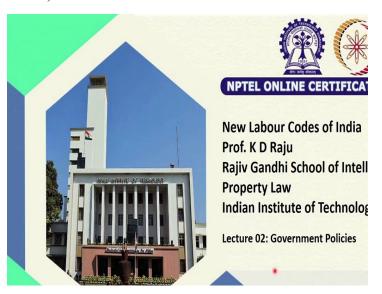
New Labour Codes of India Professor K. D. Raju Rajiv Gandhi School of Intellectual Property Law Indian Institute of Technology, Kharagpur Lecture: 02 Government Policies

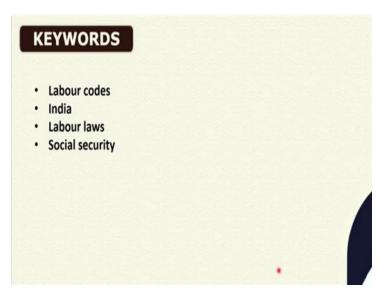
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Dear students, in this class, we are going to discuss about the present policies, and the governmental policies regarding the implementation of the new course, this we are going to discuss in the present class.

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Current Government Policies Programmes E-Shram Portal E-samadhan Shram Suvidha



So, what are the current government policies, the new policies the government come out with new digital platforms for the implementation of different programs. As a result, for example, you can see that there are E-Shram Portal, there is E-Samadhan Portal, then Shram Suvidha portal and other platforms which are the government come up with for the implementation of the labour codes. So, we can see that this particular initiation is for the in for the welfare of workers in this particular country.

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Policies

National Policy on Skill Development

Mission: The policy envisions the establishment of a National Skill Development Init with the following mission: National Skill Development Initiative will empower individuals through improved skills, knowledge, nationally and internationally recognic qualifications to gain access to decent employment and ensure India's competitiveness the global market.

Aims: The aim of skill development in the country is to support achieving rapid and incl growth through:

- a) Enhancing individuals' employability (wage/ self employment) and ability to changing technologies and labour market demands.
- b) Improving productivity and living standards of the people.
- c) Strengthening competitiveness of the country.
- d) Attracting investment in skill development.

So, we will start with the national policy on skill development. So, the government come out with this particular policy or this policy envisages the establishment of national skill development. So, its mission is national skill development initiative, it is going to empower all the individuals through the improved skills, knowledge, and nationally and internationally

recognized qualifications to gain access to decent employment. So, decent employment and making the employees ready for competitiveness in the global market. So, this particular initiative aims for skill development in the country for inclusive growth.

So, specifically, its aims are to enhance an individual's employability and also change the technologies and labour market demands in accordance with the changes in the labour market demands. So, India is not producing employable youth, this is the main allegation or you can say that the allegations against the present education system.

So, this skilled government program will overcome this particular lacuna and improve the productivity and living standards of people. So, if the skills are going up of the workers, then they can earn more, they are more employable in different industries and their standard of living will increase.

It is directly going to increase or strengthen the competitiveness of the country as an emerging economy or a developing economy. So, if there are more skilled people, it is going to attract foreign direct investment to the country. So, and also skill development does not require as much investment or additional investments.

So, it is this, foreign companies especially multinational companies can be attracted to the country and there will be skilled personnel will be readily available for the industries in the country. So, again, this India has gone with the new policies like the Make in India program. So, if you do not produce a sufficient number of skilled manpower, so, the companies are not going to stay back in India. So, that is why this mission, this national policy on skill development wants to increase productivity and also increase the skill level of all workmen in the particular in country.

Policies

National Policy on Skill Development

Objectives of National Policy on Skill Development: The objectives of the national po on skill development are to:

- a) Create opportunities for all to acquire skills throughout life, and especially for you women and disadvantaged groups.
- b) Promote commitment by all stakeholders to own skill development initiatives.
- Develop a high-quality skilled workforce/entrepreneur relevant to current is emerging employment market needs.
- d) Enable the establishment of flexible delivery mechanisms that respond to characteristics of a wide range of needs of stakeholders.
- e) Enable effective coordination between different ministries, the Centre and the and public and private providers.

