

Implementation of Labour Codes in the North-Eastern States of India: Issues, Challenges and Measures

Dr. Suresh Tamang

Assistant Professor, Department of Commerce, Sikkim Government College, Burtuk, Gangtok East
Sikkim– 737103, India

Abstract

In 2019 and 2020, the Indian Parliament passed four new labour codes to consolidate and reform India's complex web of central labour laws. The latest codes, which cover wages, industrial relations, social security, and occupational safety, health and working conditions, are set to have far-reaching impacts on labour relations and worker welfare across India. This paper examines the implementation of these labour codes in the eight states of India's North-Eastern region. Through policy analysis and stakeholder interviews, it explores the unique issues and challenges faced by these states in adopting the new legal framework. Key challenges identified include the large informal sector, limited administrative and enforcement capacity, low awareness among employers and workers, and political instability in some states. The paper highlights examples of proactive measures being taken in states like Assam and Sikkim, and provides recommendations for policymakers to ensure smooth and effective implementation. Overall, while the new codes have the potential to improve worker protections and simplify compliance significantly, the Northeastern states will require targeted interventions and sustained efforts to realise the benefits of these historic reforms fully.

Keywords: Labour Codes, Labour Reforms, North-East India, Labour Administration, Implementation

1. Introduction

In 2019 and 2020, the Parliament of India enacted four labour codes on wages, industrial relations, social security, and occupational safety, health and working conditions (OSH). These codes collectively seek to consolidate, simplify and reform India's complex system of labour laws, some of which date back to the colonial era. The Code on Wages, 2019, aims to universalise minimum wages and timely payment of wages. The Industrial Relations Code, 2020, introduces new conditions for lay-offs, retrenchment and closure of establishments. The Code on Social Security, 2020, expands social security coverage, including to gig and platform workers. Finally, the OSH Code, 2020, institutes new workplace safety standards and broadens the applicability of OSH regulations.

The need for labour reforms has long been recognised, with the Second National Commission on Labour recommending the codification of labour laws back in 2002 [1]. Compared to other emerging economies, Indian labour markets remain highly regulated. India ranked 103rd out of 141 countries for labour market efficiency in the World Economic Forum's 2019 Global Competitiveness Index [2]. Research suggests that restrictive labour regulations have contributed to India's low manufacturing employment and high

informality [^{3,4}]. At the same time, the multiplicity of laws and poor enforcement have left many workers without access to basic protections and benefits [⁵].

The labour codes assume significance in this context. By reducing the number of central labour laws from 29 to 4, they promise to simplify compliance for employers. Expanded protections, such as universal minimum wages, are expected to improve worker welfare. However, the actual impact of the codes will depend on how efficiently and effectively they are implemented on the ground. This task is mammoth in a large, federal country like India with highly diverse labour markets.

This paper focuses on the implementation challenges in the eight states of the North Eastern region - Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. Collectively home to 46 million people [⁶], these states have historically seen lower levels of industrialisation and economic development compared to the rest of India. They also face unique challenges such as geographical remoteness, political instability, ethnic tensions and a large informal sector. While some states like Assam and Tripura have a relatively longer history of manufacturing, others like Arunachal Pradesh and Mizoram remain predominantly agrarian [⁷]. Trade unions also have a limited presence in the region [⁸]. All of these factors have implications for how the new labour codes will play out.

The rest of this paper is structured as follows. Section 2 describes the methodology adopted for this study. Section 3 provides an overview of the key features of the four labour codes. Section 4 examines the labour market and regulatory context in the North-Eastern states. Section 5 discusses the key implementation issues and challenges that have emerged from the analysis. Section 6 highlights some of the proactive measures being taken by states to address these challenges. Finally, Section 7 concludes with policy recommendations.

2. Methodology

This study adopted a mixed-methods approach involving both primary and secondary data. First, an extensive review of academic and grey literature was conducted to understand the labour market characteristics of the North Eastern states, as well as to take stock of the implementation preparedness and challenges. This included examining state-level labour regulations, economic surveys, statistical reports and media articles.

