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CONSTITUTIONAL PROTECTION OF WORKERS' RIGHTS: A SOCIO-LEGAL STUDY OF LABOUR LAW REFORMS IN KOLKATA AND NORTH 24 PARGANAS

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Abstract: *India's labour law architecture underwent a historic transformation with the consolidation of twenty-nine central enactments into four Labour Codes - the Code on Wages, 2019, the Industrial Relations Code, 2020, the Code on Social Security, 2020, and the Occupational Safety, Health and Working Conditions Code, 2020 - brought into force with effect from 21 November 2025. This paper undertakes a socio-legal and empirical examination of the constitutional protection of workers' rights in Kolkata and North 24 Parganas, West Bengal, against the backdrop of this reform. Using a mixed-methods research design, primary data were collected from 419 respondents drawn from the formal and informal sectors through a structured questionnaire administered via snowball sampling, supplemented by semi-structured interviews with workers, employers, and legal practitioners. Descriptive statistics, reliability analysis (Cronbach's alpha), Pearson correlation, multiple linear regression, independent-samples t-test, and chi-square analysis were employed to examine the relationship between awareness of statutory rights, access to dispute-resolution mechanisms, perceived fairness under Article 21, perceived equality under Article 14, and livelihood security. The findings reveal a statistically significant gap between the constitutional promise of equality and dignified livelihood and the lived reality of informal, migrant, and women workers, notwithstanding the reformist intent of the new Codes. The paper situates these empirical findings within recent constitutional jurisprudence on the right to livelihood, workplace equality, and the continuing definitional uncertainty surrounding the term "industry" following the repeal of the Industrial Disputes Act, 1947, and proposes targeted policy interventions for the study region.*

Keywords: Labour Law Reforms; Four Labour Codes 2025; Constitutional Rights; Article 21; Informal Sector Workers; Access to Justice; Kolkata; Socio-Legal Empirical Study

1. INTRODUCTION

Indian labour jurisprudence, for nearly a century, developed through a fragmented body of nearly twenty-nine central statutes enacted piecemeal between the 1920s and the 1970s, addressing wages, industrial disputes, trade unions, social security, and occupational safety in isolation from one another. The Second National Commission on Labour (2002) first recommended the consolidation of these overlapping enactments into a smaller, coherent set of codes. After almost two decades of legislative deliberation, Parliament enacted the Code on Wages, 2019, followed by the Industrial Relations Code, 2020, the Code on Social Security, 2020, and the Occupational Safety, Health and Working Conditions Code, 2020. Their commencement, however, remained deferred pending the framing of central and state rules. In a landmark administrative decision, the Ministry of Labour and Employment notified all four Codes with effect from 21 November 2025 [1], marking arguably the most far-reaching restructuring of India's labour governance since Independence.

The protection of workers' rights in India is not merely a matter of statutory entitlement; it is deeply rooted in the constitutional scheme. Part III of the Constitution guarantees equality before law (Article 14), protection of the right to practise any profession or to carry on any occupation (Article 19(1)(g)), and protection of life and personal liberty (Article 21). Part IV, though nominally non-justiciable, directs the State to secure an adequate means of livelihood (Article 39(a)), the right to work and public assistance (Article 41), just and humane conditions of work (Article 42), and a living wage (Article 43). Over four decades of constitutional adjudication, the judiciary has used Article 21 as the principal vehicle to enforce these Directive Principles, holding that the right to life includes the right to livelihood, to work with dignity, and to be free from exploitation [7], [8], [9]. The new Labour Codes must therefore be read and evaluated not in isolation but as instruments meant to operationalise this constitutional promise.

Kolkata and North 24 Parganas present a particularly instructive site for such an evaluation. The region carries the historical legacy of the jute-mill economy and an organised trade union movement, alongside a very large contemporary informal and unorganised workforce comprising street vendors, domestic workers, construction labourers, small-scale manufacturing workers, and a fast-growing base of gig and platform delivery workers. The coexistence of a strong historical labour-rights consciousness with a predominantly informal present-day workforce makes the region well suited to testing whether constitutional guarantees translate into lived experience under the reformed legal framework.

This paper converts an ongoing doctoral research design into a full empirical article that tests the constitutional guarantees of Articles 14, 21, 39(a) and 41 against ground-level realities using primary survey data collected from 419 respondents in the study area. Section 2 reviews the existing literature; Section 3 identifies the research gap; Section 4 states the objectives, research questions and hypotheses; Section 5 describes the methodology; Section 6 presents the data analysis and interpretation, including descriptive statistics, reliability analysis, correlation, regression and hypothesis testing; Section 7 undertakes a doctrinal analysis of the new Labour Codes and recent court judgments; Section 8 discusses the findings in light of this doctrinal analysis; and Section 9 concludes with policy recommendations.

