

Comments on Draft Shram Shakti Niti: Section wise:

Relevant Chapter and Chapter title.	Comment	Rationale	Remarks/Specific Actionable Suggestion
Whole Policy	The Policy does not deal specifically with any kinds of workers i.e., gig worker, agricultural worker, factory workers, MNREGA workers, or migrant workers. It needs to spell out such details so that the policy is to ensure that workers get skills for upward social mobility to occur, especially in the age of AI. The policy needs to move beyond the mere aim of administrative ease with respect to labour governance and truly envisage a labour policy that will guide India into an era of better wages, resulting in better standards of living, and better standards of working conditions. The fact that the policy does not mention trade unions and instead sees to formalise the existing workforce	Work demand under MNREGA work is increasing, the gig workers are facing precarious work conditions and there is huge amount of supply of gig workers. Agricultural labour face one of the most intense employment insecurities and yet, the availability of agricultural labour is scarce in rural regions. The problems they face are different. therefore, different action plans and policy outlook need to be envisaged for different kinds of workers. Administrative ease of linking people with jobs and job givers, and management of data across ministries and departments is a centralised advantage for the government. However, the absence of an articulated framework for tripartite negotiation among workers, employers, and the State risks	It is suggested to: • Address these issues in the further drafts by incorporating specific visions for different kinds of workers mentioned above. • Introduce tripartite negotiation frameworks at national and state levels where the State is not the arbiter of worker interests but a facilitator of dialogue. • Strengthen the section on cooperative federalism, a basic feature of the Constitution, by emphasising a <i>federal</i> policy structure, ensuring meaningful participation of State governments in labour governance. • Explicitly recognise trade unions and collective

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	using technology is not prudent since it individualises worker concerns and thereby reduce bargaining power of workers and that is antithetical to constitutional values.	concentrating decision-making power within government and weakening workers' ability to secure equitable outcomes. At a structural level, the continued whittling down of state powers in the concurrent domain, undermines the federal balance essential for meaningful labour reform.	bargaining as constitutional mechanisms for worker participation and policy co-creation under Articles 19.41 and 43 of the Constitution.
2.2.Operationalising Constitutional Mandates through Modern Institutions	The policy's reference to "outcome-based performance" is vague and lacks definition. It is not clear whether these outcomes are meant for inspectors, enterprises, or workers. The absence of clarity may lead to the metric being used as a tool of compliance pressure rather than welfare enhancement.	Outcome-based assessments, unless transparently designed, tend to be weighted towards productivity and efficiency, often at the cost of worker safety and labour standards such as the 8-hour working day and occupational health safeguards. Without specifying the institutional subject and the nature of outcomes, this could legitimise employer-centric compliance instead of ensuring the welfare of workers.	It is suggested to: • Explain outcome-based performance as to whether it is for inspectors or enforcement regime, or for workers or for factories/employers, there needs to be clarity. • In any case, outcome-based performance or outcome-based benefits, for workers, should be replaced with mandatory benefits with ample protection including limiting work hours of 8 hours a day with breaks and occupational safety.

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			The underlying policy should be to arrive at necessary occupational safety measures and ensure very strict compliance.
3.1 Labour as a Sacred Duty and Social Value	The current framing of work as a “duty” rather than a “right” allows moral reinterpretation of labour as obligation instead of empowerment. Rajadharma and Śrama cannot be equated, and historical guilds (Śrenīs) were caste-based and dependent on feudal patronage contrary to ILO principles that the policy claims alignment with.	Emphasising duty instead of right risks legitimising hierarchies that perpetuate inequality. The Constitution treats labour as a right and as a guarantee of dignity under Articles 14, 19, 21, and 41. Referencing ancient frameworks without acknowledging their exclusionary character obscures India’s constitutional and international commitments.	It is recommended that this section be rewritten to affirm <i>the Right to Work with Dignity</i> as the moral and constitutional anchor. Historical references should be retained only for cultural continuity but qualified to show their incompatibility with modern equality norms. The text should clearly state that India’s labour policy draws legitimacy from constitutional guarantees and ILO conventions, not from feudal precedents.
4.2.2 Occupational Safety and Health	“Risk-based audits” are mentioned without explanation, particularly when “outcome-based performance” is simultaneously proposed. The absence of definitional clarity leaves ambiguity in enforcement and accountability.	If audits are risk-weighted without worker participation or transparency, the entire compliance regime risks being diluted. Historically, in India, risk-based frameworks have been used to selectively relax inspections for certain employers.	It is suggested to: Define “risk-based audits” as frequency and intensity of inspection determined by historical accident data, sectoral risk levels, and prior non-compliance. The section should specify inclusion of worker representation in all

