm while providing little benefit to the employer. Reinstatement was mandated by the court.

Finidings

The study shows that Brazil, South Africa, and India acknowledge decent work in their constitutions to different extents, but none provide a fully enforceable right.India has no legal recourse for decent work. while, South Africa has barriers to implementation.

And in Brazil, despite strong constitutional protections, faces challenges from labour reforms and informality.Vulnerable groups like gig workers, migrants, and informal labourers are often left out, making constitutional ideals disconnected from real enforcement.

Suggestions

Include Decent Work as Fundamental Right through constitutional amendments especially in South Africa and India. Carry out a comparative legal analysis of state or provincial labour laws, budget commitments, and implementation methods.

Improve Enforcement Mechanisms with specialized labour courts, social audits, and by including gig and informal workers in digital platforms. Improve implementation through labour inspections and legal reforms. Promote inclusive governance with tripartite social dialogue.

Conclusion

"Labour right are Human Rights".Constitutional rights for decent work in India, South Africa, and Brazil are aspirational but not Attained wholly. A unified framework based on international standards is essential to maintain dignity, fairness, and labour justice. Closing the implementation gap will turn decent work from a policy goal into a real constitutional guarantee.

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A Critical Study on Child Labour and Socioeconomic Impact

Arokia Sushma
Research Scholar, Tndalu-Soel
Dr. Ranjit Oommen Abraham
Professor & Head of the Department of Cyber Space Law And Justice,
The Tamil Nadu Dr. Ambedkar Law University, Chennai.

Abstract

Child labour remains a critical issue in many parts of the world, including India, where its socio-economic implications are profound. This study delves into the intricate relationship between child labour, socio-economic conditions, and the constitutional safeguards in place. Through a comprehensive analysis of existing literature, statistical data, and legal frameworks, this research aims to uncover the multifaceted dimensions of child labour's impact on the socio-economic landscape of India. The study investigates how various socio-economic factors, such as poverty, lack of access to quality education, and inadequate healthcare, contribute to the prevalence of child labour. By examining these factors, the research seeks to establish a clearer understanding of the root causes that perpetuate this deeply ingrained issue within vulnerable communities. Constitutional safeguards, designed to protect the rights and welfare of children, serve as a crucial foundation for preventing child labour. This research scrutinizes the efficacy of these safeguards, considering both their legal framework and practical implementation. By analysing landmark legal provisions, such as the Right to Education Act and the Child Labour (Prohibition and Regulation) Act, the study assesses their effectiveness in addressing the socio-economic drivers of child labour. It investigates how legal provisions and civil society initiatives can create a more holistic approach to combatting child labour's socio-economic roots. The findings of this research hold implications for policymakers, activists, and stakeholders invested in child welfare. By understanding the intricate connections between child labour, socio-economic conditions, and constitutional safeguards, this study aims to contribute to informed policy decisions and more targeted interventions. Ultimately, the goal is to pave the way for a future where every child in India is

ensured their rightful protection, education, and well-being, free from the shackles of exploitative labour.

Keywords: Prohibition and Regulation, Child labour, Socioeconomic,

Introduction

"Child labour deprives children of their childhood, their potential, and their dignity, and is harmful to physical and mental development." – International Labour Organization

"There is no worse slavery than the slavery of poverty, and the worst form of poverty is a child deprived of its childhood." – Nelson Mandela, former President of South Africa

The greatest gift to humanity is a child. Childhood is a significant period in human development because a child's ability to reach their full potential is essential to the development of a society and of the entire country. It takes time for a child to develop. Children's social, intellectual, and physical development will benefit if we can establish a lively environment. There will be a highly advanced society as a result. However, young employment has an impact on children's talents. Children all across the world are involved in a wide variety of tasks classified as employment. These activities can range from helping out at home with family members to engaging in physically hazardous and immoral action. A challenge for many developing and industrialised nations around the world, child labour is a complex and divisive issue that we have been dealing with for many years. Even though many nations have passed numerous laws and made significant efforts to end child labour, the issue persists on a global scale. Not an exception is India. According to the survey, India is one of the top countries in the world for the use of child labour. Child labour is a very complicated and pervasive problem in India. In India, child labour is mostly caused by poverty, and it occurs in both urban and rural areas. Despite the fact that many impoverished families fight for a better life, this drives the children of these households to work in order to boost the family income and become the family's primary provider. India has laws against child employment,

much like other nations across the world, in an effort to reform the nation and put an end to all sorts of child labour, but the reality on the ground is still very different.