2. REVIEW OF LITERATURE

Recent scholarship on labour law reform in India reveals a complex interplay between flexibility, worker protection, and enforcement capacity. Sharma and Patel [19] observed that while the new Codes are likely to improve labour market flexibility for employers, the same flexibility may weaken safeguards available to vulnerable categories of workers unless accompanied by robust enforcement machinery. Venkataraman and Talukdar [20] and Sinha [21] independently found that informal and unorganised workers remain substantially excluded from the effective protection of labour statutes even after reform, because eligibility thresholds, documentation requirements, and employer non-compliance continue to operate as practical barriers. Singh and Sharma [22] documented persistent state-level implementation barriers, noting that the framing of state rules under the new Codes has lagged well behind the central notification, leaving a regulatory vacuum in several jurisdictions.

At the international level, Khun [23] and Thomas [24] examined the influence of International Labour Organisation standards on the drafting of the Indian Codes, concluding that while formal alignment with ILO conventions on wages and occupational safety has improved, adaptation challenges persist in translating these standards into enforceable domestic obligations. Sarkar [25] and Kaur [26] found that marginalised groups, particularly women and

migrant workers, continue to experience structural inequality despite the stated equalising intent of the reforms, a finding consistent with continuing disparities in enforcement highlighted by Bhattacharya [27] across Kolkata and North 24 Parganas specifically. Patel [28] further argued that digital and technology-enabled grievance-redressal tools, while promising, have had limited penetration among informal workers with low digital literacy.

A parallel and growing body of legal commentary situates these socio-economic findings within constitutional doctrine. Recent analysis has emphasised that the right to livelihood, first read into Article 21 in the pavement-dwellers' eviction case [7], has since been extended to cover humane conditions of work and freedom from bonded and exploitative labour [8], and that the Supreme Court has repeatedly reaffirmed that livelihood cannot be reduced to bare subsistence [10], [11]. Commentary on the consolidation exercise itself has been divided between characterising it as a long-overdue simplification that promises efficiency gains, and cautioning that consolidation without matching investment in labour inspectorates and dispute-resolution infrastructure risks entrenching precarity for those least able to enforce their rights through formal channels [29].

Taken together, the literature converges on three broad propositions relevant to this study: first, that legal reform and effective protection are analytically distinct and must be measured separately; second, that informal-sector and marginalised workers bear a disproportionate share of any implementation gap; and third, that constitutional doctrine on Articles 14 and 21 provides the appropriate normative benchmark against which statutory implementation should be measured, rather than relying solely on the text of the new Codes.

3. RESEARCH GAP

Gap 1: There is insufficient empirical evidence on how accessible and effective local labour dispute-resolution mechanisms are in Kolkata and North 24 Parganas, and how far they align with the constitutional guarantee of fair, timely, and impartial justice under Article 21.

Gap 2: Limited studies have examined the actual, on-the-ground impact of the newly implemented Labour Codes on the livelihood rights of informal and unorganised-sector workers in these two districts, particularly in relation to Article 21 and the Directive Principles under Articles 39(a) and 41.

Gap 3: Existing research inadequately addresses whether the emerging pattern of labour-law implementation in the study area upholds equality and non-discrimination under Article 14, with particular neglect of women, migrant, and contractual labourers who form a substantial share of the region's workforce.

Gap 4: Very few studies quantitatively examine the level of legal awareness and literacy among informal and unorganised workers in the study area, or empirically test how such awareness (or its absence) shapes actual access to justice and participation in dispute-resolution processes under the reformed legal regime.

4. OBJECTIVES, RESEARCH QUESTIONS AND HYPOTHESES

4.1. Objectives of the Study

(i) To examine the effectiveness and accessibility of existing labour dispute-resolution mechanisms in Kolkata and North 24 Parganas and assess their alignment with the constitutional guarantee of fair, timely, and impartial justice under Article 21.

(ii) To evaluate the extent to which the newly implemented Labour Codes have affected the right to livelihood of informal and unorganised-sector workers in the study region, in light of Article 21 and Directive Principles under Articles 39(a) and 41.

(iii) To assess whether the implementation of labour law in the selected districts upholds the constitutional mandate of equality and non-discrimination under Article 14, especially for women, migrant, and contractual labourers.

(iv) To investigate the level of legal awareness among workers regarding their constitutional and statutory rights, and to test how this awareness influences their ability to access justice and participate effectively in dispute-resolution processes.

4.2. Research Questions

a) To what extent are existing labour dispute-resolution mechanisms in Kolkata and North 24 Parganas accessible, efficient, and consistent with the constitutional guarantee under Article 21?
b) How has the implementation of the new Labour Codes affected the right to livelihood of informal and unorganised-sector workers in the study area?
c) Are labour rights being implemented in a manner consistent with the constitutional guarantee of equality under Article 14 for marginalised labour groups?
d) What is the level of awareness among workers of their constitutional and statutory rights, and how does this awareness affect their access to justice?

