



JUDGMENTS | POLICY UPDATES | NEWS | ARTICLES | OPPORTUNITIES

**CENTRE FOR LABOUR LAW
RESEARCH AND ADVOCACY**



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The Centre for Labour Law Research and Advocacy (CLLRA) was established in August 2022 at the National Law University Delhi (NLUD), to reinvigorate Labour Law research in the context of debates on new work and new legal frameworks on labour. The Centre aims to focus on 'livelihood' discourse through a 'bottom-up' approach. The special mandate of the Centre is to promote social change and quality of life concerning the most neglected sections of 'working people' in India, through the 'Rule of Law'. Recently there has been increasing and widespread cynicism that we have an excellent collection of laws, but they all fail when it comes to implementation. This Centre focuses on the creation and promotion of "perfect obligations", i.e., to revisit all labour and relevant social justice laws, such that they become capable of implementation.

Constitution of the Centre

CLLRA has a three-tiered Structure:

a. Advisory Board

The Advisory Board consists of members from International and Indian academia.

The following scholars are from the international academia:

- Prof. Guy Davidov, Professor of Law and Elias Lieberman Chair on Labour Law, The Hebrew University of Jerusalem.
- Prof. Luisa Steur, Associate Professor of Anthropology, University of Amsterdam.

Indian Scholars are as follows:

- Prof. Babu Mathew, Professor & MPP Faculty, NLSIU Bangalore
- Prof. B.T. Kaul, Rtd. Professor & Former Chairman, Delhi Judicial Academy, Delhi

b. Institutional Patrons

CLLRA functions as a research unit in the University. The Vice-Chancellor, Prof. (Dr.) G.S. Bajpai acts as its Chief-Patron and the Registrar, Prof. (Dr.) Ruhi Paul acts as its Patron of the Centre.

c. Centre Management

Centre Management is the core functionary of the CLLRA. Both the academic and advocacy initiatives are designed, planned and executed by the Centre management. It consists of Dr. Sophy K.J., Associate Professor, NLUD, Ms. Saumya P., Full-bright Scholar (2023-2024) (Researcher, CLLRA), Mr. Dev Dhar Dubey (Researcher, CLLRA), Ms. Akanksha Yadav (Researcher, CLLRA) and research interns.

The Pedagogy of the Centre

The Centre will begin by using three pedagogic tools, in addition to promoting a "Rights based Approach", with transparency and accountability as key elements:

1. The first pedagogy, will be the use of "Praxis" i.e., that is the use of "Theory" and "Practice", always ensuring that one informs the other. Hence there will always be special efforts to listen to problems and insights that emerge from the grass roots, and to specialised scholars from relevant social sciences with an open and critical mind and to keep on updating ones understanding and remaining dynamic to the learning and implementation process.
2. The Centre will always be open to learning and using lessons derived from International standards, comparative jurisprudence, constitutional law, statutory law, case law and experiential learning.
3. The Centre will remain particularly sensitive to derive insights from the 'feminist movement' in the struggle against patriarchy, the movement of 'persons with disabilities', the 'child rights movement', and especially the social movements of the excluded and marginalised people, so as to seriously internalise different perspectives and contribute substantially to the realisation of an inclusive society.

This Newsletter, titled 'Labour Law Insights', started as there is a need for renewed thinking to reinvigorate Labour Law in the context of debates on new work, new employment relations and new legal frameworks. The lack of exchange and sharing of information on labour law and policy updates through a consistent medium has created a vacuum in the assimilation of knowledge around the discipline. This Newsletter attempts to fill in this gap by bringing forth important judicial discourse, legislative updates, scholarly discussions and information on labour, to the readers. It aims to reach a wider audience, both students and researchers and therefore, opportunities for career/future learning are also included in the Newsletter.

At the very outset it is necessary to clarify that when we use the expression 'labour' in the present context it means much more than the old popular connotation of workers in the 'organised sector'. In today's context when we say 'labour' we must take it to mean the entire 'workforce' in our society. There is an increasing need to study various anti-poverty and social justice measures with labour-related entitlements such that the workforce can access a package of measures which contributes to their enhanced quality of life.

In short, we note the objectives of the Newsletter as follows:

1. **Dissemination of Legal Acumen:** The primary objective of this newsletter is to act as a conduit for the erudition of our discerning readership, by methodically conveying the latest developments, nuanced amendments, and intricate updates in the multifaceted realm of Indian labour laws. It shall serve as a platform for the propagation of knowledge concerning the legal scaffolding that underpins labour relations and obligations within the Indian milieu.
2. **Exposition of Precedent:** A salient facet of this publication is the meticulous curation of seminal case laws germane to labor jurisprudence in India. By elucidating judicial interpretations and discerning their reverberations on matters pertaining to labor, it aspires to furnish our readership with profound insights into the intricate labyrinth of legal adjudication.
3. **Cultivation of Awareness:** An overarching aim of this periodical is the cultivation of heightened consciousness amongst the labour force with respect to their legal prerogatives, the tenets of occupational safety, and the panoply of social security benefits enshrined within the contours of Indian labour laws. Such knowledge empowerment is envisaged to facilitate the assertion of their lawful entitlements.
4. **Fostering Discourse and Deliberation:** In the spirit of scholarly engagement, this newsletter shall provide an intellectual forum for the pedagogic elucidation and dialectical dissection of labour law topics. It shall serve as a fulcrum for legal luminaries, erudite scholars, and seasoned practitioners to proffer their sagacious perspectives, thereby nurturing an environment conducive to thoughtful discourse.

With these objectives, we bespeak our commitment to delivering an informative newsletter, one that enriches the comprehension of labour laws and their profound impact on the tapestry of the Indian labour landscape.

Hope you will read and write to us at cllra@nludelhi.ac.in with your feedback.

Best regards,

Sophy

Associate Professor, NLU Delhi & Director, CLLRA

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Maternity Benefits

MATERNITY BENEFITS HAVE TO BE GRANTED EVEN IF THE PERIOD OF BENEFIT OVERSHOOTS THE TERM OF CONTRACTUAL EMPLOYMENT

DR. KAVITA YADAV V THE SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE DEPARTMENT & ORS.

Court: Supreme Court of India

Citation: Civil Appeal No(s). 5010/2023

Facts: The Appellant, a pathology doctor, was appointed as Senior Resident (Pathology) in Delhi. Her appointment letter specified that it was purely temporary and as per the scheme, such appointment was initially to be for a period of one year, and extendable upto a maximum of 3 years. On her last extension, she applied for maternity benefits, but her employer informed her she could only get 11 days of maternity leave as her tenure came 11 days later.

Judgment: The Apex Court held that maternity benefits have to be granted even if the period of benefit overshoots the term of contractual employment. The Court observed that S. 12(2)(a) of the Maternity Benefits Act, 1961, contemplates entitlement even for an employee who is dismissed or discharged during her pregnancy. The Court directed the employer to pay maternity benefits as would have been available in terms of S. 5 and S. 8 of the Maternity Benefits Act, 1961.

ASSISTANT PROVIDENT FUND COMMISSIONER V M/S G4S SECURITY SERVICES (INDIA) LTD. & ANR.

Court: Supreme Court of India

Citation: C.A. No. 9284 of 2013

Facts: The Appellant had impugned an order passed by the Appellate Tribunal under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The stand of the Appellant was that for determining the contribution towards the Provident Fund, the Respondent had treated the minimum wages as basic wages, thereby evading its liability.

Judgment: It was submitted for the purposes of determining the basic wage under the EP Act, reference must be made S. 4 of the Minimum Wages Act. However, the Court held that the EPF Act contains a provision defining 'basic wage', and the two cannot be equated. The Appeal was dismissed.

Minimum Wages

THE DEFINITION OF BASIC WAGE SHOULD NOT BE CONFLATED WITH THE MINIMUM WAGE

Compensation

APPEAL FROM WORKMEN'S COMPENSATION COMMISSION CAN BE ENTERTAINED ONLY IF THERE IS A SUBSTANTIAL QUESTION OF LAW

FULMATI DHRAMDEV YADAV VS NEW INDIA ASSURANCE CO LTD

Court: Supreme Court of India

Citation: CIVIL APPEAL NO. 4713 OF 2023

Facts: Appellants were the mother and wife of an employee who died while typing up logs on a trailer while in employment as its driver. The Workmen Compensation' Comission directed the insurance company to pay compensation. This order was set aside by the Gujarat High Court on a finding that the deceased was neither working with the employer nor died on the date of occurrence of the incident.

Judgment: The Supreme Court held that an appeal from the Workmen's Compensation Commission can only entertained if there exists a substantial question of law. The Court said that the conclusions arrived by the Commissioner were possible from a point of view and not perverse according to the law, nor did they involve a substantial question of law. The Supreme Court set aside the order in the first appeal.

L R PATIL VS GULBARGA UNIVERSITY 2023 LIVELAW (SC) 748

Court: Supreme Court of India

Citation: CIVIL APPEAL NO. 3254 OF 2013

Facts: The Appellant was an employee at the respondent-University at the post of Office Superintendent. Subsequently, he applied for the post of Assistant Registrar and was selected and had to serve as a probationer for a period of two years. He was subsequently relieved from the post of Office Superintendent to serve in the other post. however his appointment was challenged and quashed. The Appellant filed a petition praying for restoration of his seniority in the Superintendent's cadre.

