

A2Z
OF
LABOUR LAWS
EXISTING AND FORTHCOMING



ANIKET SWARAJ

A2Z of Labour Laws - Existing and Forthcoming



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A2Z of Labour Laws - Existing and Forthcoming

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Preface

The primary objective of public policy is to effectively manage conflicts and foster robust labor relations by establishing a system for the prevention and resolution of labor disputes. The emergence of industries brought forth new challenges, and as the modern factory system expanded, exploitative practices necessitated the institutionalization of protective measures. Industrial disputes escalated, posing a significant threat to society due to conflicts over the equitable distribution of social produce between employers and employees. Such disputes could adversely impact industrial production, efficiency, costs, quality, human satisfaction, discipline, technological progress, economic development, and overall societal welfare. Persistent issues like low wage exploitation and disparities in living standards further aggravated the situation.

To address these challenges and uphold principles of social justice, various labor legislations were enacted, albeit with a slower adoption in India compared to Western developed countries. These legislations aimed to redress grievances and conflicts inherent in the employer-employee relationship. An essential objective of effective systems is to encourage parties to resolve disputes through consensus-based processes like conciliation or mediation before resorting to arbitration or adjudication through a tribunal or labor court.

A dissatisfied labor force harboring silent grievances and resentments cannot operate efficiently and lacks a high level of industrial morale. Therefore, a just and efficient dispute settlement mechanism, along with social measures, is crucial for a welfare state. It serves as a progressive instrument for achieving socio-economic progress, industrial productivity, and the well-being of the workforce. These measures contribute to setting minimum wages, reducing poverty, improving the conditions of low-paid workers in challenging industries, and allowing only permissible deductions from employee wages.

This course is designed to explore various dimensions of labor security measures and their potential to enhance industrial productivity, mutually benefit employers and employees, facilitate

union recognition for negotiations with management, and ensure minimum wages and secured wages for workers.

In the ever-evolving landscape of labor and employment, the introduction of new labor codes marks a significant paradigm shift, redefining the dynamics between employers and employees. This book, aptly titled "Navigating the New Labor Codes: Insights and Perspectives," seeks to serve as a comprehensive guide to the transformative changes brought about by these codes.

As we witness a departure from traditional frameworks, it becomes imperative to understand the nuanced implications of the new labor codes. This volume endeavors to unravel the complexities, offering readers a deep dive into the legal, economic, and societal dimensions that shape this pivotal shift.

The journey through this book unfolds against the backdrop of a global economy in flux, where the workforce is at the heart of emerging challenges and opportunities. Our contributors, experts in their respective fields, provide insightful analyses, practical perspectives, and real-world applications, offering a holistic view of the impact and implementation of the new labor codes.

From the intricate details of compliance to the broader implications on business strategies, employee relations, and societal welfare, this book is designed to be a compass for navigating the uncharted territories of the contemporary labor landscape. It is our hope that both seasoned professionals and newcomers to the field will find value in these pages, gaining a comprehensive understanding of the new labor codes and their implications on the diverse facets of our professional and social fabric.

We extend our gratitude to the contributors whose expertise and dedication have shaped this volume, and we invite readers to embark on this intellectual journey, fostering a deeper comprehension of the transformative forces at play in the realm of labor and employment. As we collectively navigate this new terrain, may this book serve as a guiding beacon, empowering stakeholders to adapt, innovate, and thrive in the era of the new labor codes.

Disclaimer/Note:

The information presented in this book reflects the law as understood by the author at the time of writing. Every reasonable effort has been made to ensure accuracy during the creation of this book. However, the author, editor, publishers, and others involved cannot be held accountable for any inadvertent errors or omissions that may be present in or excluded from this book. If readers identify any such discrepancies, please bring them to our attention for appropriate corrective action.

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About the Editor



Aniket Swaraj is an Industry Professional and Academician with 15+ years of experience. He is Phd Scholar and currently employed as a Head of the Department and Assistant Professor of Bachelor of Management Studies at SIES College of Commerce and Economics (Autonomous), Sion, Mumbai. He is an approved faculty for Master of Management Studies under University of Mumbai, Maharashtra.

He is a Content creator and Instructor in a U.S. based company which provides online education to professionals. Globally 10,000+ learners have benefited from his online course.

His qualifications include Master of Philosophy (Business Management), Master of Personnel Management, B.Sc. (Chemistry), LLB, Diploma in HRM from NMIMS, UGC - NET (Personnel Management). His areas of teaching and research include Business and Labour laws, Strategic Management, Entrepreneurship Management, Research Methodology.

He received Academic Excellence award in April 2024. He received Best Research Paper award in an International Conference for his research paper Titled Digital Amnesia'. He has published 30+ research papers, including works in ABDC and UGC CARE listed journals of High repute.

He has been invited as a guest speaker for POSH and Labour reforms in various workshops and conferences. He has trained various companies across different sectors such as IT, manufacturing, and educational institutions. He specializes in POSH training which includes awareness training, capacity building, audit & reporting.

About the Book

A2Z of Labour Laws – Existing and Forthcoming presents a comprehensive and well-structured exploration of India's labour and industrial laws, combining historical context, legal provisions and practical applications. The book begins by defining the scope of labour law, covering both collective and individual aspects and detailing the evolution of these laws from the colonial era to the present. It examines landmark developments such as the Factories Act, the Trade Disputes Act and the Industrial Disputes Act, outlining their socio-economic impact and underlying objectives.

The text delves into the classification of industrial laws into protective, wage-related, social security, welfare and regulative categories, offering detailed explanations of key legislations under each. Special emphasis is given to the Industrial Disputes Act, 1947—its definitions, authorities, dispute resolution mechanisms, collective bargaining provisions and safeguards against unfair labour practices. The book also addresses crucial issues like workplace safety, employment standards, lay-offs, retrenchment and closure regulations.

With clear categorisation, statutory references and practical insights, the work not only serves as a legal reference but also as a guide for practitioners, employers, employees, policymakers and students. It captures the dynamic nature of labour law in responding to industrial relations, economic needs and constitutional rights, while also shedding light on forthcoming reforms aimed at streamlining compliance and enhancing worker welfare. This A-to-Z approach ensures that readers gain a thorough understanding of the legal framework governing labour in India, both in its current form and its anticipated future directions.

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