Factors Contributing Child Labour

A complex network of factors contributes to the troubling social problem of child labour, which is perpetuated by these factors in combination. At its root, poverty acts as a strong motivator, forcing families to depend on the revenue their children produce to cover their essential expenses. Along with this, the problem is made worse by the lack of access to high-quality education. Families that are unable to pay for their children's tuition, uniforms, and school supplies frequently choose to send them to work instead, which limits their educational opportunities and condemns them to a life without the necessary training and education. Exploitative practises can thrive unchecked because there is no strict regulation or efficient enforcement procedures. Cultural norms and traditions also have an impact, as some civilizations view youngsters working in the home or on the farm as normal. Children are more vulnerable as a result of the need for cheap labour from businesses looking to maximise profits since they are simple targets for manipulation into accepting low pay and unfavourable working conditions. Due to the lack of adult career options in places with high unemployment rates, children frequently end up providing additional family money. As families relocate from rural regions in search of employment, urbanisation and migration expose children to new hazards by unintentionally placing them in hazardous working conditions. Due to gender imbalance, when boys and girls are assigned to different responsibilities like household work and agricultural labour, respectively, child labour is reinforced. Children's opportunities are restricted by these gender-based expectations, which also maintain social inequalities. In the end, child labour is perpetuated by a complex interaction of social, economic, and cultural variables, necessitating a thorough and all-encompassing strategy to properly address its core causes

Consequences of Child Labour

Child labour has a wide range of negative effects on children's lives that are both immediate and long lasting. Children who work in hazardous conditions suffer immediate dangers to their physical health, including exposure to dangerous materials as well as accidents and injuries. These circumstances jeopardise their health and growth, making them susceptible to hunger, stunted growth, and compromised immune systems. Stress, worry, and despair are concurrent psychological side effects of work that compromise children's mental health and rob them of a happy childhood. Additionally, child labour undermines hopes to pursue higher education by restricting access to high-quality instruction and feeding the cycle of illiteracy. Children's self-esteem and social skills suffer as a result of the isolation brought on by their labour, which keeps them away from their peers and important social connections. However, these rapid effects have broad ramifications. Survivors of child labour frequently struggle with inadequate education and skill sets, which keeps them trapped in a cycle of poverty as they try to find steady employment and acceptable pay. Health issues that arise during labour can have an ongoing impact on a person's quality of life far into adulthood. Childhood psychological trauma may develop into persistent mental health issues that impair a person's overall wellbeing. Survivors are more likely to continue the same patterns of exploitation as adults because they are caught in the vicious cycle of poor education, inadequate skills, and limited chances. This, in turn, impairs their capacity to give their own children a better life, perpetuating the cycle of child labour for subsequent generations. Therefore, the effects of child labour are felt in many different ways, necessitating comprehensive interventions to end the cycle of exploitation and guarantee better futures for the children who are impacted.

Socio-Economic Conditions That Impact the Likelihood of Children Engaging in Labour

The possibility that youngsters will work is significantly influenced by socioeconomic factors. The incidence of child labour is influenced by

an interaction of several elements within these circumstances, including poverty, educational attainment, and parental employment. Child labour is significantly influenced by poverty. Children could be required to contribute to the home income since poor families frequently struggle to meet their basic necessities. As a result of children's wages supplementing family income, child labour becomes a coping mechanism for families experiencing financial difficulties. Children who lack the resources needed for personal development are more susceptible to exploitation since poverty restricts their access to healthcare and education. The prevalence of child labour is significantly impacted by the lack of access to high-quality education. Children are more likely to work than go to school when families cannot pay the costs of education or when there are no schools or poor quality schools. Children who lack education are caught in a cycle of limited opportunities, which lowers their prospects of escaping exploitation and poverty. Parental vocations can have an impact on child labour. Due to the necessity for additional labour, parents may include their children in the same employment if they are working low-paying, seasonal, or informal jobs. There are instances where young kids are exposed to family trades or professions, which feeds the cycle of intergenerational child labour. Social expectations and cultural norms might interact with socioeconomic conditions. Child labour is accepted in some cultures as a rite of passage or a way to pick up cultural skills. It may be challenging to end the cycle of child labour because of poverty and limited access to education, which might serve to perpetuate these cultural norms. Child labour can be made worse by rapid urbanisation and migration from rural to urban areas. Families moving to cities frequently have difficult living situations and a lack of employment opportunities, forcing children to work in dangerous and exploitative settings in order to support the family. Additionally, gender affects child labour. Boys may be active in agricultural or industrial employment, but girls may be more likely to work at home or in other unobserved occupations. The type of job that youngsters do and their level of vulnerability are influenced by gender prejudices and preconceptions. For creating successful solutions to alleviate child labour, it is essential