And these program objectives are very clear. It says that, the opportunities for all to occur skill throughout life and especially for youth, women and disadvantaged groups. So, if we look into the proportion of the employed, even gender equality is questionable, because it is in every employment place. The proportion of gender is it is not equal. There is no equal opportunity for both genders. So, there will be more trained people and more trained women, so they can be employable in different industries and also it promotes commitment by all stakeholders to own skill development initiatives. So, it is to develop a high-quality skilled workforce.

So, entrepreneur development, entrepreneur development and entrepreneur-based skill development are relevant to the existing employment as well as to the future employment or future needs of the market. And also you can see that it enables the establishment of a flexible delivery mechanism to respond to the wide range of needs of this stakeholder in this particular country. And also there will be effective coordination between different ministries or centres state and also the public companies as well as private properties, and private manpower suppliers. So, skill development is going to increase the number of skilled Working Youth in this particular country.

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Policies

National Policy on Skill Development

Scope of the National Skill Development Policy: The coverage of the National Polic Skill Development includes the following:

- a) Institution-based skill development including ITIs/ITCs/vocational schools/tech schools/ polytechnics/ professional colleges, etc.
- b) Learning initiatives of sectoral skill development organised by diffe ministries/departments.
- c) Formal and informal apprenticeships and other types of training by enterprises
- d) Training for self-employment/entrepreneurial development
- e) Adult learning, retraining of retired or retiring employees and lifelong learning
- f) Non-formal training including training by civil society organizations
- g) E-learning, web-based learning and distance learning.

And also we can see that this program, so, the wide scope of the program is or the coverage of the program is it includes institution-based skill development. For example, the like it is the ITIs, the ITCs, vocational schools, technical schools, polytechnic colleges, professional colleges, etcetera, the active involvement of these institutions and learning initiatives for sectoral skilled developments organized by different ministries or departments. And also we can see that the formal and informal apprenticeship training and other types of training by enterprises, so that the enterprises will be creating trained manpower in the course of the journey.

So, and also it is more important that entrepreneurs, self-employed people, and entrepreneurship development are one of the core objectives of the national skill development policy, adult learning, retaining of retired or retiring employees and lifelong learning skill development is this particular policy and we said just this and non-formal training including civil society organizations are also included in the scope of the skill development program. And E-learning I am very sure that because of the background of the pandemic, E-learning or web-based training or training programs or web-based learning and distance learning are one of the important components of this particular program.

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If you look into the other, so, in order to implement these particular programs, the government come out with various online platforms. So, one of the very important platforms is the unified Shram Suvidha Portal. So, this is mainly to report or facilitate inspections and

submissions of returns of the industry. So, you do not have to go to the labour inspector's office for filing submissions of returns. Now, it can be done online through this particular website.

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So, you can see that the Ministry of Labour and Employment come out with this particular Shram Suvidha Portal for all industries, user can get a user ID and password. So, anybody can file this without any hassle.

So, there is a hassle-free system, which is provided under this particular format, Shram Suvidha Portal. So, here, so, this is a single point of contact between employer, employee and enforcement agencies. So, their day-to-day interactions can be done through this particular portal. So, and various integration of data of enforcement agencies, different enforcement agencies are consolidated under this particular portal and also every labour, every workman is allotted or assigned one labour identification number or even who is registering under this particular portal will get a labour identification number under this particular portal.

Policies

The Unified Shram Suvidha Portal is developed to facilitate reporting of Inspections, and submission of Returns.

The Unified Shram Suvidha Portal has been envisaged as a single point of contact between employer, employee and enforcement agencies bringing in transparency in their day-to-day interactions.

For the integration of data among various enforcement agencies, each inspectable unit under any Labour Law has been assigned one Labour Identification Number (LIN).



So, you can see the other characters are important, the program under this and another one is the portal of registration of workers. And this portal, the E-Shram Portal is going to be one of the largest registry or largest databases of workmen in this particular country.

