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**CENTRE FOR LABOUR LAW
RESEARCH AND ADVOCACY**



Email: cllra@nludelhi.ac.in

Website: <https://cllra.com>

Golf Course Road, Pocket 1, Sector 14, Dwarka, New Delhi, Delhi – 110078

Managing Editor:
Dr. Sophy K.J., Associate Professor,
NLUD & Director, CLLRA

Editor in Chief:
Dev Dhar Dubey, Researcher, CLLRA

Editors:
Akanksha Yadav, Researcher, CLLRA
and
Tejas Misra, Research Intern, CLLRA



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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

Labour Law Tribunals

SUPREME COURT DIRECTS UNION OF INDIA TO FILL VACANCIES IN CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

LABOUR LAW ASSOCIATION V. UNION OF INDIA

Court: Supreme Court of India

Citation: W.P.(C) No. 562/2023 PIL-W

Facts: The Labour Law Association had submitted to the Apex Court that nine out of twenty-two benches of the Central Government Tribunals were vacant. Following this, the Supreme Court had directed the constitution of a Search-cum-Selection Committee chaired by a Supreme Court judge nominated by the Ministry of Employment and Labour.

Court's Observation: The Additional Solicitor General informed the court that the Committee had made nine recommendations, on the basis of which the Supreme Court directed the Union Government to complete the process of appointments to the vacant seats of the Central Government Industrial Tribunals before August 31, 2023.

BHARATIYA KAMGAR KARMACHARI MAHASANGH VS JET AIRWAYS LTD.

Court: Supreme Court of India
2023

Citation: CIVIL APPEAL NO. 4404 of

Facts: The Respondent company operated a commercial airline which employed long-term contract workers. They were treated as temporary despite completing 240 days of service as well as the nature of their work being regular and permanent, in alleged violation of the Bombay Model Industrial Employment (Standing Order) Rules. The Trade Union raised a series of demands and eventually came to a settlement with a company agreeing the workers were not entitled to permanency.

Court's Observations: The Court in this case dealt with the question whether a private agreement between the parties would override the Standing Order. The Court held that no contract that abridges a right to retrenchment can be agreed upon, let alone binding, and thus would not override the Standing Order, unless it is more beneficial to employee.

Judgment: The Bench allowed the appeal and set aside the award.

Retrenchment

SETTLEMENT BETWEEN EMPLOYEE UNION & EMPLOYER WOULD NOT OVERRIDE MODEL STANDING ORDERS UNLESS IT IS MORE BENEFICIAL TO EMPLOYEE

Disability & Labour

ALL STATE GOVERNMENTS HAVE TO COMPLY WITH THE PROVISIONS OF THE RPWD ACT EXPEDITIOUSLY BEFORE SEPTEMBER 30, 2023: SUPREME COURT

SEEMA GIRIJA AND ANR. V. UOI AND ORS.

Court: Supreme Court of India

Citation: 2023 LiveLaw (SC) 545

Facts: The Union government has filed an affidavit through the Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Ministry of Social Justice and Empowerment. Annexure II to the affidavit indicates the status of the implementation of the provisions of the Rights of Persons with Disabilities Act 2016 in the States/Union Territories as on 11 May 2023.

Court's Observation: The Supreme Court directed all State Governments to comply with the provisions of the Rights of Persons with Disabilities Act 2016 expeditiously before September 30, 2023, and also to appoint Chief Commissioners for persons with disabilities by August 31, 2023.

Judgment: The Court held that all the State Governments/Union Territories shall upload the relevant data pertaining to the status of compliance on the dashboard of the Union Ministry of Social Justice and Empowerment. The Ministry shall submit a status report to this Court by 15 September 2023.

SUNITA THAWANI V. UNION OF INDIA

Court: Supreme Court of India

Citation: Writ Petition (Civil) No. 64/2023

Facts: The Petitioner moved the Supreme Court in a PIL seeking that suitable amendments should be made to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act to include protection of women who have complained of sexual harassment and those involved in the inquiry process.

Court's Observations: The Apex Court held that to pass such a general order would amount to the creation of a new offence, and declined to entertain the matter but gave the Petitioner liberty to approach the authorities for proper guidelines in the private sector.

High Courts**DR SOHAIL MALIK V. UNION OF INDIA**

Court: High Court of Delhi **Citation:** W.P.(C) 8624/2023 & CM APPL. 32735/2023

Facts: The Court was hearing a plead moved by an IRS officer accused of sexually harassing an officer in a different department. The woman moved a complaint before the Internal Complaints Committee of her own department however the jurisdiction of this was challenged by the officer.

Court's Observations: The High Court ruled that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act) is not limited to cases where an employee is sexually harassed by another employee working in her own department but also cases of another department, observing that to take a contrary position would be a violation of the Act's very ethos.

Judgement: The Court dismissed the officer's plea and directed the hearing before the Internal Complaints Committee.

Sexual Harassment

APEX COURT REFUSES TO INCLUDE RETALIATION OR VICTIMISATION OF THE COMPLAINANT OR WITNESSES AS A FACET OF SEXUAL HARASSMENT UNDER THE POSH ACT

Sexual Harassment

POSH ACT CAN BE INVOKED BY THE AGGRIEVED WOMAN WORKING IN A DEPARTMENT AGAINST A MAN WORKING IN ANOTHER DEPARTMENT

Contract Labour

THE PERSON LOOKING AFTER THE DAY-TO-DAY AFFAIRS OF THE COMPANY, NOT THE DIRECTORS ARE LIABLE TO BE PROSECUTED UNDER CONTRACT LABOUR (R&A) ACT

NIRMAL KUMAR AGRAWAL VS THE STATE OF JHARKHAND

Court: High Court of Jharkhand

Citation: Cr.M.P. No. 1016 of 2013

Facts: The complainant filed a case under the Contract Labour (Regulation and Abolition) Act, 1970 alleging misconduct by the sub-contractors of a state undertaking in regulation of its workers. The petitioner in the present case submitted that as a director of the contracting company, vicarious liability cannot be imposed on him as he was not looking after the day-to-day affairs of the company.

Court's Observation: Strictly interpreting Section 25 of the CLA, which imposes liability on the Director, Manager and other agents of the Company for the Company's wrongful acts. The Court held that only the person who is looking after the daily affairs of the company are liable to be persecuted and not directors as such.

Judgment: The criminal proceedings against the Petitioner were considered non-maintainable and thus were quashed by the High Court.

MOHD. ABDULLAH VS MANAGER, TRUMBOO CEMENT INDUSTRY LIMITED

Court: High Court of Jammu & Kashmir

Citation: MA No. 155/2007

Facts: The bench was hearing appeals filed by four workers who had sustained severe injuries during blasting operations directed by their employer. The injuries resulted in permanent disabilities, rendering them unable to continue working. Seeking justice, the workers filed separate claim petitions under the Employees' Compensation Act, 1923.

Court's Observations: The Court stated that in the absence of a specific contract of insurance between the employer and the insurer, the insurer would indemnify the employer in respect of interest and penalty. However, no liability can be fastened on the insurer as a rule to indemnify the employer in case the employer committing a default in making the payment of compensation.

Judgment: Hence, the Court held the insurer not liable.

