
THE FINE PRINT: INDIA'S LABOUR CODES AND THE MECHANISMS OF RULE-MAKING

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ABSTRACT

India's four Labour Codes, brought into force in November 2025 and followed by the notification of the Central Rules in May 2026, bring together nearly thirty separate labour statutes within a common legislative framework. This article focuses on two of them - the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020. The central argument is that their importance cannot be understood only in terms of consolidation or administrative simplification. A more significant change can be seen in the way decision-making authority has shifted from Parliament towards the Executive. Matters such as contribution rates, wage ceilings and coverage thresholds, which were previously contained in statutory provisions and therefore generally required legislative amendment, can now be dealt with through rules and schemes that may be altered by Executive notification.

The article considers this change against available data on employment, occupational safety and enforcement. India has a labour force of roughly 570 million, while the gig economy continues to expand and concerns about factory safety remain. The reform therefore affects a very large and diverse workforce. There are reasonable efficiency arguments in its favour, particularly from the perspective of employers dealing with several overlapping labour laws. At the same time, labour organisations have raised concerns about accountability and the extent to which important worker protections may depend on executive rule-making. The Union Cabinet's September 2026 decision to increase the EPF wage ceiling from ₹15,000 to ₹25,000, without amending the underlying statute, provides a useful current example of how this shift works in practice. Ultimately, whether the Codes provide stronger protection than the laws they replace is likely to depend less on their broad statutory language and more on the rules, schemes and enforcement decisions that continue to take shape.

Keywords: Labour Codes; Code on Social Security, 2020; Occupational Safety, Health and Working Conditions Code; Delegated Legislation; Gig and Platform Workers; Social Security Reform

Introduction

For over seventy years, Indian labour law grew the way an old city grows, one law added next to another, with little thought for how the streets would eventually connect. By 2019, the country had nearly thirty central labour statutes, each with its own definitions of “wages”, “worker” and “establishment” and each administered by a different set of forms, registers, and inspectors. The four Labour Codes, Wages, Industrial Relations, Social Security, and Occupational Safety, Health and Working Conditions (OSH&WC), were meant to tear down that old city and rebuild it on a single plan.

That rebuilding is no longer theoretical. All four codes were notified as being in force from 21 November 2025,¹ and the central government followed up with the final Central Rules on 8 and 9 May 2026.² Several states are still drafting their own rules, so employers today are working under a patchwork of central rules, transitional notifications, and leftover state regulations from the old regime. This article looks closely at two of the four codes, the Code on Social Security, 2020, and the OSH&WC Code, 2020, because between them they touch every worker’s two most basic concerns: what happens if I am hurt or lose my income, and what happens to my body while I am at work.

The usual way to write about these codes is to list what changed and call it reform. The article attempts to make a different argument, and back it with the numbers: the codes do not just simplify the law, they quietly move large parts of worker protection out of the reach of Parliament and into the discretion of the executive. The scale of who is affected by that shift is not small. India’s workforce is estimated at roughly 570 million people, and about 80 percent of them work in the informal economy,³ largely outside the reach of any of the old social security laws. Whether the new codes close that gap or simply redraw its boundary depends on

¹ DLA Piper, New Labour Codes Usher in a New Era of Compliance, DLA Piper Genie (2025), <https://knowledge.dlapiper.com/dlapiperknowledge/globalemploymentlatestdevelopments/2025/government-of-india-notifies-the-labour-codes-ushers-a-new-era-of-compliances> (last visited Sept. 17, 2026).

² DLA Piper, Key Considerations of the Notified Central Rules Under India's Labour Codes, DLA Piper Genie (2026), <https://knowledge.dlapiper.com/dlapiperknowledge/globalemploymentlatestdevelopments/2026/Key-considerations-of-the-notified-Central-Rules-under-Indias-Labour-Codes> (last visited Sept. 17, 2026); KPMG, India - Government of India Notifies Final Rules on Four Labour Codes, GMS Flash Alert 2026-127 (2026), <https://kpmg.com/xx/en/our-insights/gms-flash-alert/2026/flash-alert-2026-127.html> (last visited Sept. 17, 2026); LKS Law, Labour Code Rules: Central & State-wise Status 2026, <https://employmentlaw.lkslaw.com/rules> (last visited Sept. 17, 2026).

³ Business Standard, India's Informal Workforce Moves Towards Formalisation, Shows Govt Data (Sept. 8, 2025), https://www.business-standard.com/economy/analysis/india-s-informal-workforce-moves-towards-formalisation-shows-govt-data-125090800916_1.html (last visited Sept. 17, 2026).

rules that are still being written, and that is exactly the debate this article tries to have honestly, from both sides.