Judgment: The Court noted that the lien connotes the right of a civil servant to hold the post substantively to which he is appointed, meaning that the appointment of government servant on the said post must be substantive, i.e. he must be absorbed permanently. Merely being relieved of a post to accept another cannot be treated as resignation. Therefore, his right of lien was maintained over the original post. The Court allowed the appeal and held that the Appellant's lien on the original post of Office Superintendent shall be maintained.

Appointment

LIEN' OF GOVT SERVANTS CEASE ONLY WHEN THEY'RE APPOINTED ON ANOTHER POST 'SUBSTANTIVELY '/CONFIRMED OR ABSORBED PERMANENTLY

Termination

EMPLOYEE FOUND UNSUITABLE FOR JOB CAN BE DISMISSED WITHOUT NOTICE DURING PROBATIONARY PERIOD

STATE OF PUNJAB V. JASWANT SINGH

Court: Supreme Court of India

Citation: 2023 INSC 798

Facts: The Respondent was appointed as a constable. During his probation period, he remained absent without any communication, after which he was discharged on the ground that he as unlikely to be an efficient police officer. The Respondent challenged the order for being in violation of natural justice.

Judgment: The Supreme Court reiterated the distinction between simpliciter termination and punitive termination. If the termination is punitive or stigmatic in nature, then it becomes mandatory to conduct an inquiry where the opportunity to be heard has to be provided. However, if an employee is found unsuitable during the probationary period, the employer retains the right to terminate the service without the need for a punitive inquiry. The absence from the duty was the basis of unsuitability and not any misconduct, therefore it was an order of simpliciter discharge. The Court allowed the appeal and held aside the orders of the two courts below.

Promotion

PROMOTION GIVEN TO EMPLOYEE CONTINUING IN SERVICE ON STRENGTH OF INTERIM ORDER WILL LOSE EFFECT ONCE PETITION IS DISMISSED

JAGPAL SINGH V. THE STATE OF U.P. & ORS.

Court: Supreme Court of India

Citation: SLP (C) No.31526 OF 2017

Facts: The Petitioner was appointed as a temporary peon under the terms of which he could be removed without any notice. His service was terminated which he challenged before the High Court, which passed an interim in order staying his termination. In the meanwhile, he continued to function as temporary peon and was promoted. His petition was subsequently dismissed, which he challenged in the Supreme Court.

Judgment: The Court noted that the Petitioner was employed merely as a temporary peon and the order terminating his services were final and conclusive. He only continued to function as a peon on the strength of an interim order which was ultimately dismissed. Therefore, any promotion given to the Petitioner during this period would also be automatically dismissed. The Court set aside the appeal and held that the Petitioner was not entitled to any benefit on the basis of his subsequent promotion, which falls after the termination attains finality.

THE NATIONAL LAW UNIVERSITY JODHPUR V. PRASHANT MEHTA & ORS.

Court: Supreme Court of India

Citation: SLP (C) No(s). 13762 - 13764/2019

Facts: The bench was hearing an SLP filed by National Law University, Jodhpur against a judgement of the Rajasthan High Court which struck down some of its service regulations and expressed concerns at the University employing contractual staff.

Judgment: The Court found it a matter of great concern that an NLU could operate only with contractual teachers. They also found that the regulations which stipulated that there must be 50% permanent and 50% contractual staff had not been implemented, and as per UGC Regulations there should only be 10% contractual staff. The Court opined that one could not expect excellence when there was a constant inflow and outflow of teaching staff. The matter was listed for 31st October, 2023.

Appointment

UNACCEPTABLE THAT NLUJ HAS ONLY CONTRACTUAL TEACHERS; CAN'T EXPECT EXCELLENCE WITHOUT REGULAR STAFF

Pension

NO PENSION FOR PAST SERVICE IF CENTRAL GOVT EMPLOYEE RESIGNS TO JOIN ANOTHER GOVT POST WITHOUT PERMISSION

UNION OF INDIA V. H.R. VIJAYA KUMAR

Court: Supreme Court of India

Citation: Civil Appeal No. 7351/2013

Facts: The Respondent had resigned from the Central Industrial Security Force (CISF) to join another government organization. The Respondent then claimed pension benefits from his previous employer, stating that he had been permitted by them to apply for an opening in the other government organization, and therefore entitled to pension under Rule 26(2) of the Central Civil Service Pension Rules, 1972.

Judgment: The Supreme Court ruled that the unauthorized resignation from government service for another government job would result in the forfeiture of past service and pension benefits. Even though the Respondent in this case did seek permission from his old employer and informed them about his application, the permission had not been granted despite which he took up the new assignment.

Thus, the Appeal was allowed and the decision to grant relief to the Respondent was set aside.

High Court

Compensation

THE PRINCIPAL EMPLOYER IS LIABLE ONLY TO THE EXTENT OF THE COMPENSATION AMOUNT: BOMBAY HIGH COURT

CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, AHMEDNAGAR & ORS. V SURAIYYA RAFIK KHALIFA (SHAIKH) & ORS.

Court: High Court of Bombay at Aurangabad **Citation:** First Appeal No. 3517 of 2022

Facts: The Appellants had filed an application before the Commissioner for Employee's Compensation at Ahmednagar with the contention that the deceased was employed as a driver on water tank, and had died due to cardiac arrest while on duty. It was contended that he was on 24 hours duty which caused him continuous physical stress due to which he died. Therefore, he died during the course and arising out of his employment.

Judgement: The Court held that if a workman dies of heart attack, and there was a preexisting heart condition which was aggravated by the strain of work of the deceased while performing his duties, there was a causal connection between the injury and the accident. Since the deceased died on the road, it must have been during the course of and arising out of the employment. The Court dismissed the appeal petition filed against the order granting compensation.

B. SARAVANAN V DEPUTY INSPECTOR GENERAL OF POLICE, W.P.(MD). NO.19561 OF 2023

Court: Madras High Court

Citation: W.P. (MD) No. 19561 of 2023

Facts: A Tamil Nadu police inspector, B. Savarnan, had sought leave for 90 days to take care of his pregnant wife and later of his new-born child through in vitro fertilization (IVF). After being granted leave, it was cancelled by the SP before his leave period commenced. After the High Court intervened in the issue, he was allowed to stay away from police duty, however due to the critical condition of his wife, he demanded more leave but was refused. He was later issued a desertion notice due to his absence, leading to his suspension.

Judgment: The Court held that denying paternity leave to an individual amounts to violation of Article 21, and emphasized the need for paternity leave legislation in the state of Tamil Nadu. They called for the need to recognize leave as a basic human right of pre-natal care as well as post-natal children. The Court opined that a welfare state is under a duty to provide a fetus and child with proper care from the mother and father and upheld the child's right to protection of life as guaranteed under Article 21 of the constitution. The Court granted the paternity leave and reinstated the Petitioner as Inspector.

Paternity Leave

REFUSING PATERNITY LEAVE WOULD AMOUNT TO A VIOLATION OF THE RIGHT TO LIFE OF THE CHILD GUARANTEED UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA

Termination

PRINCIPLE "NO WORK NO PAY" HAS NO SIGNIFICANCE IF THE TERMINATION IS ERRONEOUS IN THE FIRST PLACE

SMT. VIDYA RAWAT V STATE OF U.P.

Court: Allahabad High Court

Citation: 2023: AHC:158874

Facts: The Petitioner was appointed as an Assembly Girl by the respondent, after which she was terminated from service without any opportunity of hearing or paying retrenchment compensation to her. The Labour Court held the order terminating the services to be illegal and directed for re-instatement, but did not award any back wages to the Petitioner. This was challenged in the present Writ Petition.

Judgment: When an order of termination is void ab initio, there is no justification to not grant back wages. The principle "no work no pay" has no significance if the termination is erroneous in the first place. The order of the Labour Court was modified to the extent that the Petitioner shall be entitled to back wages from the date of her termination till the date of reinstatement.

POLICY AND LEGISLATIVE UPDATES

RELAXATION IN ELIGIBILITY CONDITIONS FOR THE SICKNESS AND MATERNITY BENEFIT FOR THE BENEFIT PERIOD 01.01.2021 TO 30.06.2021

The Employees' State Insurance (Central) Rules, 1950 have been modified to reflect the non-operation of some establishments during the Covid-19 period and will be in effect as of January 1, 2021 (and will remain in effect through June 30, 2021). This will relax the contributory requirements for insured individuals to receive sickness and maternity benefits for the benefit period from January 1, 2021 through June 30, 2021.

KARNATAKA AMENDS FACTORIES ACT

By passing the Amendment Act of 2023, the Karnataka government significantly amended the Factories Act of 1948. The Amendment Act gives the government the authority to increase the maximum number of hours of work per day to twelve (inclusive of the rest period), up to a maximum of 48 hours per week, for any group, class, or description of factories, under any conditions it may deem appropriate, provided that the worker has given their written consent to the additional hours of work. A worker's total hours of work without a break may be increased by the government by notification to 6 hours for any group, class, or kind of factory under the circumstances it deems appropriate. Furthermore, the government may, by notification in the Official Gazette, expand the spread over up to 12 hours inclusive of his rest intervals in respect of any group, class, or description of factories on such terms as it deems appropriate. Overtime labour has been increased from 75 hours per quarter to 144 hours, and the worker's written authorization is necessary before performing overtime work.

