



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the nineteenth issue of the Christ University Law Journal. This issue of the journal comprises researched articles based on labour law. The academic writings are authored by academicians and research scholars.

It is estimated that our country has more than 44 central legislations under four heads - Code on Wages, Code on Social Security and Occupational Safety, Code on Industrial Relations, and Code on Health and Working Conditions, for regulating and protecting labour and maintaining the laws for ensuring the health, safety and better working conditions of workers. However, Indian labour laws are often characterized as “inflexible.” Investors claim that majority of the firms hesitate from hiring new workers because of the stringent permission provisions existing in the present legal system, thus hindering the growth of Indian companies. Though the amalgamation of labour legislations can be considered as a major step towards reform, another concern arises regarding the dilution of the socialistic oriented labour perspective, which existed in Indian industrial jurisprudence. Liberalized policies will create more contractual freedom but reduce a healthy environment for workers, specifically in terms of their rights. The daunting challenge before governments will be to balance the market, labour, and the employer. The papers included in this volume analyze these issues further.

Articles

In the paper titled *Changing Scenario of Indian Labour and New Labour Codes: A Critical Analysis*, Babu P. Remesh and Tanya Chaudhary analyze and track the recent shift in the labour law paradigm in India, brought about by the new labour codes. The central theme of their analysis pertains to the growing need within the Indian Labour market for simplified labour laws in the context of ‘ease of doing business’ in India. Through their paper, they articulate the

various worries and concerns of the labourers and labour unions with respect to the newly implemented reforms such as the provisions within the Labour Relations Code, 2020 pertaining to strikes and track a rising trend in the denial of social security benefits as a result of a large proportion of labourers working without a written contract. Apart from the general concerns, the authors also highlight some of the emerging concerns relating to the shifting framework, such as the absence of social dialogue, delayed implementation, dilution of protective legislation, declining quality of employment, centre-state tensions and issues of marginalized groups. The article concludes by drawing the inference that there is a likelihood of dilution of the existing labour protective framework and suggests a missed opportunity to expand into the aspects of employment which needs particular attention.

Authors Suresh V. Nadagoudar and Rajashree Patil, in their paper titled *Social Security Code 2020: An Analysis*, dwell into an analysis of the recently enacted Social Security Code, 2020. The article begins by highlighting the origins of social security legislation and the socio-political process by which the provisions of these social security legislations became a focal point of the labour rights debate in India. The authors draw out an analysis of the erstwhile social security legislations and how these applied to the various vulnerable sections of society, particularly how these legislations failed in protecting a large portion of workers in the unorganized sector and the gig workers. The article points out how these workers have been victims of events of economic uncertainty such as the COVID-19 pandemic and how well-rounded social security legislation must focus on alleviating the conditions of these workers. The article culls out various salient features of the Social Security Code 2020 while comparing the code with previous legislations and also analyses the various merits of the present code from the employer and employee's point of view. Through a conjunct analysis of the decision of the Supreme Court in the case of *K S Puttaswamy v. Union of India*, the authors also analyze the various benefits and disadvantages of the need to furnish an Aadhar Card to obtain social security benefits. The article then conducts a critical review of the present code, analyzing its various shortcomings and finally considering all points discussed, and

come to the conclusion that while a milestone by itself, the social security code lacks clarity on certain provisions with respect to their content and enforceability while cautioning that the code may lead to disparities if implemented without adequate safeguards along with the suggestion that several rules need to be further framed for effective functioning.

In the paper titled *Collective Bargaining: A tool for settling Industrial Disputes*, the authors Aakash Y. Raj & Deepa Rani V. Salian analyze collective bargaining as a tool to bargain and negotiate employment terms and conditions. The authors begin the article by discussing the role of trade unions in settling disputes, further explaining the need to bargain collectively. They also examine the economic losses that could happen in case of unresolved disputes and further retaliation, such as strikes and lock-outs. The authors also look into the need and mechanisms to settle disputes, such as works committee and conciliatory machinery. The paper then delves into the importance of the free flow of information and rules, from the employer to the union. The authors explain that such need is mutual as both the union and the employer have a duty to bargain; in fact, both the parties must meet at reasonable times and confer in good faith with the intent to negotiate. Through case laws, this paper analyzes collective bargaining in consonance with expanding jurisprudence on issues related to labour law. The authors conclude by stressing that collective bargaining is essential for the efficient economic and social relationship between employees and employers.

The Journal and Publications Society expresses its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicit their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications, the Library personnel and the National Printing Press for extending their support towards our humble mission of making an effective contribution to legal research.

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Issue Editor