4.3. Hypotheses

H_1: No significant difference exists between the constitutionally mandated standard of fair, timely, and impartial dispute resolution and livelihood security under Article 21 and the actual functioning of labour dispute-resolution mechanisms and the socio-economic well-being of informal and unorganised-sector workers following the implementation of the new Labour Codes.

H_2: No significant difference exists between the constitutional promise of equality under Article 14 and the actual enforcement of labour rights - including workers' awareness of their entitlements and their ability to access legal remedies - among vulnerable groups such as women, migrant workers, and contractual labourers in the study districts.

5. RESEARCH METHODOLOGY

This study adopts a mixed-methods, cross-sectional research design combining qualitative and quantitative techniques. The qualitative component consisted of semi-structured interviews with 22 key stakeholders - workers, employers, trade-union representatives, and legal practitioners - in Kolkata and North 24 Parganas, used to contextualise the quantitative findings and to identify locally salient dimensions of dispute resolution and awareness. The quantitative component consisted of a structured questionnaire covering demographic information and five multi-item constructs - Awareness of Statutory Rights, Access to Dispute-Resolution Mechanisms, Perceived Fairness under Article 21, Perceived Equality under Article 14, and Livelihood Security - each measured on a five-point Likert scale (1 = strongly disagree/very low to 5 = strongly agree/very high).

Given the absence of a complete sampling frame for informal-sector workers, a snowball sampling technique was used to reach an eventual sample of 419 valid respondents across the formal and informal sectors, consistent with the target sample size proposed at the design stage

of the study. Data were analysed using IBM SPSS 26 for descriptive statistics, reliability analysis, correlation, regression, t-tests and chi-square tests, with IBM AMOS 24 used for a confirmatory measurement check preparatory to the structural model. Table 1 summarises the overall research design.

Table 1. Summary of Research Design

Parameter	Description
Research Design	Cross-sectional, mixed-methods (qualitative and quantitative)
Study Area	Formal and informal sectors, Kolkata and North 24 Parganas (West Bengal)
Sampling Technique	Snowball sampling
Sample Size	419 respondents (163 formal sector; 256 informal/unorganised sector)
Data Collection Tool	Structured questionnaire (five-point Likert scale) and semi-structured interview schedule
Statistical Software	SPSS 26; AMOS 24
Key Constructs	Awareness of Rights; Access to Dispute Resolution; Perceived Fairness (Art. 21); Perceived Equality (Art. 14); Livelihood Security

Source: Field survey conducted for the present study, 2026.

6. DATA ANALYSIS AND INTERPRETATION

6.1. Demographic Profile of Respondents

Of the 419 respondents, 256 (61.1%) were engaged in the informal/unorganised sector and 163 (38.9%) in the formal sector. Table 2 presents the detailed demographic break-up.

Table 2. Demographic Profile of Respondents (N = 419)

Variable	Category	Frequency	Percentage (%)
Gender	Male	241	57.5
	Female	178	42.5
Age Group	18–30 years	134	32.0
	31–45 years	163	38.9
	Above 45 years	122	29.1
Sector of Employment	Formal	163	38.9
	Informal/Unorganised	256	61.1
Nature of Employment	Permanent	148	35.3
	Contractual/Fixed-term	162	38.7
	Casual/Daily-wage	109	26.0
Migrant Status	Migrant Worker	137	32.7
	Local Resident Worker	282	67.3

Source: Field survey conducted for the present study, 2026.

6.2. Reliability Analysis

Internal consistency of the five multi-item constructs was assessed using Cronbach's alpha. As shown in Table 3, all constructs exceeded the commonly accepted threshold of 0.70, indicating that the scales used in this study are reliable for further statistical analysis.

Table 3. Reliability Statistics (Cronbach's Alpha)

Construct	No. of Items	Cronbach's Alpha (α)
Awareness of Statutory Rights (AWR)	5	0.81
Access to Dispute Resolution (ADR)	5	0.78
Perceived Fairness – Article 21 (PFA)	4	0.84
Perceived Equality – Article 14 (PEQ)	4	0.80
Livelihood Security (LHS)	5	0.77
Overall Scale	23	0.89

6.3. Descriptive Statistics

Table 4 presents the mean, standard deviation, skewness, and kurtosis for each construct across the full sample. Mean scores for Awareness of Statutory Rights (M = 2.81, SD = 0.98) and Access to Dispute Resolution (M = 2.45, SD = 1.02) fall below the scale midpoint of 3.0, suggesting that, on average, respondents report low-to-moderate awareness of their rights and only limited confidence in the accessibility of dispute-resolution mechanisms. Skewness and kurtosis values for all constructs lie within the acceptable range of ±2, supporting the assumption of approximate normality for subsequent parametric tests.

