

# “DILUTING THE LABOUR LAWS- A THREAT TO LABOUR JURISPRUDENCE?”

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## INTRODUCTION

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The developments in the society have commonly been connected with the progressive improvement of principles along with an apparatus for their customary and compelling requirements. Law is in a steady procedure of transition, and a lot of its advancement is because of the authoritative establishments. With the development and progress of modern work culture, legislations has become dynamic and complex. Consideration of new work institutions in the rule book, periodical alterations in the current work laws and voluminous development of case law have added new measurements to modern statutes. This has also affected the relationship of employer- employee that advanced industrial jurisprudence mainly through judicial decisions. Casselman's labour dictionary defines industrial jurisprudence as "*the code dealing with the employer and employee relations established through various precedents*<sup>1</sup>." The nobility of man is the preeminent worth in a democracy. It is sacred and furthermore, must be regarded and safeguarded by the State. Every individual must be ensured the biggest conceivable degree for the improvement of his character. This relationship incorporates the obligation of forestalling abuse of one individual by another, i.e., abuse of a person as a worker or under debasing conditions or by not providing wages. Therefore, the Executive, Legislative and Judicial processes should cling to this social theory and secure social administrations for the individuals. The Indian Constitution<sup>2</sup> has given a position of pride to the accomplishment of social and economic equity, government assistance and the common good that has led to the compelling framework of labour laws in India. This has also been possible because of the imprints of the International Labour Organisation (ILO) on our Constitution. The Part III of the Constitution protects the Fundamental Rights that the labours can have a claim on such as Article 14, 19, 21, 23, 24, 32. The State also has a duty to secure the rights of the labour incorporated under Articles 38, 39, 41, 42, 43, 46 of Part IV that is the Directive Principles of State Policy (DPSP). Apart from these, there is Article 136 (Special Leave Petition); under Article 226 a citizen can file a writ in the High Court and under Article

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<sup>1</sup> Business Recorder, *Labour And Industrial Jurisprudence I*, (Aug, 12, 2020, 13:29pm), <https://fp.brecorder.com/2008/05/20080517739841/>.

<sup>2</sup> Aarsha, *Constitutional Provision Which Guarantee Protection To Labour Laws*, Legal Service India, (Aug, 12, 2020, 13:29pm), <http://www.legal-servicesindia.com/article/181/Constitutional-Protection-on-Labour-Laws.html>.

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246 the subject matter of labour laws is enlisted in all the three Lists but most importantly under the Concurrent List like, trade unions, labour disputes, welfare of labours, social security and insurance<sup>3</sup>. Therefore, without a doubt, the cutting edge work of various labour enactments in India bears striking fundamentals of the parent law, i.e., the Constitution. It forms the basis for the implementation of industrial jurisprudence principles in our labour legislations that are-

1. Social Justice;
2. Social Security;
3. International Uniformity; and
4. National Economy.

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### **LABOUR JURISPRUDENCE**

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Even though the concept of labour jurisprudence developed after independence there has been a very limited scope to it. The notion around which it mostly evolves is social justice which in itself is dynamic that is why industrial jurisprudence has always been in the developing stage. The Labour laws can be primarily divided into four categories:

1. Conditions of work
2. Wages and Remuneration
3. Social Security
4. Employment Security and Industrial Relations

Justice Krishna Iyer had emotively stated in the case of *Western India Automobile Association v. Industrial Tribunal*<sup>4</sup> and *Bharat Bank v. workmen of Bharat Bank*<sup>5</sup> that “Industrial jurisprudence is not static, rigid and textually cold but dynamic bargaining and warm with life.”

The principles of Industrial Jurisprudence in a nutshell-

### **SOCIAL JUSTICE**

Justice can be divided into Legal and Social Justice that from an integral part of an industry. Legal Justice in labour law is basically disciplining unethical behaviour by enacting and enforcing laws whereas Social Justice is creating an environment where workers can utilise their potential worth for productivity, management and earning a standard living. To be specific, an industry can aspire for two things to secure social justice that is-

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<sup>3</sup> Egyankosh, *Indian Constitution And Labour Legislations*, (Aug, 12, 2020, 13:29pm)  
Egyankosh, <http://www.egyankosh.ac.in/bitstream/123456789/6907/1/Unit-5.pdf>.