Second, semi-structured interviews were conducted with key stakeholders in four states - Assam, Manipur, Meghalaya and Sikkim. A total of 25 interviews were conducted, including with labour department officials, trade union leaders, industry associations, labour lawyers and civil society organisations. The states and respondents were selected using purposive sampling to ensure representation of diverse perspectives. The interviews were conducted over the phone and via video conferencing, and covered issues related to awareness and understanding of the new codes, anticipated impacts, preparedness and capacity of the implementing agencies, and outstanding concerns. The interviews were transcribed and thematically analysed.

Finally, an online survey was circulated to a wider set of stakeholders across all eight states to validate the key issues and challenges identified. The survey received a total of 84 responses. The findings from the literature review, interviews and surveys were triangulated to arrive at the insights presented in this paper.

3. Overview of Labour Codes

3.1 Code on Wages, 2019

The Code on Wages, 2019 [⁹] replaces four existing laws - the Payment of Wages Act, 1936, the Minimum

Wages Act, 1948, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. Key features include:

- Coverage of all establishments, with the central government setting wage rates for establishments in the central sphere, and state governments for establishments in the state sphere.
- A statutory national floor wage set by the central government.
- Regular adjustment of minimum wages based on factors like skills and geographical regions.
- Timely payment of wages and permissible deductions.
- Equal remuneration for work of equal value, and prohibition of discrimination on grounds of gender.
- Claim mechanism for minimum wages, with claims decided within 3 months.

3.2. Industrial Relations Code, 2020

The Industrial Relations Code, 2020 [10], replaces three laws - the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947. Important provisions are:

- Increase in threshold for lay-off, retrenchment and closure from 100 to 300 workers.
- Introduction of fixed-term employment.
- Notice period of 14 days for strikes and lockouts in all establishments (instead of just public utility services).
- Exemption from standing orders for establishments with less than 300 workers (up from 100 previously).
- Provision for sole negotiating union if a registered union has 51% or more workers as members.
- Establishment of a worker re-skilling fund for retrenched workers.

3.3. Code on Social Security, 2020

The Code on Social Security, 2020 [11] amalgamates nine laws, including the Employees' Provident Funds Act, 1952, the Maternity Benefit Act, 1961, the Payment of Gratuity Act, 1972, and the Unorganised Workers' Social Security Act, 2008. Major reforms include:

- Expanded coverage of Employees' Provident Fund to all industries and establishments with 20 or more workers.
- Gratuity for fixed-term workers on a pro-rata basis.
- Portability of benefits for inter-state migrant workers through a central database.
- Introduction of social security for gig and platform workers.
- Mandatory registration of all unorganised sector workers on a national portal to access benefits.
- Increase in maternity leave from 12 to 26 weeks for women workers.

3.4. OSH Code, 2020

The Occupational Safety, Health and Working Conditions (OSH) Code, 2020 [12] subsumes 13 laws, including the Factories Act, 1948, the Mines Act, 1952, the Contract Labour (Regulation and Abolition) Act, 1970, and the Inter-State Migrant Workmen Act, 1979. Key aspects include:

- Uniform threshold of 20 workers for registration of establishments (10 for establishments carrying out hazardous activities).
- Appointment of safety officers in establishments with 500 workers (down from current thresholds of 1000 in factories and 100 in construction).
- Mandatory health check-up for workers in factories and mines.
- Coverage of inter-state migrant workers in the definition of 'contract labour'.
- Licensing of contractors and registration of migrant workers on a portal.