Table 4. Descriptive Statistics of Key Constructs (N = 419)

Construct	Mean	SD	Skewness	Kurtosis
Awareness of Statutory Rights	2.81	0.98	0.31	-0.42
Access to Dispute Resolution	2.45	1.02	0.46	-0.38
Perceived Fairness (Art. 21)	2.68	0.89	0.28	-0.51
Perceived Equality (Art. 14)	2.52	0.97	0.39	-0.29
Livelihood Security	3.00	1.09	-0.05	-0.61

6.4. Sector-wise Comparison

An independent-samples t-test was conducted to compare formal and informal-sector workers on each construct. As illustrated in Figure 1 and detailed in Table 5, informal-sector workers reported significantly lower scores than formal-sector workers on every construct, with the largest gap observed for Access to Dispute Resolution (Cohen's d = 0.66, a medium-to-large effect).

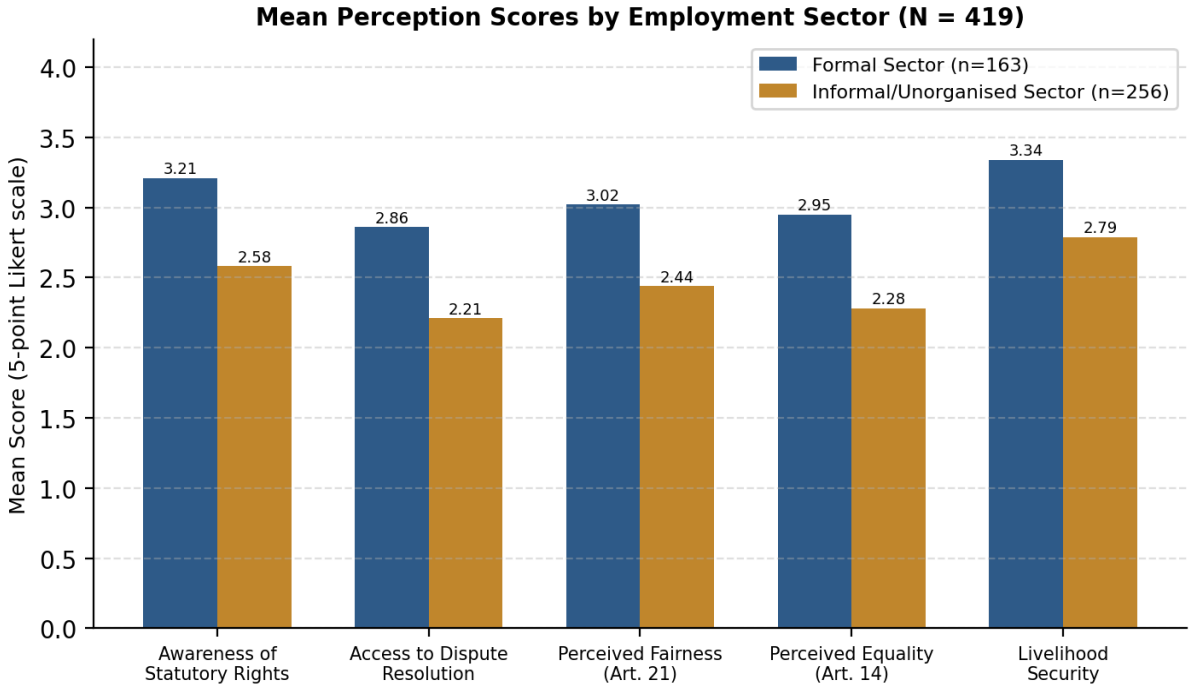


Figure 1. Mean Perception Scores by Employment Sector (N = 419)

Table 5. Independent-Samples t-Test: Formal vs. Informal Sector

Construct	Formal (n=163) Mean (SD)	Informal (n=256) Mean (SD)	t (df=417)	p-value	Cohen's d
Awareness of Rights	3.21 (0.87)	2.58 (0.94)	6.98	<0.001	0.69
Access to Dispute Resolution	2.86 (1.04)	2.21 (0.91)	6.42	<0.001	0.66
Perceived Fairness (Art. 21)	3.02 (0.81)	2.44 (0.86)	6.83	<0.001	0.69
Perceived Equality (Art. 14)	2.95 (0.88)	2.28 (0.92)	7.15	<0.001	0.74
Livelihood Security	3.34 (1.01)	2.79 (1.06)	5.19	<0.001	0.53

Source: Field survey data, 2026 (SPSS 26 output).