Furthermore, it has allowed women to work between 7 p.m. and 6 a.m. in any factory with their consent to work in the night shift, provided that the employer complies with certain conditions such as sexual harassment prevention, deterrence, and a mechanism for resolving and prosecuting sexual harassment, as well as appropriate working conditions such as hygiene, safety, security, and leisure. The company is also expected to offer transport for female employees, with the car fitted with a CCTV camera and GPS, and to recruit drivers only after suitable screening and biodata collection. The routes must be chosen in such a way that no female employees are picked up first and put off last. Further, there shall not be less than twelve consecutive hours of rest or gap between the last shift and night shift wherever a woman worker is changed from day shift to night shift and vice versa.

EPFO ISSUES SOP FOR CORRECTION IN UAN PROFILES

EPFO published the SOP for the process of joint declaration for adjustment in UAN profiles by members in an internal circular dated August 22, 2023. A Joint Declaration is a joint request from employees, legally authenticated by the employer, for the modification/addition of the members' fundamental profile parameters. The goal of this document is to outline the protocol for receiving Joint Declarations for corrections in UAN profiles by members and employers, as well as the manner of corrections to be followed by Field Offices. The member/employer will be able to amend and indicate corrections in name, father/mother name, date of joining, date of birth, gender, Aadhaar number, reason for quitting the employment, country, and so on.

EPFO ISSUES SOPS FOR INSPECTION OF ESTABLISHMENTS

The approved SOP for conducting establishment inspections becomes effective on August 1, 2023. Because IT tools for inspection are still being created and the automated system is being phased in, the SOP will be applied with tools that are currently available. The SOP method must involve periodic desk review, nudge and watch, physical inspection, compilation of inspection report and follow-up activities, receiving recommendations on priority matrix, and inspection monitoring.

THE RIGHTS OF PERSONS WITH DISABILITIES (AMENDMENT) RULES, 2023

The government of India issues the Rights of Persons with Disabilities (Amendment) Rules, 2023 by notification dated August 9, 2023, to alter the Rights of Persons with Disabilities Rules, 2017. These rules included the Accessibility Standards for HealthCare as notified by the Government of India under the Ministry of Health and Family Welfare on May 4, 2023, via notification number F.No. T.21017/20/2021- NCD.I (NPPCD)

THE MAHARASHTRA INDUSTRY, TRADE AND INVESTMENT FACILITATION ACT, 2023

The government of Maharashtra notified the Maharashtra Industry, Trade and Investment Facilitation Act, 2023 on August 14, 2023, which aims to create an effective Single Window System for delivery of services related to issuing of permissions required for establishing and operating industries; to enhance State's competitiveness on trade and for investments; to develop an ecosystem to ensure Ease of Doing Business including grievance redressal mechanism in the State; and to develop and maintain a portal for providing all necessary information required for investment in the State of Maharashtra and for the matters connected therewith or incidental thereto.

The Act will be regarded as having taken effect on July 3, 2023. According to the Act, anyone who wishes to establish a new industrial undertaking or continue the operation of an existing industrial undertaking in the State may submit an application in electronic form through the Single Window System, along with the required fee, to obtain the necessary permissions under the applicable law as the State Government may specify by notification in the Official Gazette. For the purposes of this Act, the Maharashtra Industry, Trade and Investment Facilitation Cell (MAITRI) has been designated as the Nodal Agency for the Single Window System in Maharashtra.

ESIC CIRCULAR ON REVIEW OF OLD ACCIDENT CASES

Internal instructions have been issued by the ESIC in its circular dated August 10, 2023 to review all pending Accident Reports and take the required steps to resolve such pending cases. The circular also states that, if the employer refuses to produce the records, after completing all necessary formalities, necessary legal action may be taken against the willful defaulting employers in accordance with the provisions under the ESI Act, 1948, ESI (Central) Rules, 1950, and ESI (General) Regulations, 1950. However, legal action against the employers may only be launched in extreme circumstances and not on a regular basis.

EPFO ISSUES GUIDELINES ON FILING COMPLAINTS WITH EPFO VIGILANCE

Recent guidelines concerning the EPFO and matters coming under its purview have been released by the EPFO. The policy outlines various procedures for filing complaints about "Vigilance angle" or corruption-related issues. According to the policies, complaints made anonymously or using a pseudonym will not be addressed.

THE GOVERNMENT OF TELANGANA APPOINTS APPELLATE AUTHORITY TO HEAR APPEALS IN POSH MATTERS

By its notification dated August 11, 2023, the Government of Telangana has given eight labour courts and industrial tribunals the authority to serve as the appellate authority in their respective jurisdictions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal Act), 2013 (the "POSH Act") in relation to industrial establishments for which the State Government is the proper authority for prefeasibility.

PUNJAB BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) (AMENDMENT) RULES, 2023

On August 11, 2023, a notification modifying the aforementioned Rules was published. The amendment mandates that every construction worker who wishes to join the Fund must present a Form XXVII certificate from the employer, contractor, or other person, authority, or officer authorised by the Board. It is important to notice that a modified form has been used in place of Form No. XXVII. In addition, when applying for registration or renewing registration, the worker's contribution, if they have registered as a member, must be paid in advance for a year. Such payment shall be made in any of the banks specified by the Board in the district in which the member resides or in cash receipt.

THE GUIDELINES FOR NATIONAL APPRENTICESHIP PROMOTION SCHEME-2 (NAPS-2)

The National Apprenticeship Promotion Scheme-2 (NAPS-2) rules were published on August 25, 2023 by the Ministry of Skill Development & Entrepreneurship. By providing partial stipend assistance to apprentices enrolled under the Apprentice Act of 1961, NAPS-2's main goal is to increase apprenticeship training across the country. The programme also emphasises providing assistance to parties involved and developing the infrastructure of the apprenticeship ecosystem. The ultimate goal is to develop a skilled labour force for the country by prioritising practical, hands-on training. The programme places a special emphasis on encouraging apprentice registrations in smaller businesses, particularly Micro, Small, and Medium-Sized Enterprises (MSMEs), as well as in less developed areas like aspirational districts.

The partial stipend support from the Government of India will be directly credited to the apprentice's bank account and is limited to 25% of the stipend provided, or a maximum of INR 1,500 each month. Apprentices must be between the ages of 14 and 35 in order to be eligible for a partial stipend under NAPS-2. Within four years, the programme hopes to register 46 lakh apprentices. According to the NAPS-2 criteria, public sector banks and other central and state government departments would not be eligible for any stipend support under this programme.

The official online apprenticeship site must be used for all registration, course creation, opportunity posting, grievance redressal, and other actions related to the apprenticeship lifecycle. The programme will be monitored on three levels: central, state/UT, and regional. NAPS-2 will cease to exist on March 31, 2026.

MEGHALAYA ALLOWS SHOPS AND ESTABLISHMENTS TO BE OPEN THROUGHOUT THE YEAR

The Government of Meghalaya vide notification dated August 3, 2023 permits all the establishments registered under the Act in the State of Meghalaya to keep open on all 365 days of the year, for a further period of 1 year i.e., up to 31st December 2023, subject to certain prescribed conditions such as one paid leave per week, display of list of holidays for a month on a notice board, paid leave on national and festival holidays, an hour of rest period after five hours of continuous work, normal hours of work not exceeding 9 hours in a day or 48 hours in a week, adequate safety and security arrangements for employees and visitors if the establishment remains open after 10. P.M, provision of separate lockers, security and restrooms at the workplace for female employees, compliance with the POSH Act, etc.

However, the notification restricts employment of female employees after 7:00 P.M. Their written consent in this regard shall be taken as adequate safety and security arrangements of female employees shall be made during working hours and it shall be ensured that they safely reach home after their work is over. In addition to these terms and conditions, all the provisions of the Meghalaya Shops and Establishment Act, 2003 and other relevant Laws shall be applicable to the establishment. In case of violation of any of the aforesaid terms and conditions or any other provision of the Meghalaya Shops and Establishment Act, 2003, the exemption shall be cancelled after giving a due opportunity of being heard by the Competent Authority.

DESK DISPATCHES

Paternity Leave: A Step towards Holistic Parenting

Ms. Akanksha Yadav, Researcher, CLLRA

Recently, the Chief Minister of Sikkim announced one-month paternity leave besides 12 months maternity leave while emphasizing how this new scheme of leave will aid government employees in taking better care of their children and families. In India, although there has been a lot of focus on maternity leave, both the Central & State Governments have not paid much attention to the aspect of paternity leave when it comes to the need of childcare immediately after birth or adoption. Therefore, this move of the Sikkim Government comes as a valuable step towards holistic parenting, wherein both parents are given a better opportunity to spend time and take care of their children. State Governments have not paid much attention to the aspect of paternity leave when it comes to the need of childcare immediately after birth or adoption. Therefore, this move of the Sikkim Government comes as a valuable step towards holistic parenting, wherein both parents are given a better opportunity to spend time and take care of their children.