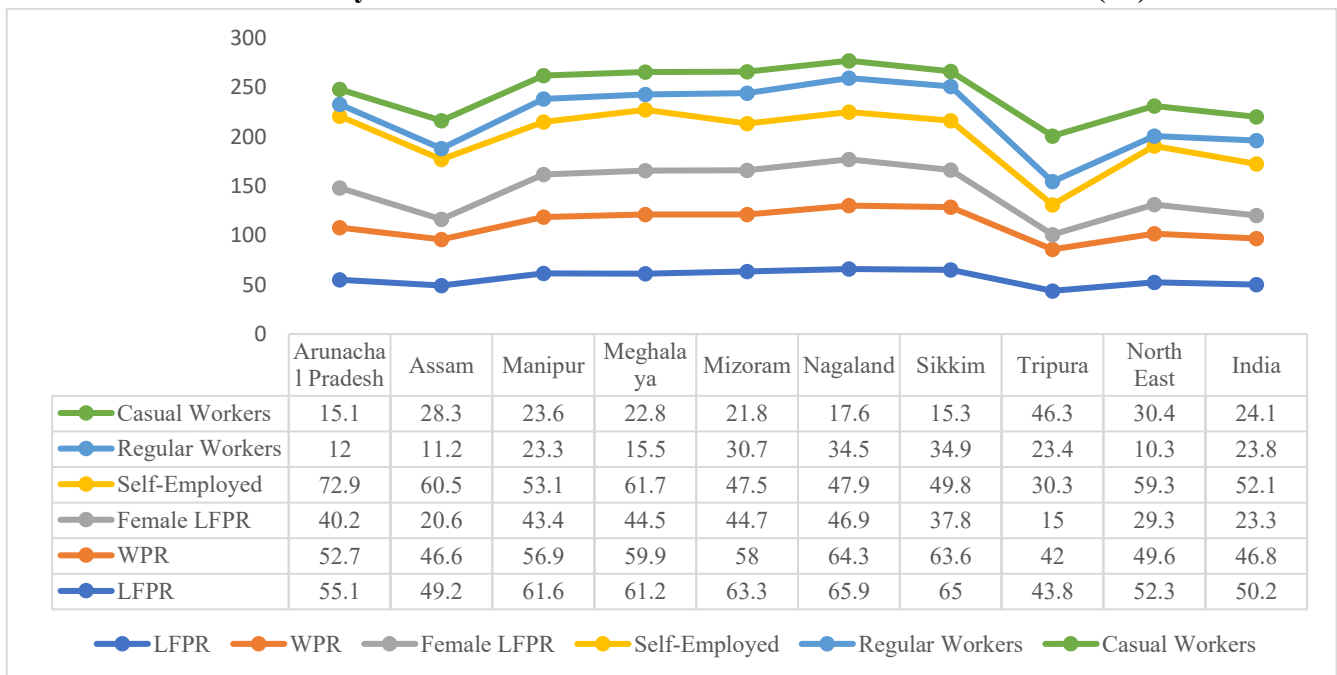
- Increase in overtime hours from 50 to 100 per quarter.

With these provisions, the labour codes aim to extend basic protections like minimum wages, social security, and safe working conditions to a larger proportion of the workforce. The codes also provide flexibility to employers in terms of hiring and retrenchment. However, several issues have been raised regarding their design and implementation. Trade unions have argued that the codes dilute worker protections and promote hire-and-fire [13]. Economists have pointed out that some provisions, like the increase in retrenchment thresholds, may deter formalisation [14]. There are also concerns about the capacity of regulatory institutions to enforce the expanded mandate of the codes [15].

4. Labour Market Context in North Eastern States

The eight states of India's North Eastern region are characterised by a high degree of ethnic, linguistic and cultural diversity. Historically, the area has been affected by insurgencies and political instability, which have impeded economic development [16]. The region's difficult terrain, remote location and poor connectivity have also been major constraints. Consequently, the North Eastern states have lagged behind the rest of the country on several socio-economic indicators. As per the Periodic Labour Force Survey (PLFS) 2018-19, the Labour Force Participation Rate (LFPR) in the region was 52.3%, compared to the all-India average of 50.2% [17]. The Worker Population Ratio (WPR) was also higher at 49.6%, against the national average of 46.8%.