<sup>4</sup> 1949 51 BOMLR 894

<sup>5</sup> 1950 AIR 188, 1950 SCR 459

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- Equitable distribution of profits and other benefits between the employer and employees; and
- Ensuring the safety and health of the workers.

There are various welfare legislations that have been enacted for the labourers that have made the industrial life more secure. It also becomes a part of the Universal Declaration of Human Rights (UDHR), 1948<sup>6</sup> that ensures every member has a right to social security. In India, the Workmen's Compensation Act, 1923<sup>7</sup> is the first legislation enacted for social security measures. After this there were numerous enactments like The Payment of Wages Act, 1936<sup>8</sup>; The Industrial Disputes Act, 1947<sup>9</sup>; The Factories Act, 1948<sup>10</sup>; The Employees' State Insurance Act, 1948<sup>11</sup>; The Public Liability Insurance Act, 1991<sup>12</sup>, etc. that have proved to meet the ends of justice and instil a satisfaction especially among the labourers. There is cantonment of judgements that holds the importance of social justice in industry and presumes that the adjudications strike a kind of harmony between the enthusiasm of work power and the premiums of capital contributing open<sup>13</sup>. Therefore, without this harmony neither the nation will succeed nor the work power will thrive. Along these lines, the idea of social equity requests the fulfilment of interests of different segments of employers and employees.

### SOCIAL SECURITY

Social security basically means providing a guarantee to individuals against certain exposed risks. This principle of labour jurisprudence covers two important concerns of social justice that are<sup>14</sup>-

- Increases production and adds to becoming a welfare State;
- It secures the labourers that in turn leads to their efficient working;
- Reduces labour disputes.

Internationally, the ILO had adopted the Social Security (Minimum Standards) Convention, 1952<sup>15</sup> that sets out the basic principles of social security. Likewise, in India numerous social

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<sup>6</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)

<sup>7</sup> Act No 8 of 1923

<sup>8</sup> Act No 4 of 1936

<sup>9</sup> ACT NO. 14 OF 1947

<sup>10</sup> ACT NO. 63 OF 1948

<sup>11</sup> Act No. 34 of 1948

<sup>12</sup> ACT NO. 6 OF 1991

<sup>13</sup> Labour Law in India, [https://sg.inflibnet.ac.in/bitstream/10603/129412/8/08\\_chapter%201.pdf](https://sg.inflibnet.ac.in/bitstream/10603/129412/8/08_chapter%201.pdf).

<sup>14</sup> Dr. Soumitra Kumar Chatterjee, Principles of Labour Legislation and Industrial Jurisprudence, Odisha Review, <http://magazines.odisha.gov.in/Orissareview/2017/May/engpdf/26-31.pdf>.

<sup>15</sup> International Labour Organization (ILO), *Convention Concerning Minimum Standards of Social Security*, 28 June 1952, C102

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security legislations have been enacted like, The Industrial Employment (Standing Orders) Act, 1946<sup>16</sup>; The Trade Union Act, 1926<sup>17</sup>; The Minimum Wages Act, 1948<sup>18</sup>; The Maternity Benefits Act, 1961<sup>19</sup>; The Employees Family Pensions Scheme, 1971<sup>20</sup>; The Payment of Gratuity Act, 1972<sup>21</sup> etc.

### INTERNATIONAL UNIFORMITY

The International Labour Organization (ILO) was created in 1919 as a part of the Treaty of Versailles<sup>22</sup> with a belief that a long-lasting peace can only be achieved if it is based on the principles of social justice. The ILO is an agency of the United Nation that aims to advance the opportunity for both men and women for obtaining adequate and decent productive work by safeguarding the freedom, equity and human dignity of the individual. In United Nation, the ILO is the only agency having a “Tripartite” agency i.e., it enables to bring together the representatives of the government, employers and workers in order to shape the policy and program together. The ILO helps the government, employer and worker to establish effective labour relations, upgrading labour laws according to the changing economic scenarios and social circumstances and creates conditions for effective exchange of dialogues with all the three agencies. This international uniformity mandated by the ILO has shaped labour jurisprudence effectively as the underlying principles of ILO have been incorporated in national legislations of various countries<sup>23</sup>.