Compensation

EMPLOYER IS ALONE RESPONSIBLE FOR INTEREST AND PENALTY ON DELAYED PAYMENT OF EMPLOYEE'S COMPENSATION

Termination

TERMINATION OF TEMPORARY EMPLOYMENT DOES NOT AMOUNT TO RETRENCHMENT OR UNFAIR LABOUR PRACTICES

DINESH PAL SINGH V. PRESIDING OFFICER

Court: High Court of Allahabad

Citation: 2023 SCC Online All 375

Facts: The Petitioner was a temporary clerk under the Company and engaged multiple times over a course of 4 years and did not complete a single term of 240 days which would have entitled him to become a permanent employee under the Industrial Disputes Act. The Petitioner contended that the Company had adopted unfair labour practices.

Court's Observations: The Court held that it cannot force the employer to continue the temporary employees on a permanent basis, and furthermore if the Petitioner's appointment and cessation of his services were as per the stipulations in the letter of appointment, it did not amount to retrenchment.

Judgement: The Court held that it did not amount to "unfair labour practices" and dismissed the petition.

POLICY AND LEGISLATIVE UPDATES

MAHARASHTRA SHOPS AND ESTABLISHMENTS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) (AMENDMENT) RULES, 2023

According to the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Rules, 2018, businesses that operate in shifts are required to post a shift schedule, weekly holidays, and the names and positions of everyone working in that shift well in advance. This notification, which must be in Form "N," must be retained in every business and made available to the facilitator for review at any time. The notification must be posted on the establishment's website and in a prominent location on the notice board within the building. The facilitator must also receive a copy of the document, whether electronically or otherwise.

ANDHRA PRADESH NOTIFICATION WITH RESPECT TO "WORKINCONFINEDSPACES"

The Andhra Pradesh Labour Factories, Boilers, and Insurance Medical Services Department recognised that certain maintenance-related tasks by their very nature carry a high risk of accidents. Detailed guidelines/instructions are provided to factories in the State in order to assist factory management in operationalizing the safety measures with ease and greater understanding in this respect and so prevent accidents in confined spaces in the future. The factories in the State are required to abide by the rules and directions, and; According to the regulations, the owner of a factory must identify all confined spaces, determine the type of risk that may be present in them on a regular basis or in unusual circumstances, and make plans to control who may enter or perform work inside them by implementing a work permit system. The regulations specify the safety measures that must be taken by the factories to protect the confined spaces in the plants, including worker training. For the benefit of factories, the instructions include illustrated pictures.

THE JAN VISHWAS (AMENDMENT OF PROVISIONS) BILL, 2023

Jan Vishwas (Amendment of Provisions) Bill, 2023 is passed in the Parliament to decriminalise and rationalise minor offences under certain enactments to further "enhance trust-based governance for ease of living and doing business". The Bill revisits the penalties provided under 42 enactments mentioned in the Schedule of the Bill, including the Boilers Act, 1923, the Industries (Development and Regulation) Act, 1951, the Copyright Act, 1957, the Patents Act, 1970, the Trade Marks Act, 1999, the Motor Vehicles Act, 1988, the Legal Metrology Act, 2009, the Information Technology Act, 2000, the Air (Prevention and Control of Pollution) Act, 1981, the Environment Protection Act, 1986, The Public Liability Insurance Act, 1991, etc. The Bill proposes to increase by 10% of the minimum amount of fine or penalty, after the expiry of every three years from the date of commencement of the proposed Act.

AADHAAR AUTHENTICATION UNDER BUILDING AND CONSTRUCTION WORKERS ENACTMENT IN CHHATTISGARH

An individual interested in and eligible for receiving benefits under the Building and Other Construction Workers Welfare Cess Act 1996 read with the Chhattisgarh Building and Other Construction Workers Welfare Cess Rules 1998 shall be required to provide proof of Aadhaar possession or undergo Aadhaar authentication, according to a government notification dated June 30, 2023. Anyone who does not have an Aadhaar or has not yet registered for one must do so in order to receive benefits from the initiatives.

GIG WORKERS' FIRST MAJOR VICTORY IN INDIA: RAJASTHAN LEADS THE WAY

As the first piece of legislation in India to do so, the new Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023 creates a welfare board and a separate social security fund specifically for gig workers in the state. In India, the gig economy has the potential to generate up to 90 million employment, but tech platforms typically label their workers as "partners" to avoid any potential liability. The majority of workers do not receive the advantages of official employment but are nevertheless obliged to abide by the laws and conditions. The Act offers registration, social security benefits, and channels for resolving grievances to the employees.

DESK DISPATCHES

A Short Critical Commentary on the Industrial Relations Code, 2020

-Dr. Sophy K.J.
Associate Professor, NLUJ

Post-Independence, various policy documents such as the First National Commission on Labour, 1969, the Second National Commission on Labour, 2002 and NCEUS Reports of 2007-2008 recommended simplification and amalgamation of similar enactments in the Labour Law regime. This was to ensure a one-window mechanism for similar concerns and to ensure access to entitlements for the workers. Here, in the new legislative exercise around the Industrial Relations Code, 2020, the scheme and design of the majority of the provisions are similar to the current enactments such as the Trade Unions Act, 1920, the Industrial Disputes Act, 1947 and the Industrial Employment Standing Orders Act, 1946. However, the substantive rights to security of tenure and collective action are diluted under the Code, which is a matter of short discussion here.

Law relating to Notice of Change: New flexibility.

Section 40 of the Code requires the employer to give advance notice of at least twenty-one days to the workers in the establishment before effecting any change in their conditions of service. This is similar to section 9-A of the Industrial Disputes Act. A new exception from the requirement has been made in the case of emergent situations which require a change of shift or shift working otherwise than in accordance with the applicable standing orders. In such cases, the change may be brought in consultation with the grievance redressal committee. Another new exception is provided in the case where a change is affected in accordance with the orders of the government.

Under Section 40 (d) of the Code, the appropriate government can override mandatory notice by way of its own orders. This is not qualified by any guidelines such as public interest or economic reasons. The exercise of power by the appropriate government needs to be judiciously exercised in order not to invite arbitrariness. Central Draft Rules 16 talks about the manner of giving notice for change proposed under clause (i) of section 40. According to it, the notice referred shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment.

Reflections on Chapter IX and the right to security of tenure

Section 77 of the Code increases the threshold number for the requirement of prior government approval in the case of layoff, retrenchment or closure of an industrial establishment from one hundred to three hundred workers. It also leaves it open to the central or state government to affect an upward revision of the threshold number.

By way of this law, industries can resort to lay-offs, retrenchment and closure without any procedure being followed by the employer. While this gives flexibility to the employer, we find that there is no corresponding increase in the compensation payable to workers in the event of retrenchment or closure. The compensation payable to workers in the event of retrenchment or closure continues to be fifteen days of average pay for every completed year of service.

Change in compensation in the event of retrenchment or closure.

Clause (b) of section 70 of the Code that prescribes the conditions precedent to the retrenchment of workers provides for workers to be paid retrenchment compensation of fifteen days' average pay or 'average pay of such days as may be notified by the government,' for every completed year of service. It thus leaves it open for the central government or the state government to increase or reduce the number of days of compensation for every completed year of service. Thus, this is left out to the appropriate government to determine the number of days of compensation for every completed year of service. This is not found any mention in the Central Draft Rules. Now it is the turn for the state govt. to legislate upon.

Moreover, by reason of the changed definition of wages under section 2(zq) of the Code, the compensation of fifteen days average pay for every completed year of service could be lower than what it used to be, in real terms. The definition of the term 'wages' under section 2(zq) of the Code is narrower than that under section 2 (rr) of the Industrial Disputes Act. The Code defines the term to include basic pay, dearness allowance and retaining allowance. It excludes house rent allowance, conveyance allowance and commission which are included in the definition of 'wages' under section 2(rr) of the Industrial Disputes Act. It also excludes the value of any house accommodation or of supply of light, water or any amenity which was explicitly included in the definition of wages under section 2(rr) of the Industrial Disputes Act. It has been clarified in the proviso to the definition of wages that when the....