Table 1. Key Labour Market Indicators for North-Eastern States (%)



Source: Periodic Labour Force Survey 2018-19 [17]

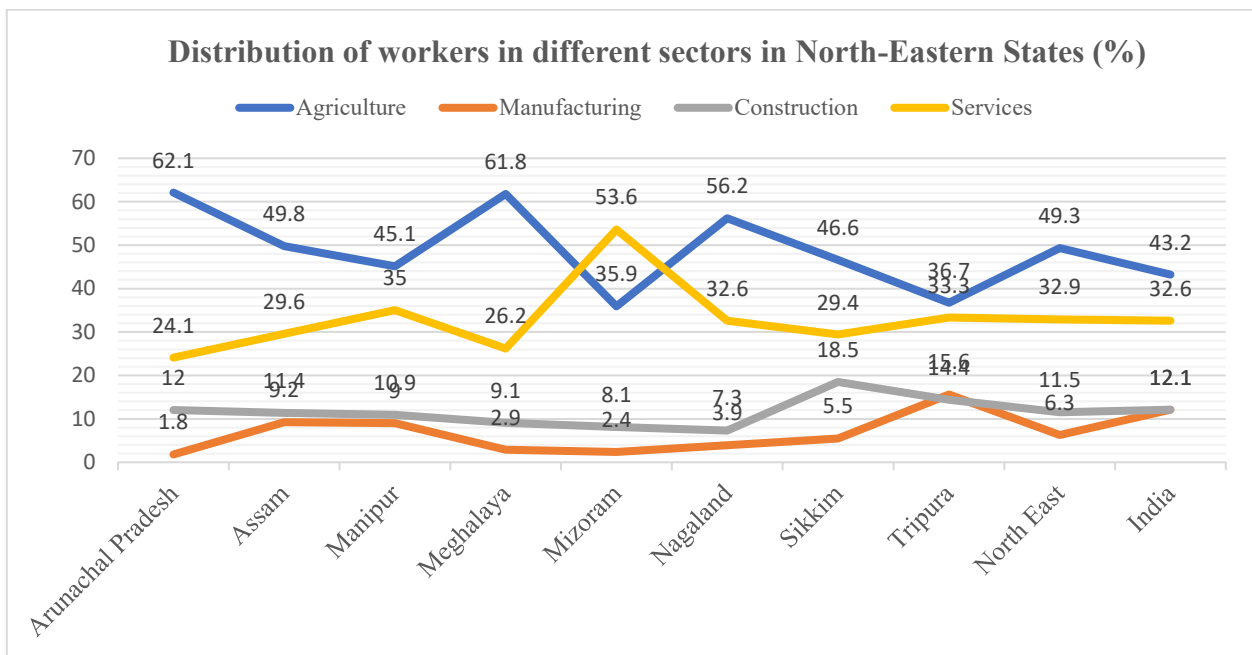
However, there is significant variation across states, as Table 1 shows. Nagaland had the highest LFPR and WPR, while Tripura had the lowest. The female LFPR was higher than the national average in most states, reaching nearly 47% in Nagaland. This could be due to the predominance of agriculture and allied activities, which tend to have higher female participation. As per the PLFS, 59.3% of workers in the North

East were self-employed, 10.3% were regular wage/salaried employees, and 30.4% were casual labour. Again, there were inter-state differences, with Tripura having a higher share of casual labour at 46.3%.

Table 2. Distribution of workers in different sectors in North Eastern states (%)

State	Agriculture	Manufacturing	Construction	Services
Arunachal Pradesh	62.1	1.8	12.0	24.1
Assam	49.8	9.2	11.4	29.6
Manipur	45.1	9.0	10.9	35.0
Meghalaya	61.8	2.9	9.1	26.2
Mizoram	35.9	2.4	8.1	53.6
Nagaland	56.2	3.9	7.3	32.6
Sikkim	46.6	5.5	18.5	29.4
Tripura	36.7	15.6	14.4	33.3
North East	49.3	6.3	11.5	32.9
India	43.2	12.1	12.1	32.6

Source: Periodic Labour Force Survey 2018-19 [17]