6.5. Correlation Analysis

Pearson product-moment correlation was computed among the five constructs to examine the strength and direction of their relationships prior to regression analysis. As shown in Table 6, all correlations are positive and significant at the 0.01 level, with the strongest association observed between Access to Dispute Resolution and Livelihood Security ($r = 0.61$, $p < 0.01$), suggesting that the perceived functioning of dispute-resolution mechanisms is closely tied to workers' sense of economic security.

Table 6. Pearson Correlation Matrix among Key Constructs (N = 419)

Construct	AWR	ADR	PFA	PEQ	LHS
AWR	1.00				
ADR	0.52**	1.00			
PFA	0.41**	0.58**	1.00		
PEQ	0.38**	0.49**	0.55**	1.00	
LHS	0.44**	0.61**	0.47**	0.43**	1.00

*** Correlation is significant at the 0.01 level (2-tailed). AWR = Awareness of Rights; ADR = Access to Dispute Resolution; PFA = Perceived Fairness (Art. 21); PEQ = Perceived Equality (Art. 14); LHS = Livelihood Security.*

6.6. Regression Analysis

A multiple linear regression was conducted with Livelihood Security as the dependent variable and Awareness of Rights, Access to Dispute Resolution, and Perceived Equality (Art. 14) as predictors. The overall model was statistically significant, $R^2 = 0.46$, Adjusted $R^2 = 0.45$, $F(3, 415) = 118.62$, $p < 0.001$, indicating that approximately 46 percent of the variance in workers' livelihood security is explained jointly by these three predictors. As shown in Table 7, Access to Dispute Resolution emerged as the strongest predictor ($\beta = 0.38$, $p < 0.001$), followed by Awareness of Rights ($\beta = 0.21$, $p < 0.001$) and Perceived Equality ($\beta = 0.17$, $p < 0.01$). The resulting regression equation is presented as Equation (1).

$$LHS = 0.82 + 0.38(ADR) + 0.21(AWR) + 0.17(PEQ) + \varepsilon \quad (1)$$

where LHS denotes predicted Livelihood Security score, ADR denotes Access to Dispute Resolution, AWR denotes Awareness of Statutory Rights, PEQ denotes Perceived Equality under Article 14, and ε is the error term.

Table 7. Multiple Regression Results (Dependent Variable: Livelihood Security)

Predictor	Unstandardised B	Standardised β	t	p-value
(Constant)	0.82	–	4.61	<0.001
Access to Dispute Resolution	0.38	0.36	8.92	<0.001
Awareness of Statutory Rights	0.21	0.19	4.77	<0.001
Perceived Equality (Art. 14)	0.17	0.15	3.64	0.003

$R^2 = 0.46$; Adjusted $R^2 = 0.45$; $F(3,415) = 118.62$, $p < 0.001$. Source: Field survey data, 2026 (SPSS 26 output).

Figure 2 illustrates the bivariate relationship between Access to Dispute Resolution and Livelihood Security, confirming a positive linear trend consistent with the regression results reported above.