Continue...

amounts excluded from the scope of the definition of the term 'wages' are more than fifty percent of the remuneration paid to an employee, the quantum in excess of fifty percent of the remuneration would be considered as part of the wage. The proviso leaves it open to the central government to affect an upward or downward revision of the percentage mentioned. The changed definition could in practice result in only half the remuneration paid to a worker being taken into consideration for the purpose of determining the compensation payable in the event of retrenchment of the worker or the closure of the establishment.

Changes in law relating to strike: new procedure and definition.

The strike is recognized as an important weapon in the armory of industrial workers by the Supreme Court in *B.R. Singh vs. Union of India* in 1989. In the earlier cases, *All India Bank Employees' Association Vs. National Industrial Tribunal & Others* and *Kameshwar Prasad and Others vs The State of Bihar and Another*, the Constitutional Bench of the Supreme Court has recognized the legal right to strike as part of the right of the trade unions to function effectively. This is based on the understanding that the bargaining power of the trade unions would be considerably reduced if they were not permitted to demonstrate and resort to strikes. While examining the Code on Industrial Relations, 2020, there are three new aspects that we need to take note of in relation to strikes.

Mandatory requirement of advance notice.

While under the Industrial Disputes Act, only workers in any industry classified as a public utility service are required to give notice to their employer before going on a strike, under sub-section (1) of section 62 of the Code, workers in all industrial establishments are required to give notice of a minimum of fourteen days and a maximum of sixty days before going on a strike. As per sub-section (1) of section 60, conciliation....

proceedings are deemed to have commenced on the date when the first meeting is held by the conciliation officer after receiving notice of the strike. Section 62 prohibits workers from going on a strike during the pendency of conciliation proceedings and seven days thereafter. Section 63 declares that a strike shall be illegal if it is commenced or declared in violation of section 62.

In practice, the requirement of advance notice and the consequent triggering of conciliation proceedings would make it very difficult for workers in any industrial establishment to go on a legal strike. This requires closer analysis against the ILO's fundamental convention no, 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)—Article 11 & C098 - Right to Organize and Collective Bargaining Convention, 1949 (No. 98)—Art.2).

Expanded definition of 'strike'

Section 2(zk) of the Code defines the term 'strike' in a wider manner than section 2(q) of the Industrial Disputes Act to include concerted casual leave on a given day by fifty percent or more workers employed in an industry. This would mean that the penalties prescribed by the Code for participation in an illegal strike could follow even in a case where the majority of workers absent themselves on any day by availing of casual leave.

Enhancement in fines

Under sub-sections (13), (15) and (16) of section 86, participation in an illegal strike, inciting other workers to participate in an illegal strike and financing an illegal strike are punishable with imprisonment or fine or both. The fine amount has been enhanced to a maximum of Rupees Ten Thousand for participation in an illegal strike and Rupees Fifty Thousand for instigating others to participate in a strike or financing an illegal strike. The ILO's Committee of Experts on the Application of Conventions and Recommendations has deprecated the practice of imposition of such penalties on strikes

that may be justified.

Exemptions for industrial establishments under the Code

Sub-section (2) of section 96 enables the government to issue a notification exempting any new industrial establishment or class of new industrial establishments from any of all the provisions of the Code for a specific period, if it is in the public interest to do so. Sub-section (1) of section 96 of the Code vests the government with the power to exempt any industrial establishment or class of industrial establishments from any of the provisions of the Code by the issue of a notification if it is satisfied that the objects of the relevant provisions are fulfilled otherwise. Central Draft Rules do not define 'public interest', it is for the appropriate government to take note of and exercise their discretion.

Concluding remarks

Law relating to Industrial Relations in India has a long history of continuous engagement with different stakeholders in industrial relations. The classic labour law jurisprudence has developed through negotiations and consultations. The judiciary has played a crucial role in creating a rights perspective around law relating to strikes, security of tenure, wages, social security and occupational safety. Any change in the law has to take place through a consultative process as these laws are integrally related to creating a 'balancing act' in the economic and political lives of the workers. There are contestations around the dilutions that are proposed under the Industrial Relations Code, 2020 and lack of consultations with stakeholders around drafting the law. An extensive reading of the I.R. Code also tells us ambiguities in definition clauses and their implications on the reading of other provisions such as pendency proceedings, termination of employment, categories of workmen etc. Any vagueness in law leads to prolong labour litigations, which would be another challenge for all the stakeholders, especially the workers.

Moonlighting: Recent trends and Policy Issues

-Jyotpreet Kaur, Research Intern, CLLRA

The pandemic and the consequent “work from home” that came with the pandemic have impacted, if not changed, the labour practices prevalent in the country. Ideas like “quiet quitting” became very prominent wherein workers would enforce strict boundaries with respect to the time and work they would engage in, not going beyond their job description, and limiting their work to strictly what’s required of them. Similarly, moonlighting as a term and notion has garnered attention owing to its presence in the news on account of WIPRO laying off some 300 employees for engaging in moonlighting. This begs the question of what moonlighting is and the possible motivations behind employees engaging in moonlighting and to gauge possible if any, legal actions against moonlighting.

What is moonlighting?

The term moonlighting finds its origins in the US, where it was used to describe the second job taken by a worker often at night aside from their day job, implying working by moonlight. Thus, moonlighting came to be used for any side job apart from the traditional ‘9-5’. There are various reasons which motivate or sometimes even compel workers to have 2nd jobs and at the same time, it is also a cause of concern for employers.

What drives moonlighting among employees?

It is considered that people take up multiple jobs for the purpose of earning a little extra money on the side. According to Maslow’s hierarchy of needs, need-fulfillment is one of the most primal desires for any person, and this desire for fulfilling one’s needs leads one to pursue two jobs at times. While that may be true for a lot of employees who take up second or even third jobs for monetary support, a review of the

trends in moonlighting has revealed that workers often do so for non-monetary benefits well. In a study conducted by Deborah Sussman in 1998, it was observed that apart from monetary reasons, workers engaged in moonlighting for reasons like employment opportunities and work experience along with an interest in the second job. Furthermore, the study concluded that women were more likely to be engaged in moonlighting in contrast to men (6%, compared with 5% for men) and the level of education of the workers also played a significant role in the same, with those holding a post-graduate degree more likely to have a second job compared to those with a high school diploma for example. However, this varies depending on the environment.

In India, “moonlighting” in the public domain is highly restricted for women due to their increased domestic obligations and night-time job restrictions. In her work, Sandra Fredman discusses how the workplaces in the UK and the EU are heavily gendered, particularly those that govern part-time employment. She continues by asserting that women enter the non-traditional/part-time work market because they feel pressured to contribute to the family income given the fact that their role had predominantly been reserved as caretakers of children. The dilemma with this is that, although making up a greater share of the workforce for part-time employment, women frequently experience less security, rendering the promise of “flexicurity”, or flexibility with security, an improbable reality.

While the institutional rules regulating conventional standard employment contracts are mostly static, there have been significant structural changes that primarily impact non-typical or

“atypical” jobs. This becomes particularly important in the context of moonlighting, given that taking up these second or third jobs is often not covered by employment protection rights, leaving women even more marginalized owing to this binary divide.