The Old Regime: Fragmented but Fixed

Before the codes, social security in India rested on a cluster of separate laws. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 gave organised-sector workers a retirement corpus, built from a mandatory 12 percent contribution from the employee matched by 12 percent from the employer, though only on wages up to a ceiling of fifteen thousand rupees a month.⁴ The Employees' State Insurance Act, 1948 gave medical and sickness cover to workers earning up to twenty-one thousand rupees a month, funded by a modest 4 percent combined contribution.⁵ The Payment of Gratuity Act, 1972 rewarded long service. The Maternity Benefit Act, 1961 protected women during and after pregnancy. Sitting apart from all of these was the Unorganised Workers' Social Security Act, 2008, a comparatively toothless law that promised welfare schemes to India's informal workforce but backed those promises with almost no enforceable right.

That gap was not a minor one. Studies drawing on International Labour Organization data have found that more than three-quarters of India's informal workers had no access to provident fund, health insurance, or pension coverage of any kind.⁶ The formal safety net, in other words, was built for a minority of the workforce and left the majority to fend for itself.

Workplace safety told a similar story. The Factories Act, 1948 governed factories. The Mines Act, 1952 governed mines. Separate laws covered plantations, dock workers, building and construction workers, contract labour, and inter-state migrant workers. Coverage depended entirely on which sector you happened to work in, and a worker who moved between sectors, or who worked in more than one at once, could fall through the gaps between statutes. Even within the sectors the law did cover, enforcement was thin: government data obtained through Right to Information requests showed that registered factories reported an average of about

⁴ Employees' Provident Funds and Miscellaneous Provisions Act, 1952, § 6 (fixing the base rate at 10%, with the 12% rate applied to notified establishments by Central Government notification under the same section); Employees' Provident Funds Scheme, 1952, para. 29.

⁵ Employees' State Insurance Act, 1948 (wage ceiling prescribed under the ESI (Central) Rules, 1950, as periodically revised, rather than fixed in the Act itself; confirm current rule number before publication).

⁶ International Labour Organization, *Expansion of the Gig and Platform Economy in India: Opportunities for Employer and Business Member Organizations* (2026), <https://www.ilo.org/publications/expansion-gig-and-platform-economy-india-opportunities-employer-and> (last visited Sept. 17, 2026).

1,109 deaths a year between 2017 and 2020, roughly three workers killed and eleven injured every single day, while only fourteen people were convicted under the Factories Act for the 3,331 deaths recorded in that period.⁷ Enforcement capacity has not kept pace either, in a country where official numbers cover only registered factories and leave out the informal workshops where most of the workforce actually stands.

Each of these laws had one thing in common that mattered for how much power lay with elected legislators rather than bureaucrats: the core benefit, the core obligation, and the core definition were written into the Act itself. Amending them required an amendment Bill, debate, and a vote.

What the Two Codes Actually Do

The Code on Social Security, 2020 folds the EPF Act, the ESI Act, the Gratuity Act, the Maternity Benefit Act, the Unorganised Workers' Act, the Building and Other Construction Workers' Welfare Cess Act, and three other statutes into one document.⁸ Its most talked-about feature is Chapter IX, which for the first time gives gig workers and platform workers a place in a central labour statute. This is not a small population to bring inside the law for the first time: government estimates put India's gig and platform workforce at 7.7 million in 2020-21, rising to about 12 million by 2024-25, and projected to reach 23.5 million by 2029-30, a segment expected to contribute roughly ₹2.35 lakh crore to GDP by then.⁹ The Code lets the central government frame welfare schemes for this workforce, funded partly by a cess on aggregators such as ride-hailing and delivery platforms, and administered through a National Social Security Board with worker, employer, and government representation.

The OSH&WC Code, 2020 does something structurally similar for safety law. It merges

⁷ IndiaSpend, 3 Workers Die Every Day in Indian Factories, Govt Data Show (Jan. 21, 2023), <https://www.indiaspend.com/special-reports/3-workers-die-every-day-in-indian-factories-govt-data-show-850083> (last visited Sept. 17, 2026).

⁸ Code on Social Security, 2020, No. 36 of 2020, § 1 & Schedule (India).