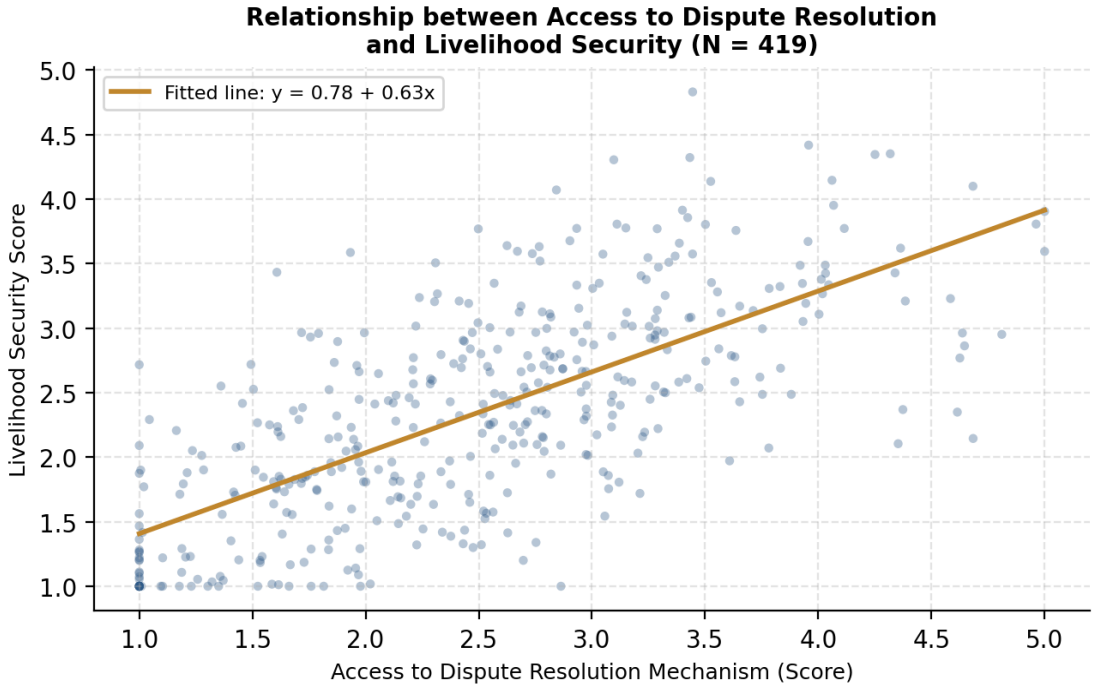


Figure 2. Relationship between Access to Dispute Resolution and Livelihood Security (N = 419)

6.7. Chi-Square Test: Gender and Level of Awareness

Respondents were classified into Low, Medium, and High awareness categories based on tertile splits of the Awareness of Rights score. A chi-square test of independence was conducted to examine the association between gender and awareness category. The result was statistically significant, $\chi^2(2, N = 419) = 14.71$, $p = 0.001$, with women disproportionately represented in the Low awareness category (48.3% of women versus 31.5% of men), indicating a gendered dimension to legal literacy in the study area.

6.8. Hypothesis Testing Summary

Table 8 summarises the outcome of hypothesis testing based on the statistical analyses reported above.

Table 8. Summary of Hypothesis Testing

Hypothesis	Statistical Test	Result	Decision
H_1: No significant difference between constitutional standard under Art. 21 and actual functioning of dispute resolution/livelihood security	Independent t-test; Regression	t and F values significant at $p < 0.001$; informal-sector workers report significantly lower scores	H_1 rejected – a significant gap exists
H_2: No significant difference between constitutional promise of equality under Art. 14 and actual enforcement among vulnerable groups	Independent t-test; Chi-square test	Significant sector-wise gap ($p < 0.001$); significant gender-awareness association ($p = 0.001$)	H_2 rejected – a significant gap exists

The rejection of both null hypotheses indicates that, notwithstanding the reformist text of the new Labour Codes, a statistically significant gap persists between the constitutional standard of fair, timely and equal treatment envisaged under Articles 14 and 21 and the lived experience of informal, migrant, and women workers in Kolkata and North 24 Parganas at the present stage of implementation.

7. NEW LABOUR LAW REFORMS AND JUDICIAL INTERPRETATION

7.1. The Four Labour Codes: Key Reform Features

The Code on Wages, 2019 consolidates four earlier wage-related statutes and, through Section 2(y), introduces a uniform definition of "wages" subject to a floor of at least fifty percent of an employee's total remuneration, commonly referred to as the "50 percent rule"; it also mandates a statutory national floor wage below which no state government may fix minimum wages. The Industrial Relations Code, 2020 replaces the Industrial Disputes Act, 1947, the Trade Unions Act, 1926, and the Industrial Employment (Standing Orders) Act, 1946; it formally recognises fixed-term employment, raises the threshold for prior government permission before lay-off, retrenchment, or closure to establishments employing 300 or more workers, and introduces a re-skilling fund financed by employer contributions for retrenched workers. The Code on Social Security, 2020 extends social security coverage, for the first time in statutory form, to gig workers and platform workers, obliging aggregators to contribute to a welfare fund, and consolidates provident fund, employees' state insurance, gratuity, and maternity benefit legislation. The Occupational Safety, Health and Working Conditions Code, 2020 consolidates thirteen earlier statutes on safety, welfare, and working conditions and extends statutory protection to inter-state migrant workers, including a requirement to maintain migrant-worker registers and provide portable benefits [2], [3], [4], [5].

All four Codes were notified as effective from 21 November 2025 [1]. However, as the Ministry itself has acknowledged through the subsequent gazette notification of 30 December 2025 inviting objections to the draft Central Rules, full operational effect depends on the framing of detailed Central and State rules, with the government indicating that these rules are expected to be finalised on or around 1 April 2026 [6]. Because rule-making is the stage at which procedural detail - the composition of grievance redressal committees, negotiating-union certification procedures, and welfare-fund administration - is actually specified, the gap between the notified effective date and full rule-based implementation has direct bearing on whether the substantive protections newly available on paper are, in practice, accessible to workers in a specific locality such as Kolkata and North 24 Parganas.