This can further be illustrated by the Kerala High Court’s judgement in *Vetro Traders and Integrated Services v. Sub Inspector of Police (2019 SCC Online Ker 2651)*, wherein, the High Court refused to grant registration cards under Rule 26A of the Kerala Headload Workers Rules to anyone except those registered on the employers’ official payroll, restricting and prohibiting moonlighting.

Dual employment: A concern

Moonlighting typically puts the employer in an ethical predicament since it frequently happens that an employee would hold a second job in a related field, which has the potential to cause corporate secrets to leak. On the other hand, an employer should ideally not be able to dictate what an employee does with their free time. At the same time, employers are also concerned with the efficiency and productivity of their employees, which they believe is often at stake due to employees overworking themselves.

However, employers in India have reacted very differently to moonlighting in the recent past. Where, Swiggy’s HR head has called moonlighting, “the future of work” and introduced a policy that allows its employees to hold secondary jobs, and Tech Mahindra CEO, CP Gurnani has been open to the notion of moonlighting so long as it doesn’t impact the efficiency of the employees at their primary jobs, there have been those who have dissented moonlighting including

WIPRO Chairman, Rishad Premji, who called it “cheating, plain and simple”.

Is moonlighting legal under Indian law?

The term moonlighting is not explicitly mentioned or defined in any labour or employment law in India. However, the laws as they stand today do take cognizance of dual employment and essentially seek to control it to some extent. Section 60 of the Factories Act of 1948, for instance, puts an overt restriction on dual employment, barring factory workers to work in any other factory on a day apart from the one where they hold their primary job.

However, the conflict in defining ‘dual employment’ comes into play when looking at the various State Shops and Establishments Acts. It is important to note that the provisions of the Factories Act do not apply to organizations that are not covered under its ambit and that such organizations are thereby covered under the Shops and Establishments Acts. Furthermore, the definition of ‘worker’ under the Factories Act excludes IT officials and other administrative officials from its scope.

Section 9 of the Delhi Shops and Establishments Act, for instance, states that “no person shall work for the business of an establishment or two or more establishments or an establishment and a factory for a period in excess of which he may lawfully be employed under the act”. Interestingly, there exists a dual obligation under the Factories Act,

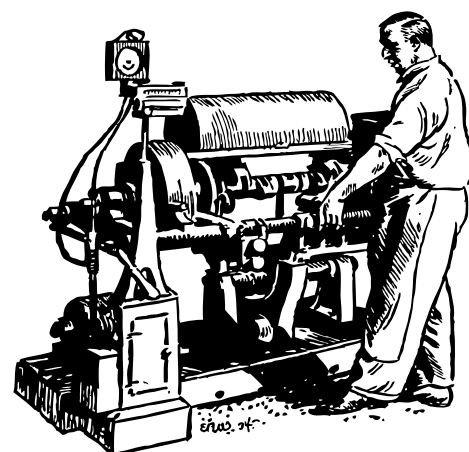
firstly on the employer to not let their employees engage in double employment, and secondly on the employee to not work elsewhere. This dual obligation is mostly lacking in several State Shops and Establishments Acts which provide different laws governing dual employment in different states. The case law relating to dual employment is also rather conflicting. Wherein, the Kerala High Court prohibited Moonlighting in the aforementioned judgement, the Madras High Court upheld it on the condition that there must not be any provision to the contrary in the employment contract of the employee (Government of Tamil Nadu v. Tamil Nadu Race Course General Employees’ Union, 1991 SCC OnLine Mad 506). Thus, there exists no overarching law per se which restricts moonlighting completely for all workers. The laws relating to moonlighting vary from worker to worker and from state to state.

However, despite this lacuna of the legal basis for moonlighting, the presence of a confidentiality clause in most employment agreements renders an employee unable to take up a job similar to their primary job as it may lead to a breach of confidentiality. Such non-compete clauses have been upheld by the Indian Judiciary, most notably by the Supreme Court in *Niranjan Shankar Golikari v. Century Spg. and Mfg. Co. Ltd.* ((1967) 2 SCR 378) where the Apex Court held that a non-compete clause in an employment contract was not in restraint of trade unless the clause was extremely harsh or one-sided. As

a result, the scope of moonlighting mostly depends on the parameters established between the employer and the employees, whether through an employment contract or in accordance with organisational standards.

Conclusion

Moonlighting ultimately becomes a dilemma of ethics vis-à-vis the workers’ motivation behind moonlighting. Studies of moonlighting among the general populace, although very little, reveal that economic factors are the major motivation behind the same. Therefore, an outright ban on the same would appear rather harsh. Therefore, developing a more lenient approach centered on helping employees who are obviously suffering from poor mental or physical health, or whose performance and attendance have declined, would be a better, more pragmatic option. Most employment contracts today prohibit double employment in some respect. Where on one hand there are employers who are against moonlighting, there are some who see moonlighting as the way forward. The future course of action can include coming up with innovative HR policies which allow management and employee goals to be fulfilled simultaneously. Moreover, it becomes important to have a comprehensive policy governing moonlighting which lays down the rights and liabilities of both employers and employees given that the current legal framework cannot be said to be decisive in treating moonlighting.



DOMESTIC LABOUR LAW NEWS

BYJU'S, AN EDTECH COMPANY, FIRES 100 EMPLOYEES DUE TO "POOR PERFORMANCE."

Byju's, an edtech startup, fired another 100 employees due to subpar work. This layoff notice comes as the corporation, among other things, struggles with term loan B and puts off filing its FY22 audited reports. Over 3,000 workers have already been let go by the business. According to Harpreet Singh Saluja, general secretary of the Nascent Information Technology Employees Senate (NITES), BYJU'S may have also violated Sections 2(a) and 25 of the Industrial Disputes Act when it carried out its mass layoffs. No permanent employee of a corporation, according to Saluja, may be let go for grounds other than those listed in the aforementioned clause. According to experts, these differences are a roadblock for employee unions looking to put up a joint front against so-called "unethical" corporate practices.....Scan QR to [read more](#).



BMC EMPLOYEES THREATEN STRIKE OVER GOVERNMENT CHANGES, ALLEGES HARASSMENT

If the state government fails to change its proposal to amend sections 332 and 353 of the IPC and the investigative agencies do not cease "harassing" them during investigations, the BMC workers and engineers groups will begin a strike on August 23. The workers fear that the changes might reduce their protection as government employees. They also expressed concern about the abuse engineers endured while being investigated. The workers claim that although the government and the Supreme Court lauded their work during the outbreak, they are now being subjected to needless scrutiny.....Scan QR to [read more](#).



GIG WORKERS' FIRST MAJOR VICTORY IN INDIA: RAJASTHAN LEADS THE WAY

The new Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023 is the first piece of legislation in India to establish a welfare board and dedicated social security fund for gig workers in the state. According to a recent report, the gig economy has the potential to create up to 90 million jobs in India, however tech-platforms usually classify employees as 'partners' to evade potential responsibility. Most employees are expected to comply with rules and conditions but are not provided the benefits of formal employment. The Act provides the employees with registration, social security benefits and grievance redressal mechanisms.....Scan QR to [read more](#).



CLOSE TO 20% OF ACTIVE MGNREGS WORKERS INELIGIBLE FOR SOON-TO-BE COMPULSORY AADHAAR-BASED PAY

According to government statistics, around 20% of the 14 crore active MGNREGS workers are not qualified to receive payments through the Aadhar-based payment system (ABPS). Any employee who wants to be eligible for the ABPS must have their bank account linked to both their Aadhar and the mapper of the National Payments Corporation of India. The ABPS is extremely complicated, according to critics, and discourages beneficiaries. In the upcoming days, it is unclear how non-eligible employees would be paid for their work.....Scan QR to [read more](#).



