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# Stage finally set for labour code rollout

To be sure, labour laws fall under the concurrent list of the Constitution. Hence, both the Centre and states are empowered to make rules. But in the event of a conflict between state and central laws, central legislation generally takes precedence, unless the state's law has obtained Presidential assent.

The rules framed by the state governments are meant to cover areas which have not been fully legislated for by the labour codes and for which power has been given to the appropriate government under the codes for necessary elaboration. This includes rules relating to weekly working hour limits, overtime provisions, process for verification of members of a trade union, etc.

But due to local requirements and dynamics, experts say that it's only natural that there would be some variance in the rules of different states.

Consider, for instance, the Central rules mandate 8 hours of work



per day, including a maximum limit of 5 hours of continuous work, and one or more intervals of rest period (maximum limit – one hour). But some states such as Haryana, Karnataka and Maharashtra have slightly different rules in this regard. Rules in Maharashtra say that no employee should work more

than 48 hours per week, and intervals during work hours shouldn't exceed 30 minutes, every day.

Also, with respect to revision of dearness allowance, while both the central and the state rules provide for a revision twice in a year, Andhra Pradesh says that it will be revised only once and Uttar Pradesh has no

corresponding rule. Rahul Sundaram, partner, IndiaLaw LLP, said, "West Bengal has not established any rules, while Tamil Nadu and Delhi are deficient in rules for one or more codes." Some experts, regardless, say that prima facie they don't see any material deviations in the state rules from the labour codes. "In fact, from a constitutionality standpoint, the rule-making process is an act of delegated legislation and the appropriate government cannot supersede the provisions of the principal statute," said Anshul Prakash, partner at Khaitan & Co.

Jitesh Kumar, managing partner, King Stubb & Kasiva, said some states have implemented rules that diverge from Centre's labour codes, giving rise to legal and administrative issues. "These inconsistencies may also lead to legal disputes or uncertainty until alignment is achieved through either state harmonisation with central codes or judicial clarification," he said.

IL NEWS

## Our Partner Rahul Sundaram Quoted in Financial Express (India)

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PUBLISHED 16 October 2024

In a recent article published by Financial Express (India) titled “25 states frame rules, West Bengal ‘agrees’ to follow suit”, Our Partner Rahul Sundaram shares his expert insights.

Rahul Opined “West Bengal has not established any rules, while Tamil Nadu and Delhi are deficient in rules for one or more codes.”

Read full coverage here: <https://www.financialexpress.com/jobs-career/25-states-frame-rules-west-bengal-agrees-to-follow-suit-3640720/>