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GS Paper II: Polity

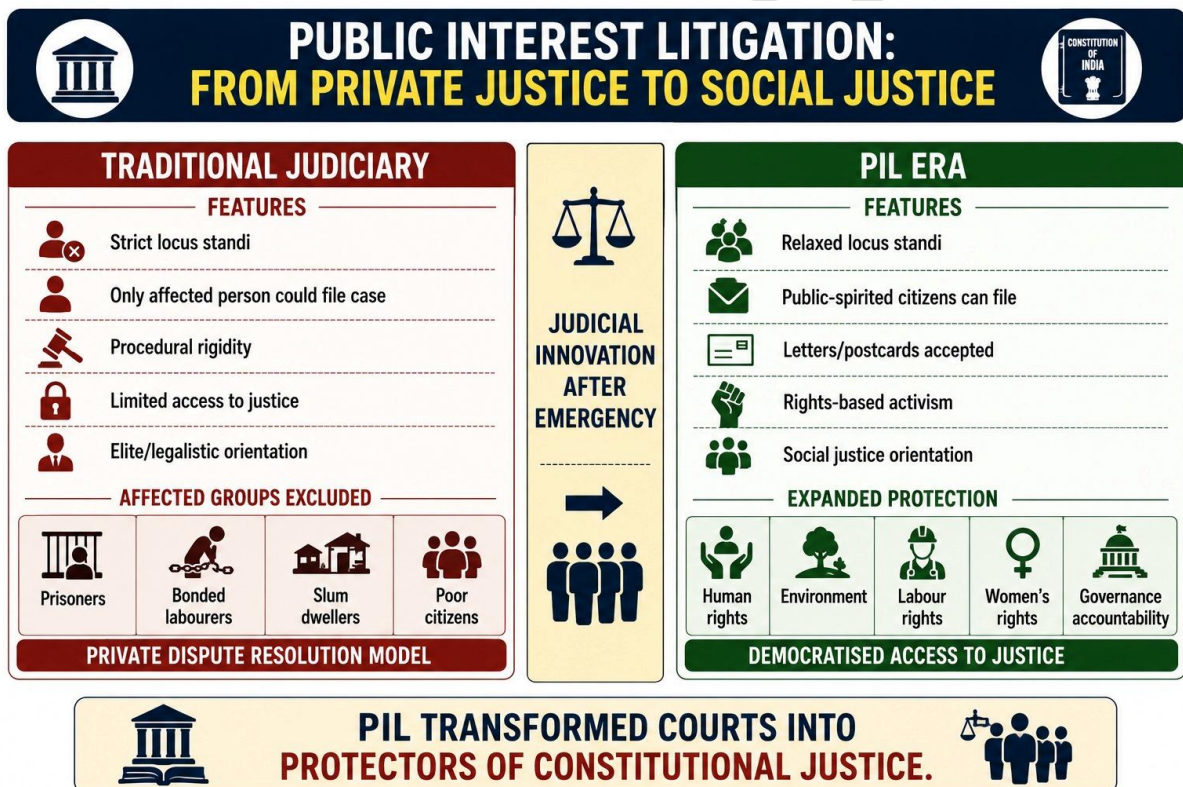
1. Public Interest Litigation (PIL): Meaning, Evolution, Importance, Challenges and Reforms

a. Introduction

Public Interest Litigation (PIL) is one of the most significant developments in India's constitutional and judicial history after Independence. It transformed the judiciary from an institution primarily concerned with resolving private disputes into an active protector of constitutional rights, social justice, environmental protection, and accountable governance.

Before the rise of PIL, access to courts was largely limited to individuals who were economically secure, legally informed, and socially empowered. Large sections of Indian society, including bonded labourers, prisoners, slum dwellers, women, children, tribal communities, and other marginalised groups, often lacked the resources and awareness necessary to seek justice.

PIL changed this reality by expanding access to justice and enabling courts to address issues affecting vulnerable sections of society. For this reason, PIL is frequently described as a judicial innovation for social justice.



b. Meaning of Public Interest Litigation

Definition

Public Interest Litigation refers to litigation initiated in a court of law for the protection of public interest rather than for the enforcement of purely private rights.

Wider Access to Courts

Under the PIL framework, a person does not need to be personally affected by an issue in order to approach the court.

A PIL may be filed by:

- Public-spirited individuals.
- Social activists.
- Journalists.
- Voluntary organisations.
- Civil society groups.

Democratic Significance

PIL marked a major departure from traditional procedural rules and significantly expanded the democratic role of the judiciary.

It enabled courts to hear matters involving disadvantaged groups and wider social concerns.

c. Traditional Rule Before PIL: Locus Standi

i. Meaning of Locus Standi

Before the development of PIL, Indian courts followed the traditional principle of locus standi.

Core Rule

Under this doctrine, only the directly affected individual could file a legal case.

For example, if a person's land was illegally acquired, only that individual could approach the court. Third parties generally had no legal standing to seek remedy.

ii. Limitations of the Traditional Rule

This rule worked reasonably well for economically secure and legally aware individuals. However, it became deeply problematic in a society marked by poverty, illiteracy, social discrimination, and unequal access to institutions.