What does law say about Paternity Leave?

In India, paternity leave was introduced as early as in 1955 through the enactment of the All-India Service Rules. As per the Rules, a 15-day leave may be granted to a male member of the service including a probationer, if he has less than two surviving children, either 15 days before the childbirth, or up to six months from the date of delivery of the child. The leave would lapse automatically if not availed within the requisite period. This leave can be combined with any other leave and would not be added to the leave account. The employee availing paternity leave will be given pay as

he was availing immediately before going on the leave. Even though leave is not mandatory in nature, the Rules provide that it shall not normally be refused under any circumstances. The Rules also provide the same benefit of paternity leave to a male member of service for adopting a child if he has less than two surviving children. In this case, the leave can be availed within the six months of date of adoption, otherwise it will also lapse automatically. Similar provisions were later laid down in 1972 in the Central Civil Services (Leave) Rules for granting paternity leave to male employees serving in the Central Government services.

Paternity Leave: Problems and Way Forward

The first and foremost problem with paternity leave is that the law only provides the benefit of paternity leave for the central government employees. There is no legal provision of paternity leave for the private employees and state government employees, and they are left on the discretion of the employer or respective state government, unlike maternity leave which has to be mandatorily provided to both private as well as all government employees, if and when eligible. In 2017, a private member bill was introduced in the Lok Sabha addressing this issue. It proposed fifteen days' leave for all the employees of the government and private sector. However, the bill is still pending, and has not been enacted as a law. Moreover, both in the proposed bill and existing Rules, the number of days of paternity leave available for male employees is far lesser as compared to the number of days of maternity leave that can be availed by female employees. This glorified focus on maternity leave over paternity leave also reinforces the stereotype of mothers being the primary caretakers of the children and the fathers being the..

breadwinners. It keeps a man away from his newly born or adopted child as well as his partner who might need him equally for raising their child. Lastly, a lot of employees are also unaware about the provision of paternity leave. On the other hand, those who are aware often do not avail it in the fear of stereotypes or ridicule by their employer or fellow employees. Their fear is not imaginary as displayed by the recent trolling of Indian cricketers for taking paternity leaves. Therefore, fathers are pressured and expected by society to prefer work over family, which serves as a big hindrance towards making paternity leaves a norm.

Studies have shown that a father's role is just as important as a mother's from a child's infancy till adulthood. If paternity leave is not given the same importance as maternity leave, childcare would not be realized to its fullest extent. Moreover, the current regime also creates an extra burden on mothers who would be exhausted raising a child alone, which could lead to burnout whenever they rejoin employment as a result of not getting enough rest during her maternity leave. Therefore, the current paternity and maternity leave is evidently discriminatory against fathers by not providing them enough time to spend with their children and wives and is indirectly discriminatory against the mothers who are made responsible for taking care of their children alone while husbands are expected to focus on work. As Sandra Fredman says, the questions of equality are value-based questions. Giving equal importance to paternity and maternity leaves and granting paternity leave to both private and government employees will help us redefine our values around the role of a parent in childcare and family by not restraining the father's role as the breadwinner and the mother's as the child-rearer.

The Aadhar Quandary: Implications on MNREGA Workers

-Dev Dhar Dubey, Researcher, CLLRA

‘Aadhar’ for MNREGA: Background

The Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) serves as a cornerstone of India's poverty alleviation efforts, offering gainful employment to rural citizens. However, the recent insistence on linking Aadhar to MNREGA employment has spurred a contentious legal and ethical debate. For any MNREGA worker to be eligible under the Aadhaar-based payment system (ABPS), their bank account must be connected to their Aadhar and the National Payments Corporation of India's mapper.

Recently, after severe concerns were raised the central government has extended the deadline till December 31, for enabling payment of wages to MNREGA workers who have not registered to ABPS and provided them another opportunity to get registered. Before such extension government data indicates that close to 20% of the 14 crore active workers under the MGNREGS were ineligible to be paid under the Aadhar-based payment system (ABPS), if dates had not been extended for the second time in 2023. Although government has made it clear to all the states that beneficiaries who come for work should be requested to provide an Aadhaar number but will not be refused work on this basis. But critics say that the ABPS is overly cumbersome & deters beneficiaries. It is unclear how ineligible workers will be compensated for their work in the coming days if mandatory ABPS is imposed upon them. Initially, Aadhar was designed to streamline government welfare programs and curb fraudulent claims, has been a subject of extensive discussion. Its core objective was to ensure that the benefits of government schemes reached their intended recipients directly, reducing corruption and intermediaries. Nevertheless, the mandatory association of Aadhar with

MNREGA employment has given rise to a multitude of concerns.

Legal Aspects: Validity & Challenge

Privacy rights, a fundamental aspect of democratic societies, have been a focal point of this debate. The Supreme Court of India, in the watershed judgment of Justice K.S. Puttaswamy (Retd.) vs. Union of India, unequivocally recognized the right to privacy as a fundamental right. The court emphasized the urgent need for a robust data protection framework to safeguard citizens' privacy in an era where digital data is pervasive. The mandatory demand for Aadhar from MNREGA workers has raised legitimate concerns about privacy invasion. Critics contend that the collection and storage of biometric and personal data without explicit consent infringes upon individuals' privacy rights. This apprehension is compounded by the potential misuse or unauthorized access to sensitive data, as exemplified by previous Aadhar data breaches.

Integral to the debate is the *right to work and livelihood*, an intrinsic component of the *right to life and personal liberty* enshrined in Article 21 of the Indian Constitution. MNREGA was formulated to provide rural households with the right to employment and livelihood. By making Aadhar mandatory for MNREGA workers, the government effectively intertwines their right to work with the possession of a unique identification number. This linkage engenders significant questions about accessibility, particularly for those who may not possess Aadhar due to various reasons, including procedural hurdles, errors, or exclusion. Such a linkage could potentially lead to the exclusion and denial of employment opportunities to vulnerable sections of society, thus impinging upon their right to work and livelihood, a right...

that is crucial for their sustenance and well-being.

This mandatory Aadhar requirement for government schemes were challenged frequently. In *Binoy Viswam vs. Union of India*, the Supreme Court upheld the validity of Section 139AA of the Income Tax Act, which made linking Aadhar with PAN (Permanent Account Number) mandatory for filing income tax returns. However, the court ruled that the provision was constitutionally valid, but it also emphasized that Aadhar could not be made mandatory for services beyond government welfare programs. Similarly, in *Ritesh Sinha vs. Union of India*, the mandatory linking of Aadhar with mobile phone numbers was challenged and the Supreme Court upheld the government's decision, allowing for the linkage but emphasizing the importance of protecting citizens' privacy and ensuring the security of Aadhar data.

Concluding Remarks:

A complex legal and ethical debate around Aadhar for MNREGA employees has erupted in India, calling for careful study. While it is admirable that the government wants to reduce waste and streamline its welfare programmes, it must do so within the bounds of the Constitution and with due regard for people's right to privacy, the right to an income, and other basic human rights. The urgent need to find a precise balance between these conflicting interests, ensuring that marginalised and vulnerable parts of society can enjoy their entitlements under MNREGA while preserving their fundamental rights, is highlighted by India's legal landscape, as shown by historic instances. As the government has stated verbally, work will not be refused in the absence of Aadhar and if the employee does not enroll in ABPS. The pledge must be maintained and made into law.

DOMESTIC LABOUR LAW NEWS

INDIA'S UNEMPLOYMENT RATE DECLINES TO ONE-YEAR LOW IN SEPTEMBER

India's unemployment rate dropped to a one-year low in September as joblessness in rural areas fell despite weak monsoon rains. The overall joblessness rate slid to 7.09% last month, from 8.10% in August, data from private research firm Centre for Monitoring Indian Economy showed. That's the lowest reading since September last year. Rural unemployment dropped to 6.20%, from 7.11% in August, while urban unemployment rate fell to 8.94% from 10.09% in the same period. India recorded the weakest monsoon rains in five years, with the June-September rainfall about 6% less than the long-term average. Still, it did not impact much the agricultural activity in the country. Urban joblessness also saw a dip ahead of the key festival season in India. Employers usually gear up on hiring especially in the gig and contract employment segment ahead of Diwali.....[Scan QR to read more.](#)



INDIA'S GLOBAL EXPORTS IN LABOUR-INTENSIVE SECTORS DECLINED IN LAST 5 YEARS: FIEO

With India experiencing a decline in global market share across segments during the last five years, the labour-intensive export sectors such as apparels, marine products, plastics, and gems and jewellery are showing a "troubling pattern", news agency PTI quoted FIEO report. The Federation of Indian Export Organisations (FIEO) also said that a note of caution is warranted regarding a distinct spike in export growth of roughly \$40 billion as this particular surge is likely attributed to a rerouting of crude oil trade routes via India to Europe. It added that this phenomenon may not be sustainable in the coming years. Among other things, the report said that the most "pressing concern" regarding the negative export growth is the "poor" performance of labor-intensive sectors.....[Scan QR to read more.](#)