SCAN QR CODE TO READ MORE



SUPREME COURT DIRECTS STATES TO COMPLY WITH ANTI-DISCRIMINATORY PRINCIPLE AT WORKPLACE UNDER PWD ACT

The Right of Persons with Disabilities Act of 2016 requirements must be complied with swiftly by all State Governments before September 30, 2023, according to a directive issued by the Supreme Court on Monday. The States must designate Chief Commissioners for individuals with disabilities by August 31, 2023, according to a separate directive from the bench that included CJI DY Chandrachud, Justice PS Narasimha, and Justice Manoj Misra. The RPwD Act was passed to ensure non-discriminatory work practises in specific establishments, and it mandates that an establishment disclose its equal opportunity policy, including the steps it intends to take to comply with the Act in the manner that the Central Government may specify.....Scan QR to [read more](#).



SIKKIM ANNOUNCES 12-MONTH MATERNITY AND 1 MONTH PATERNITY LEAVE

Sikkim Chief Minister Prem Singh Tamang has stated that his government will give 12-month maternity leave and 1-month paternity leave to its employees. According to the Maternity Benefit Act 1961, a working woman is only entitled to 6 months, or 26 weeks, of paid maternity leave. The CM emphasized how newly introduced benefit will help the government employees to take better care of their children and families.....Scan QR to [read more](#).



ESIC ISSUES CLARIFICATION REGARDING THE CORRECTION OF THE DATE OF BIRTH OF THE INSURED PERSONS

A clarification regarding updating an employee's personal information, particularly the date of birth, has been sent to all of the Employees' State Insurance Corporation's regional and subregional offices. The ESI noted that the information on an insured person's Aadhar Card may determine whether or not their online requests are honoured. In order to lessen the challenges experienced by insured people and their families, the ESI published guidelines for strict compliance with the handling of online requests.....Scan QR to [read more](#).



EPF RATE OF INTEREST DECLARED

As per the Web Circulation issued by the Employees' Provident Fund Organisation (EPFO) dated July 24, 2023, the Ministry of Labour and Employment has conveyed the approval of the Central government under the Employees' Provident Fund Scheme, 1952 to credit interest at the rate of 8.15% for the year 2022-23 to the account of each member under the scheme.....Scan QR to [read more](#).



SUPREME COURT DIRECTIONS TO THE UNION GOVERNMENT TO FILL CGIT VACANCIES

The Central Government Industrial Tribunals' vacant seats must be filled by judicial officers before August 31, 2023, per a Supreme Court order to the Union Government. The petitioner, the Labour Law Association, informed the Supreme Court that nine of the Central Government Tribunals' twenty-two benches were empty. The SC then ordered the formation of a Search-cum-Selection Committee, which was headed by a judge who had been nominated by the Ministry of Employment and Labour. The Committee had issued nine suggestions, according to the Additional Solicitor General, and the Supreme Court had ordered the Union Government to finish the nomination process in light of those recommendations.....Scan QR to [read more](#).



INTERNATIONAL LABOUR LAW NEWS

CHILDCARE SHORTFALLS HAVING MAJOR IMPACT ON GENDER EQUALITY IN LABOUR MARKETS ACROSS ASIA AND THE PACIFIC

A recent report by the ILO looks at the provision of childcare in the Asia-Pacific region, detailing how limited access and affordability impacts women's ability to participate in the workforce and which provide detrimental to children's development. It found that a general lack of the statutory right to childcare is a major reason for the absence of childcare systems. The report calls for greater investments in quality and affordable childcare that provides decent work to care workers.....Scan QR to [read more](#).



GENERATIVE AI LIKELY TO AUGMENT RATHER THAN DESTROY JOBS

A recent study by the ILO has suggested the most jobs and industries are only partly exposed to automation and more likely to be complemented rather than substituted by Generative AI like ChatGPT. Its major impact will most likely not be job destruction but rather changes to the quality of jobs, particularly intensity. The study found that its effects are likely to differ for men and women, with more than twice the share of female employment affected by automation.....Scan QR to [read more](#).



EFFECTIVE FINANCING MECHANISMS FOR SKILLS DEVELOPMENT CAN TACKLE INEQUALITY WOES, SAYS A NEW ILO REPORT

The ILO released a global study that analysed the effectiveness of existing financial instruments targeting individuals, training providers and enterprises. It recommended how these instruments can be better applied to ensure that training reaches those that need it most. The report finds that suitable financial incentives for encouraging training like grants, vouchers and subsidies can promote employability and social inclusion for disadvantaged groups.....Scan QR to [read more](#).



EMPOWER YOUTH FOR A SUSTAINABLE FUTURE

On International Youth Day, ILO Director-General, Gilbert F. Houngbo, said young people need to be equipped with skills for the green economy so they can find decent jobs and make the world a better place. He also emphasis the role of the ILO-led Global Initiative for Decent Jobs for Youth to make this goal possible.....Scan QR to [read more](#).



GREEN JOBS: A SOLUTION TO YOUTH EMPLOYMENT AND THE CLIMATE CRISIS?

The latest in ILO's Future of Work Podcast focused on green jobs and youth employment. It detailed how climate change disproportionately impacts the employability of youth in developing nations, and detailed how transitioning to a green economy can help create new opportunities for young people. It also emphasized the importance of including the youth in discussions on climate change and its impact on the labour market and economy.....Scan QR to [read more](#).



ACCELERATE PROGRESS ON SUSTAINABLE DEVELOPMENT GOAL 8

At the start of SDG-8-month, ILO Director-General, Gilbert F. Houngbo, warned that without concerted action on the social, economic and environmental targets Goal 8 covers, humanity risks being locked in a cycle of crisis and conflict on a forever damaged planet. He emphasized on how it would take bold leadership and commitment from all nations to address collective aims.....Scan QR to [read more](#).



ILO WELCOMES G20 CULTURE MINISTERS' SUPPORT FOR DECENT WORK GOALS

The ILO has welcomed a G20 Culture Ministers' Outcome Document which has called for decent work goals into its ongoing cultural and sustainable development policies. Satoshi Sasaki, the Deputy Director of the ILO Country Office for India, praised the Ministers' support for policies that promote decent work and inclusive growth. Highlighted measures included a call for stronger cooperation and dialogue in line with international labor standards, the development of adequate remuneration systems and social protection in the sector.....Scan QR to [read more](#).



SAUDI ARABIA ANNOUNCES MAJOR LABOUR LAW CHANGES

Saudi Arabia will introduce a series of fines and penalties for employers in the Kingdom, according to a report by the Saudi Gazette. Citing Ministry of Human Resources and Social Development (MHRSD) sources, the report says fines will be introduced for labour violations across a variety of employment categories.

Among the infringements, employers could be fined for employing foreign workers without a permit, on-site accidents, hiring minors, insufficient childcare support, withholding passports and failure to pay wages.....Scan QR to [read more](#).

Source: International Labour Organization Website





PUBLICATIONS: ARTICLES

Do Policies Targeting Poor Districts Work? An Evaluation of Backward Regions Grant Fund Programme
-Annmary Jose



This paper investigates the impact of the Backward Regions Grant Fund on change in access to amenities for more than 5,000 subdistricts using data from the Census of India, 2001 and 2011. Using covariate balancing propensity score-weighted matching method, this paper shows that the BRGF programme failed to improve the public goods access in backward areas. The results also indicate that the non-BRGF subdistricts have performed better regarding public goods access. Further, using a nationally representative panel survey of rural households in India, the paper shows no significant improvement in household income and consumption expenditure due to the programme.....Scan QR to [read-more](#)

Source: The Wire

India cannot ignore the tough questions of inequality in its labour market.