to comprehend the intricate relationships between poverty, education, parental occupation, and other socioeconomic factors. Policymakers and campaigners may fight to end the cycle of child labour and provide kids the chances and protections they need by focusing on these core issues.

Consequences of Child Labour With Regard to Physical and Mental Health in Children

The physical and mental health of children who are participating in child labour is severely impacted, frequently for the rest of their lives. Their wellbeing may be affected by these effects over the course of their lives. Immediate Consequences: Children who perform dangerous or taxing work are at risk for accidents and injury. Accidents, burns, wounds, respiratory issues, and exposure to poisonous substances are a few examples of these. Stunted growth, malnutrition, and compromised immune systems can all result from inadequate sleep and nutrition. Children who work as children frequently experience stress, anxiety, and depression. Psychological discomfort can be brought on by the strain of juggling employment and school as well as exposure to challenging or exploitative circumstances. youngster who are employed as labours are unable to attend school on a regular basis or at all. Their education is disrupted as a result, which reduces their possibilities in the future and keeps them in a cycle of poverty. Child labour can keep kids away from their friends and from typical kid activities. Their social abilities, self-esteem, and general emotional health may all be impacted by this social isolation. Long-term repercussions: There is frequently a lack of access to education and occupational training as a result of child labour. Their chances of escaping poverty and obtaining steady job as adults are decreased by their lack of education and skill development. By prohibiting kids from obtaining the education and skills necessary to access better possibilities, child labour reinforces the cycle of poverty. This may cause poverty to be passed down through the generations. Physical health problems developed while a child is working can have a long-term impact on health as an adult. The overall quality of life can be impacted by ongoing illnesses and injuries. Early exposure to stressful

and exploitative circumstances can increase the risk of developing post-traumatic stress disorder (PTSD), depression, and anxiety disorders. Due to work obligations, children who lose out on typical childhood activities and schooling may have trouble integrating into society as adults. They could have trouble making friends, getting a job, and getting involved in community activities. Their adult productivity and earning potential are restricted by a lack of education and skill development, which lowers their income levels and increases their susceptibility. Without interventions, it is more probable that children who work will continue to do so as adults, thus continuing the cycle of child labour. Child labour has long-lasting effects that can affect future generations. Children who were forced into child labour may find it difficult to give their own children the care and education they need, perpetuating the cycle of exploitation and poverty. It's critical to understand how the repercussions of child labour are connected and can affect many different facets of a child's life. To ensure the wellbeing and opportunities of children who have been impacted by labour, effective interventions should address both the short-term and long-term effects.

NGOs and Grassroots Organizations Efforts Against Child Labour and Rehabilitate Affected Children

In the fight against child labour and the rehabilitation of those who are impacted, NGOs and community-based organisations have been at the forefront. They frequently mix activism, community participation, education, and support networks in their creative ideas and effective strategies. NGOs collaborate closely with local communities to educate people about the negative impacts of child labour. They work with local authorities, parents, and kids themselves to advance a shared understanding of the value of education and children's rights. Organisations can encourage a sense of ownership over the problem and enable regional stakeholders to take action by incorporating the community. Fighting child labour starts with ensuring that all children have access to high-quality education. NGOs establish non-formal education facilities, transitional schools, and remedial classes for kids