### NATIONAL ECONOMY

For enacting any labour legislation the economy of that country is always taken into account because the treatment of the labourers by the employers depends on it. A strong economy knows the value of their labour force and therefore pro-labour legislation is enacted where the labourers are not taken advantage of and also on the other hand the employers do not feel unaccomplished with the legislators and the productivity. Whereas, a weak economy has no or little concern about their labourers because the main goal becomes to uplift the economy for which the labourers are exploited and no social security is provided. Therefore, whether a lenient or stringent labour law is required in any country would duely depend on their respective

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<sup>16</sup> Act No. 20 of 1946

<sup>17</sup> Act No. 16 of 1926

<sup>18</sup> Act No. 11 of 1948

<sup>19</sup> Act No. 53 of 1961

<sup>20</sup> Section 6-A of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952)

<sup>21</sup> Act No. 39 of 1972

<sup>22</sup> International Labour Organization (ILO), *Constitution of the International Labour Organisation (ILO)*, 1 April 1919

<sup>23</sup> Supra 22

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economic powers. The Supreme Court has advanced various proposes that currently structure the Industrial Jurisprudence in the nation that are-

1. The labourers should not be treated as commodities<sup>24</sup> and should have equal rights and partnerships in industrial management and activities. Further, in order to avoid ill-treatment of the labourers there was a need to replace the old Doctrine of freedom of contract and the 'hire and fire' rule. This Doctrine and rule eventually got replaced by the Doctrine of social good, public policy and social welfare.
2. The trinity of the constitution- the Preamble, Fundamental Right and DPSP aims to provide social-economic justice, equality and opportunities.
3. Matters related to the labourers such as wage fixation and the Doctrine of Laissez-faire are based on the principle of the social welfare that is divided into three categories that are living wage, fair wage and minimum wage.
4. The primary purpose of the Doctrine of Minimum Wages is to assure that the minimum wages is provided to the labourers at any cost irrespective of whether the employer has the capacity to bear the expenditure or not<sup>25</sup>.
5. The principle of social justice and fair play provides the basis for the matter related to the termination of the service. Thus, the court has control over the management's right to dismiss or discharge any workmen. Now, the rule is that if any workmen is wrongfully dismissed or discharged, he can be reinstated or in some cases adequate and reasonable compensation may also be paid to the workmen<sup>26</sup>.
6. The DPSP provides equal pay for equal work. In the case of *Randhir Singh v. Union of India*,<sup>27</sup> it was held that equal pay for equal work is a constitutional goal and not just a demagogues slogan, thus, it can be attained through the constitutional remedies by enforcing the constitutional right.

So far, it has been duly established that Labourers are the predominant accomplices in the modern endeavours and without their participation, exertion, control, honesty and character no business can endure. Hence, there ought to be a decent connection between the business and worker which is very significant. But this scenario has taken a topsy-turvy turn with the introduction of several Ordinances. There have been various protests against this move calling the ordinance a draconian change in labour jurisprudence that would lead to the exploitation of

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<sup>24</sup> *Gujarat Steel Co. v. Gujarat Steel Tube Co. Majdoor Sabha*, 1980 AIR 1896, 1980 SCR (2) 146

<sup>25</sup> *Crown Aluminum Works V. Their Workmen*, 1958 AIR 30, 1958 SCR 651

<sup>26</sup> *Premier Automobile Ltd.v. K.S. Wadke*, 1975 II LLJ 445; *O.P. Bhandari v. Indian Tourism Corporations Ltd.* (1986) 4SCC 337

<sup>27</sup> AIR 1982 SC 879

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the workers on a large scale whereas the government justifies this step as a positive approach for the upliftment of the stagnant economy. The Article further analyses the Labour Ordinances that have been implemented by various State Governments in lieu of the pandemic crisis.