Source: Periodic Labour Force Survey 2018-19

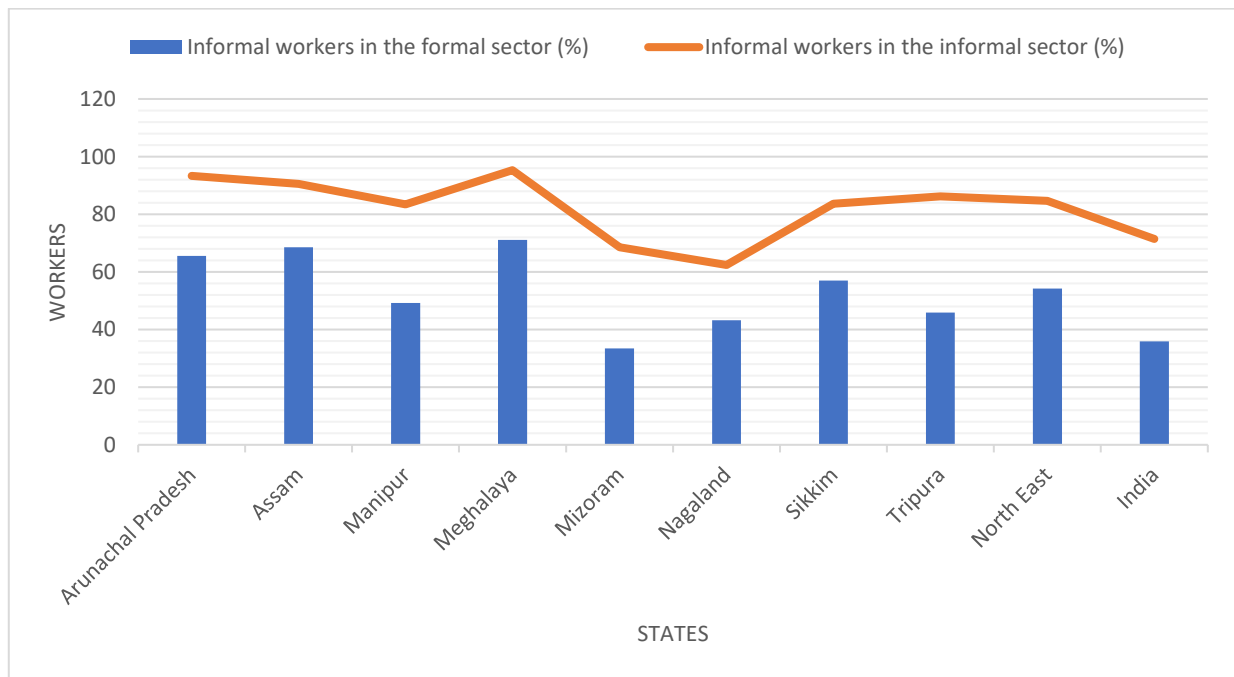
Figure 1: Workers in different sectors in North-Eastern States

In terms of the structure of employment, agriculture continues to be the mainstay of the North Eastern economy. As Table 2 indicates, the share of agricultural employment was higher than the national average in all states except Mizoram. In Arunachal Pradesh and Meghalaya, over 60% of the workforce was engaged in agriculture. Manufacturing employment was lower than the all-India level, with Tripura being an exception. The share of construction and services employment varied across states.

Table 3. Percentage of informal workers in the formal and informal sectors in the North-Eastern states

State	Informal workers in the formal sector (%)	Informal workers in the informal sector (%)
Arunachal Pradesh	65.5	93.3
Assam	68.6	90.5
Manipur	49.2	83.4
Meghalaya	71.1	95.3
Mizoram	33.4	68.5
Nagaland	43.2	62.4
Sikkim	57.0	83.6
Tripura	45.9	86.2
North East	54.2	84.7
India	36.9	71.4

Source: Periodic Labour Force Survey 2018-19 [17]



Source: Periodic Labour Force Survey 2018-19 [17]

Figure 2: Percentage of Informal workers in the formal Sector

In terms of labour regulations, the North Eastern states have generally followed the central laws, with some state-specific amendments. Assam, which has the largest industrial base in the region, has been proactive in labour reforms. It was one of the first states to allow fixed-term employment across all sectors in 2018 [18]. Assam has also raised the thresholds for applicability of various labour laws, for example, the Factories Act applies to units with 20 workers using power and 40 workers without power, compared to the national norm of 10 and 20, respectively [19].