who have never attended school or have dropped out. They work together with neighbourhood schools to raise the standard of instruction and make it more inclusive of youngsters from disadvantaged backgrounds. NGOs help families maintain their way of life in order to alleviate the economic factors that lead to child labour. This can include things like income-generating projects, microfinance programmes, and vocational training. The demand for child labour is reduced by giving parents and other carers the tools they need to make a living. For youngsters rescued from dangerous working situations, NGOs build rescue and rehabilitation facilities. These facilities offer a secure and encouraging setting where kids can receive instruction, job training, counselling, and medical treatment. This aids kids in making the transition from labour to a better future. NGOs are essential in the fight for legislative changes and stricter implementation of the laws already in place against child labour. To guarantee that legislative frameworks are solid and successfully implemented, they cooperate with governmental entities, international organisations, and other stakeholders. Many organisations place a strong emphasis on empowering kids by teaching them leadership, life skills, and confidence-boosting techniques. These abilities enable kids to think about a life beyond work and give them the tools they need to make wise decisions about their future. NGOs spread knowledge on child labour and child rights through a variety of media channels, such as social media, radio, and local events. These efforts help to reframe public opinion and win people over to the cause. It is crucial for NGOs, government organisations, local governments, and other players to work together. Organisations can develop a more thorough and effective strategy to eliminate child labour by combining their resources, knowledge, and networks. Research on child labour patterns, underlying reasons, and vulnerable populations is frequently conducted by NGOs. Their methods and advocacy work are informed by this evidence-based approach. Even after children quit jobs that are exploitative of them, successful organisations continue to help them. This includes mentoring, follow-up services, and help with the transition to maturity and stable

employment. The multifaceted efforts of NGOs and grassroots groups to end child labour and support the total development of impacted children are highlighted by implementing these best practises and ideas.

Conclusion

In conclusion, the comprehensive examination of child labour's socioeconomic circumstances and constitutional protections highlights how challenging and urgent it is to address this pervasive problem. The analysis of the socioeconomic elements that contribute to child labour and the assessment of constitutional protections reveals a complex environment where legal requirements interact with society norms and economic reality. Child labour thrives in the socioeconomic environment, which is marked by poverty, a lack of access to decent education, and very little options. Children are forced into exploitative workplaces out of economic need, depriving them of their youth and future potential. Although essential, the constitution's protections frequently have trouble being put into practise because to weak enforcement mechanisms, diverse cultural norms, and regional differences. A thorough approach is necessary to effectively safeguard children's rights and end child labour issues with the support of the legal system. A multifaceted strategy is needed to eradicate child labour. To increase efforts in awareness campaigns, policy lobbying, and resource allocation, governments must work in conjunction with non-governmental organisations, civil society, and international organisations. Education-related efforts are crucial for changing public perceptions of the importance of education as well as giving youngsters alternatives to labour. In addition, tackling poverty by providing families with support for their livelihoods can interrupt the cycle of reliance on child labour. In the end, the critical analysis emphasises that child labour is a symptom of more fundamental socioeconomic problems, calling for a comprehensive transformation. Beyond constitutional protections, a cultural transformation that places a higher priority on children's rights, education, and wellbeing is required. To establish a setting where children can pursue their ambitions free from the constraints of work, governments, institutions, communities, and

individuals must work together. The objective is to bring about a world in which the exploitation of children for labour is a thing of the past and every child can once again experience the wonder of childhood. Child labour causes a real productivity loss for society in addition to harming children's physical and mental health. By putting a stop to this child exploitation, we make it possible for more people to start small companies, pursue education, and stimulate the economy.

Suggestions

- By expanding school time, extending the school day can help decrease child labour.
- Restoring older children to school and increasing their career prospects later in life has been accomplished through the combination of education and apprenticeships.
- Reducing girl children involvement in unpaid caregiving and household chores requires reducing gender disparities in access to and completion of all educational levels.
- Other measures to stop child labour are rendered weak or ineffectual in the absence of awareness. Recognizing this need, a variety of media platforms, including as social media, radio, and television, have made it possible for campaigns and messages about ending child labour to reach audiences worldwide and to support and bolster awareness initiatives at the grassroots level.
- In the way of guaranteeing that children have access to education rather than being forced into labour, increasing awareness of the value of donations for education can offer long-term remedies in addition to legal actions.
- By Using social pressure has been one of the most effective ways to combat child labour. This entails aggressively deterring companies from hiring minors and informing employers, families, and companies about the moral and legal ramifications of doing so.
- In order to eradicate child labour and create a more dynamic and just economy, each of us as members of society has a part to play.