Barriers Faced by Vulnerable Groups

Many people whose rights were violated could not approach courts due to:

- Lack of financial resources.
- Fear of authorities.
- Absence of legal awareness.
- Social vulnerability.
- Institutional exclusion.

PIL emerged as a mechanism to overcome these barriers and democratise access to justice.

d. Evolution of PIL in India

i. Post-Emergency Context

Public Interest Litigation evolved mainly during the post-Emergency period of the late 1970s and 1980s.

Historical Background

The Emergency experience created greater judicial sensitivity towards:

- Civil liberties.
- Constitutional rights.
- Executive excesses.
- Protection of vulnerable citizens.

ii. Role of Progressive Judges

Judges such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer played a pioneering role in expanding access to justice.

Contribution

They promoted what came to be known as social action litigation.

This approach encouraged courts to move beyond rigid procedural technicalities and focus on substantive justice.

iii. Procedural Flexibility

One of the most revolutionary aspects of PIL was procedural flexibility.

Relaxation of Procedure

The Supreme Court and High Courts began accepting:

- Letters.
- Postcards.
- Newspaper reports.
- Third-party petitions.

as writ petitions in appropriate cases.

Impact

This significantly lowered barriers to justice for poor and marginalised communities.

The judiciary recognised that procedural technicalities should not prevent enforcement of fundamental rights.

Thus, PIL democratised access to constitutional remedies.

e. Constitutional Basis of PIL

i. Article 32: Right to Constitutional Remedies

Article 32 guarantees the right to constitutional remedies and empowers individuals to approach the Supreme Court for enforcement of fundamental rights.

Importance

It gives citizens direct access to the Supreme Court when fundamental rights are violated.

ii. Article 226: Writ Jurisdiction of High Courts

Article 226 grants High Courts broad writ jurisdiction.

Scope

High Courts can issue writs not only for enforcement of fundamental rights but also for other legal rights.

This makes High Courts crucial institutions for PIL-based justice.

iii. Article 21: Life and Personal Liberty

Article 21 became the central constitutional foundation for expansion of rights through PIL.

Expanded Meaning

Through PIL, Article 21 came to include rights connected with:

- Dignity.

- Speedy trial.
- Livelihood.
- Shelter.
- Legal aid.
- Clean environment.
- Humane treatment.

iv. Article 14 and Article 39A

Article 14 guarantees equality before law, while Article 39A directs the State to promote equal justice and free legal aid.

Relevance to PIL

Together, these provisions strengthened the normative basis of PIL jurisprudence by linking justice with equality, dignity, and social welfare.

The constitutional foundation of PIL was gradually shaped through landmark judicial decisions.

f. Landmark PIL Cases

i. Hussainara Khatoon v. State of Bihar

This case exposed the plight of undertrial prisoners who had remained in jail for years without trial.

- **Significance:** The Supreme Court recognised speedy trial as a fundamental right under Article 21.
- **Wider Impact:** The judgment showed how PIL could address systemic injustice affecting voiceless populations.

ii. Bandhua Mukti Morcha Case

This case focused on the exploitation of bonded labourers.

- **Significance:** The Court strengthened labour protections and imposed greater responsibility upon the State to protect vulnerable workers.
- **Wider Impact:** The judgment demonstrated the social justice orientation of PIL.

iii. Vishaka v. State of Rajasthan

In the absence of parliamentary legislation on workplace sexual harassment, the Supreme Court issued the Vishaka Guidelines.

- **Significance:** These guidelines were designed to protect women at workplaces.
- **Wider Impact:** The case showed how PIL enabled courts to fill legislative gaps in order to protect constitutional rights.

iv. M.C. Mehta Cases

Through a series of environmental PILs, the Supreme Court significantly expanded environmental jurisprudence.

Areas Covered

- Pollution control.
- Industrial regulation.
- River protection.
- Ecological preservation.
- Environmental safety.

Environmental PIL became one of the most influential branches of Indian constitutional law.

These cases reveal that PIL has served multiple objectives beyond individual dispute resolution.

g. Objectives and Importance of PIL

i. Access to Justice

The primary objective of PIL is to improve access to justice for vulnerable groups.

Beneficiary Groups

PIL has helped protect:

- Prisoners.
- Bonded labourers.
- Women.
- Children.
- Slum dwellers.
- Tribal communities.
- Other marginalised groups.

ii. Enforcement of Fundamental Rights

PIL has become an important mechanism for enforcing fundamental rights, especially where affected persons cannot approach courts themselves.

Importance

It strengthens the idea that constitutional rights must be meaningful for the weakest sections of society.

iii. Promotion of Social Justice

PIL promotes social justice by addressing issues related to:

- Labour exploitation.
- Prison reforms.
- Women's safety.
- Child rights.
- Human dignity.
- Environmental protection.

iv. Government Accountability

PIL enables courts to examine administrative failure and compel public authorities to fulfil constitutional obligations.

Role

It can expose:

- Corruption.
- Neglect of duties.
- Violation of rights.
- Failure of welfare schemes.