INDIA'S LABOUR FORCE SEES RISE IN NUMBER OF SELF-EMPLOYED WOMEN: STUDY

A recent rise in women's participation in India's labour force was led by self-employment, likely driven by distress more than economic growth, a study said on Wednesday. Self-employment among women was up 14 percentage points to nearly 65% between the quarter ended June 2018 and the quarter ended December 2022, according to a report titled "State of Working 2023" released by the Bangalore-based Azim Premji University. "If participation rises due to economic growth and rising labour demand, (it) has very different implications than if it rises due to falling household incomes, which force women into self-employment," the report said. While more women moved into self-employment, earnings for this type of employment were only 85% of what they were in the quarter ended June 2019. India's female labour force participation rose to just under 33% after the Covid pandemic from 30% before but remains low. The wage gap, while narrower than in the early 2000s, is still wide - as of 2021-22, women earned 76% of what men did.....[Scan QR to read more.](#)



MAHINDRA & MAHINDRA EXTENDS MATERNITY LEAVE POLICY TO COVER ADOPTION, SURROGACY

Vehicle manufacturer Mahindra & Mahindra has extended its maternity leave policy to cover those women employees who opt for surrogacy and adoption, according to a report by The Economic Times (ET). Ruzbeh Irani, president of group human resources at Mahindra & Mahindra, was quoted as saying that the company has created initiatives spanning a five-year journey, which includes one year pre-maternity, one year of pregnancy, and then three years post-pregnancy when the child is not yet ready to attend playschool. Among the first such initiatives in the manufacturing industry, the new maternity benefits policy offers all new mothers six months of flexible work options and 24 months of hybrid work options. This is with approval from the line manager, following the end of the 26-week mandated maternity leave.....[Scan QR to read more.](#)



DHARMASHASTRA NATIONAL LAW UNIVERSITY INTRODUCES MENSTRUAL LEAVE FOR FEMALE STUDENTS

The Dharmashastra National Law University in Madhya Pradesh's Jabalpur area has implemented a menstruation leave privilege in response to a long-standing request from students. According to a formal announcement issued on Friday, September 28, this plan will go into force during the current five-month semester, which started last month. These new leaves, which were approved in response to persistent student requests, will be put into effect during the current semester. It's interesting to note that the Supreme Court turned down a PIL (Public Interest Litigation) in February of this year that asked the court to order all states to adopt policies governing menstrual discomfort leave for both female students and working women. The court concluded that this issue is covered by government policy.....[Scan QR to read more.](#)



INDIA WILL MISS 2030 TARGET TO END BONDED LABOUR—BY 98%

The Union administration informed Parliament in July 2016 that it planned to identify, free, and rehabilitate 18.4 million bonded labourers by 2030 as part of its 15-year plan to accomplish "total abolition of bonded labour." According to data from the Union Government, 315,302 persons were released from bonded labour between January 1978 and January 2023, and 94% of them have since undergone rehabilitation. According to the data, the government has only been able to free 32,873 people from bonded work since making its announcement in 2016, or 4,696 people per year on average. According to our calculations, this would leave 18 million Indians in bonded labour by 2030, when the government would have only reached 2% of its 18.4 million target if progress continued at the same yearly rate.....[Scan QR to read more.](#)



GLOBAL BANKS WITH OPERATIONS IN INDIA ENHANCE MATERNITY BENEFITS

According to reports, international banks with operations in India are raising maternity benefits to entice and keep women workers. A work-from-home option for new mothers for up to a year, cost sharing for female employees who are in their last trimester for cab rides, mentorship programmes for women who have reintegrated into the workforce after childbirth, etc. are some of the initiatives done in this regard.....[Scan QR to read more.](#)



IT AND ITES ESTABLISHMENTS REINSTATE A 5-DAY WORK-FROM-OFFICE MODEL

According to reports, top IT and ITeS companies now demand that employees physically report to work on part or all of the weekdays. The demand for such working arrangements from these businesses' customers has contributed to the need for them, as have worries about the security of information exchanges with them and potential moonlighting by employees in violation of the exclusivity clauses in their employment contracts.....[Scan QR to read more.](#)



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INTERNATIONAL LABOUR LAW NEWS

ILO WELCOMES US-BRAZIL GLOBAL INITIATIVE ON DECENT WORK

ILO Director-General, Gilbert F. Houngbo, has welcomed a new partnership between the United States and Brazil to protect decent work in a rapidly changing labour market. The U.S.-Brazil Partnership for Workers' Rights was launched by the Presidents of the two countries, Joseph Biden and Luiz Inácio Lula da Silva, and the ILO Director-General, during the UN General Assembly in New York, on 20 September. The event was also attended by trade union officials from the United States and Brazil.

The new partnership identifies five pivotal priority areas for action:

- Safeguarding workers' rights, which includes fighting against forced labour, child labour and workers' exploitation.
- Fostering safe and decent work by ensuring countries and companies are held accountable for the impact of their investments on workers' health, wages and rights.
- Championing a worker-centric transition to clean energy, ensuring that the shift to cleaner technologies is equitable and benefits all members of the workforce.
- Ensuring new technologies like artificial intelligence and advanced platforms benefit workers, while safeguarding their rights.

Tackling workplace discrimination and making sure no one is left behind, to create an inclusive and equitable work environment for all.....[Scan QR to read more.](#)



21 MILLION EUROS PLEDGED AT UNGA FOR GLOBAL ACCELERATOR ON JOBS AND SOCIAL PROTECTION FOR JUST TRANSITIONS

Germany, Belgium and Spain have pledged 21 million euros for the Global Accelerator on Jobs and Social Protection for Just Transitions – an ILO-coordinated initiative that aims to support the creation of millions of decent jobs and extend universal social protection to billions who are currently not covered. The pledges were made at a special session at the UN Action Weekend in New York, on the eve of the SDG Summit, which takes place every four years, to review the progress of the Sustainable Development Goals (SDGs).

The Global Accelerator plays an important role in achieving the SDGs by building on partnerships between UN agencies, the private sector, social partners, the World Bank, and other international financial institutions (IFIs). These partnerships are further leveraged with the commitments of the development partners. It is one of twelve 'High Impact Initiatives' (HIIs) being showcased during the SDG Action Weekend, with the aim of sharing knowledge, coordination, and collaboration to step up progress of the SDGs.....[Scan QR to read more.](#)



WORLD IS "WELL OFF TRACK" TO ACHIEVE SDG 8, ILO RESEARCH FINDS

An analysis by the International Labour Organization of progress made towards SDG 8, has concluded that "the world is well off track on nearly two-thirds of [the] SDG 8 indicators of progress," and that "the international community today is almost as far from reaching the targets of SDG 8 as it was in 2015". The Policy Brief concludes that increased multilateral and national action to accelerate progress on SDG8 is needed to strengthen both the pace and pattern of sustainable development, as well as the entire 2030 Agenda for Sustainable Development.....[Scan QR to read more.](#)



WORKING IN APPAREL & FOOTWEAR MANUFACTURING: HOW DOES TECHNOLOGICAL UPGRADING & AUTOMATION AFFECT WOMEN?

Women make up a large portion of the workforce in the apparel and footwear manufacturing industry. Despite the high level of talent required for these positions, they are frequently underpaid, insecure, and have an unknown future, especially given the possibility of being replaced by automated machinery. Due to automation, female workers frequently hold low-paying, unstable occupations with unknown futures. The difficulties women face and how technology affects their careers are the subjects of recent research.....[Scan QR to read more.](#)



ILO DIRECTOR-GENERAL WELCOMES BRICS COMMITMENT TO ENSURING DECENT WORK, DIGNITY AND RESPECT FOR ALL

The Director-General of the International Labour Organization (ILO), Gilbert F. Houngbo, has welcomed the commitment by the Labour and Employment Ministers (LEMM) of the BRICS* countries to reinforce positive links between decent work, productivity growth and employment creation. (*Brazil, Russia, India, China, and South Africa) The Director-General stressed the need “to ensure the ratification and effective implementation of ILO Fundamental Conventions,” as well as promote “an inclusive and effective legal and institutional framework that provides adequate protection of all workers.” Houngbo also emphasized that “a higher proportion of workers in BRICS countries are in informal employment. Commitments to close coverage and adequacy gaps in social protection coverage and to close skills gaps in the informal economy are particularly important to facilitate the transition from the informal to formal economy and create decent work.”.....[Scan QR to read more.](#)



LEADERS AT THE UNGA PLEDGE TO REDUCE THE GENDER PAY GAP

The United States, Iceland, UN agencies, the Organisation for Economic Co-operation and Development (OECD) and other organizations pledged to reduce the gender pay gap at an event on 18 September at the UN General Assembly in New York, organized by the Equal Pay International Coalition (EPIC). EPIC aims to achieve equal pay for women and men everywhere. It helps governments, employers, workers, the private sector and civil society organizations take actions to meet this goal at global, regional and national levels – in line with the International Labour Organization’s (ILO) Equal Remuneration Convention, 1951. These commitments are expected to provide momentum in addressing the significant pay disparities between men and women, with initiatives ranging from funding apprenticeship programs to expanding pay transparency efforts. According to the ILO Global Wage Report 2018/19, women earn on average about 20 per cent less than men, although there are wide variations across countries.....[Scan QR to read more.](#)