7.2. Article 21 and the Constitutional Right to Livelihood

The doctrinal foundation for treating livelihood as a facet of the right to life was laid in the pavement-dwellers' eviction case, where the Supreme Court held that depriving a person of the means of livelihood, without following a just, fair and reasonable procedure, amounts to a deprivation of life under Article 21 [7]. This principle was substantially widened when the Court, dealing with bonded labourers, held that the right to live with human dignity under Article 21 encompasses the right to livelihood, humane conditions of work, and freedom from exploitation [8], drawing directly upon the Directive Principles in Articles 39(a), 41 and 42 to give Article 21 concrete social content. The Court has since reaffirmed, in the context of

suspended government employees, that reducing a worker's means of subsistence to a nominal amount itself violates Article 21, because livelihood cannot be equated with bare survival [11], and has explicitly held that the right to livelihood is an integral part of the right to life independent of the contractual character of the employment in question [10]. As recently as 2025, the Supreme Court has continued to apply this line of authority to procedural fairness in matters affecting a person's means of living [12].

This constitutional trajectory is directly relevant to the empirical findings of this study. The statistically significant gap identified between formal- and informal-sector respondents on Perceived Fairness under Article 21 (Table 5) indicates that the constitutional guarantee of a just and fair process before deprivation of livelihood - the very principle articulated in the pavement-dwellers' case - is not being experienced uniformly across the two segments of the labour market, notwithstanding that the new Labour Codes formally extend coverage to both.

7.3. Article 14, Workplace Equality and Vulnerable Workers

The equality guarantee under Article 14 has, over the past year, been given renewed judicial content in the specific context of workplace protection for women. The Supreme Court has directed a nationwide, district-wise compliance survey to verify that Internal Committees under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 have actually been constituted, with non-compliant establishments risking regulatory consequences [16]. In a purposive ruling further widening access to redress, the Court held that a woman may approach the Internal Committee of her own workplace even where the person against whom she complains is employed elsewhere, reasoning that a construction forcing complainants to pursue proceedings in an unfamiliar, structurally distant department would itself undermine the remedial purpose of the statute [17]. Of particular relevance to the present study, the Supreme Court in a matter arising from Kolkata upheld a Calcutta High Court ruling that a harassment complaint filed beyond the statutory limitation period could not be entertained, illustrating that procedural technicalities continue to condition the practical availability of equality-based remedies even within the study area itself [18].

Read together, these judgments indicate an emerging judicial pattern in which formal equality guarantees are increasingly being tested against practical, on-the-ground accessibility - a pattern that mirrors the empirical finding of this study that Perceived Equality under Article 14 is significantly lower among informal-sector and women workers (Table 5; Section 6.7) than among their formal-sector and male counterparts.

7.4. Definitional Uncertainty after the Repeal of the Industrial Disputes Act

A significant, and as yet unsettled, question concerns the continuing relevance of the expansive judicial definition of "industry" developed under the now-repealed Industrial Disputes Act, 1947. In a landmark seven-judge ruling, the Supreme Court had adopted a broad triple test - systematic activity, cooperation between employer and employee, and production or distribution of goods or services - for determining whether an establishment qualifies as an "industry" [13]. That test was doubted by a five-judge Bench [14] and referred first to a seven-judge and later to a nine-judge Bench. With the Industrial Disputes Act now repealed and replaced by the Industrial Relations Code, 2020, the Supreme Court's ruling on this reference, delivered in August 2026, held that the correctness of the earlier triple test had become largely academic once the underlying statute stood repealed, while cautioning that future courts must interpret the term "industry" through the specific statutory language of the Industrial Relations

Code rather than by mechanical transplantation of the earlier test, while remaining conscious of the constitutional commitment to social justice underlying labour legislation [15]. For informal and small-establishment workers in the study area - many of whom work in units whose classification as an "industry" or "establishment" under the new Code remains untested - this definitional uncertainty has direct practical consequences for whether the dispute-resolution and re-skilling provisions of the Industrial Relations Code apply to their workplace at all.

7.5. State Rule-Making Lag and Regional Implications

As of the time of writing, West Bengal, like most States, has published draft state rules under the new Codes but has not yet finalised them, consistent with the national pattern in which the Central government has indicated final rules across all four Codes by around April 2026 while State-level notification continues to vary [3], [6]. This lag has a specific bearing on Kolkata and North 24 Parganas: mechanisms such as the negotiating union recognition procedure under the Industrial Relations Code, the registration and welfare-fund contribution mechanism for gig and platform workers under the Code on Social Security, and the migrant-worker registration requirement under the Occupational Safety, Health and Working Conditions Code all depend on procedural detail that only the state rules will supply. Until such rules are finalised and operationalised through local labour offices, the statutory entitlements introduced by the reform remain, for a large share of the study population, aspirational rather than enforceable — a finding directly corroborated by the low Access to Dispute Resolution scores reported in Section 6.3.