Thus, PIL transformed constitutional governance into an instrument of social transformation.

h. PIL and Judicial Activism

i. Meaning of Judicial Activism

Judicial activism refers to a proactive judicial approach aimed at protecting constitutional values, enforcing rights, and addressing governance failures through expansive interpretation of the Constitution.

ii. PIL as an Instrument of Judicial Activism

Through PIL, courts expanded the scope of Article 21 and recognised several rights connected with dignified human existence.

Expanded Rights

- Right to speedy trial.
- Right to legal aid.
- Right to livelihood.
- Right to shelter.
- Right to education.
- Right to clean environment.
- Right to dignity.

This transformed the judiciary into an active participant in governance and social reform.

i. Positive Impact of PIL

i. Expansion of Access to Justice

PIL enabled poor and marginalised groups to access courts despite economic and social barriers.

Significance

It reduced the distance between constitutional promises and social realities.

ii. Strengthening Human Rights

The judiciary used PIL to protect vulnerable groups such as prisoners, bonded labourers, women, children, and slum dwellers.

Impact

This strengthened the human rights orientation of Indian constitutional law.

iii. Environmental Protection

PIL significantly strengthened environmental governance.

Major Areas

- Pollution control.
- Forest protection.
- Industrial safety.
- River conservation.
- Ecological balance.

iv. Government Accountability

Courts used PIL to monitor administrative failure and compel governments to act according to constitutional obligations.

Importance

This made PIL a tool of accountable governance.

v. Expansion of Article 21

Perhaps the most important contribution of PIL was the transformation of Article 21 into a broad guarantee of dignified human existence.

j. Criticism and Challenges of PIL

i. Judicial Overreach

One major criticism of PIL is judicial overreach.

Meaning

Judicial overreach occurs when courts enter areas traditionally reserved for the executive and legislature.

Areas of Concern

Courts have sometimes intervened in:

- Economic policy.
- Urban governance.
- Administrative management.
- Infrastructure planning.
- Policy implementation.

Critics argue that courts may exceed constitutional limits when they perform governance functions rather than judicial functions.

ii. Polycentric Problems

Many PIL cases involve highly complex policy issues affecting multiple stakeholders simultaneously.

Examples

Such issues may involve:

- Urban planning.
- Environmental regulation.
- Welfare distribution.
- Economic policy.
- Infrastructure development.

Institutional Limitation

These matters often require technical expertise, budgetary assessment, administrative capacity, and democratic negotiation.

Courts may lack the institutional expertise and democratic legitimacy necessary to resolve such polycentric issues comprehensively.

iii. Exclusion of Affected Communities

In certain PIL cases, decisions have been made without adequately hearing the communities most directly affected.

Example

Some urban PILs seeking slum demolition were strongly influenced by resident welfare groups, while slum dwellers remained inadequately represented.

Concern

This creates the danger of top-down justice that may unintentionally harm vulnerable groups.

iv. Frivolous and Publicity-Oriented PILs

Over time, some PILs have been filed primarily for:

- Media attention.
- Political rivalry.
- Ideological agendas.
- Personal publicity.

- Private interests.

Such misuse has led to criticism describing some petitions as:

- Publicity Interest Litigation.
- Political Interest Litigation.
- Private Interest Litigation.

v. Burden on Judiciary

Frivolous PILs consume valuable judicial time and delay genuine cases.

Impact

Given India's already severe pendency crisis, misuse of PIL can weaken judicial efficiency.

k. PIL and Separation of Powers

i. Constitutional Balance

India's constitutional framework is based on separation of powers between the legislature, executive, and judiciary.

Institutional Roles

- Legislature makes laws.
- Executive implements laws and policies.
- Judiciary interprets laws and protects constitutional rights.

ii. Concern of Excessive Judicial Intervention

Courts are not elected institutions responsible for policy-making or administrative governance.

Areas Requiring Caution

Policy decisions often involve:

- Budget allocation.
- Technical expertise.
- Political accountability.
- Administrative feasibility.
- Democratic choice.

Excessive judicial intervention through PIL may disturb constitutional balance.

Therefore, PIL must protect rights without becoming a substitute for governance.

The complexity of PIL cases has also increased the importance of expert assistance to courts.

1. Amicus Curiae and Its Role

i. Meaning of Amicus Curiae

Amicus Curiae literally means "Friend of the Court."

Role

Courts appoint such individuals, usually senior advocates or experts, to assist in understanding complex legal or technical issues.

ii. Importance in PIL Cases

Amici often play an important role in PIL cases involving:

- Environmental science.
- Governance issues.
- Constitutional interpretation.
- Technical policy questions.

iii. Concerns

Concerns sometimes arise regarding:

- Excessive influence.
- Lack of accountability.
- Insufficient representation of affected communities.
- Absence of clear procedural norms.

Therefore, clearer guidelines for the role of Amicus Curiae are increasingly necessary.

Even when courts decide PIL cases effectively, implementation remains a major challenge.

m. Problems in Implementation of PIL Judgments

i. Implementation Gap

Even after courts issue judgments, implementation often remains weak.