Other states like Manipur and Sikkim have enacted separate Shops and Establishments Acts to regulate working conditions in the services sector [20]. The North Eastern states have also seen a growth in the platform economy, especially in the food delivery and transportation sectors [21]. However, these workers remain outside the purview of most labour regulations.

The presence of trade unions is limited in the North East, barring some pockets of Assam and Tripura. As per the Ministry of Labour and Employment, the region had 2,440 registered trade unions in 2012, which amounted to just 1.7% of the all-India figure [22]. The number of industrial disputes is also comparatively low - in 2018, the North Eastern states accounted for only 3.3% of the total workdays lost due to strikes and lockouts in the country [23]. This could be attributed to the smaller industrial base, as well as the use of traditional community-based dispute resolution mechanisms in some states [24].

To sum up, the labour market in the North Eastern states is characterised by a high level of informality, the dominance of agriculture and allied activities, and a limited industrial base. While there are inter-state variations, the region as a whole has seen slower structural transformation and formalisation compared to the rest of India. This has implications for the adoption of the labour codes, as the following sections will discuss.

5. Key Implementation Issues and Challenges

Based on the stakeholder interviews and survey responses, this section highlights some of the key issues and challenges that have emerged in the implementation of the labour codes in the North-Eastern states.

5.1. Limited Awareness and Understanding

One of the most common issues flagged by stakeholders was the lack of awareness about the labour codes among employers and workers. Many respondents felt that the government had not done enough to disseminate information about the changes brought about by the codes. This was particularly true for small and medium enterprises (SMEs) and the unorganised sector. As a labour department official in Meghalaya admitted, "We have conducted a few awareness programs, but they have mostly targeted the larger industries. The vast majority of SMEs and informal sector workers remain unaware of the codes."

The complexity of the codes and the use of legal language were another barrier. An industry association representative in Assam noted, "The codes are quite technical and difficult to understand for the average employer or worker. There is a need for simpler, more accessible communication materials in local languages." Some respondents also pointed out that awareness alone was not enough - there was a need for capacity building of employers to help them comply with the new regulations.

5.2. Definitional and Interpretational Issues

Stakeholders highlighted several areas where the codes lacked clarity or left room for interpretation. For example, the definition of "wages" under the Code on Wages was seen as ambiguous, as it excludes certain components like conveyance allowance and house rent allowance. This could lead to disputes over the calculation of minimum wages and social security contributions. Similarly, the definition of "gig worker" and "platform worker" under the Code on Social Security was viewed as restrictive, as it may not cover all categories of workers in the digital economy.

There were also concerns about the overlap between central and state jurisdictions. As labour is a concurrent subject under the Constitution, both the central and state governments have the power to legislate on it. However, the codes do not clearly demarcate the areas of responsibility, which could create confusion and duplication. For instance, under the OSH Code, the power to make rules on safety standards,

health, and working conditions has been given to both the central and state governments. This could lead to different standards being applied across states.

5.3. Inadequate Enforcement Machinery

Most stakeholders agreed that the success of the labour codes would depend on the effectiveness of the enforcement machinery. However, they pointed out several deficiencies in the current system that could hamper implementation. First, the labour departments in most North-Eastern states are understaffed and under-resourced. A trade union leader in Manipur commented, "We have a severe shortage of labour inspectors in the state. The existing staff are overburdened and lack the necessary training and equipment to do their job effectively."

Second, there are concerns about the dilution of the inspection mechanism under the new codes. The OSH Code has introduced a web-based inspection system, which could reduce the frequency and rigour of physical inspections. It has also provided for third-party audits and self-certification by employers, which some fear could compromise the independence of the inspection process. A labour lawyer in Assam argued, "The move towards self-certification is worrying, as it relies too much on the goodwill of employers. There needs to be strong safeguards to prevent misuse."