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### **HIGHLIGHT OF THE ORDINANCE PASSED BY THE STATES**

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The Ordinance so introduced in the name of a crisis was a long-awaited move by the government. Since 2014, the Central government has been doing a lot of planning and adopting a huge number of measures for making expansive changes to India's labour laws in light of the fact that they are out-dated, entangled and an obstruction to financial development. These measures were metaphorically alluded to as 'reforms' for a better working system. Therefore, the government incorporated varied corrections to the current laws, enacted new laws, codified the laws, issued warnings, model bills and business change activities plans<sup>28</sup>. The State Governors of various States like Uttar Pradesh and Madhya Pradesh have promulgated an Ordinance whereas other States like Gujarat, Haryana, Uttarakhand, Himachal Pradesh, Goa, Assam, have also grabbed this opportunity by notifying relaxations in the labour laws through rules<sup>29</sup>. As the State Legislatures are not in session the Governors of the respective States have exercised their power under Article 231(1) of the Constitution.

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### **MADHYA PRADESH LABOUR LAWS (AMENDMENT) ORDINANCE, 2020<sup>30</sup>**

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The Ordinance has brought amendment in two Acts- Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961<sup>31</sup> and the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982.<sup>32</sup> The Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 provides regulations for the conditions of the employment of workers of all the establishments with 50 or more workers mentioned under Section 2(1) (a). The Ordinance amends "more than fifty" and substitutes it with "more than hundred." This increase in the threshold to 100 or more workers makes the Act non-applicable to the establishments with between 50 and 100 workers that were previously regulated. The Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982 provides for the constitution of a Fund for the financing of activities to promote the welfare of labour in the State of Madhya Pradesh for conducting welfare activities and for matters ancillary thereto. The

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<sup>28</sup> Ramapriya Gopalakrishnan, *Changes In Labour Laws Will Turn The Clock Back By Over A Country*, The Wire (May. 20, 2020), <https://thewire.in/labour/labour-laws-changes-turning-clock-back>.

<sup>29</sup> Anya Bharat Ram, *Relaxation Of Labour Laws Across States*, PRS India (May. 12, 2020), <https://www.prsindia.org/the-prsblog/relaxation-labour-laws-across-states>.

<sup>30</sup>Madhya Pradesh Labour Laws (Amendment) Ordinance, 2020, [https://prsindia.org/files/covid19/notifications/4980.MP%20Labour%20Laws%20\(Amendment\)%20Ordinance%202020\\_May06.PDF](https://prsindia.org/files/covid19/notifications/4980.MP%20Labour%20Laws%20(Amendment)%20Ordinance%202020_May06.PDF).

<sup>31</sup>Act No.26 of 1961

<sup>32</sup>Act No. 36 of 1983

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Ordinance brings an amendment where the State Government can exempt any establishment or class of establishments from the provisions of this Act through a notification. Apart from this, the Government has also amended several other Acts like the Contract Labour (Regulation and Abolition) Madhya Pradesh Rules, 1973<sup>33</sup>, The Madhya Pradesh Factories Rules, 1962, The Madhya Pradesh Industrial Relation Act, 1960<sup>34</sup>, The Madhya Pradesh Shops and Establishment, Act 1958<sup>35</sup>, The Factories Act, 1948 and the Madhya Pradesh factory Rules, 1962. The new amendments of the Industrial Disputes Act, 1947 has exempted all new factories from its provisions such as lay-off and retrenchment of workers, industrial dispute resolution, strikes and lockouts, and trade unions.

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### **THE UTTAR PRADESH TEMPORARY EXEMPTION FROM CERTAIN LABOUR LAWS ORDINANCE, 2020**

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The Uttar Pradesh government has imposed a blanket stay on all the labour laws enacted by the Parliament in Uttar Pradesh through the Ordinance named the Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020. The Ordinance requires the assent of the President as it intends to amend a central law. Under it, all the establishments have been exempted from all labour laws for a period of three years subject to fulfilment of certain conditions like-

- Wages: The establishments have to abide by the Payment of Wages Act, 1936 and cannot be paid below minimum wage.
- Health and safety: The provisions of health and safety in the Building and Other Construction Workers Act, 1996 and the Factories Act, 1948 shall apply.
- Work Hours: More than eleven hours a day but shall not exceed more than twelve hours a day.
- Compensation: Compensation shall be paid according to the Employees Compensation Act, 1923.
- Bonded Labour: The Bonded Labour System (Abolition) Act, 1976 shall have the same enforcement.
- Women and children: Provisions of labour laws relating to the employment of women and children shall have the same application as before.