Common Problems

Governments may:

- Delay compliance.
- Ignore directions.
- Implement orders only partially.
- Fail to create monitoring mechanisms.

ii. Limits of Judicial Activism

Judicial activism alone cannot substitute effective administrative capacity and political will.

Significance

A strong judgment may create legal direction, but actual change depends on executive implementation and institutional capacity.

This shows why PIL must remain connected with governance reform, not merely judicial declaration.

n. Why PIL Remains Necessary

i. Persistent Inequality

PIL remains important because India continues to face deep social and economic inequalities.

Continuing Barriers

Large sections of society still lack effective access to legal institutions due to:

- Poverty.
- Illiteracy.
- Social exclusion.
- Geographic disadvantage.
- Fear of authority.

ii. Protection of Vulnerable Communities

Vulnerable groups continue to face:

- Rights violations.
- Exploitation.
- Environmental harm.
- Administrative neglect.
- Governance failures.

Without PIL, many such groups would struggle to secure constitutional protection.

Therefore, the challenge is not whether PIL should continue, but how it should be reformed and disciplined.

o. Reforms Needed in the PIL System

i. Filter Frivolous PILs

Courts should conduct preliminary scrutiny to discourage frivolous and politically motivated PILs.

Measures

- Impose realistic costs on frivolous petitioners.
- Examine petitioner credibility.
- Verify factual foundation before admission.

ii. Ensure Participation of Affected Communities

Affected communities must be adequately consulted and represented in PIL proceedings.

Importance

This ensures participatory justice rather than top-down intervention.

iii. Maintain Judicial Restraint

The judiciary should exercise restraint in matters involving complex policy-making.

Areas Requiring Caution

- Economic policy.
- Administrative micromanagement.
- Technical governance decisions.
- Budgetary allocation.

iv. Improve Quality of PIL Petitions

PIL petitions should be:

- Fact-based.
- Carefully researched.
- Legally grounded.
- Filed for genuine public interest.

v. Regulate the Role of Amicus Curiae

Clearer procedural norms should govern the role of Amicus Curiae.

Objectives

- Ensure neutrality.
- Promote transparency.
- Prevent excessive influence.

- Protect representation of affected communities.

vi. Strengthen Implementation Monitoring

Courts should improve mechanisms for monitoring implementation and ensuring effective compliance with judgments.

Possible Measures

- Time-bound compliance reports.
- Independent monitoring committees.
- Periodic judicial review.
- Clear responsibility of implementing authorities.

These reforms can preserve PIL's social justice role while preventing institutional misuse.

p. Way Forward

India needs a balanced PIL framework that preserves its social justice purpose while preventing misuse and institutional excess.

Core Principles for the Future

The future PIL framework should aim to:

- Protect vulnerable communities.
- Strengthen constitutional accountability.
- Discourage frivolous litigation.
- Maintain judicial credibility.
- Respect democratic governance structures.

PIL should remain a constitutional instrument for justice rather than becoming a substitute for governance or policy-making.

Conclusion

Public Interest Litigation represents one of the most transformative judicial innovations in India's constitutional history. It democratised access to justice, expanded the meaning of fundamental rights, strengthened environmental governance, and transformed courts into active protectors of human dignity and constitutional accountability.

At the same time, concerns regarding judicial overreach, frivolous litigation, implementation gaps, exclusion of affected communities, and separation of powers have become increasingly significant.

Therefore, the contemporary challenge is not whether PIL should exist, but how it can be reformed to preserve its original social justice purpose while maintaining judicial restraint, procedural fairness, democratic legitimacy, and constitutional balance.

GS Paper II: Current Affairs

2. Labour Reforms and the Changing Nature of Workers' Rights in India

a. Introduction

Labour forms the foundation of every economy. Workers contribute directly to manufacturing, construction, transport, mining, agriculture, services, logistics, and industrial production. Economic growth, however, cannot be assessed only through investment levels or industrial output. A sustainable and just economy also requires fair wages, safe working conditions, social security, and protection from exploitation.

This creates an important policy challenge for modern states: how to balance economic competitiveness with workers' rights and social justice.

In recent years, India introduced major labour reforms through the Four Labour Codes. These reforms aim to simplify labour regulation, improve ease of doing business, attract investment, and modernise the labour governance framework. Simultaneously, concerns have emerged regarding weakening labour protections, rising informalisation, declining bargaining power of workers, and workplace safety.

The debate surrounding labour reforms is therefore not merely economic. It concerns the broader relationship between growth, dignity, welfare, and constitutional justice.

b. Meaning and Purpose of Labour Laws

Labour laws regulate relations between employers, employees, industries, and the state. Their purpose is to ensure fair treatment of workers, maintain industrial peace, regulate wages and working conditions, and provide social security protections.

