

Labour codes may align with state rules by March

West Bengal only state not on board

SHIVA RAJORA

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The Union labour ministry is aiming to “standardise and harmonise” by March the rules made by state governments, except West Bengal, under the four new labour codes, which may pave the way for implementing the labour legislation.

“The government is fully committed to implementing the new codes. Regarding this, it has been working with states and Union Territories (UTs) to bring in the desired level of uniformity in their rules, so that the objective of consolidating the existing myriad labour

laws into four new codes is fulfilled. The exercise is slated to be completed by March,” a government official said.

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According to the official, barring West Bengal and Nagaland, all other states and UTs have framed rules under the new codes.

“All Northeastern states, which were earlier lagging in formulating the rules, have been handheld and assisted by us. While Nagaland is yet to formulate the rules, it is on board and will publish draft rules in a month or so. In effect, barring West Bengal, all other states and UTs are on board. Once this exercise gets completed, we will be ready to operationalise the new laws at the earliest, as and when and the manner in which the government wishes to take a call,” the official said.

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EXAMPLES OF DIVERGENCE

Code on Wages: Central rule allows a 12-hour workday spread; Assam, Kerala limit it to 10 hours and 30 minutes; Chhattisgarh, Maharashtra apply both under different conditions.

Code on Industrial Relations: Central rule requires union office space in firms with 300+ workers; Assam, Bihar, and a few others impose no threshold.

Code on Occupational Safety: This bars those convicted in past 2 years for an offence liable for over 3-month jail from contracting; Chhattisgarh, Karnataka, Madhya Pradesh and Telangana limit it to criminal cases

Code on Social Security: Central rule mandates ₹15,000 for funerals; Gujarat, Kerala, and a few others lack such provisions

Source: VV Giri National Labour Institute study (2022)

Labour codes: Centre looks to keep 'divergences to minimum'

Earlier in 2022, a study by the VV Giri National Labour Institute, an autonomous body under the Union labour ministry, highlighted divergences in the draft rules under the codes, not only between the rules of the Centre and those of the states and UTs, but also among the states as well.

"The rules of some of the states/UTs prima facie seem to go against the basic ethos and spirit of the codes and may defeat the objective sought to be achieved. All these aspects require the attention and a re-look by the governments concerned," the study has then noted.

For example, under the Code on Wages, the central rule provides for the spread over (work hours and the period of rest within work hours) of 12 hours a day while Assam and Kerala restrict the spread over to ten and a half hours.

Chhattisgarh and Maharashtra have provisions for both under different conditions, the study had flagged.

Further, while the central rules provide for revising dearness allowance twice a year, Andhra Pradesh prescribes it for once a year and Uttar Pradesh does not have any rule in this regard.

Labour economist K R Shyam Sundar said the "vaguely constructed" new labour laws were at the root of the "malady". Had the new labour codes been formulated properly with precision and definitive character, states would have had less scope for interpretation, he said.

"Tripartite consultative bodies have not been utilised properly in the recent years to iron out the divergences, which are bound to emerge due to rulemaking at state level," he added.

The official added: "Since labour is a concurrent subject, a certain amount of divergence will exist in the rules and that is also natural due to the varied geographic and economic conditions in the country. Hence our endeavour is to keep these divergences to the minimum possible, so the objective of new codes is fulfilled."