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The Status of Platform and GIG Workers Under Indian Labour Law

M.S.revathi, Bba.llb,
L Ranjitha Assistant Professor
Dr.mgr Educational and Research Institute.

Abstract

The emergence of digital platforms has significantly transformed India's labour market in the 21st century, giving rise to the gig economy. Gig and platform workers those who perform tasks mediated by digital platforms like Uber, Ola, Swiggy, Zomato, and Urban Company constitute a growing but largely unprotected segment of the workforce. While this new form of employment has created opportunities through flexible work, micro-entrepreneurship, and service-based jobs, it has simultaneously introduced vulnerabilities such as income instability, lack of social security, absence of employment benefits, and low bargaining power. Women, migrant workers, and workers with limited education are particularly affected.

This paper critically examines the legal status of gig and platform workers under Indian law, focusing on the Code on Social Security (CSS), 2020, as well as state-level innovations in Rajasthan (2023)and Karnataka (2025). It also compares India's regulatory approach with global practices such as the UK Supreme Court's Uber v Aslam case, California's AB5 law, and the EU draft directive on platform work. Key challenges, including delayed implementation, fragmented state policies, algorithmic control, and low worker representation, are discussed. Finally, this paper recommends a layered framework of central and state initiatives, digital registration, welfare funds, algorithm audits, and dispute resolution mechanisms to improve protection for gig workers, thereby promoting social justice and sustainable growth in India's digital economy.

Keywords: Gig Workers, Platform Workers, Social Security, Informal Employment, etc.

Introduction

The rise of digital platforms has led to a rapid expansion of the gig economy in India. Millions of workers now earn their livelihoods by performing tasks or services mediated through apps. While this system offers flexibility and additional income opportunities, it also generates economic insecurity due to the absence of formal employment protections.India's labour laws traditionally protect employees in the formal sector, but gig workers often fall outside the scope of these protections. Platforms classify workers as independent contractors, avoiding obligations like minimum wage, provident fund contributions, paid leave, or accident insurance. Despite the lack of formal recognition, gig workers are controlled through algorithmic task allocation, ratings, and payment structures, effectively creating a form of dependent work.

According to NITI Aayog (2023), India has approximately 15–18 million active gig workers, projected to exceed 23 million by 2030. Women constitute 20–25% of this workforce. Average monthly earnings range from ₹8,000–₹15,000, highlighting the need for legal recognition and social security.

Globally, various approaches are emerging to regulate platform work. The UK classifies Uber drivers as "workers" with certain rights, California enacted AB5, and the EU is drafting directives to ensure minimum protections. In India, legislative innovation through the CSS 2020 and state-level initiatives in Rajasthan and Karnataka represent early attempts to formalize gig work.

Research Objectives

The objectives of this study are:

1. To analyze the economic, social, and gendered impacts of digital platform work and the gig economy in India.

2. To examine the challenges faced by informal gig workers, including lack of social security, unstable income, and limited employment rights.
3. To assess the effectiveness of current legal frameworks, including the CSS 2020, and state-level initiatives, in providing protection to gig workers.
4. To provide recommendations for a comprehensive framework to protect gig and platform workers.

Research Methodology

This study adopts a qualitative and doctrinal research methodology, using:

Primary sources: The Code on Social Security, 2020; Rajasthan Platform-Based Gig Workers Act, 2023; Karnataka Platform-Based Gig Workers Bill, 2025; judicial decisions such as IFAT v Union of India.Secondary sources: Academic books, journal articles, reports from the International Labour Organization (ILO), and government publications.Comparative analysis: Examining international frameworks in the UK, California, and the European Union.

Legal Recognition

The Code on Social Security (CSS), 2020 is India's first legislation to formally recognize gig and platform workers. It defines Gig Worker as a 'person performing work outside a traditional employer-employee relationship'. Platform Worker as a 'person performing work via an online platform or aggregator'. The CSS aims to provide social security benefits funded partially by aggregators, including: Health and accident insurance, Maternity benefits and Old-age pension schemes. Despite this recognition, implementation remains limited, leaving many workers unprotected.