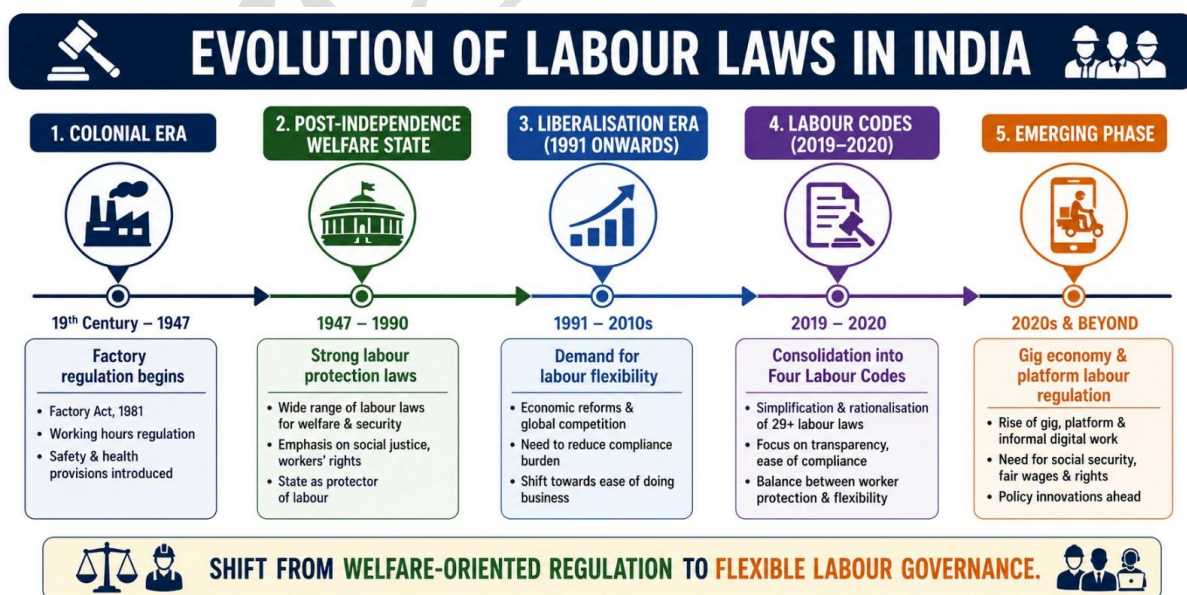
Historically, labour laws emerged because industrialisation often produced exploitative conditions such as excessively long working hours, unsafe factories, child labour, wage suppression, and poor living conditions.

Workers generally possessed weaker bargaining power compared to industrial owners. Labour laws therefore developed as instruments to reduce exploitation and establish minimum standards of dignity and welfare.

Objectives of Labour Laws

- **Protection from Exploitation:** Labour laws seek to prevent unfair practices such as underpayment, forced overtime, unsafe working conditions, and discriminatory treatment.
- **Industrial Peace and Stability:** Labour regulation helps reduce industrial conflicts by providing legal mechanisms for dispute resolution, collective bargaining, and negotiation.
- **Social Security and Welfare:** Labour laws aim to protect workers during illness, maternity, disability, unemployment, workplace accidents, and old age.
- **Promotion of Human Dignity:** The broader goal of labour legislation is not merely economic regulation but ensuring dignified living standards and social justice.

The present labour framework in India developed gradually through both colonial-era legislation and post-Independence welfare policies.



c. Evolution of Labour Laws in India

Many major labour laws in India were enacted either during the colonial period or in the years immediately after Independence. These laws reflected the welfare-state philosophy adopted after Independence, where the state assumed responsibility for protecting vulnerable workers.

Important legislations included the Factories Act, 1948, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Employees' State Insurance Act, and laws relating to contract labour, trade unions, and gratuity.

Over time, however, India's labour law system became highly fragmented, consisting of numerous overlapping legislations with complex compliance requirements.

Features of the Earlier Labour Law Framework

- **Welfare-State Orientation:** The post-Independence labour framework emphasised worker protection, social welfare, and state intervention in industrial relations.
- **Extensive Regulation:** Industries were subject to multiple labour laws relating to wages, safety, trade unions, dispute resolution, welfare, and employment conditions.
- **Complex Compliance Structure:** The existence of numerous laws, registers, inspections, and reporting requirements increased administrative complexity.
- **Stronger Job Security Provisions:** Earlier labour laws imposed significant restrictions on layoffs, retrenchment, and closure of establishments.

As India integrated more deeply with the global economy, demands for labour flexibility and regulatory simplification increased significantly.

d. Why Labour Reforms Were Introduced

Industries increasingly argued that India's labour framework had become excessively complicated, rigid, and difficult to implement. Businesses claimed that overlapping laws increased compliance burden, discouraged manufacturing investment, and reduced labour flexibility.

The government therefore initiated labour reforms with objectives such as simplifying regulation, improving ease of doing business, attracting investment, encouraging industrial expansion, and promoting formal employment.

The reforms also reflected India's broader effort to position itself as a global manufacturing destination within changing international supply chains.