Objectives of e-SHRAM Portal

- Creation of a centralized database of all unorganized workers (UWs) including Construction Workers, Migrant Workers, Gig and Platform workers, Street Vendors, Domestic Workers, Agriculture Workers, etc., to be seeded with Aadhaar.
- To improve the implementation efficiency of the social security services for the unorganized workers.
- Integration of Social Security Schemes meant for UWs being administered by MoLE and subsequently those run by other ministries as well.
- Sharing of information in respect of registered unorganised workers with various stakeholders such as Ministries/ Departments/ Boards/ Agencies/ Organisations of the Central & State Governments through APIs for delivery of various social security and welfare schemes being administered by them.
- Portability of the social security and welfare benefits to the migrant and construction workers.

Policies & Portals

e-SHRAM Portal

Who can register in eShram (NDUW) Portal?

Any individual satisfying following condition can register on the portal:

- An unorganised worker (UW)
- Age should be between 16-59 years.
- · Not a member of EPFO/ESIC or NPS (Govt. funded)

Who is Unorganised Worker?

Any worker who is a home based-worker, self-employed worker or a wage worker in the unorganised sector including a worker in the organised sector who is not a member of ESIC or EPFO or not a Govt. employee is called an Unorganised Worker.

So, E-Shram Portal provides the creation of a centralized database, a centralized database of all unorganized workers. So, unorganized workers, which include construction workers, migrant workers, gig workers, platform workers, street vendors, domestic workers, agricultural workers, and everybody who has an Aadhar card can register under this particular portal. So, this is going to improve the implementation of efficiency of all social security services for the unorganized sector. So, every unorganized worker can register under this particular portal and all the security social security schemes will be passed through this particular information and database, based on this particular database.

So, from the Ministry of Labour and Employment, you can see that all the particular data is going to have with the government. So, and also the Ministry of Labour and Employment is

going to share this particular data with other ministries and departments and other agencies, central government agencies and state government agencies for this particular data, so, that they can provide different benefits to this particular unorganized sector or whoever is registering under this particular portal. And also the portability of this particular social security and welfare board benefits. So, it is one of the most important portions, important problems of migrant workers.

So, the migrant workers now are easy to portable their social security scheme from one state to the other state under this particular portal. So, the migrant workers and especially construction workers, move from one state to the other state. So, this is going to be a comprehensive database of central and state governments. So, you can see that some of the states like the Odisha government have already registered more than 5 crores employees under this particular portal, and it is the number of registrations is increasing in other states.

So, you can see that the person's any individual satisfying certain conditions can register under this particular portal. So, he must be an unorganized worker and his age must be between 16 and 59 years and not a subscriber to the Employees Provident Fund or ESI or the new pension scheme of the government which provides.

So, if he does not subscribe to any of these welfare schemes, he can register under the registered portal, so, for unorganized workers, there are elaborate definitions are given to the who is an unorganized worker. So, unorganized workers very simply, the government says for the purpose of the e-SHRAM portal, so, any worker who is even a home-based worker and even though he may be working as a part of the industry, he may be working from home, he can also register under this particular portal.

Self-employed workers or wage workers in the unorganized sector, including those who is not a member of the ESI or the PF or government employee cannot be registered under this particular scheme, not a government employee. So, he is considered in the unorganized sector.

So, very specifically, I would say that is very general in nature, so, any person who is not availing already the government social security schemes can register or avail register under the E-Shram portal. So, this portal is going to be one of the watersheds, because neither the state government nor the central government has a database of these particular employees.

So, these employees are going to be connected through the Aadhar card, the common Aadhar card so that they can disburse any kind of social security schemes or social security benefits directly to the bank accounts of these particular employees.

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Central Government Industrial Tribunal

Central Government Industrial Tribunal-cum-Labour Courts (CGIT-cum-LCs) have been set up undustrial Disputes Act, 1947 for adjudication of industrial disputes arising in Central Sphere.

There are 22 CGIT-cum-LCs set up in various States. The CGIT-cum-LC No.1, Mumbai and CGIT-cum-as National Tribunals.