INDIGENOUS CHILDREN AT HIGH RISK OF BEING IN CHILD LABOUR

According to a recent study by the International employment Organisation (ILO), children from indigenous communities frequently lack access to school and run a substantial risk of being forced into child employment. The data show that indigenous kids have a harder time in school, which makes them more susceptible to child labour. In the countries under study, indigenous children, particularly indigenous girls, have lower rates of school attendance than other children. It demonstrates how a disproportionate number of Native American youngsters work in dangerous jobs. The majority of them are employed in agriculture, but they are also present in domestic work, manufacturing, and the economy. According to the research, the social, economic, and cultural marginalisation that indigenous people endure is a direct cause of child work among indigenous children. Extreme poverty is three times more likely to exist in these places. They regularly lose their property, suffer the worst effects of violence and climate change, have poor access to basic services, and face challenges keeping up their traditional ways of life. Due of this, native children may have to labour to support their family, which will be essential to their survival. Other negative effects could result from it, such traffickers abusing indigenous females because there are no longer any relationships between families and communities.[Scan QR to read more.](#)



PUBLICATIONS: ARTICLES

Draft policy on disability to have dedicated chapter on women, provision for early detection centres

-Risha Chitlangia



The Draft National Policy for Persons with Disabilities 2021, which is being finalised, is likely to have a separate chapter on women with disabilities among other provisions, ThePrint has learnt. The policy, which is available on the department's website, also focuses on special provisions for education, health facilities, employment and access to sports facilities, among other things. This is a departure from the past and is the first time that the Department of Empowerment of Persons with Disabilities (DEPWD) under the Ministry of Social Justice is planning to specifically address challenges faced by women with disabilities. This was not mentioned in the draft national policy for persons with disabilities, which was put up for public scrutiny in June last year.....[Scan QR to read more.](#)

Source: The Print

The show must go on: The EU's quest to sustain multilateral institutions since 2016

Leonard Schuette and Hylke Dijkstra



Multilateralism is in crisis. States increasingly contest, undermine and even withdraw from inter-national organizations and other multilateral institutions. Challenges emanate not only from emerging powers but also from established Western states and civil society. No other actor but the EU is more intimately entangled with multilateralism. This article therefore reviews to what extent and how the EU has actively sustained multilateral institutions since 2016. It identifies three types of mechanisms: the defence, reform and extension of multilateral institutions. Based on interviews with senior officials in the EU institutions and the member states, the article finds that the EU has proven to be rather successful in temporarily defending existing institutions. However, it largely failed to reform multilateral institutions and extend multilateral institutions to new areas. In doing so, the article contributes to our understanding of the EU as a foreign policy actor and the processes of the crisis of multilateralism.....[Scan QR to read more.](#)

Source: Hein Online

Those to whom evil is done: Toxic workplaces have a serious impact on the bottom line of law firms

-Navneet Hrishikesan



Legal circles have been 'a-twitter' recently over a leaked resignation letter. In the letter, an associate at one of India's largest law firms has alleged mistreatment by his seniors. The general response to the fiasco can be neatly divided into two categories: there are those who echo Plato that the 'young people are disrespectful and have no reverence' and there are those who sympathize with the young person. Not knowing any of the individuals or the actual circumstances involved, I can't obviously comment on the matter. But it did bring back memories of my Recruitment Coordination Committee (RCC), which organized the job placement process while we were finishing law school.....[Scan QR to read more](#)

Source: Bar & Bench



US Department of Labor Proposes Major Expansion Of Workers' Overtime Eligibility

Suzanne W. King and Katherine L. Porter



The rumors circulating since June 2021 have proven to be true: the U.S. Department of Labor (DOL) has proposed a rule that would substantially increase the salary basis threshold for exempt employees. As a reminder, employees who do not meet one of the overtime exemptions under the Fair Labor Standards Act (FLSA) – the executive, administrative, professional, certain computer, outside sales, or highly-compensated employee exemptions – must be paid overtime (1.5x the regular rate) under federal law for all hours worked in excess of 40 hours per week. Such employees are classified as nonexempt employees. Note that state and local laws may be more generous to employees than this federal FLSA standard.....[Scan QR to read more.](#)

Source: Mondaq

Faculty composition in National Law Universities: Examining contractual and regular appointments

Ayush Jaiswal and Shudhanshu Pratap



The Supreme Court's recent decision in *National Law University (NLU) Jodhpur v. Prashant Mehta & Ors* sent ripples through the hallowed halls of India's premier legal education institutions. A Bench of Justices Sanjay Kishan Kaul and Sudhanshu Dhulia expressed grave concern about NLU Jodhpur's (NLUJ) dependence on contractual appointments for teaching staff, calling it "unacceptable and undesirable." This ruling, which calls into question the very foundation of how NLUs function, has sparked a debate about the role of contractual appointments at NLUs that have consistently secured high ranks in the National Institutional Ranking Framework (NIRF).

NIRF rankings are a matter of reputation for Indian academic institutions, and NLUs have consistently outperformed their peers, demonstrating their outstanding contribution to legal education. However, beneath these accolades lies a crucial concern - the prevalence of ad-hoc-ism. The case of NLU Jodhpur is really not isolated; it serves as a catalyst for a detailed analysis of staffing policies in other NLUs also. This article will delve into the status of contractual appointments at NLUs that participated in the NIRF rankings for 2023. The data submitted by these institutes to NIRF has been taken into consideration for this purpose.....[Scan QR to read more.](#)

Source: Bar & Bench

Employment and Labour Law In Norway

-Svein Steinfeld Jervell



Norwegian employment law (also called labor or labour law) is based on the principle of contractual freedom, though with statutory regulation in certain areas to ensure worker protection. Statutory regulation follows first and foremost from legislation – mainly the Working Environment Act – though it may also follow from collective bargaining agreements, given that such agreements apply to the employment relationship. Most employment relationships in Norway are governed by the Working Environment Act, with the main exceptions being employment relationships within central government (governed by the Civil Servant Act) and employment relationships onboard ships (regulated by the Ship Labour Act).....[Scan QR to read more.](#)

Source: Mondaq



Greening the Workforce: A Feminist Perspective

-Sandra Fredman



This paper argues that there is a risk that policy proposals for a 'greener workforce' will replicate current gendered inequalities. Some 'Just Transition' frameworks for addressing workers' concerns about a green economy expressly focus on male-dominated sectors. Others, while recognizing the need to include women, fail to identify or counteract the patriarchal power relations which drive inequality. Part I demonstrates the extent to which some of the most prominent Just Transition frameworks are dominated by a male norm. Part II examines how the dominance of the male norm can be confronted and addressed. Simply referring to gender equality is not sufficient. Instead, Just Transition frameworks should be scrutinized under the lens of a conception of substantive gender equality based on four dimensions: redressing disadvantage; addressing stigma, stereotyping, prejudice and violence; facilitating participation; and achieving structural change. Part III uses the four-dimensional framework of gendered substantive equality to point a way towards a future reconstruction of the labour force that can incorporate values that are both green and feminist. Part IV turns to women's role in bringing about change and argues that to truly engender Just Transition frameworks, participation should avoid essentializing women and instead be based on collective and grass-roots organization.....[Scan QR to read more.](#)

Source: Oxford University

Just Cessation: How Might the Climate Imperative to Phase Out Fossil Fuel Extraction Reshape the Concept of Just Transition?

-Frances Flanagan



Just transition has emerged as a master conceptual framework for limiting environmental and socially destructive industrial activity in the climate change era. While it has been widely embraced, its anchoring in the open-ended concept of sustainable development has meant that it has been used to legitimate ongoing future fossil fuel extraction. This article discusses the implications for just transition that arise from the recognition that the timely cessation of fossil fuel extraction is the sine qua non of the realization of the sustainable development goals. It offers a historical explanation for the minimal engagement to date between just transition advocacy and fossil fuel cessation. It then discusses the implications of acknowledging the necessity of fossil fuel cessation in terms of core labour law principles. Finally, the article outlines the implications of explicitly embedding fossil fuel phase down as an objective of just transition for government actors and social partners.

Source: Waltersklawerlawonline

Labor's Changes To Labour Strategy

-Chris Gardner and Henry Skene



Some of this is guesswork, and the extent of what's coming is uncertain, but:

1. Fixed term arrangements have a limited life.
2. Employees have greater rights to flexible work arrangements.
3. The use of casuals will be restricted, and casuals will have more rights..
4. Independent contractors will have the potential to access employment-like terms.
5. The labour hire industry will be more regulated.
6. The "gig economy" will see employment-like protections..... [Scan QR to read more.](#)

Source: Mondaq

PUBLICATIONS: REPORTS AND BOOKS

Transformative change and SDG 8: The critical role of collective capabilities and societal learning

SDG 8 integrates the economic, social and environmental dimensions of sustainable development. To achieve inclusive and sustainable economic growth for full employment and decent work, an integrated process is needed to drive balanced progress across these three dimensions. In its 2019 report *Time to Act for SDG 8: Integrating Decent Work, Sustained Growth and Environmental Integrity* the ILO described a broad policy approach to this challenge which encouraged countries to pursue interrelated strategies that feed a cumulative dynamic process - a positive SDG 8 “policy spiral.”