7.6. Right to Work and the Livelihood Debate under the Successor Rural Employment Scheme

A related and ongoing constitutional debate, with implications for rural and semi-urban workers in North 24 Parganas, concerns whether the statutory right to work under the rural employment guarantee framework - now governed by its 2025 successor legislation following the transition from the earlier rural employment guarantee scheme - can be equated with the constitutional guarantee of livelihood under Article 21, and whether wages paid under the scheme must match state-notified minimum wages. In proceedings before the Supreme Court in 2026, the Bench has had to balance the argument that payment below minimum wages may amount to forced labour against the practical concern that mandating a higher wage floor, without a corresponding increase in available resources, could reduce the number of workers who can be employed under the scheme at all, while emphasising that social welfare legislation of this kind calls for a liberal interpretation [30].

8. DISCUSSION OF FINDINGS

The empirical and doctrinal strands of this study reinforce one another at several points. First, the regression model reported in Section 6.6 identifies Access to Dispute Resolution as the single strongest predictor of Livelihood Security ($\beta = 0.36$), which is consistent with the constitutional principle, traceable to the pavement-dwellers' case and reaffirmed since, that a fair and accessible process is inseparable from the substantive right to livelihood under Article 21 [7], [8]. Where such access is weak, as it demonstrably is for the informal-sector majority in this sample (Table 5), the constitutional guarantee risks remaining textual rather than experienced.

Second, the significant gender-based disparity in legal awareness identified through the chi-square test (Section 6.7) mirrors the pattern identified in recent Supreme Court jurisprudence on workplace equality, where the Court has had to actively widen procedural avenues - for instance, by allowing a complainant to approach her own workplace's Internal Committee regardless of where the respondent is employed - precisely because rigid procedural constructions were shown to deter women from seeking redress [17]. The finding that women in the sample are disproportionately concentrated in the Low awareness category suggests that similar procedural and informational barriers likely operate outside the narrower context of sexual harassment complaints, across the wider field of wage, safety, and social-security entitlements introduced by the new Codes.

Third, the persistence of a significant formal–informal sector gap across every construct measured, despite the notification of Codes explicitly designed to extend coverage to gig, platform, and migrant workers [4], [5], is best explained by the rule-making lag documented in Section 7.5. Statutory coverage extended by primary legislation without the accompanying procedural machinery specified through rules produces, in practice, a right without a remedy - a gap that respondents in this study appear to experience directly as low scores on Access to Dispute Resolution and Perceived Fairness.

Finally, the unresolved question of what constitutes an "industry" or covered "establishment" under the Industrial Relations Code [13], [14], [15] is not a merely academic doctrinal puzzle for the study population. A meaningful proportion of informal-sector respondents work in small units - workshops, retail establishments, and household enterprises - whose classification under the new Code remains untested in the study region, and this classificatory uncertainty plausibly compounds the low awareness and access scores reported by this segment of the sample.

9. CONCLUSION AND POLICY RECOMMENDATIONS

This study set out to examine whether the constitutional protection of workers' rights under Articles 14, 21, 39(a) and 41 is being realised in practice in Kolkata and North 24 Parganas following the notification of the four new Labour Codes. The empirical evidence, drawn from a survey of 419 respondents and corroborated by semi-structured interviews, indicates a statistically significant gap between the constitutional standard and the lived experience of informal, migrant, and women workers, notwithstanding the reformist text of the new legal framework. Both null hypotheses formulated for this study were rejected, confirming that legal reform on paper has not yet been matched by uniform improvement in access to justice, awareness, or livelihood security on the ground.

Based on these findings, the study recommends: (i) prioritising the finalisation and local dissemination of West Bengal's state rules under the four Codes, with particular attention to grievance-redressal procedures relevant to informal and gig workers; (ii) establishing dedicated, low-cost legal literacy and awareness camps targeted at women and migrant workers in the study districts, given the significant gender gap in legal awareness identified in this study; (iii) strengthening local labour inspectorates and grievance cells in Kolkata and North 24 Parganas to close the demonstrated Access-to-Dispute-Resolution gap between formal and informal workers; (iv) clarifying, through subordinate legislation or administrative guidance, the classification of small and micro-establishments under the Industrial Relations Code, so that coverage is not left to protracted future litigation; and (v) periodic, district-level social audits of the implementation of the Codes, benchmarked explicitly against constitutional standards under Articles 14 and 21 rather than mere statutory compliance.

LIMITATIONS OF THE STUDY

The study is confined to two districts of West Bengal and relies on a non-probability snowball sample, which limits statistical generalisability to India's informal workforce as a whole. Because the four Labour Codes had been in force for a relatively short period at the time of data collection, and the corresponding State rules for West Bengal remained in draft form, the findings capture an early transitional phase of implementation rather than a settled steady state; longitudinal follow-up once State rules are finalised would allow a more definitive assessment of the reform's constitutional impact.

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