Challenges in Legal Protection

Employment Classification: Platforms classify workers as independent contractors to avoid obligations, even though algorithms control their work. Social Security Gaps: Many workers are unaware of schemes or unable to

register. Income Instability: Earnings fluctuate based on demand, ratings, and algorithmic assignments. Low Bargaining Power: Fragmentation and individual work arrangements reduce collective negotiation ability. Gender Inequality: Women workers face lower wages, no maternity protection, and a "double burden" of household responsibilities. Migrant Vulnerability: Migrant workers often lack identity documents and access to welfare schemes.

State-Level Initiatives

Rajasthan (2023): Created a welfare board and digital registration system. Established a fund financed by aggregator contributions. Provided unique IDs for portability of benefits

Karnataka (2025): Imposed a 1–5% welfare fee on platform transactions. Introduced grievance redressal mechanisms and health coverage

Challenges remain, including portability across states and administrative compliance costs.

Comparative International Perspectives

UK (Uber v Aslam, 2021): Drivers recognized as "workers" with minimum wage and leave rights. California (AB5, 2019): Attempted to classify gig workers as employees; partially modified by Proposition 22. European Union: Draft directives presume employment when platforms exert significant control.

Lessons: India can benefit from a hybrid approach, combining central law, state innovation, and judicial intervention.

Socio-Economic and Gendered Impacts

Economic: Gig work provides flexible income but lacks job security. Average earnings range from ₹8,000–₹15,000 per month.

Social: Informal work arrangements result in lack of safety, limited training, and low social recognition.

Gendered: Women workers often earn less, lack maternity benefits, and face harassment.

Migrant and Child Labour: Migrant workers are vulnerable due to poor documentation; child labour persists in hazardous informal industries.

Suggestions and Recommendations

- Centralized Worker Registry: A digital portal for registration and benefit access.
- Portable Social Security: Benefits should be transferable across states.
- Layered Welfare Schemes: Prioritize health insurance, accident coverage, maternity, and pensions.
- Algorithm Transparency: Platforms must disclose pay and task allocation algorithms.
- Grievance Redressal: Fair procedures for deactivation and disputes.
- Worker Organization: Support unions and self-help groups for collective bargaining.
- Awareness Campaigns: Educate workers about rights and welfare schemes.
- Alignment with ILO Standards: Ratify and implement conventions on social security, collective bargaining, and minimum wage.

Conclusion

Gig and platform workers are a vital part of India's digital economy. They provide essential services but face income instability, lack of social security, and minimal labour protection. The CSS 2020 and state initiatives in Rajasthan and Karnataka provide legal recognition and welfare schemes, but implementation gaps remain. A coordinated approach involving central laws, state policies, digital registration, welfare funds, algorithm audits, and awareness programs can ensure dignity, equity, and protection for gig workers. Aligning policies with international labour standards will further

strengthen India's labour governance and promote sustainable economic growth.

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Critical Analysis of Health and Safety Practices in Work Place

S.VARSHA BBA LLB (HONS), IV Year
J.JESLYN BBA LLB (HONS), IV Year
L. RANJITHA, Assistant Professor
Dr.M.G.R. EDUCATIONAL AND RESEARCH INSTITUTION

Abstract

The study explored the evolution challenges faced in occupational safety, implementation, sociological human challenges workers when exposed to hazards processes to prevent occupational diseases highlights the importance of employment education training program system especially in chemical sectors, automations and robotics AI, noise and vibration as well as vulnerabilities faced by women and child labours in that movement the study further compares India's regulatory framework with international approach including ILO and iso 45001, safety management systems. labour law and offshore compliance If the organization maintains good health and safety within working environment, the employee will be able to render a significant contribution in the achievement of organisational goals. The inspecting staff should understand the workplace should be hazard-free one. The study recommends the management must share hazard and risk information with other employees.