-Namrata Singha Roy



Whether we look at the rise in unemployment or precarious employment after pandemic, it points to the sluggishness of the labour market. An examination of the latest PLFS shows that despite some improvements in labour market outcomes, concerns remain about the quality of jobs. The analysis of labour market outcomes in terms of rural and urban, gender, education, and social and religious groups shows that structural questions relating to the segmentation of labour market require urgent attention.

There is higher workforce participation among women, especially from disadvantaged groups. If these structural problems are not addressed, post-pandemic growth will be more unequally shared than earlier. Public policies designed to address concerns about the job market should not only focus on employment generation, which has been low since the pre-pandemic period, but also aim to improve the quality of jobs.....Scan QR to [read-more](#)

Source: The Wire

Decoding The Principles of Natural Justice in A POSH Inquiry
- Sunila Awasthi, Shagun Badhwar and Karishma Sumi



The article goes over the concept of the 'principles of natural justice' which an Internal Complaints Committee must follow under the POSH Act. Section 11 of the Act provides flexibility to the Committee to proceed along with mechanism provided, which includes the right of the accused to cross-examine witnesses, while at the same time also protecting their identity and interests. The article goes into a recent order detailing the guidelines that the Committee must follow while conducting its inquiries.....Scan QR to [read more](#).

Source: Mondaq



State by State, Mothers Are Paid Much Less Than Fathers: The Gender Wage Gap between Mothers and Fathers by State and by Race and Ethnicity.



-A. Hegewisch, C.Mendoza, M. Peterson, M. S Jaimes

Mothers earned less than fathers prior to the COVID-19 pandemic, during the pandemic, and as the economy began to recover from the pandemic. In 2021, the most recently available annual earnings data, the median annual earnings for mothers amounted to just 61.7 cents on the dollar paid to fathers for all with earnings, and for mothers who worked full-time year-round just 73.5 cents on the dollar paid to fathers working full-time year-round. The wage gap between mothers and fathers is substantially wider than the wage gap between all women and all men.....Scan QR to [read more](#).

Source: JSTOR

Participation Of the Accused in the Performance Appraisal of The Complainant Vitiates the Inquiry Process Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



-Avik Biswas, Ivana Chatterjee and Devika Sreekumar

A case of sexual misconduct was filed by the Petitioner before a Disciplinary Committee of the NHPC. The Petitioner challenged these proceedings before the High Court, which quashed them. Post the judgement, it came to light that the Respondent had taken part in the performance appraisal of the Petitioner, which was released before the judgment was pronounced. The court stated that the accused cannot take part in the performance appraisal of the complainant while an investigation against the Respondent is on-going under the POSH Act. Additionally, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules specifically empowers the Committee to recommend restraining the respondent from reporting on the work performance of the complainant. The court then concluded by requiring the Respondent and the NHPC to demonstrate that they have not acted in contempt of the judgment and that the performance appraisal is unconnected to the charges of sexual harassment.....Scan QR to [read more](#).

Source: Mondaq

Growth, Structural Change, and Opportunities: Who has Benefited?



-Ajay Singh Solanki and Prachi Kulkarni

The article goes over the concept and ethics of moonlighting, which as an act on the part of an employee of working an extra job, especially without informing the primary employer. During the Covid-19 pandemic, moonlighting became an opportunity to establish multiple sources of income. However, employers have generally reacted negatively to this trend, and it is generally regarded by the law that a employee can only have one master. The article details several ways in which employers can protect their interests such as employing robust employment contracts and treating moonlighting as professional misconduct.....Scan QR to [read more](#).

Source: Mondaq

Gender Inequality Reinforced: The Impact of a Child's Health Shock on Parents' Labor Market Trajectories.

-Maria Vaalavuo, Henri Salokangas,
Ossi Tahvonen



This article employs a couple-level framework to examine how a child's severe illness affects within-family gender inequality. We study parental labor market responses to a child's cancer diagnosis by exploiting an event-study methodology and rich individual-level administrative data on hospitalizations and labor market variables for the total population in Finland. We find that a child's cancer negatively affects the mother's and the father's labor income. The effect is considerably larger for women, increasing gender inequality beyond the well-documented motherhood penalty. We test three potential moderators explaining the more negative outcomes among mothers: (1) breadwinner status, (2) adherence to traditional gender roles and conservative values, and (3) the child's care needs. We find that mothers who are the main bread winner experience a smaller reduction in their household income contribution than other mothers. Additionally, working in a gender-typical industry and a child's augmented care needs reinforce mothers' gendered responses. These findings contribute to the literature by providing new insights into gender roles when a child falls ill and demonstrating the effects of child health on gender inequality in two-parent households.....Scan QR to [read more](#).

Source: JSTOR

Does Internal Migration Contribute to the Intergenerational Transmission of Socioeconomic Inequalities? The Role of Childhood Migration.

-Aude Bernard



The widening of socioeconomic inequalities in most developed countries makes it essential to improve understanding of the mechanisms underpinning social reproduction—that is, the transmission of advantage and disadvantage between generations. This article proposes that internal migration plays a role in transmitting socioeconomic inequalities. Theoretically, the article formulates a conceptual framework building on three lines of inquiry: (1) the intergenerational transmission of internal migration behavior, (2) the role of internal migration in social mobility, and (3) the educational selectivity of internal migration. Empirically, the article quantifies the links between long-distance internal migration and social reproduction in 15 European countries by using a structural equation model on retrospective life history data.

The results show that children from higher socioeconomic backgrounds are more likely to migrate, increasing their chances of migrating in adulthood, which is associated with higher socioeconomic status later in life. In addition, advantaged children are more likely to migrate to urban centers with their greater educational and employment opportunities. These results illuminate the socioeconomic impact of internal migration across generations, highlight the importance of conceptualizing internal migration as a life course trajectory, and emphasize the lifelong legacy of childhood migration.....Scan QR to [read more](#).

Source: JSTOR

Moonlighting: A Question of Ethics or the Future of Work

-Amit Basole, Akshit Arora, and M.K. Shravan



In the just released State of Working India 2023: Social Identities and Labour Market Outcomes report, we take a long view of what India's growth and structural transformation process has meant for various social groups. Has growth succeeded in reducing group-based disparities? Who has been able to benefit from the new opportunities created in the past two decades? This article presents a few findings on the connection between growth and jobs, the movement of workers out of agriculture and into regular wage employment, and the reversal of this process during Covid-19. This analysis is based on the NSSO Employment-Unemployment Surveys and the more recent Periodic Labour Force Surveys. The article finds that while the connection between GDP and job growth in India has been poor, there has been a rapid increase of women in the modern services; while there has been greater job mobility, this has been very limited among the SCs/STs; and the jump in work participation post Covid has been in self-employment.....Scan QR to [read more](#).

Source: *The India Forum*

The Need to Reinvent and Adapt the Work of Patrick Geddes

-A.G. Krishna Menon



Patrick Geddes (1854–1932) was once a celebrated messiah of “humanist” urban development and influential social reformer, described by biographers as a “practical genius, bold and ambitious, a precise observer and of penetrating insight” (Slater 1932). He is considered a father figure both in the academic discipline of sociology and in the profession of urban planning in the United Kingdom. Geddes played a seminal role in the establishment of the disciplines of sociology and urban planning in India, and, in 1919, founded the Department of Sociology at Mumbai University. During his several extended stays in India, he prepared nearly 50 town planning reports for Indian cities that proposed their renewal, which are widely regarded as important contributions to the disciplinary discourse.