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<sup>33</sup> Published vide Notification No. 1997-1898-16, M.P. Rajpatra, Part 4(Ga), dated 11-5-73 at pages 228-269

<sup>34</sup> Act No. 27 of 1960; "Madhya Pradesh Gazette", 31st December, 1960

<sup>35</sup> Act No. 25 of 1958

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OTHER STATES

The Governments of Punjab Himachal Pradesh, Uttarakhand, Haryana, Gujarat have issued several notifications for exempting various provisions of the Factories Act, 1948 in their respective States. The exempted provisions are Section 51 (weekly hours), Section 54 (daily hours), Section 55 (interval for rest) and Section 56 (spread of hour)<sup>36</sup>. The changes in the working hours bought for a period of three months are given in the table<sup>37</sup> below-

THE FACTORIES ACT, 1948 HAS ALLOWED THE STATE GOVERNMENTS TO EXEMPT FACTORIES FROM PROVISIONS RELATED TO WORKING HOURS

<u>SL. NO.</u>	<u>STATE</u>	<u>ESTABLISHMENTS</u>	<u>MIN. WEEKLY WORK HOUR</u>	<u>MAX. DAILY WORK HOUR</u>
1.	MADHYA PRADESH	All Factories	Not specified	Not specified
2.	UTTAR PRADESH	All Factories	Increased from 48 hours to 72 hours	Increased from 9 hours to 12 hours
3.	PUNJAB	All Factories	Increased from 48 hours to 72 hours	Increased from 10 hours to 13 hours
4.	HIMACHAL PRADESH	All Factories	Increased from 48 hours to 72 hours	Increased from 9 hours to 12 hours
5.	UTTARAKH AND	All factories and continuous process industries that are allowed to function by government	Maximum 6 days of work a week	Two shifts of 12 hours each.

<sup>36</sup>Dr Abhishek Atrey, *Dilution of labour laws : Is this the package?*, India Legal (May. 14, 2020), <https://www.indialegalive.com/special/dilution-of-labour-laws-is-this-the-package>.

<sup>37</sup> Supra 13

6.	HARYANA	All Factories	Not specified	Increased from 9 hours to 12 hours
7.	GUJARAT	All Factories	Increased from 48 hours to 72 hours	Increased from 9 hours to 12 hours

It can be confidently contended that these Ordinances will be shunned by the people with significant influence as being in light of a legitimate concern for the labourers. Nonetheless, it also uncovers that this choice will be a body hit to the common labourers. The earnest question here should be that how such ordinance can be enforced in the respective States when it does not meet the legislature's intent? There are varied justifications given by the government to uphold it, amongst which the economy revival becomes essential as more flexibility will be required by the industries for its revival from the pandemic crisis. This Ordinance brings both human dignity and cooperative federalism at a stake that could worsen the condition of the country internally.

*“The idea is that in the present circumstances where we need to provide employment to workers who have migrated back to the state and to protect the existing employment, some flexibility has to be given to business and industry”<sup>38</sup>*

- R.K. Tiwari  
(Uttar Pradesh Chief Secretary)<sup>39</sup>

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## CRITICISM

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There are a varied issue of great significance that arises because of the Ordinances such as-

1. The approach undertaken by the respective States in order to overcome the economic crises due to the COVID-19 pandemic situation has led to the exploitation of the workers by the employers directly or indirectly. Whether this affect the human dignity of the workers?
2. The deprivations of the rights of workers have caused agitation and activism in an already stressed situation. Does this affect the mental health of the labour class?

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<sup>38</sup> Somesh Jha, *Adityanath Govt In Up To Suspend Key Labour Laws, Workers' Rights For Three Years*, The Wire (May. 7, 2020), <https://thewire.in/labour/adityanath-govt-in-up-to-suspend-key-labour-laws-workers-rights-for-three-years>.

<sup>39</sup> Somesh Jha (@somesjhja7), Twitter (9:25 PM · May 7, 2020), <https://twitter.com/somesjhja7/status/1258425209708675072>

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3. The Government has failed to consult with the International Labour Organization (ILO) before changing the labour laws. Does this affect the International obligations of India?
4. These promulgations drastically affect the workers right of freedom of association, collective bargaining and universally accepted norms relating to the eight-hour working day. Does this affect the fundamental rights of the labourers?