Keywords: Occupational health and safety, chemical sector, automation and robotics, artificial intelligence, ILO standards, ISO 45001, migrant, women and child, small scale industry, off shore compliance, covid-19

Introduction

Workplace safety is essential for employee health and productivity. Chemical, manufacturing and off shore industries posses high risk. Automation, robotics, noise and vibration creates new hazards. Laws like factories act, ILO conventions and ISO 45001 exists but enforcement is weak. Vulnerable groups like migrants, women, children faces greater risk

covid 19 exposed gaps in hygiene, protective equipment's and preparedness. Aligning with global standards and promoting safety culture is crucial

Health and safety play a vital part in our personal and work life and the environment around us. The awareness of health and safety is important for us in order to perform our day to day activities at work and life. The purpose of health and safety is to give us knowledge of up to date laws and regulations. The health and safety plan has to be definite plan of action designed to prevent accidents and occupational hazards and diseases and it must include the elements required by the health and safety regulations and legislations as a minimum

Principles of QMS and Continuous Improvement

Quality management systems promote organizational excellence by establishing continual improvement as a core goal, supported by leadership commitment and employee involvement. The process includes:

- Identifying key processes that affect product/service quality.
- Setting and updating performance standards across each workflow.
- Measuring achievements using recognized criteria.
- Taking corrective action whenever results fall short.
- Finding opportunities for further improvement through employee feedback and regular audits.

Popular methods include the PDCA (Plan-Do-Check-Act) cycle, lean manufacturing, Six Sigma, and Total Quality Management (TQM), all ensuring ongoing operational enhancement and rapid adaptation to market changes.

Occupational Safety and Health

Research in occupational health and safety management within chemical industries often targets several objectives relevant to modern operations:

Safety Education and Training: Evaluating the effectiveness of current safety training programs and how well workers are prepared for risks specific to

the chemical sector. Risks from Automation and AI: Analyzing emerging risks associated with the adoption of automation and artificial intelligence in factories, such as equipment malfunction and algorithmic hazards. Health Impacts of Noise and Vibration: Assessing both immediate and chronic effects of workplace noise and vibration, which may cause hearing loss, neurological, or circulatory issues. Comparing Safety Frameworks: Comparing India's factory safety regulations such as the Factories Act, OSH Code 2020—with international standards like ILO guidelines and ISO 45001, which emphasize worker well-being, hazard control, and employee participation. Barriers in Small Industries: Identifying obstacles to effective safety practices in smaller enterprises, including limited financial resources, lack of management support, inadequate training, and regulatory complexity. Improvement Measures: Suggesting actionable strategies for better occupational health and safety, such as increasing employee engagement, simplifying compliance requirements, and investing in continuous safety education.

Key Insights for Chemical Industry Safety

India's occupational safety landscape is shaped by both national regulations and international standards. Major barriers in small industries include resource constraints, information gaps, weak management support, and bureaucratic hurdles. Continuous improvement techniques under QMS, combined with tailored safety measures, enhance both compliance and worker protection throughout the sector.

Research Questions

1. Factories act 1894 provides comprehensive measures to protect health safety welfare however implementation remains inconsistent in small scale industry.
2. Global safety trends versus ILO IOS 450001 safety management systems versus India
3. Covid-19 revealed gaps in factory hygienic distancing and protective equipment

Research Methodology

The study adopts a qualitative and primary sources such as books, reports scholarly articles

Occupational Diseases In Chemical Industries

Occupational diseases are health disorders directly caused by workplace exposures to hazardous physical, chemical, or environmental agents. Chemical industries, along with related sectors such as mining, steel manufacturing, and textiles, expose workers to a wide variety of toxic agents that can cause long-term, sometimes irreversible, damage.

Chemical exposures form the largest group of risks. For example, benzene, used in dyes, rubber, explosives, and chemical manufacturing processes, is strongly linked to blood and organ disorders such as aplastic anemia and leukemia. Similarly, chromium compounds, often encountered in electroplating, welding, and pigment production, can cause chronic ulcerations of the skin and respiratory tract and are recognized carcinogens. Another notorious toxin is arsenic, present in mining, smelting, pesticide production, and the glass industry; long-term exposure can cause skin cancers, severe dermatitis, and multi-organ damage.