Today, however, his innovative ideas elicit little more than a passing reference in academic dissertations. The reasons for the erasure of his relevance have seldom been critically examined though loyal Geddesian scholars continue to fan the embers of his now elusive ideas, which departed quite significantly from the disciplinary axioms of his day. Geddes believed that social processes and spatial forms are intimately linked, and that citizens need to become agents in the transformation of their habitat.Scan QR to [read more](#).

Source: *The India Forum*

Development Of the Law on Sexual Harassment of Women at Workplace in India History Behind POSH Act

- Sonakshi Pandey



The articles talks about the history of the POSH Act, which was first recognised in the case of Vishaka v. State of Rajasthan, (1997) wherein a writ petition was filed by certain social activists and NGOs for the enforcement of the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India in response to the Bhanwari Devi rape case. The article goes over several important case laws and judgements building upon the Vishakha guidelines, which culminated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. POSH Act, 2013 is a comprehensive legislation that was passed in light of Vishaka Guidelines, and is an in-depth version with a widened scope, ambit and redressal mechanisms.....Scan QR to [read more](#).

Source: *Mondaq*

PUBLICATIONS: BOOKS

Part-Time for All: A Care Manifesto

About the Authors:

Jennifer Nedelsky is a Professor at Osgoode Hall Law School of York University. She was previously Professor of Law and Political Science at the University of Toronto and Professorial Fellow at the Institute for Social Justice, Sydney, Australia. She is also the author of *Law's Relations* (Oxford, 2011). Tom Malleson is Associate Professor in the Department of Social Justice & Peace Studies at King's University College at Western University. Their work focuses on real utopias, egalitarianism, feminism, and radical democracy. They are Coordinator of the Real Utopias Project. Their recent books include *Fired Up About Capitalism* and *After Occupy: Economic Democracy for the 21st Century*. They are also a longtime social justice activist and organizer.



Prof. Jennifer Nedelsky

About the Book:

An innovative view of how everyone doing part-time work and part-time caregiving would promote flourishing families, free time, equality, and the true value of care. The way that Western countries approach work and care for others is fundamentally dysfunctional. The amount of time spent at work places unsustainable stress on families, particularly in the face of rising inequality, while those who perform care are underpaid and their labor undervalued. In *Part-Time for All*, Jennifer Nedelsky and Tom Malleson propose a plan to radically restructure both work and care. As such, they offer a solution to four pressing problems: the inequality of caregivers; family stress from competing demands of work and care; chronic time scarcity; and policymakers who are ignorant about the care that life requires--the care/policy divide. Nedelsky and Malleson argue that no capable adult should do paid work for more than 30 hours per week, so that they can contribute substantial amounts of time to unpaid care for family, friends, or other "communities of care."



Prof. Tom Malleson

While the authors focus primarily on human-to-human care, they also include care for the earth as a vital part of this shift. All of the elements of Nedelsky and Malleson's proposal already exist piecemeal in various countries. What is needed is to integrate the key reforms and scale them up. The result is an actionable plan to motivate widespread take-up of part-time work and part-time care. Highlighting how these new norms can create synergies of institutional transformation while fostering a cultural shift in the value of care and work, this "care manifesto" identifies the deep changes that are needed and lays out a feasible path forward

Bibliographic Information:

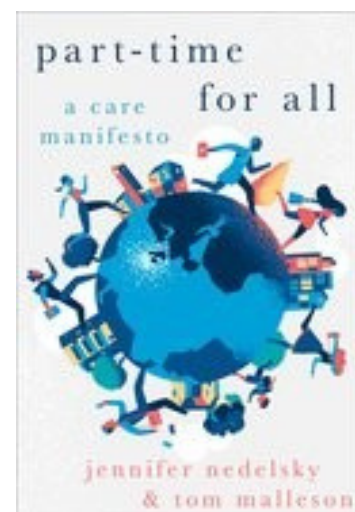
Title of the Book: *Part-Time for All: A Care Manifesto*

Authors: [Jennifer Nedelsky](#), [Tom Malleson](#)

Publisher: Oxford University Press, 2023

ISBN: 0190642777, 9780190642778

Length: 256 pages



Source: Oxford University Press

Law, Precarious Labour and Posted Workers

About the Authors:

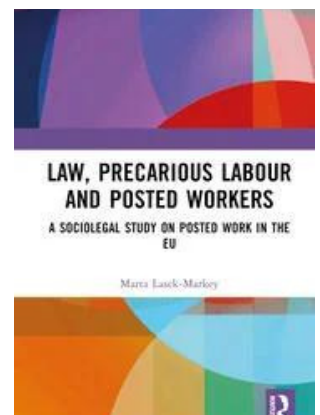
Marta Lasek-Markey is Postdoctoral Research Fellow in the School of Law at Trinity College Dublin, Ireland.

About the Book:

This book examines the role of law in regulating and influencing the lived experiences of posted workers in Europe. The 'posting' of workers is an unusual type of labour mobility, where workers are hired out to provide a specific service in another country. Although it involves a specialised area of law, it is one that serves as a magnifying glass for the long-standing tension between the economic and social dimensions of law's regulatory role. As an atypical form of labour migration, posting also touches upon broader themes concerning the role and purpose of labour law in a changing world of work. Taking up these themes through interviews with posted workers, lawyers and employers, the book adopts a sociolegal approach to consider how the law shapes the precarious lived experiences of posted workers in Europe. Giving voice to those with first-hand experience, the book goes on to propose solutions that might address the precarity of posted work. This book will be of interest to scholars, researchers and practitioners working in the areas of labour law, sociolegal studies, EU law, and migration.



Marta Lasek-Markey



Interpreting Discrimination Law Creatively: Statutory Discrimination Law in the UK, Canada and Australia

About the Authors:

Alice Taylor is Assistant Professor at Bond University Faculty of Law, Australia.

About the Book:

This book explores the judiciary's role in achieving substantive equality utilising statutory discrimination law, and tackles the problem by exploring the idea that there needs to be a 'creative' interpretation of discrimination law to achieve substantive results. The author takes a comparative approach by considering the interpretation of statutory discrimination law in the UK, Canada and Australia.

The book argues that differences in the case law are explained by the way in which the appropriate role for the courts in rights review, norm elaboration and institutional competence is conceived in each jurisdiction.

Bibliographic Details:

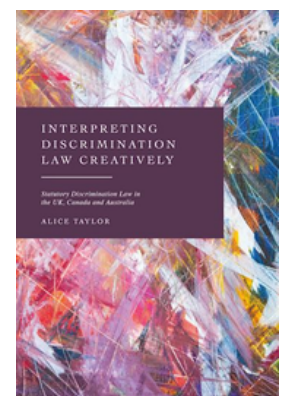
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ISBN: 9781509952922

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Source: Bloomsbury Publishing

CONFERENCES/WORKSHOP/FELLOWSHIPS

CONFERENCES/ WORKSHOPS

1. Event: ADAPT Conference: Towards a workless society? An Interdisciplinary Reflection on the Changing Concept of Work and its Rules in Contemporary Economies

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/WORKSHOP/FELLOWSHIPS

CONFERENCES/ WORKSHOPS

3. Event: Workshop on “Social dialogue and labour policy concertation policies as instruments of change” and “New perspectives on socio-legal research on labour in a changing world”.