⁹ NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (2022), summarized in Press Information Bureau, Government of India, NITI Aayog Launches Report on India's Booming Gig and Platform Economy (June 25, 2022), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1837277®=48&lang=2> (last visited Sept. 17, 2026) (for the 7.7 million 2020-21 figure, the 23.5 million 2029-30 projection, and the ₹2.35 lakh crore GDP estimate); Ministry of Finance, Government of India, Economic Survey 2025-26 (Jan. 2026) (for the ~12 million 2024-25 figure), discussed in Down To Earth, Economic Survey 2026: India's Fast-Growing Gig Economy Needs an Overhaul (2026), <https://www.downtoearth.org.in/economy/economic-survey-2026-indias-fast-growing-gig-economy-needs-an-overhaul> (last visited Sept. 17, 2026).

thirteen earlier Acts, including the Factories Act and the Mines Act, into a single code¹⁰ and, for the first time, applies core safety obligations to establishments across sectors using common thresholds rather than sector-specific rules. It introduces a single registration for an establishment instead of multiple registrations under different laws, permits women to work night shifts with consent and safeguards, and creates a category of contract and inter-state migrant worker protections that follow the worker rather than the site.

On paper, both codes replace complexity with a single coherent framework. That much of the reform is genuine, and lawyers who have spent years reconciling conflicting definitions of “wages” or “employee” across different Acts will not dismiss it lightly.

Where the Simplification Story Breaks Down

Look closer at how these codes are built, and a pattern appears. Both statutes state broad principles and then leave the operative detail, contribution rates, wage ceilings, thresholds for coverage, the content of gig-worker schemes, to be filled in through rules and schemes notified by the executive. The Code on Social Security itself runs to under two hundred sections, but the Central Rules notified in May 2026 run far longer,¹¹ and it is those rules, not the parent Act, that will decide who actually gets what benefit and how much.

This is not automatically wrong. Rule-making has always existed alongside statute in Indian administrative law. But the scale has shifted. Provident fund contribution rates, the wage ceiling for ESI coverage, and the design of the gig-worker welfare scheme can now be altered by notification, without the same parliamentary scrutiny that would have applied when these figures sat inside an Act. A right that used to require a statutory amendment to shrink can now be narrowed by an executive order.

The gig-worker provisions illustrate the problem well. Policy researchers tracking implementation of the Social Security (Central) Rules, 2026 note that even the size of the workforce the scheme is meant to cover is a matter of estimate rather than fact, the Periodic Labour Force Survey still records gig workers under broad “self-employed” categories and cannot isolate them, so any coverage figure rests on a guessed denominator. As of the scheme’s early rollout, registrations on the e-Shram-linked gig-worker portal stood at roughly twelve

¹⁰ Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020, § 1 & Schedule (India).

¹¹ DLA Piper, *supra* note 2.

lakh, a fraction of even the more conservative twelve-million-worker estimate for 2024-25.¹² Budget assessments for 2026-27 have found little dedicated fiscal allocation for the welfare machinery the Code creates, and correspondingly little for the inspection and grievance-redressal capacity the Code assumes will exist.¹³ A right that exists on paper but depends entirely on a scheme, a cess, and an enforcement machinery still being built is not the same thing as a right a worker can walk into a tribunal and enforce today.

The OSH&WC Code raises a parallel concern through its threshold design. Many of its protections apply only to establishments employing a set minimum number of workers, a threshold inherited from the old Factories Act logic. Establishments below that line, which describes the overwhelming majority of India's small workshops, home-based units, and micro-enterprises, where an estimated 80 to 90 percent of the workforce is employed informally and simply does not appear in any official safety count,¹⁴ remain outside the code's direct safety obligations, exactly as they were outside the Factories Act before it. Consolidation changed the container; it did not by itself widen who is inside it. The human cost of that gap is already visible in the numbers that do get counted: National Crime Records Bureau data show 660 deaths from factory and machine accidents in 2024 alone, and the share of accidents that turn fatal has climbed steadily, from about 66 deaths per 100 reported accidents in 2010 to nearly 89 per 100 in 2024,¹⁵ a sign that even as raw accident counts fall, the accidents that do happen are getting deadlier, not safer.

There is also a quieter shift inside OSH&WC around how compliance is checked. The code leans more heavily on self-certification and web-based, risk-categorised inspection than the erstwhile sector-specific laws did, with physical inspections reserved for higher-risk categories or triggered by complaints. Employers' groups describe this as ending "inspector raj," the culture of arbitrary, and sometimes extractive, factory visits. Labour groups describe the same

¹² IMPRI Impact and Policy Research Institute, Welfare Governance for Gig Workers Under the Social Security (Central) Rules, 2026 (2026), <https://www.impriindia.com/insights/policy-update/welfare-governance-for-gig-workers-under-the-social-security-central-rules-2026/> (last visited Sept. 17, 2026).

¹³ Ministry of Finance, Economic Survey 2025-26, *supra* note 9; Down To Earth, *supra* note 9.