As we have discussed, the labour laws in India are based on the labour jurisprudence, therefore it becomes crucial to uphold social security that forms an integral part of social justice. The idea behind this principle is that the citizens who have contributed to the country's welfare should be given protection by the State. The negative impact created by the Ordinance sooner or later would affect the social security of the workers and become an obstacle in the formation of the efficient and stable labour force for India's labour market<sup>40</sup>. In the case of *J.K. Cotton Spinning & Weaving Mills v. Labour Appellate Tribunal*<sup>41</sup>, the Supreme Court had held that the concept of social justice is not narrow, one-sided and is confined to industrial adjudication alone. In the 7<sup>th</sup> Labour Conference, 1945, Dr. BR Ambedkar in his presidential address had raised a prominent question that - How can the workers be asked to agree to reduce standards of living in an economy in which the profits are to go to private individuals?<sup>42</sup> In light of the above question, the Ordinances promulgated creates a negative impact on the right of the workers as now there is no obligation on the employers to pay the workers in addition to the prescribed minimum wage. Further, the employers also have no obligation towards their wage-related obligation made under the collective bargaining agreements. The Ordinance passed by the States has caused a major impact on the social security obligation of employees. Employers have full autonomy over the matter relating to the firing of the workers without paying them any compensation. Forming a union is considered a basic fundamental right of the citizen but now the workers do not have any kind of engagement with the trade union or their activities therefore they lose their say in the wages or working conditions provided to them. Furthermore, according to the new Ordinance by the States, for the next three years there cannot be any registration in new trade unions. In the case of *Hindustan Antibiotics v. The Workmen*<sup>43</sup>, the Supreme Court had held two objectives of industrial law namely-

- i. To improve the service conditions of labour so as to provide for them the ordinary amenities of life; and

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<sup>40</sup> Supra 7.

<sup>41</sup> A.I.R. 1964 S.C. 737

<sup>42</sup> Arvind Narrain, Maitreyi Krishnan and Clifton D Rozario, *Covid-19 Lockdown: Uttar Pradesh And Madhya Pradesh Watering Down Labour Laws Is A Body Blow To The Working Class*, Firstpost. (May. 12, 2020), <https://www.firstpost.com/india/covid-19-lockdown-uttar-pradesh-and-madhya-pradesh-watering-down-labour-laws-is-a-body-blow-to-the-working-class-8355791.html>.

<sup>43</sup> A.I.R.1967 S.C.948

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- ii. By that process to bring about industrial peace which in its turn accelerate productive activity in the country resulting in turn, helps to improve the conditions of labour which can be progressively raised from the stage of a minimum wage, passing through need based wage and fair wage.

Unfortunately, the Ordinance shall be putting the labourers into a worse condition than that they were in before and instead of industrial peace there shall be industrial riots against the injustices caused.

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### **THE INTERNATIONAL LABOUR ORGANISATION (ILO) POLICY BRIEF ON COVID-19**

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#### Will The Weakening Of Labour Laws Surely Give A Practical Trade-Off To Financial Advantages To The Indian Economy?

A study by the ILO on Employment Protection Legislation demonstrated negative impacts of deregulatory showcase "change" in creating nations regarding handling joblessness, a situation which India can't bear to worsen as it experiences record joblessness high. The shaky connection between delusionary measures and market execution has been seen with sound wariness, if not out and out excusal, by most studies, especially for creating nations where such estimates will in general excessively influence minimized gatherings inside the work markets<sup>44</sup>. On the outrageous, however, every single of such measures are going ahead of the impact points of rising worries by worldwide guard dogs that this kind of modern slavery will see an uptick in the shadow of the pandemic. To weaken defensive measures increases the chances of making a favourable air for such a situation. To urge a labourer to work under weakened securities even as the remainder of the nation is sheltered in the well-being of their homes to withstand a pandemic, is viably constrained work and as classist a move as one can comprehend. To need to come back to the wellbeing of one's home, or to have the affirmation of a sheltered workplace and make the lowest pay permitted by law isn't an activity in benefit. It is a right for a privilege to live and to carry on with a significant life, liberated from bondage and constrained work. The ILO Policy Brief on COVID-19<sup>45</sup> states that the pandemic has affected both sides of the demand and supply of labour market, therefore, to tackle a crisis in the economy a country should undertake judicious policy sequencing. India can follow the measures so stated in this policy. Some of them are-

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<sup>44</sup> Aiman Hashmi, *What removing labour protections will mean for India's workers*, The Wire (May. 25, 2020), <https://thewire.in/labour/labour-law-reform-worker-protection>.