About the Event: The event is co-organized by the University of Deusto, the International Institute for the Sociology of Law, and the Basque Government, who is also the main sponsor, in collaboration with the University of the Basque Government and the International Labour Organization. This is the third event in a series that started with the 2019 Congress "The future of the work we want: A global debate" in Oñati (Gipuzkoa, Basque Country) celebrating the 100th anniversary of the International Labour Organisation. This led to the Oñati Declaration, in which the Basque Government expressed its institutional commitment to a policy model respectful of international labour law and the different social dimensions of labour law. This year's event is the second-follow up impulse workshop to the Oñati Declaration.

Date: 23rd October 2023

Time: 9:00 AM to 6:30 PM.

Registration Details: The workshop is addressed to scholars, experts, stakeholders, and practitioners in the field of labour law and industrial relations, who are interested in developments in social dialogue and labour concertation policies in specific national contexts, such as in the Basque Country, as well as in comparative European and international perspectives. Participation in the workshop is free but prior registration is required (by 13 October).

The research seminar particularly targets early-career researchers working on labour-related topics from legal and social-scientific perspectives, who are interested in sharing their perspectives and networking with colleagues from Universities in the Basque Country and beyond. Expressions of interest can be sent to: mariola.serrano@deusto.es<<mailto:mariola.serrano@deusto.es>> and noe.cornago@ehu.eus<<mailto:noe.cornago@ehu.eus>> indicating name, surname, title and brief summary of the doctoral thesis project, as well as the research group or doctoral programme and university. Postdoctoral researchers are likewise welcome.

Travel and accommodation (if needed) are at your own expense or using your own institutional funding (we can provide support letters).

SCAN THE QR FOR REGISTRATION LINK



CONFERENCES/WORKSHOP/FELLOWSHIPS

CONFERENCES/ WORKSHOPS

4. Event: China Employment Law 101: Hiring and Termination

About the Event: This webinar aims to shed light on the hiring modes and termination of employment under PRC laws. These topics hold significant relevance in today's ever-evolving employment market. Whether you are a business owner, a human resource professional, or an in-house counsel, this lecture promises to equip you with the essential knowledge to navigate the complexities of hiring and termination under PRC employment law.

This webinar will address the following:

- Different hiring modes under PRC laws: full-time employment, part-time employment and outsourcing;
- The conditions and procedures of termination of employment under PRC laws, including immediate termination by employer (such as termination due to gross misconduct) and termination with prior notice of employer (such as termination due to incompetence);
- Consequences of unfair dismissal.

Shihui's employment law team is deeply experienced across both employment-related non-contentious and contentious matters. Our lawyers have advised on employment matters for hundreds of multinationals, large private enterprises, state-owned enterprises and investment funds. We also regularly represent clients in employment arbitration and litigation proceedings. With our professional abilities and rich experience, we have been listed in the Legal 500, LEGALBAND and have been nominated by Asian Legal Business (ALB). Our partners have also been recognized and recommended by prestigious legal media and research institutions such as LEGALBAND and asia-law.

Date: 17 October 2023

Time: 1:00 PM UTC

Registration Details: Those interested to join webinar can register by QR Code



Other Upcoming Webinar

V&A Law

4 Oct | 8:00 AM UTC

Introduction to Philippine Labour and Employment Laws

Format: Online

Language: English

CONFERENCES/WORKSHOP/FELLOWSHIPS

FELLOWSHIPS

1. Applications Invited for Commonwealth Master's programme

About the Organization

The Commonwealth Scholarship Commission in the UK (CSC) provides the UK government's scholarship scheme led by international development objectives. It supports the co-creation of research, innovation, and solutions to enact sustainable development priorities across the Commonwealth and beyond.

About the Scholarship

The agency-nominated Master's programme is one of three Master's programmes offered by the Commonwealth Scholarship Commission. The Commonwealth Scholarship Commission in the UK (CSC) provides the UK government scholarship scheme led by international development objectives. It operates within the framework of the Commonwealth Scholarship and Fellowship Plan (CSFP) and offers a vivid demonstration of the UK's enduring commitment to the Commonwealth. By attracting individuals with outstanding talent and identifiable potential from all backgrounds and supporting them to become leaders and innovators on returning to their home countries, the CSC's work combines sustainable development with the UK national interest and provides opportunities for international partnerships and collaboration.

Intended Beneficiaries: Commonwealth Master's Scholarships are for candidates from eligible low and middle income Commonwealth countries, to undertake full-time taught Master's study at a UK university. These scholarships are offered under the six CSC development themes.

Eligibility

To be considered for these scholarships, applicants must:

- Be a citizen of or have been granted refugee status by an eligible Commonwealth country, or be a British Protected Person.
- Be permanently resident in an eligible Commonwealth country.
- Be available to start academic studies in the UK by the start of the UK academic year in September 2024.
- By September 2024, hold a first degree of at least upper second-class (2:1) honours standard, or a lower second-class degree and a relevant postgraduate qualification (usually a Master's degree)*.
- Be unable to afford to study in the UK without this scholarship.
- Have provided all supporting documentation in the required format.

How to Apply

Applications for Commonwealth Master's scholarships for the 2024/25 academic year are now open. The deadline for submitting an application is 17:00 hours BST (16:00 GMT) on 17 October 2023. The scholarships are for study in the UK beginning in September/October 2024.

Applications to the CSC must be made using the [CSC's online application system](#).

CONFERENCES/WORKSHOP/FELLOWSHIPS

FELLOWSHIPS

2. Applications Invited for Australia India Research Students Fellowship program

About the Organization

The Australia India Institute is Australia's leading centre dedicated to enhancing Australia-India relations. We aim to increase the policy and public importance of India as a crucial partner in Australia's future, and of Australia as a crucial partner in India's future. Our activities across the academic, political, business and community sectors have helped to shape engagement with India among Australian decision makers, change perceptions about Australia in India, promote trade and investment and activate bilateral networks.

For over a decade the Australia India Institute has built a solid reputation as a convener of bilateral dialogues and a thought leader providing expert advice and policy commentary on India. Our quality research, advocacy and stakeholder reach make us a sought-after partner.

Our vision is to be Australia's leading voice on the Australia-India relationship and the principal convener of strategic dialogue between our two nations. Our mission is to inform and mobilise Australian and Indian leaders and institutions in order to forge a stronger and more enduring relationship between our two countries.

About the Fellowship

The Australia India Research Students Fellowship (AIRS Fellowship) program supports emerging researchers from India and Australia to undertake short-term research exchanges. Fellowships of up to AUD \$10,000 have been awarded to 63 research students and post-doctoral scholars (early-career researchers): 35 Indians and 28 Australians. The 2023 Fellows will undertake a research project during an exchange of 4 to 8 weeks, to be completed by mid-October 2023.

The AIRS Fellowship program was jointly proposed at the fifth Australia India Education Council in Delhi in November 2019. It was launched in August 2022 at the sixth Australia India Education Council meeting, co-chaired by Australian Education Minister The Hon Jason Clare and Indian Minister of Education and Minister of Skill Development and Entrepreneurship The Hon Dharmendra Pradhan.

The program is run by the Australia India Institute and funded by the Australian Government Department of Education.

Eligibility

The program is open to eligible research students and post-doctoral scholars (early-career researchers) across all disciplines.

How to Apply

Applications are now open for the new Australia India Research Students Fellowship (AIRS Fellowship) program. **Applications close:** 13 November 2023.

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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