Major Objectives Behind Labour Reforms

- **Simplification of Labour Laws:** The reforms aimed to reduce fragmentation by consolidating numerous laws into a smaller number of unified codes.
- **Improving Ease of Doing Business:** The government sought to reduce compliance burden, inspections, and procedural complexity for industries.
- **Enhancing Industrial Competitiveness:** Flexible labour systems were viewed as necessary to compete with global manufacturing economies.
- **Encouraging Investment and Employment:** The reforms aimed to create a business environment conducive to industrial expansion and job creation.
- **Modernisation of Labour Governance:** The reforms also attempted to adapt labour regulation to new forms of employment such as gig work and platform-based labour.

These objectives eventually led to the creation of the Four Labour Codes.

e. The Four Labour Codes

India consolidated twenty-nine central labour laws into four comprehensive Labour Codes.

The Code on Wages, 2019 deals with wages, minimum wages, bonuses, and equal remuneration. The Industrial Relations Code, 2020 governs trade unions, industrial disputes, layoffs, and strikes. The Social Security Code, 2020 addresses welfare measures and social protection. The Occupational

Safety, Health and Working Conditions Code, 2020 regulates workplace safety and labour welfare standards.

The objective was to create a more streamlined and unified labour governance framework.

Significance of Labour Code Consolidation

- **Reduction in Legal Fragmentation:** The consolidation reduced multiple overlapping laws into broader thematic categories.
- **Standardisation of Definitions:** The codes attempted to harmonise definitions relating to wages, workers, establishments, and employment conditions.
- **Digitisation and Compliance Reforms:** The framework encouraged online registration, digital compliance systems, and simplified filing mechanisms.
- **Shift Towards Flexible Labour Markets:** The reforms reflected a broader transition from rigid labour regulation toward greater labour flexibility.

Among the four codes, the Code on Wages represents one of the most important efforts to establish minimum labour standards across sectors.

f. Code on Wages, 2019

The Code on Wages consolidates laws related to minimum wages, wage payment, bonus provisions, and equal remuneration.

Its primary objective is to ensure fair wages, reduce wage inequality, protect vulnerable workers, and promote timely payment of wages.

Minimum Wage and Human Dignity

Minimum wage refers to the legally mandated minimum payment that employers must provide to workers. The idea behind minimum wages is not merely economic survival, but the preservation of basic living standards and human dignity.

The Code also introduced the concept of a National Floor Wage determined by the Central Government. States cannot fix minimum wages below this benchmark, although they may prescribe higher wages based on regional conditions.

This aims to create a minimum national standard of labour protection.

Importance of Minimum Wages

- **Prevention of Exploitative Wages:** Minimum wages prevent employers from paying excessively low wages to vulnerable workers.
- **Reduction of Income Inequality:** They help reduce wage disparities and improve economic security.
- **Protection of Living Standards:** Minimum wage policies seek to ensure food, shelter, healthcare, and basic dignity.
- **Promotion of Social Justice:** Wage protection reflects the constitutional commitment to welfare and distributive justice.

While the Wage Code focuses on remuneration, the Industrial Relations Code deals more directly with industrial disputes, labour flexibility, and collective bargaining.

g. Industrial Relations Code, 2020

The Industrial Relations Code regulates industrial disputes, trade unions, strikes, layoffs, retrenchment, and closure of industrial establishments.

One of the most debated changes under this Code concerns the threshold for prior government permission in cases of layoffs and closure.

i. Increase in Threshold for Government Approval

Earlier, industrial establishments employing more than one hundred workers required prior government approval before layoffs, retrenchment, or closure. The threshold has now been increased to three hundred workers.

The government argues that this reform improves labour flexibility, encourages investment, reduces regulatory burden, and supports industrial expansion.

However, trade unions and labour rights groups argue that increasing the threshold weakens job security and makes retrenchment easier for employers.

Arguments in Favour

- Encourages investment and industrial expansion
- Reduces regulatory burden on businesses
- Improves operational flexibility
- Supports competitiveness in global manufacturing

Criticisms

- Weakens employment security
- Makes layoffs easier
- Reduces bargaining power of workers
- Encourages greater informalisation

ii. Restrictions on Strikes

The Code introduced procedural conditions such as mandatory notice periods and restrictions on strikes during conciliation proceedings.

Supporters argue these changes promote industrial stability and reduce sudden disruptions to production. Critics, however, believe the provisions make legal strikes more difficult and weaken collective bargaining power.

Thus, the debate centres on balancing industrial stability with workers' democratic rights.

The issue of labour rights extends beyond industrial disputes and includes workplace safety and welfare standards.

h. Occupational Safety, Health and Working Conditions Code, 2020

This Code governs workplace safety, health standards, inspections, welfare provisions, and working conditions across establishments.

i. Importance of Workplace Safety

Workers should not face injury, illness, or death while earning a livelihood. Safe working conditions are therefore closely linked with human dignity, labour rights, and social justice.

Industrial safety is particularly important in labour-intensive sectors such as construction, mining, manufacturing, and chemicals.

ii. Change in Factory Threshold

The Code increased the worker threshold for defining factories under certain categories. As a result, many smaller establishments may fall outside stricter inspection and safety regulations.