The Relevant Legislations are:

- Industrial Disputes Act, 1947 (as amended through Finance Act, 2017)
- Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- The Appellate Tribunal (Procedure) Rules, 1997 (Under EPF & MP Act)
- Finance Act 2017 (Section 158, 159, 184, 185, 186, 187, 189, Eighth & Ninth Schedule)
- Presiding Officers of the Labour Court, Industrial Tribunal and National Tribunal
- (Salaries, Allowances and other Terms and Conditions of Service) Rules, 2015.
- Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017.
- Tribunals Reforms Act, 2021

And most importantly, the central government come out with the central government industrial tribunal-cum labour courts, the Central Government Industrial Tribunal-cum-Labour Courts have been set up under the old provisions of the Industrial Disputes Act, 1947. So, basically the adjudication of all disputes is done under these particular provisions. And also, there are, you can say that the supplementary branches or the main tribunals are set out in Mumbai, Kolkata and this will be Mumbai and Kolkata are the two, tribunals that will be considered as national tribunals.

And all the legislations like the Industrial Disputes act 1947, the Provident Fund act, the appellate tribunal procedures rules, and also the Finance Act of 2017. And also, the tribunal appellate tribunal and other authorities qualification and experience act and tribunal reforms like 1921 are applicable to these particular provisions.

So, the new tribunal and setting up a tribunal its judge's staff and everything is going to be under these particular laws, the earlier laws. So, there will be two tribunals will be considered as the national tribunals that are in located in Mumbai and Kolkata, they are going to function as national tribunals.

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Central Government Industrial Tribunal

Ahmedabad	Gujarat
Asansol	Districts of Burdwan,Birbhum and Purulia of West Bengal and Districts of Dumka, Godda,Sahabgang and Deoghar of BiharDistricts of Burdwan, Birbhum, Bankura and Purulia of West Bengal and Districts of Dumka, Godda, Sahabganj and Deoghar of Bihar
Bangalore	State of Karnataka
Bhubaneswar	Odisha
Chandigarh-I	The State of Punjab, Himachal Pradesh and Union Territory of Chandigarh. (even number of cases)
Chandigarh-II	The State of Punjab, Himachal Pradesh and Union Territory of Chandigarh. (Odd number of cases)

Chennai	Tamilnadu & Union Territory of Pondicherry
Dhanbad-I	All the districts of Bihar excluding the districts of Ranchi, Singbhum, Palaman, Bhojpur, Rohtas, Saran, Siwan, Patna,Champaran East, Champaran West, Muzaffarpur, Vaishali, Sitamarhi, Dumka, BeguSarai, Godda, Sabebgunj, Deoghar and Sadar Sub-Division of Dhanbad
Dhanbad-II	The districts of Ranchi, Singbhum, Palaman, Bhojpur, Rohtas, Saran, Siwan, Champaranh East, Champaran West, Muzaffarpur, Vaishali, Sitamarhi, BeguSarai, Patna, Hazaribagh, Nawadah and Sadar Sub-Division of Dhanbad.
Ernakulam	State of Kerala, Union Territory of Lakshadweep.
Guwahati	Assam, Arunachal Pradesh, Mizoram, Meghalaya, Tripura, Nagaland and Manipur.
Hyderabad	Andhra Pradesh and Telanagana
Jabalpur	State of Madhya Pradesh, excluding the Districts of Chhindwara, Seoni, Balaghat, Muraina, Bhind, Gwalior, Datia, Tikamgarh, Chhatarpur, Patna, Satna, Rewa and Sidhi.
Jaipur	Rajasthan
Kanpur	Kanpur City, Kanpur Dehat, Kaushambi, Allabadad, Mirzapur, Bhadohi, Sonbhadra, Sant