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		Moreover, for now district, wise data on accidents is not maintained as per an answer given in Lok Sabha by the Ministry of Labour and Employment on 22.07.2024.	OSH and risk-assessment committees to prevent technocratic bias and ensure tripartite accountability. • Maintain district wise fatal accidents and fatalities data so that executable and efficient compliance checks can be conducted. • Ensure that the representations of workers via trade unions or even individual complaints can trigger audits instead of mere voluntary audits by the government which become periodic, predictable and thus manageable.
4.2.3: Employment and Future Readiness,	The role of the Ministry as an "Employment Facilitator" assumes availability of employment and a skilled workforce. There is no parallel focus on developing such skills, particularly in rural and Tier-II/III regions. Contract workers,	In its present form, the draft risks reproducing structural inequities by neglecting the most vulnerable segments, contract, informal, and low-skilled workers, who are most likely to be left behind by automation and platformisation.	It is suggested to: • Embed contract labour protection and small-enterprise inclusion as measurable outcomes within employment-readiness metrics, thereby realigning this objective with India's

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	who form nearly 42% of the labour force, remain invisible in the framework. There is no mention of the 5 million sanitation workers or any such distinct set of workers like contract workers in Construction workers who are more than 25 million in number, who will not come under the traditional factory worker definition under the law but are as important as any workers and perform important work. For example, if warehouse workers are at the risk of being replaced by AI enabled machines for assembly (in e-commerce), there is no direction in policy to identify, train and upskill these workers, who until now spent considerable amount of time doing unskilled work which did not train them.		constitutional commitment to equality of opportunity and social justice. - Establish a National Workforce Transition and Reskilling Mission identifying high-risk sectors (e.g., logistics, warehousing, textiles, and data-processing) and creating mandatory retraining frameworks for workers displaced by AI and automation. - Adopt a Contract Labour Accountability Framework holding principal employers (including government PSUs) jointly liable for wages and benefits. - Establish mechanisms to locate agricultural labour which can perform better in a different setting so that

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			people do not face employment insecurity.
4.2.4. Women and Youth Empowerment	The mention of “affordable childcare” lacks clarity and operational direction. The policy does not specify whether this refers to employer-mandated provisions, state-led welfare measures, or cash-based support mechanisms. Without a concrete structure, the commitment remains aspirational and unenforceable	Women’s participation in the workforce remains critically low due to the absence of structured, affordable childcare systems and the disproportionate burden of unpaid care work. Both constitutional and international frameworks mandate the State to address this gap. • Constitutional Obligations: Article 15(3) empowers the State to make special provisions for women; Article 39(e)-(f) directs the State to ensure that women are not forced by economic necessity to undertake work unsuited to their strength and that childhood is protected; Article 42 requires humane working conditions and maternity relief; and Article 45 mandates early childhood care and education for all children. • International Obligations: India is bound by ILO Conventions 156 and 183, CEDAW Article	It is recommended to embed childcare access as a core indicator under the Labour and Employment Policy Evaluation Index (LEPEI) to measure gender-responsive implementation. It is recommended to ensure that all childcare policies are rights-based, not welfare-based, treating access to care facilities as a constitutional entitlement linked to the right to equality and the right to livelihood.

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		11(2)(c), and Sustainable Development Goal 5.4, which together require member states to institutionalise childcare systems enabling women's economic participation and ensuring equality of opportunity in employment,	
4.2.5. Ease of Compliance and Formalisation	The idea of "ease of compliance" appears one-sided, prioritising administrative and technological convenience for enterprises rather than promoting constitutional obligations ensuring substantive ease in realising workers' rights. The section, as currently framed, risks incentivising already-powerful firms that are able to rapidly digitise and self-certify, while smaller, informal, and contract-dependent units remain outside the ambit of protection. The absence of an articulated rights-based foundation makes "formalisation" sound like a bureaucratic exercise instead of	Labour formalisation cannot be understood as mere registration or digital record-keeping; it must be viewed as an extension of constitutional obligations ensuring equality, dignity, and protection. Self-certification regimes without independent verification have historically led to under-reporting of violations. In a labour market where power asymmetry heavily favours employers, uncritical adoption of such measures could weaken the already-limited bargaining power of workers.	It is suggested to: • Redefine <i>Ease of Compliance</i> as <i>Ease of Realising Labour Rights</i>, focusing on enforceable welfare outcomes rather than administrative simplification. • Establish a graded compliance system that supports micro and small enterprises through capacity-building and shared digital infrastructure, instead of penalising them or privileging large firms. • Work towards an open-access compliance

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	a transformative process for equity and dignity.		dashboard where violations reported by workers, unions, or civil society are transparently tracked.
4.2.7. Convergence and Good Governance	There cannot be the same principle or benchmark for both workers and industry within the governance framework. The policy treats both as equal actors, overlooking the profound imbalance in bargaining power that defines India's labour market. Employers and corporations possess far greater structural and financial capacity to influence compliance, while individual workers, especially in the informal and contract sectors, lack institutional mechanisms for representation or adjudication. This false symmetry erases the reality of unequal power and undermines the moral legitimacy of the policy's claim to fairness.	In the absence of functional collective-bargaining institutions, the balance of power between labour and capital remains heavily tilted. A data-driven and technology-enabled governance model, while efficient, cannot substitute for participatory labour relations. Without structural correction, "convergence" becomes a euphemism for managerial control rather than democratic participation.	It is suggested to: - Establish a council with equal representation from trade unions, employer associations, and State governments, empowered to review and mediate labour-policy implementation. - Acknowledge the asymmetry of power between labour and capital and incorporate this recognition as a guiding clause within "Convergence and Good Governance."