Critics fear that this could weaken oversight in labour-intensive industries where accidents are already common.

iii. Inspector-cum-Facilitator System

Traditional labour inspectors have been replaced conceptually with an Inspector-cum-Facilitator framework. The emphasis has shifted from punitive inspection toward facilitation and compliance support.

Government's Justification

- Reduction of "Inspector Raj"
- Prevention of harassment and corruption
- Encouragement of voluntary compliance
- Promotion of business-friendly regulation

Concerns Raised

- Weakening of enforcement mechanisms
- Reduced accountability of employers
- Greater risk of negligence
- Potential compromise of worker safety

The changing nature of employment has also required expansion of labour discourse beyond traditional factory workers toward digital and gig-based employment.

i. Social Security Code, 2020

The Social Security Code consolidates laws relating to Employees' Provident Fund, Employees' State Insurance, gratuity, maternity benefits, and welfare measures.

One of the most important developments under this Code is the formal recognition of gig workers and platform workers.

i. Gig Workers and Platform Workers

Gig workers perform temporary, flexible, or task-based work arrangements. Platform workers provide services through digital platforms such as Swiggy, Zomato, Uber, and Ola.

This reflects the changing nature of employment in the digital economy.

ii. Importance of Social Security

Social security protects workers during illness, disability, maternity, unemployment, workplace accidents, and old age. Without social protection, workers remain economically vulnerable and insecure.

Functions of Social Security

- Income protection during crises
- Reduction of economic vulnerability
- Support for healthcare and welfare
- Promotion of social stability

Importance for Gig Economy Workers

- Gig workers often lack formal contracts
- Platform-based work provides uncertain income
- Workers usually lack health and retirement benefits
- Digital labour platforms create new forms of economic insecurity

The rise of gig work is part of a broader trend toward informal and flexible employment structures in India.

j. Informalisation of Labour in India

Despite economic growth, India's labour market remains overwhelmingly informal. Large numbers of workers lack written contracts, stable employment, regular wages, and social security benefits.

Industries increasingly rely on contract labour, outsourcing, subcontracting, and temporary employment to reduce costs and increase flexibility.

Problems Faced by Contract Workers

Contract workers often receive lower wages, weaker legal protection, and limited social security coverage. They also frequently work under unsafe conditions.

In many industrial accidents, contract workers are among the worst affected because they operate within weaker regulatory and welfare structures.

Consequences of Informalisation

- **Weak Job Security:** Workers can be removed easily without long-term protections.
- **Lack of Social Protection:** Informal workers often remain outside pension, insurance, and welfare systems.
- **Wage Insecurity:** Irregular wages and absence of legal safeguards increase vulnerability.
- **Weak Collective Bargaining:** Temporary and fragmented employment reduces unionisation and worker solidarity.

The consequences of weak regulation and informalisation become particularly visible during industrial accidents and workplace disasters.

k. Workplace Safety and Industrial Accidents

Industrial accidents continue to remain a major concern in India. Factory fires, chemical leaks, boiler explosions, mining accidents, and construction failures frequently expose weaknesses in safety governance.

Major Causes of Industrial Accidents

- **Poor Maintenance:** Neglected machinery and infrastructure increase operational risks.
- **Weak Inspections:** Inadequate enforcement reduces compliance with safety standards.
- **Subcontracting Practices:** Outsourced labour systems often dilute accountability.
- **Inadequate Training:** Workers may lack technical knowledge regarding hazardous operations.
- **Cost-Cutting Measures:** Safety standards are sometimes compromised to reduce production costs.

These accidents highlight the importance of effective labour regulation and strict enforcement mechanisms.

1. Labour Rights versus Ease of Doing Business Debate

The central debate surrounding labour reforms concerns the relationship between labour welfare and economic competitiveness.

Supporters of labour reforms argue that flexible labour systems encourage investment, improve industrial competitiveness, reduce compliance burden, and generate employment opportunities.

Critics argue that excessive flexibility may weaken labour protections, reduce job security, increase employer dominance, and dilute workers' rights.

The broader issue is whether economic growth should occur at the cost of labour dignity and social welfare.

Arguments Supporting Labour Reforms

- **Greater Investment Attraction:** Flexible labour laws may encourage domestic and foreign investment.
- **Industrial Expansion:** Reduced regulatory burden may support manufacturing growth.
- **Employment Generation:** Competitive industries may create more jobs over time.
- **Ease of Doing Business:** Simplified compliance systems reduce procedural delays.

Criticisms of Labour Reforms

- **Weakening of Worker Protections:** Labour flexibility may reduce employment security.
- **Growth of Informalisation:** Industries may increasingly prefer temporary labour arrangements.
- **Decline in Bargaining Power:** Trade unions and collective action mechanisms may weaken.
- **Safety and Welfare Concerns:** Reduced inspections may compromise workplace standards.

The labour rights debate in India is also deeply connected with constitutional principles of social and economic justice.

m. Labour Rights and the Constitution

Although many labour rights are located within the Directive Principles of State Policy rather than enforceable Fundamental Rights, the Constitution provides important guidance for labour welfare.