Kolkata	The State of West Bengal excepting the districts of BurdwanBirbhum, Bankura and Purulia, Port-Blair.
Lucknow	Lucknow, Unnao, Bara-Banki, Faizabad, Ambedkar Nagar, Gonda, Sharvasti, Bairampur, Basti, SantKabir Nagar, Siddharth Nagar, Maharajganj, Gorakhpur, Deoria, Kushi Nagar, Bahraich, Sitapur, Hardoi, LakhimpurKheri, Shahjahanpur, Moradabad, Amroha, Bijnore, Jyotibaphule Nagar, Rampur, Badaun, Bareilly, Pilibihit, Nainital, Udham Singh Nagar, Champawat, Almora, Bageshwar, Pithoragarh, Chamoli, RudraPrayag, Uttar Kashi, Prayag, Uttar Kashi, TehriGarhwal, Dehradun, Garhwal, Rae-Bareilly, PratapGarh, Sultanpur, Azamgarh, Mau, NathBhanjan, Ballia in the State of Utttar Pradesh. The districts of Muraina, Bhind, Gwalior, Datia, Tikamgarh, Chhatarpur, Panna, Satna, Rewa and Sidhi in the State of Madhya Pradesh.
Mumbai-I	Industries from the Bombay City District and the Bombay Suburban District:-Central Railway, Air India, Indian Airlines, Banks, Insurance and the Districts of Thane, Dhulia, Ahmednagar, Bhir in the State of Maharashtra and Union Territory of Daman and Diu.
Mumbai-II	Industries from the Bombay City District and the Bombay Suburban District; Western Railway, Ports and Docks Naval Dockyard, Defence Establishments, Posts and Telegraph, Telephones, Food Corporation of India Mint and all other Industries not assigned to Court No.1 and the districts of Sholapur, Osmanabad, Nasik, Latur, Raigad and Pune in the State of Maharashtra and the State of Goa.
New Delhi-I	Union Territory of Delhi only.
New Delhi-II	Gurgaon, Faridabad District of Haryana State, Ghaziabad and Gautam Budha Nagar District of Uttar

And then it is going to have the various branches. So, in almost each and every state, more than one tribunal is provided. So, we can see the state-wise distribution of these particular tribunals or we can say, regional-wise distribution of tribunals.

So, we can see that, for example, the state of Kerala and it is covering the territory of Lakshadweep as well. So, in more than one tribunal which you can find in some of the states, for example, Dhanbad-I, and Dhanbad-II, so, which cover various districts, so, there is a very clear jurisdictional is given to each and every tribunal.

So, and also we can see some specialized areas, so, industrialized areas like Kanpur, who also have these tribunals got these particular tribunals and Lucknow. So, Kanpur and Lucknow are the two in the UP and Delhi, you can we can see the two tribunals and Mumbai we already said that there will be the central one, the central tribunal and also the so-called industries in the suburban areas also will be covered under this particular tribunals.

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And we know that handling industrial disputes is one of the most important aspects of the implementation of the new legislation. So, the government come out with this particular software application for monitoring and disposal of handling industrial disputes. And this website, this platform is Samadhan.

So, Samadhan is the website where you can find the platform for resolving industrial disputes. So, here it is very clearly said that industrial disputes can be raised by the trade unions or can be raised with any kind of employment or non-employment or terms of employment, conditions of labour, and it can be raised by even by the inspectors or the

facilitators or it can be raised by the conciliation officers of the particular state government, those who are empowered to do so, the industrial disputes can be solved here is easily under this particular platform.

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Effect of Finance Act 2017 & Tribunals Reforms Act, 2021

- After the amendment to ID Act, 1947 and EPF & Miscellaneous Provisions Act, 1952 through Finance Act, 2017, CGITs are now also mandated to adjudicate appeals arising out of Employees' Provident Fund & Misc. Provisions Act,1952. The EPF Appellate Tribunal has been merged with CGITs.
- The Tribunal Reforms Act dissolved five tribunals as mentioned below, but had no effect on the jurisdiction or authority of the CGIT-cum-Labour courts.
 - Appellate Tribunal under Cinematograph Act, 1952 (37 of 1952).
 - Authority for Advance Rulings under Income-tax Act, 1961 (43 of 1961).
 - Airport Appellate Tribunal under Airports Authority of India Act, 1994 (55 of 1994).
 - Intellectual Property Appellate Board under Trade Marks Act, 1999 (47 of 1999).
 - Plant Varieties Protection Appellate Tribunal under Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001).

So, if we look into the effect of this Finance Act of 2017 and Tribunal Reforms Act of 2021, is applicable to these new tribunals as well. So, here, these particular provisions are merged. So, the earlier provisions of the Provident Fund or Industrial Dispute act 1947 merged with these particular provisions. So, the Tribunal Reforms Act, 2021 one of the new legislations dissolved the five tribunals which includes the intellectual property appellate tribunal as well.