This report builds on that previous work by analyzing in Chapter 1 the prospects for countries to achieve the economic, social and environmental aspects of SDG 8 by 2030 based on their performance between 2010 and 2022. The report traces the disappointing state of global prospects for achieving SDG 8 and identifies certain patterns and imbalances in these prospects across countries and the three dimensions.

The report then elaborates in Chapter 2 on the policy framework presented in 2019 by seeking to explain more fully the dynamics of the transformative change envisioned by SDG 8, in particular by exploring the underappreciated role of the “collective capabilities” of societies in enabling and shaping such change.

Finally, Chapter 3 distills a number of principles and policy recommendations for integrated learning and transformation strategies—an epistemic approach—to mobilizing investment, technological change and innovation and structural transformation in the economy.

Link for the pdf file of this Report: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_893832.pdf

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Contact(s):	research@ilo.org



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Renewable Energy and Jobs: Annual Review 2023

This tenth edition of Renewable energy and jobs: Annual review by the International Renewable Energy Agency (IRENA) in collaboration with the International Labour Organization (ILO) offers the latest set of global renewable energy employment estimates, which are based on IRENA's own methodologies and calculations, as well as a large array of reports published by government agencies, industry associations, non-governmental organizations and academic experts.

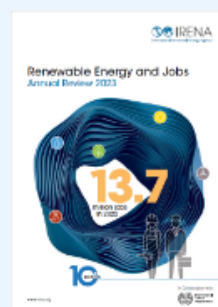
Renewable energy development not only changes the mix of energy sources powering the world's economies, but also creates jobs, builds economic value and enhances human wellbeing. The IRENA Renewable energy and jobs series quantifies current employment in the sector, examining different renewable energy technologies worldwide and in selected individual countries.

The analysis considers a variety of public and private sector policy contexts, including those related to deployment, industrial policy, skill building, labour market measures and others. While available qualitative information about renewable energy jobs, such as education, skill requirements or workforce attributes, remains limited, the series asserts that decent jobs are a must for the energy transition.

This is the tenth edition of the series, and the third produced in collaboration with the International Labour Organization. Following an initial standalone report in 2013, IRENA launched this series to provide regular updates to its assessment of renewable energy employment worldwide. Each edition discusses the latest available data and highlights specific aspects, such as employment in the energy access context, the gender equity dimension or the requirements of a just transition.

Link for the pdf file of this Report: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_895772.pdf

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Catholic Social Teaching and Labour Law

About the Authors:

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Mark Bell is Regius Professor of Laws at Trinity College Dublin, the University of Dublin. During 2018-2021, he was Head of the School of Law. Previously, he was a professor at the School of Law, University of Leicester, where he was also Head of the School of Law (2011-2014). Mark is a member of the Advisory Board of the Berkeley Center on Comparative Equality and Anti-Discrimination Law and the Board of Directors of the Irish Centre for European Law. He has conducted research for the European Commission and the International Labour Organization.

About the Book:

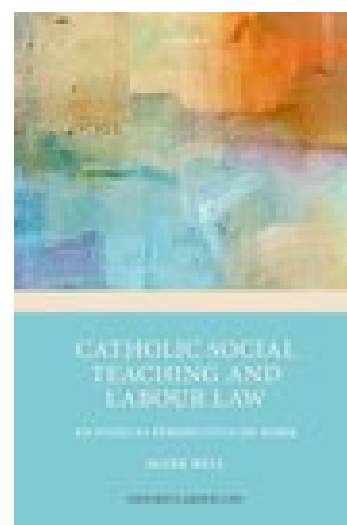
Catholic Social Teaching and Labour Law explores the contribution that religious ethics makes to debates on justice in working life. Many faiths include beliefs about the significance of work to human development and the need for work to be performed under conditions that uphold dignity, equality, and solidarity. This book considers how the substantive provisions of labour law reflect prior ethical choices about how workers should be treated, and how beliefs from Catholicism influence these.

This book provides a thorough account of the principles found in Catholic Social Teaching (CST), and how these impact human work and labour rights. It tests the contemporary relevance of its principles by applying them to current debates, using EU labour law as a case study. Specifically, it examines CST on the right to a just wage, the right to rest, worker participation, and equality and discrimination.

The book finds that CST offers fresh insights on long-standing injustices in the labour market, such as low wages or poor working conditions, and also sheds light on emerging challenges such as ensuring rest in an era of digital connectivity. The book recognizes that tensions arise in areas where the Church's beliefs diverge from those that prevail in a secular understanding of human rights. This is particularly evident in debates relating to equality. It concludes that faith-based perspectives should be included in pluralistic dialogue on the future of labour law.



Prof Mark Bell
Regius Professor of Laws
Trinity College Dublin



Oxford University Press
ISBN: 9780198873754

Human Rights Due Diligence and Labour Governance

About the Authors:

Ingrid Landau is a senior lecturer in the Department of Business Law and Taxation at Monash University, and a member of the Labour, Equality and Human Rights (LEAH) Research Group. She is a socio-legal scholar whose research spans labour law, business and human rights, regulatory studies, and transnational governance. She has published widely in Australian and international journals and has undertaken research for the Australian Fair Work Commission, trade union, and civil society organisations, and the International Labour Organisation. She holds a PhD from Melbourne Law School, and BA degrees in Asian Studies (Vietnamese) and Law (Hons) from the Australian National University.



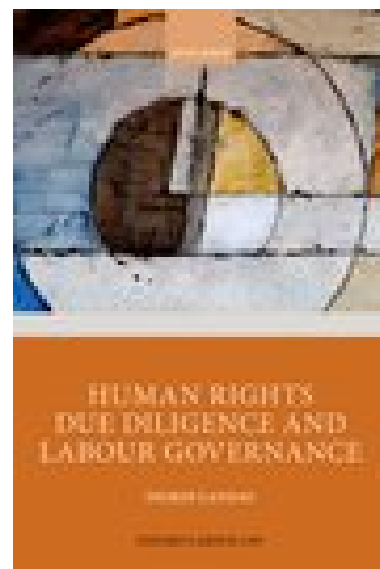
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About the Book:

Human rights due diligence (HRDD) has emerged as a dominant frame through which to conceptualise and operationalise responsible business conduct with respect to workers' rights in global supply chains. Legislation mandating HRDD is now found in several European countries and across various national regulatory agendas. Many scholars, practitioners, and activists are actively calling for further legalisation, believing that this will broaden respect for human rights.

Yet to date, there has been little sustained scholarly analysis from a labour rights perspective. Observing that HRDD, as originally articulated in the UN Guiding Principles on Business and Human Rights, is open to multiple interpretations, this book examines global debates on the role and status of the concept. It also considers the implications of HRDD's ascension for transnational labour law as a distinct field of law, scholarship, and activism.

Combining insights from transnational governance and business regulation with empirical analysis, this book argues that HRDD is not being institutionalised at either the global or national level in a way that renders it a transformative or even robust mechanism of transnational labour law. It also draws attention to the important, but largely overlooked, ways in which the rise of HRDD is leading to subtle shifts in the configuration of actors and institutions in labour governance.



Oxford University Press
ISBN: 9780198876069

CONFERENCES/WORKSHOP/FELLOWSHIPS

CONFERENCES/ WORKSHOPS

1. AI and Employment Law

About the Event: The 2023 edition of the international conference organized by ADAPT's International School of Higher Education in Labour and Industrial Relations aims to bring together academics to investigate the different aspects that affect today's meaning of work for people and their identity. A comparative and interdisciplinary approach will be implemented, in order to address the relevant issues from a broader perspective.

Venue: Centro Congressi Giovanni XXIII, Viale Papa Giovanni XXIII, 106, 24121, Bergamo BG, Italy

Date & time: November 30, 2023 - 09:00 to December 2, 2023 - 17:00

Further Information:

For inquiries, contact us by sending an email to fondazioneadapt@gmail.com.

2. Event: Two Days National Seminar on Interplay of Women, Law and Society

About the Event: The Vel Tech Rangarajan Dr. Sagunthala R&D Institute of Science and Technology Avadi, Chennai, Tamilnadu, India is poised to Organise the 1st Two Days National Seminar on "Women, Society and Law. Issue and Challenges" to mix the ideas of professors, faculty members, advocates, research scholars, law students with the vision of eminent intellects in the concerned subject. This seminar on "Women, Society and Law. Issue and Challenges" (WSL 23) is Stimulated by the great words of Dr. Ambedkar stating, "I measure the progress of a community with the degree of the progress women have achieved" The development of any Nation is directly proportional to the development of the women in that Nation.

Venue: School of Law, Vel Tech University, Chennai

Date: 10th-11th November 2023

Last Date to Apply: 25th October 2023.

Registration Details: <https://docs.google.com/forms/d/e/1FAIpQLSei-WB3bt3QldZAQE73d6oJgUINIbGT9FZ3GPLwuLVmP96eYg/viewform>



CONFERENCES/ WORKSHOPS

3. The 50th anniversary of the European Trade Union Confederation (1973-2023) -Annual Conference of the European Trade Union Institute (ETUI)- Brussels, Belgium, 23rd -24th November 2023

In the framework of the 50th anniversary (1973-2023) of the creation of the European Trade Union Confederation (ETUC), the ETUI (European Trade Union Institute) has launched a history project in 2022 and 2023. To carry out this task the ETUI is promoting a series of activities related to the history and memory of European trade unionism. One of the major aims is to profit from this anniversary to enhance the public knowledge about the history and memory of the ETUC with the creation of a network of researchers working in these topics. To that aim, the ETUI and the European Labor History Network (ELHN)-Working Group on history of European trade unionism are bringing together in a regular manner those scholars from various disciplines who are currently researching about the distant or recent history of European trade unionism in the context of European integration.