Third, the lack of coordination between different enforcement agencies was seen as a challenge. The codes envision a multi-stakeholder approach, with the involvement of departments like health, social justice, skill development, and women and child development. However, in practice, there is little collaboration between these agencies. A civil society representative in Sikkim observed, "Each department works in its own silo, with little information sharing or joint planning. This could lead to gaps in implementation and duplication of efforts."

5.4. Coverage and Exclusion Issues

Stakeholders raised apprehensions about the coverage of the codes, particularly for the large informal sector in the North East. While the Code on Social Security has mandated the registration of unorganised workers on a national portal, the modalities of this process are yet to be worked out. There are also doubts about the capacity of the government to reach out to all informal sector workers, especially in remote and hilly areas. An NGO worker in Meghalaya noted, "Many informal sector workers in the state, such as agricultural labourers and domestic workers, are not even aware of their rights. Registering them on a portal will require a massive awareness and outreach campaign."

There were also concerns about the exclusion of certain categories of workers from the purview of the codes. For example, the Code on Wages does not apply to the self-employed, who constitute a significant proportion of the workforce in the North East. Similarly, the OSH Code exempts establishments with less than 10 workers from its ambit. A labour researcher in Assam pointed out, "The codes have left out some of the most vulnerable workers, such as home-based workers and self-employed persons. This could lead to a bifurcation of the labour market, with one set of workers enjoying greater protections than others."

5.5. Lack of Social Dialogue

Many stakeholders felt that the process of drafting the labour codes had not been sufficiently consultative or participatory. Trade unions, in particular, complained that their concerns had not been adequately addressed. A union leader in Tripura alleged, "The government has rushed through the codes without proper dialogue with workers' organisations. Many of our suggestions, such as the need for a universal social security fund, have been ignored."

Some respondents also pointed out that the North-Eastern states had not been adequately represented in the national-level consultations on the codes. Given the unique challenges and characteristics of the region,

they felt that there should have been more engagement with local stakeholders. An industry representative in Manipur remarked, "The codes have been designed keeping in mind the needs of the more industrialised states. They may not be suitable for the ground realities of the North East, which has a large informal sector and a different socio-economic context."

The absence of strong tripartite mechanisms in the North-Eastern states was seen as another impediment to social dialogue. Unlike some other states, most of the North East does not have functional state-level labour advisory boards or industrial relations committees. This limits the space for regular interaction and negotiation between the government, employers and workers. A labour department official in Nagaland admitted, "We need to create more platforms for tripartite dialogue in the state. Currently, there is little communication between the different stakeholders, which could lead to mistrust and conflict."

6. Proactive Measures by States

Despite the challenges, some of the North-Eastern states have taken proactive measures to facilitate the implementation of the labour codes. This section highlights a few notable initiatives.

6.1. Assam

Assam has been at the forefront of labour reforms in the North East. In 2017, it became the first state to notify the rules under the Code on Wages. It has also constituted a state-level Expert Committee on Labour Reforms to review the existing labour laws and suggest amendments in line with the codes [25]. The Committee includes representatives from industry, trade unions and civil society.

In addition, Assam has launched an online portal for the registration of unorganised sector workers under the Code on Social Security [26]. The portal, called the Assam Unorganised Workers' Social Security Board (AUWSSB), aims to create a comprehensive database of workers and facilitate the delivery of social security benefits. As of March 2023, over 600,000 workers had registered on the portal [27].

Assam has also taken steps to strengthen its labour enforcement machinery. In 2022, it recruited 97 new labour inspectors to fill long-standing vacancies [28]. It has also launched a capacity-building program for labour officials, in collaboration with the V.V. Giri National Labour Institute [29]. The program covers topics like labour laws, industrial relations, and occupational safety and health.

6.2. Sikkim

Sikkim has been proactive in engaging with stakeholders on the labour codes. In 2021, it organised a state-level tripartite consultation on the implementation of the codes, with participation from government officials, employer associations and trade unions [30]. The consultation discussed issues like the definition of wages, social security for unorganised workers, and the role of trade unions.

Sikkim has also initiated the process of framing the rules under the various codes. In 2022, it released the draft rules under the Code on Wages and the OSH Code for public feedback [31]. The draft rules provide clarity on issues like the criteria for fixing minimum wages, the constitution of the Sikkim Occupational Safety and Health Advisory Board, and the duties of employers in maintaining a safe working environment.