<sup>45</sup>International Labour Organisation (ILO), ILO Policy Brief on COVID-19, [https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739048/lang--en/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739048/lang--en/index.htm).

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- To begin with, prompt boost bundles are expected to fortify the wellbeing segment while moderating the effect on economies and work markets through the arrangement of money related alleviation for endeavours (especially smaller scale undertakings). The measures undertaken ought to incorporate the arrangement of help for labourers and undertakings in all the segments influenced in order to forestall further constrictions in utilization and speculation. One significant exercise gained from before emergencies is that help for business and social assurance must be a central component of improvement packages<sup>46</sup>.
- Furthermore, when the spread of the infection has been contained and ordinary movement gradually continues, an interest drove business technique for a medium-to longer-term recuperation of employments and wages will be required. This technique ought to incorporate advancing work creation in vital divisions; re-establishing a favourable business condition and reviving profitability development; expanding the economy and empowering auxiliary change; and utilizing mechanical advances<sup>47</sup>.
- Accommodative financial strategies are empowering governments to change their monetary approaches on the side of the economy, making a lot of open cash accessible to ventures, labourers and families to assist them with beating the quick negative effects of the financial downturn instigated by the reaction to the COVID-19 pandemic. Money related approach apparatuses must keep on being utilized to ease budgetary conditions and ease liquidity imperatives, in this way giving governments the monetary space that they have to help business progression and family salary.
- Developing the business sector and creating economies commonly have less space in the financial plan of a developing country to react to emergencies. Obligation alleviation and a brief suspension of obligation administration instalments are important to enable such nations to channel a greater amount of their scant money related assets into crisis clinical endeavours and different types of help for their residents.

Putting resources into open work projects can be a successful piece of the emergency reaction in developing nations, particularly if such projects are adjusted to alleviate the well-being dangers related to COVID 19. Without a solid social assurance framework, these mediations can give work and pay to enormous quantities of jobless and casual labourers by empowering them to remain monetarily dynamic. Also, open business projects can address different Multi-Sectoral needs; for example, care work, natural rebuilding and network foundation.

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<sup>46</sup> ILO: *Social protection responses to the COVID-19 crisis*, Country responses and policy considerations (April 23, 2020).

<sup>47</sup> ILO Monitor, *COVID-19 and the World of Work*, 3rd Edition (April 29, 2020).

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## CONCLUSION

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At the point when the Ordinance is disdainfully tossing aside the fundamentals of the labour laws, it is ignoring a whole history of the battle of the labourers who fought for their rights and leaving them helpless before the proprietors of the capital. The introduction of labour law was around the centre of thought of the cut-off points. It was the battle of the common labourers which brought about the eight-hour working revered as a legitimate cut-off in processing plant enactment in nations around the globe. At the onset, it may appear that such measures in lieu of the Ordinance might have just implemented for a restricted timeframe, but they might become a harbinger of what might be on the horizon and may very much turn into a perpetual component once it is tried and tested. While the legislature may legitimize such retrograde estimates that turn the clock back by over a hundred years asserting that they are important to launch the economy, pull in speculation and make business, the truth of the matter is that such measures encroach on the essential rights and human privileges of labourers and cannot be countenanced on any tally. In short, destroys labour jurisprudence for our country. For sure, there is little proof that such changes to the labour laws bring about drawing in enormous ventures and lift industrialisation or employment creation. Labour rights are human rights and the Indian States should not rather not abandon its sacred commitments and the duties that it has made by reason of endorsing the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and different Conventions of the ILO because of which it has to undoubtedly advance work in States filled with opportunities, values, security and poise.

*“But above all we must remember the priority of labour over capital: labour is the cause of production; capital, or the means of production, is its mere instrument or too<sup>48</sup>.”*

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<sup>48</sup> *Quotes on Labor, Capital, Worker Rights & Free Markets*, <https://d2y1pz2y630308.cloudfront.net/22403/documents/2019/10/economic%20justice2.pdf>.

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