Constitutional Provisions Related to Labour Welfare

- **Article 39:** Emphasises adequate livelihood and prevention of concentration of wealth.
- **Article 41:** Relates to the right to work and public assistance.
- **Article 42:** Mandates humane working conditions and maternity relief.
- **Article 43:** Promotes living wages and decent standards of life.
- **Article 43A:** Supports workers' participation in industrial management.

These principles collectively reflect the constitutional vision of social and economic justice.

India's labour policies are also shaped by international labour standards and global frameworks relating to decent work.

n. International Labour Organization and Decent Work

India is a member of the International Labour Organization, which promotes labour rights, social justice, workplace safety, and decent work standards globally.

The concept of decent work includes fair wages, social protection, dignity, equality of opportunity, and safe working conditions.

This broader understanding moves beyond employment generation alone and focuses on the quality of employment.

Components of Decent Work

- **Fair and Adequate Wages:** Workers should receive compensation sufficient for dignified living.
- **Workplace Safety:** Employment should not expose workers to hazardous conditions.
- **Social Protection:** Workers require protection during illness, unemployment, and old age.
- **Equality and Dignity:** Employment systems should ensure non-discrimination and respect for human dignity.

Despite policy reforms and international commitments, India continues to face several structural labour challenges.

o. Major Challenges in India's Labour Sector

India's labour sector faces multiple structural challenges, including informal employment, wage stagnation, expansion of contract labour, weak inspections, industrial accidents, limited social security coverage, and weak collective bargaining mechanisms.

These challenges collectively reduce worker security and increase economic vulnerability.

Structural Challenges

- **Informal Employment Dominance:** A large proportion of workers remain outside formal labour systems.
- **Limited Social Security Coverage:** Many workers lack insurance, pensions, and healthcare protection.
- **Weak Enforcement Mechanisms:** Inspections and compliance systems often remain inadequate.
- **Expansion of Contract Labour:** Flexible employment systems frequently reduce long-term security.
- **Industrial Safety Concerns:** Frequent accidents reveal weaknesses in workplace governance.

Addressing these structural challenges requires a balanced and inclusive policy approach.

p. What India Should Do

India must adopt a balanced approach where economic growth and labour welfare reinforce rather than weaken each other.

Strengthening Workplace Safety

- **Stricter Inspections and Audits:** Regular monitoring mechanisms should ensure compliance with safety standards.
- **Worker Training and Skill Development:** Workers must receive proper safety education and technical training.
- **Accountability for Industrial Negligence:** Industries violating safety standards should face strict penalties.

Expanding Social Security

- **Inclusion of Informal and Gig Workers:** Welfare systems must cover migrant, gig, and contract workers.
- **Universalisation of Basic Protection:** Healthcare, insurance, and pension systems should become more accessible.

Promoting Formalisation

- **Encouraging Formal Employment:** Formal jobs improve productivity, worker protection, and economic stability.
- **Strengthening Labour Institutions:** Dispute resolution systems, inspections, and worker participation mechanisms require strengthening.
- **Ensuring Dignified Minimum Wages:** Wages should support decent living standards rather than mere subsistence.

The long-term success of labour reforms ultimately depends on combining industrial competitiveness with social justice.

q. Way Forward

India requires human-centred labour reforms that combine industrial competitiveness with social justice.

Labour laws should support investment, manufacturing growth, and ease of doing business while simultaneously protecting worker dignity, workplace safety, and social security.

The objective should not be a choice between growth and labour welfare. Rather, the long-term goal should be productive industries with protected workers.

A balanced labour framework can strengthen not only economic growth but also social stability, democratic legitimacy, and inclusive development.

Conclusion

India's labour reforms seek to modernise an outdated and fragmented labour law framework in a rapidly changing economy. The reforms aim to improve investment climate, industrial flexibility, and economic competitiveness. However, concerns relating to weakened labour protections, workplace safety, informalisation, and declining bargaining power remain significant.

The true success of labour reform cannot be measured solely through ease of doing business rankings or industrial output. It must also be assessed through whether workers receive fair wages, safe working conditions, social security, and the dignity necessary for an inclusive and just economy.

Reader's Note — About This Current Affairs Compilation

Dear Aspirant,

This document is part of the PrepAlpine Current Affairs Series — designed to bring clarity, structure, and precision to your daily UPSC learning.

While every effort has been made to balance depth with brevity, please keep the following in mind:

1. Orientation & Purpose

This compilation is curated primarily from the UPSC Mains perspective — with emphasis on conceptual clarity, analytical depth, and interlinkages across GS papers.

However, the PrepAlpine team is simultaneously developing a dedicated Prelims-focused Current Affairs Series, designed for:

- factual coverage
- data recall
- Prelims-style MCQs
- objective pattern analysis

This Prelims Edition will be released separately as a standalone publication.

2. Content Length

Some sections may feel shorter or longer depending on topic relevance and news density. To fit your personal preference, you may freely resize or summarize sections using any LLM tool (ChatGPT, Gemini, Claude, etc.) at your convenience.

3. Format Flexibility

The formatting combines:

- paragraphs
- lists
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- visual cues

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4. Monthly Current Affairs Release

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