In addition, Sikkim has launched a massive awareness campaign on the labour codes, targeting both employers and workers. The campaign includes the distribution of posters, pamphlets and booklets in local languages, as well as the organisation of seminars and workshops [32]. The state has also set up a helpline for workers to report violations of labour laws and seek grievance redressal.

6.3. Meghalaya

Meghalaya has taken a sectoral approach to the implementation of the labour codes. In 2022, it notified

the rules under the OSH Code for the mining sector, which is a major employer in the state [33]. The rules specify the safety standards and welfare measures to be provided to mine workers, such as ventilation, lighting, and first aid facilities. They also mandate the appointment of safety officers and the constitution of safety committees in every mine.

Meghalaya has also initiated a pilot project on the registration of unorganised sector workers in the gig and platform economy [34]. The project, launched in collaboration with the International Labour Organisation (ILO), aims to identify and register gig and platform workers in the state, and provide them with access to social security benefits. The project will also study the working conditions and challenges faced by these workers, and make recommendations for their welfare.

In addition, Meghalaya has set up a State Labour Welfare Board to implement the social security schemes under the Code on Social Security [35]. The Board will be responsible for the registration of unorganised sector workers, the collection of contributions, and the disbursement of benefits. It will also create awareness about the various schemes and facilitate the grievance redressal of workers.

7. Conclusion and Recommendations

The implementation of the new labour codes in the North-Eastern states is a complex and challenging process. While the codes have the potential to simplify and streamline labour regulations, they also raise several issues related to coverage, enforcement, and social dialogue. The North Eastern states face additional challenges due to their unique socio-economic characteristics, such as the large informal sector, the predominance of agriculture, and the limited industrial base.

This paper has highlighted some of the key issues and challenges that have emerged in the implementation of the codes in the North East. These include the limited awareness and understanding among stakeholders, the lack of clarity on certain provisions, the inadequate enforcement machinery, the coverage and exclusion issues, and the absence of strong tripartite mechanisms. At the same time, the paper has also documented some of the proactive measures being taken by states like Assam, Sikkim and Meghalaya to address these challenges.

Recommendation:

Based on the analysis, this paper makes the following recommendations for policymakers:

1. Launch a comprehensive awareness and capacity building campaign on the labour codes, targeting employers, workers and implementing agencies. The campaign should use simple and accessible communication materials in local languages and leverage partnerships with civil society organisations and trade unions.
2. Provide clear guidelines and standard operating procedures on the implementation of the codes, especially on issues like the definition of wages, the registration of unorganised workers, and the inspection mechanism. The guidelines should be developed in consultation with stakeholders and should be sensitive to the local context.
3. Strengthen the enforcement machinery by filling up vacancies, providing training and resources to labour officials, and creating mechanisms for coordination between different departments. The use of technology, such as online portals and mobile apps, can also help in improving the efficiency and transparency of enforcement.

4. Expand the coverage of the codes to include all categories of workers, including the self-employed, home-based workers, and workers in the gig and platform economy. This may require the creation of new registration and delivery mechanisms, as well as the expansion of social security schemes.
5. Promote social dialogue and tripartism by creating platforms for regular interaction and negotiation between the government, employers and workers. This could include the establishment of state-level labour advisory boards, the strengthening of trade unions, and the involvement of civil society organisations in the implementation process.
6. Learn from the best practices of other states and countries in the implementation of labour reforms. For example, some states like Karnataka and Andhra Pradesh have set up dedicated helplines and grievance redressal mechanisms for workers [36]. Countries like Brazil and South Africa have also experimented with innovative models of social security for informal sector workers [37].

In conclusion, the implementation of the labour codes in the North-Eastern states is a work in progress. While there are many challenges to be addressed, there are also opportunities for creative solutions and collaborations. By engaging with stakeholders, strengthening institutions, and promoting social dialogue, policymakers can ensure that the codes lead to better outcomes for both employers and workers in the region.

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