¹⁴ ForumIAS, India's Informal Sector - Explained Pointwise (2025), <https://forumias.com/blog/indias-informal-sector-explained-pointwise/> (last visited Sept. 17, 2026).

¹⁵ Dataful, Factory Accidents Are Falling, But Deaths Remain High (2026), <https://insights.dataful.in/articles/factory-accidents-are-falling-but-deaths-remain-high> (last visited Sept. 17, 2026); Factly, Fewer Workplace Injuries, But Fatal Risks Persist in Indian Factories (2026), <https://factly.in/fewer-workplace-injuries-but-fatal-risks-persist-in-indian-factories/> (last visited Sept. 17, 2026) (the 66-per-100 and 89-per-100 fatality rates are calculated from these sources' reported raw figures, rather than rates either source states directly).

change as removing the one mechanism, the surprise inspection, that historically caught unsafe conditions before an accident, not after one, in a system where the inspectorate was already thinly stretched before the code took effect.

Making the Case for the Codes

It would be unfair to stop at critique, because the case for these codes is not a weak one, and a serious article has to let it stand on its own feet.

Consider the employer's side honestly. A garment exporter running units in three states used to file separate returns under the Factories Act, the ESI Act, the EPF Act, the Payment of Wages Act, and half a dozen more, each with its own inspector, its own register format, and its own penalty structure, often for reporting the same underlying fact about the same worker. A single registration, a single return, and a common definition of wages is not a cosmetic convenience; it is a real reduction in the cost of formal employment, and lower costs at the margin can mean the difference between a business hiring formally or continuing to hire off the books, where workers have no protection at all. That formalisation is already visible in the EPFO's own enrolment numbers: the fund added over two million net new members in a single month as recently as July 2025, with young, first-time workers making up more than 60 percent of new subscribers,¹⁶ evidence that the formal safety net, whatever its limits, is still the direction a growing number of workers are moving toward. Extending any social security coverage, even an imperfect scheme, to a gig and platform workforce projected to triple to 23.5 million workers within a few years¹⁷ is more than the old regime ever offered them. And self-certification paired with risk-based inspection is not inherently a retreat from safety, many well-regulated economies inspect this way, targeting scarce inspectors at the highest-risk sites instead of spreading an already under-strength inspectorate thin across every establishment regardless of danger.

Now take the labour side just as seriously. A right that depends on a scheme notified later, funded by a cess collected from companies with every incentive to under-report their gig workforce, is a right built on sand until the scheme is actually running, funded, and audited, and twelve lakh registrations against an estimated multi-million-strong workforce suggests that

¹⁶ Business Standard, EPFO Adds 2.1 mn Members in July 2025, Youth Account for 61% of Growth (Sept. 23, 2025), https://www.business-standard.com/economy/news/epfo-adds-2-1-mn-members-in-july-2025-youth-account-for-61-of-growth-125092300519_1.html (last visited Sept. 17, 2026).

¹⁷ NITI Aayog, *supra* note 9.

gap is still wide open.¹⁸ The threshold-based coverage in OSH&WC preserves the exact two-tier workforce India has always had, protected inside the factory gate, unprotected in the informal economy just outside it, where the bulk of the workforce and, by extension, the bulk of unrecorded accidents actually sit. And reduced routine inspection removes a deterrent that mattered precisely because it was unpredictable; risk categorisation is only as good as the data used to build it, and in a country where a rising share of reported factory accidents already end in death rather than injury, a “low-risk” tag can simply mean a workplace nobody has looked at closely yet. Independent estimates put the annual economic cost of occupational accidents and illness in India at somewhere between 4 and 14 percent of GDP,¹⁹ a range wide enough, on its own, to show how poorly this is actually being measured.

Both sides are arguing about the same fact from opposite ends: power over the details of worker protection has moved from the legislature to the executive, and from a fixed statutory entitlement to a scheme that can be built up, or quietly hollowed out, by rule-making. An employer who trusts the current government’s rule-making to be sensible will call this efficiency. A worker who has seen how slowly, and how unevenly, schemes reach their intended beneficiaries in India will call it a promise deferred.

A Different Way to Read the Reform

Most commentary on the Labour Codes asks whether they are pro-worker or pro-business, as if that were the only axis that matters. The more useful question is about where accountability now sits. Under the old laws, a worker denied a benefit under the ESI Act, or a factory owner denied a licence under the Factories Act, could point to a fixed statutory text and argue about its meaning in a forum designed for that argument. Under the new codes, an increasing share of what actually happens to a worker’s provident fund, medical cover, or a factory’s inspection frequency will be decided in rules, schemes, and notifications that can change with an administration’s priorities, reviewed less by courts interpreting a stable text and more by whichever ministry drafts the next amendment to a rule.