We would like, therefore, to invite scholars who would like to contribute to this project with papers derived from their past or present research on this topic. We would like to receive abstracts in English (500 words) for papers (5,000-8,000 words) which would deal in any aspect of the history of the European Trade Union Confederation. We particularly encourage submissions which deal with the action of the ETUC in the context of European integration, but also papers focusing on ETUC's members (national federations or industry federations) in their relationship to the ETUC.

The deadline for submitting abstracts is until 30th May 2023. You will receive an answer as soon as possible after your submission and an invitation to present (in presential or on-line depending on your choice) a first draft paper at the European Trade Union Institute in Brussels. Based on these first versions of the papers, we will be able to organize the panels, suggest potential changes, and decide whether we had a complementary set of papers for a potential publication in this framework. The acceptance of these papers would depend on the scientific originality of the papers and their capacity to unveil novel aspects or periods of the history of the ETUC.

For specific questions about the project or the conference you can contact the two coordinators of this ETUI project. In case of need, the ETUI can contribute to the expenses associated with your participation in the panels dedicated to this project. Claude Roccati (Historical research coordinator of the ETUC 50th Anniversary, European Labor History Network (ELHN)- Working Group History of European Trade Unionism) clauderoccati@orange.fr and Christophe Degryse (Internal coordinator of the ETUC 50th Anniversary, European Trade Union Institute) CDegryse@etui.org

Scan QR for Registration Link



CONFERENCES/ WORKSHOPS

4. "How Artificial Intelligence Fosters Global Inequalities: A Four-Country Study on Data Work". Prof. Antonio A. Casilli

On November 20, 2023 (3.30pm, CET) the University of Groningen (The Netherlands) will host the seminar "How Artificial Intelligence Fosters Global Inequalities: A Four-Country Study on Data Work". Prof. Antonio A. Casilli (Institute Polytechnique de Paris) will give a keynote lecture presenting his study conducted with the DiPiLab between 2020-2023 in Venezuela, Madagascar, Brazil and France. A multidisciplinary panel will follow.

The discussion will focus on how the AI revolution beyond the work of engineers and data scientists still perpetuates a great deal of crowdwork, often outsourced to Global South countries.

The event is hybrid, attendance is allowed both in presence and online. For the lucky ones that will make it till Groningen a reception will follow. Registration is open here.

Deadlines

Registration: Nov 17, 2023

Organizer(s): University of Groningen

Dates and times: November 20, 2023 - 15:30

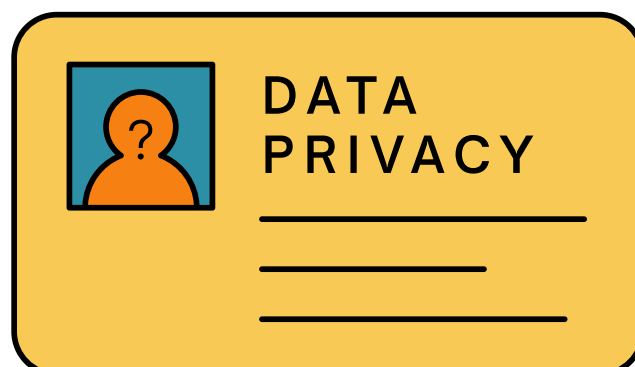
Location: University of Groningen
House of Connections, Grote Markt 21
9712 HR Groningen
Netherlands



Other Upcoming Webinar

Simmons + Simmons
Data Privacy Landscape in the EU

Date: 25 October 2023
Time: 2:00 PM UTC
Duration: 60 min
Language: English
Format: Online



FELLOWSHIPS

1. Riccardo Del Punta Scholarship for Young Scholars

Riccardo Del Punta Scholarship for Young Scholars, promoted by the University of Florence, with the aim to honor the memory of Prof. Riccardo Del Punta and support young scholars wishing to spend a research period abroad.

Amount of the Scholarship: €5,500.00 before tax charges to be borne by the winning.

Aim of the Scholarship: support a research period abroad.

Recipients: citizens of the member states of the European Union and non-EU citizens with regular residence permit, aged under 35 years old, holding a master's degree (or equivalent) in either social sciences (law, economics and sociology) or philosophy.

Deadline for applying: 18/10/2023, 8 p.m. Italian time.

Scan QR for Registration Link



2. National Child Rights Research Fellowship 2024 - 25

Child Rights and You (CRY) announces its 13th National Child Rights Research Fellowship 2024-25 and invites applications from interested persons to research various dimensions of child rights. To date, CRY has awarded more than 50 fellowships. CRY is committed to changing the way children experience childhood, by being strategic in our choice of issues, approaches, and utilization of resources to maximize our impact on children. CRY believes in encouraging a community of child rights researchers who will promote and advocate child rights. Through this research fellowship, we seek a combination of formal and informal approaches to explore and discover simple and complex truths about the interplay of culture, ethics, and policies determining childhood.

Eligibility:

- Applicants should be Indians residing in India and above the age of 18 years.
- If your proposal is part of a submission to any academic institution or if you are already receiving funding for the conduct of the research proposed, it will be ineligible for this fellowship.

Submission of Application:

- **Last Date for submission is 30th November, 2023.**
- For Proposal format, CV format, and other information please follow the <https://www.cry.org/ncrrf/> or visit website www.cry.org
- Please E-mail your application to: research@crymail.org

FELLOWSHIPS

3. Chevening Gurukul Fellowship for Leadership and Excellence at the University of Oxford

About the Organization

Oxford is a world-leading centre of learning, teaching and research and the oldest university in the English-speaking world. Oxford is an independent and self-governing institution consisting of the University, its divisions, departments and faculties, and the colleges.

About the Fellowship

The 12-week Chevening Gurukul Fellowship for Leadership and Excellence at the University of Oxford starts from the premise that as an economic powerhouse of the global economy, a growing leader in science and technology, and the world's largest democracy, India is in a pivotal position to drive forward an effective and legitimate institutional international order to meet the emerging challenges to global integration.

Every year twelve selected Gurukul Fellows will be offered an intensive, twelve-week residential course at the Department of Politics and International Relations (DPIR) at the University of Oxford to study and address these challenges through three fundamental and interlocking components focusing on academic understanding, policy relevance and personal development.

This innovative programme will familiarise India's future leaders with an understanding of the contemporary opportunities and challenges of global integration, the leadership skills to play a leading role in meeting them, and the knowledge to translate this into policy and practice.

The Gurukul Fellowship runs from mid-September – November each year. The course includes numerous site visits in the UK and a varied cultural programme designed to integrate Gurukul Fellows into the academic and cultural life of the University and Department. Throughout the programme, fellows will develop, research and present a public policy plan while building their professional networks.

Benefits

Each fellowship includes:

- Full programme fees
- Living expenses for the duration of the fellowship
- Return economy airfare from India to the UK

How to Apply

Applications close: at 12:00 GMT 7 November 2023



Scan QR or Link for Registration: <https://www.chevening.org/fellowship/gurukul/>

EDITORIAL TEAM



Managing Editor

Dr. Sophy K. J. is Associate Professor of Law at the National Law University Delhi. She is currently the Director of Centre for Labour Law Research and Advocacy (CLLRA). Her areas of research interest are Law relating to Labour and Development, Gender and the Law, Legal History and Anthropology.



Editor in Chief

Dev Dhar Dubey, our editor-in-chief is a PhD scholar at National Law University Delhi. He post-graduated from Gujarat National Law University, Gandhinagar. He is currently working at the Centre for Labour Law Research and Advocacy (CLLRA). He has published several articles in national and international journal and is also the author of a book titled, "Rohingya's: Journey without an end."



Editor

Akanksha Yadav, our editor is a PhD Scholar at National Law University Delhi. She has post-graduated from National Academy of Legal Studies and Research, Hyderabad [NALSAR]. She did her graduation from RMLNLU, Lucknow. She is currently working at the Centre for Labour Law Research and Advocacy (CLLRA). She has published several articles and research papers in National Journals.



Editor

Tejas Misra is a 2nd Year Law Student at National Law University, Delhi. Areas of interest include socio-legal research, activism and advocacy. Passionate about history, philosophy and society's intersection with the law. Currently working on research topics relating to labour rights and legal news.

To read more articles and blogs and to know more about our Newsletter Scan the QR Code.

The newsletter titled "Labour Law Insights: Unlocking India's Labor Legal Labyrinth: Insights, Updates, and Analysis" is a comprehensive resource focusing on the intricate landscape of labor law in India. It provides timely updates on legal developments, in-depth analysis of key cases, expert commentary, and answers to common questions, all rooted in Indian legal provisions and case laws. This publication stands as an invaluable resource for scholars, practitioners, and stakeholders seeking profound insights into India's labor legal framework.



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