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5.1.National Labour and Employment policy Implementation Council (NLPI Council)	While labour is a concurrent subject, the policy centralises implementation and omits structured representation of States. There is no mechanism like the GST Council ensuring cooperative federalism. Additionally, decentralisation is contradicted by locating District Labour and Employment Resource Centres(DLERC) only at district headquarters.	Federal participation is integral to legitimacy and effectiveness in labour policy. Without State representation, labour reforms risk over-centralisation and reduced adaptability to regional contexts thus risk unconstitutionality for violating the federal spirit that is embedded in the division of lists Schedule VII.	It is suggested to: • Include State Government representation in the National Labour and Employment Policy Implementation Council. • Establish block-level and municipal Suvidha Kendras for local accessibility. • Explicitly reaffirm that the policy operates under cooperative federalism, with powers and finances negotiated, not imposed.
5.2. Digital and Data Infrastructure	The section lacks clarity some essential dimensions: (a) federal participation in data governance, (b) ethical and legal safeguards against surveillance and misuse, and (c) the constitutional status of labour as a concurrent subject. Without clear delineation of powers and accountability, a	Risk-based algorithms and AI-driven monitoring can exacerbate bias and reinforce existing inequalities if deployed without transparency or worker oversight. Ethical AI governance requires not only technical audits but representation of affected stakeholders in design and evaluation. Explainability of the AI also needs to be a necessary factor.	It is suggested to: • Enact and embed within the policy a Digital Labour Rights Charter aligned with Articles 14, to19, 21, and 43 to guarantee privacy, informed consent, and data portability for workers. • It is suggested to enact Public Disclosure and

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	centralised “one-stack” model raises privacy and security concerns, especially when participation from diverse voices is shunned.	NCS should be used not only for facilitation but also for creation of jobs and give impetus to skilling institution and gives skill seekers the necessary incentives.	Grievance Dashboards where workers can track data usage, algorithmic decisions, and rectification requests. The NCS could also be used to identify those candidates for whom in-house skill enhancement can be done and therefore, secure their employment.
6.1. Convergence with National Missions	While community-based skills are recognised, there is no roadmap for integrating <i>new-age</i> skills such as AI, digital literacy, or green jobs.	Future-readiness requires reskilling and lifelong learning frameworks, not only traditional skill recognition.	A specific and almost Sarva Siksha Abhiyan like program be envisaged to ensure at ground level the upskilling of all people.
7.5. Feedback and Citizen Engagement	The framework distinguishes between “surveys for workers” and “consultations for employers,” overlooking the historical and constitutional legitimacy of trade unions as collective representatives.	Ignoring trade unions fragments worker voice and undermines participatory governance. Article 19(1)(c) explicitly guarantees the right to association.	It is suggested to: Replace “worker surveys” with tripartite consultations involving trade unions, employers, and the State. Recognise collective bargaining as a structural pillar of policy implementation and monitoring.

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			It is suggested to establish and recognise this right to collective bargaining of workers.
9.0. Implementation Roadmap and 9.1. Immediate Phase and Institutional Set Up(Key Actions)	Representation from States and trade unions in implementation councils must be accountable and meaningful. There is also no direction for workers affected by AI-driven automation.	Policy legitimacy depends on accountable representation and protection for workers displaced by automation. For example, if the National Council is only filled with Central Government nominees, then not only is it one sided, it is against the Constitution's letter and spirit. At the same time, if it is only filled with Central government appointees and state government appointees, then the representation from the Trade Unions and Civil Society is lost. Therefore, it is important to ensure better participation of diverse voices from the society including the governments. The apex council being only of the government will detach government from the woes of workers or even the woes of the whole industry.	It is suggested to: - Ensure state and union representation in councils with periodic performance reporting. - Ensure civil society and ample trade union participation. The recognition of Trade Unions is absent throughout the document. - Encourage public-private partnerships with platforms like LinkedIn, Naukri etc to expand verified employment pathways

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9.2.Medium Term Plan	The policy is silent on the direction for the country on AI and its usage against the large workforce present.	As companies start to cut jobs in the wake of emergence of AI, it is essential to have a policy that places the well-being of workers while adapting to the daily necessities of using AI.	It is suggested to arrive at a policy that enlarges the scope of various kinds of employments where AI is not yet present and a rapid action task force be envisaged that not only continuously tracks the development on AI and work but also is empowered to give recommendations to the governments, both at central and state level. This task force should mandatorily have more than one two trade union representations with a voting right rather than a participatory consultation.