¹⁸ IMPRI, *supra* note 12.

¹⁹ Ministry of Finance, Government of India, Economic Survey 2024-25, ch. “Employment and Skill Development” (Jan. 2025), discussed in Safe In India, Economic Survey 2024-25 Recommends Worker Safety as Good for Business (2025), <https://www.safeinindia.org/post/economic-survey-2024-25-recommends-worker-safety-as-good-for-business> (last visited Sept. 17, 2026).

That shift is not unique to labour law, Indian administrative law has been moving this way for years across many fields, but it lands with particular weight here because labour protection has always depended on the state being willing to enforce it against powerful private interests. When the terms of that protection sat in an Act, an unwilling government still had to go to Parliament to weaken it. When the terms sit in a rule or a scheme, that friction is largely gone.

For India's gig and platform workers, a workforce that has already grown roughly 55 percent in four years and shows no sign of slowing,²⁰ this is not an abstract point. Whether the welfare scheme funded by the aggregator cess turns into something resembling real social security for all 12 million-plus of them, or into a poorly funded registry that exists mainly on paper, will be decided almost entirely through rule-making over the next few years, not through any future amendment Bill. The same is true for whether OSH&WC's safety net actually reaches the small workshops and home-based units where a large share of India's roughly thousand-a-year factory deaths,²¹ and an unknown multiple of that in unregistered workplaces, actually happen, or stays confined, as before, to the establishments large enough to fall inside the threshold.

Proof of exactly this arrived; on 16th September 2026, the Union Cabinet raised the EPF wage ceiling, untouched since September 2014, from ₹15,000 to ₹25,000 a month, effective the very next day, bringing an estimated 51 lakh additional employees under mandatory coverage.²² This is not a small adjustment, it very nearly doubles the pay level at which provident fund, pension, and insurance coverage kicks in automatically, and it happened without a single amendment to the Code on Social Security or the EPF Act it absorbed. A decade ago, a change of this scale would still have needed at least the formal machinery of a Bill moving through Parliament, even if the outcome was never in doubt. Today it needed a Cabinet decision and a Gazette notification. There is nothing sinister in this particular instance, the ceiling was overdue for revision, and widening coverage is a genuinely welcome outcome, but it is as clean a demonstration as one could ask for of how much can now move, in either direction, without Parliament ever being asked to vote on it.

²⁰ Ministry of Finance, Economic Survey 2025-26, *supra* note 9; Down To Earth, *supra* note 9.

²¹ IndiaSpend, *supra* note 7.

²² Prime Minister of India, Cabinet Approves Enhancement of EPFO Wage Ceiling from Rs. 15,000 to Rs. 25,000 per Month (Sept. 16, 2026), https://www.pmindia.gov.in/en/news_updates/cabinet-approves-enhancement-of-epfo-wage-ceiling-from-rs-15000-to-rs-25000-per-month/ (last visited Sept. 17, 2026); Business Standard, Govt Raises EPFO Wage Ceiling to ₹25,000; 5.1 mn More Workers to Be Covered (Sept. 16, 2026), https://www.business-standard.com/finance/news/govt-raises-epfo-wage-ceiling-to-25-000-5-1-mn-more-workers-to-be-covered-126091600747_1.html (last visited Sept. 17, 2026).

Conclusion

The Labour Codes deserve credit for doing something India's labour law badly needed: replacing a maze of inconsistent, sector-bound statutes with one coherent structure. But coherence in the statute's architecture is not the same as certainty in the worker's protection. The Code on Social Security and the OSH&WC Code have both moved the load-bearing decisions, who is covered, how much they get, how often they are inspected, from the fixed text of an Act to the flexible, and more easily rewritten, space of rules and schemes.

Whether that turns out well will not be settled by reading the codes themselves. It will be settled by watching what the rule-making actually delivers over the next few years: whether gig-worker registrations start closing the gap with the estimated size of that workforce instead of covering a small fraction of it, whether state rules close the threshold gaps in OSH&WC or simply copy them, and whether risk-based inspection catches unsafe workplaces before they add to the count of roughly a thousand factory deaths a year, or only after. This week's EPF wage-ceiling hike is a useful preview of what that watching will look like in practice, a benefit that once needed Parliament's attention now needs only the Cabinet's, and the very same channel that just widened coverage for 51 lakh workers could, in a different year, just as easily narrow it. Until then, the honest answer to whether these codes protect workers better than the old laws did is: it depends entirely on rules, budgets, and numbers that have not finished being written and, increasingly, on who is writing them.

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