In addition to chemicals, radiation hazards pose occupational threats. Workers in nuclear power plants, uranium mining, or even frequent X-ray operations face exposure to ionizing radiation, which can damage DNA, increase cancer risk, and cause long-term genetic effects. Infrared radiation, by contrast, is an environmental hazard in glass blowing and steel plants, producing occupational cataracts due to prolonged heat and radiation exposure. Excessive noise levels, encountered in mining, textile factories, transport operations, and heavy machinery plants, contribute to irreversible noise-induced hearing loss.

Certain metals also have toxic consequences. Manganese, used in welding, battery production, and ferroalloy industries, can trigger contact dermatitis, respiratory infections, and allergic skin reactions. Beryllium,

used in aerospace and electronics, can damage lungs and cause chronic beryllium disease. Cadmium, encountered in smelting, pigment industries, and battery manufacturing, is toxic to kidneys, bones, and lungs, often leading to lung cancer. Similarly, fluorine exposure especially in aluminum smelting, fertilizer production, and glass industries causes skeletal fluorosis and respiratory irritation, while nitroglycerine workers in ammunition or explosives factories frequently suffer from severe headaches as an early occupational symptom.

Occupational respiratory diseases are among the most serious outcomes of long-term workplace exposures. Occupational asthma, common in the chemical, flour milling, and textile industries, arises from allergic airway inflammation. Pneumoconiosis, typical in mining, quarrying, stone-cutting, and construction sectors, results in irreversible lung fibrosis. A more industry-specific disease, bagassosis, is seen among sugar factory workers exposed to moldy bagasse dust, leading to hypersensitivity lung disease.

Many chemical industries also deal with cancer-causing agents. Asbestos exposure, especially in construction, shipbuilding, and insulation industries, is infamous for causing lung cancer and mesothelioma. Asphyxiants, such as carbon monoxide or cyanide gases in steel plants and mining, cause suffocation and organ poisoning, often leading to acute fatalities. Additionally, multiple carcinogenic chemicals used in dye, leather, rubber, and general chemical manufacturing are associated with bladder, kidney, and liver cancers.

Outside these major categories, other solvents such as alcohols and ketones extensively used in paints, adhesives, printing, and coatings—can lead to neurological damage, as well as liver and kidney impairment through chronic inhalation.Noise control -

Exposure - limit (80dBA (lower))- 85dBA (upper) if these level exceeds beyond the limit the employers duty are:

1. conduct and review noise risk assessment
2. give control measures rest breaks, training, hearing protection (ear plugs, ear muffs)

Rise of robotics and AI in industry

Transforming employment by increasing efficiency and decreasing human exposure to hazardous task also unemployment automated system help lower direct contact chemical, heat and heavy machinery. However use of robotics and automated tools introduced new risk such as mechanical vibration and noise cause long term health effects like musculoskeletal strain or hearing issues

Work Place Issues Faced by the Workers

There is an Inconsistencies in small scale industries, strong enforcement seen in organised industries while SSI often unchecked lack of inspection, resources and technical knowledge gap lead to frequent accident and poor working condition. Certifications like ISO 45001 is costly for many firms safety is often reactive not preventive. During the Covid – 19 there was a shortage of PPE. Pandemic preparedness was not build in regards with safety laws. Layout for workplace was not properly organised due to which over crowded layouts caused damages to safety and health of the works. While considering immigrants workers they often find language and cultural barrier reducing access to safety training. Women are facing reproductive health risk in chemical and manufacturing sector faces ergonomic challenges in which design for man. Child in informal and hazardous sector like fireworks, tanneries and mining more prone to injuries and toxic efforts due to young age lack of protection

Labour Law and Odd Shire Compliance

Offshore workers may fall under the flag state, host state or employer home country exploitation risk- employers may register vessels in countries with weak labour protection ("flag of convenience") to reduce cost. leading to ambiguity of workers for compensation, dispute resolution and legal rights.

Recommendations

1. Regular audits and inspection mandatory safety audits in chemicals and small scale industries
2. Integration of technology- use AI, robotics, and digital monitoring to reduce human exposure to hazards.
3. Emergency preparedness- stronger pandemic and disaster response in factories

Conclusion

Worker safety is still weak in chemicals, small industry, and offshore jobs. Laws exist, but poor enforcement and low awareness and reduce their impact. Covid 19 exposed hygiene gaps, and migrants, and children remain most at risk. Stronger implementation, training, are needed for safer workplace

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