So, the intellectual property tribunal, plant varieties protection appellate tribunal, the authority of advanced ruling or the Income Tax Act, an Appellate Tribunal under the Cinematography Act, or Airport Appellate Tribunal, all these acts have vanished now. So, these acts are also going to be under this new setup of this tribunal.

International Labour Organisation(ILO)

 The ILO is the international organization responsible for drawing up and overseeing international labour standards. The only tripartite U.N. agency, since 1919 the ILO brings together governments, employers and workers of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

And there is a great role of the International Labour Organization. So, we will have another class on International Labour Organization later in detail. But, the first we would say that the international organization immediately formed after the First World War is the International Labour Organization, one of the oldest international organizations and also the UN specialized agency, which is working on the labour reforms, so, which was formed in 1990. So, these are intergovernmental organizations. So, and which is working on the tripartite mode.

Now, I think almost every country in the world is part of the ILO, 187 members are there may be out of 193 or 194. So, they set up, they come out with standards, labour standards, they develop policies, they devise programs for decent work, they specialized programs for women, the working women and also for working towards the welfare of all those who are the labourers in this world. So, immediately after the Second World War also we can see reforms, they come out with the core labour standard conventions by the ILO.

Labour Conferences (LC) Section of Ministry of Labour & Employmer

Main Activities

- Deputation of India's tripartite delegation to the International Labour Conference of the International Labour Organisation (ILO) held annually at Geneva, Switzerland - the Headquarters of ILO
- Deputation of official delegation to attend three meetings of Governing Body of ILO held during March, June and November every year, other regional conferences/meetings, technical/sectoral meetings and seminars of ILO.
- Bi-lateral and multi-lateral technical cooperation projects and programmes.
- Foreign deputation of officials of Ministry of Labour & Employment on fellowship programmes offered by International Labour Organisation.
- Bilateral exchange/visit of delegations led by Hon'ble Labour Minister to friendly countries and vice versa
- Obtaining administrative approval and financial sanction for remitting India's annual contribution to ILO in foreign exchange, and other administrative matters recording ILO's office in India.

So, here are the main activities of the labour conferences. So, the ministry has, so each government, the central government works in tandem with the ILO and also they implement the ILO standards at the domestic level. Here are the labour conferences, so, the ministry has a section and here are the main activities. So, you can see that the tripartite delegation sending tripartite delegations to the labour conferences, organised by the ILO annually in Geneva and also the deputation of officials, officials from time to time attending the ILO meetings, governing bodies of ILO and sectoral meetings, conferences, and also seminars which are organized by the ILO. So, this is not by the government.

Then bilateral, multilateral, and technical cooperation projects are implemented by the ministry. Then deputation of officials of the Ministry of Labour and Employment on various fellowship schemes offered by international organizations is also managed by the ministry.

So, here the bilateral exchanges visit of delegates between countries are also done by the ministry. So, by the friendly countries are done by the Ministry from time to time and also the obtaining various approvals, administrative approvals for the ILO office, you can find the ILO office in New Delhi in India.

So, listening to the ILO office in the country, and also you can see that they organize labour conferences in the country. So, the Ministry of Labour and Employment have a vast mandate to do with regard to the labour welfare in this particular country.

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International Labour Organisation(ILO) & International Labour Conf

- Bi-lateral and multi-lateral technical cooperation projects and programmes.
- Foreign deputation of officials of Ministry of Labour & Employment on fellowship programmes offered by International Labour Organisation.
- Bilateral exchange/visit of delegations led by Hon'ble Labour Minister to friendly countries and vice versa
- Obtaining administrative approval and financial sanction for remitting India's annual contribution to ILO in foreign exchange, and other administrative matters regarding ILO's office in India.
- Organisation of National Conferences viz., Indian Labour Conference, Standing Labour Committee, and State Labour Ministers' Conference and monitoring follow up action on the conclusions thereof.

So, you can see that in these labour conferences, there are a lot of programs implemented by with the help of ILO by the labour ministry, and the cooperation among the international organization at the central government is very important. And also, we can see that the contribution Indian annual contribution to the ILO is also done by this particular ministry. And one of the most important things is the listening between all the other countries to formulate standards and formulate various new conventions of ILO is also done by the coordinator of this ministry.

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CONCLUSIONS

- Consolidation of labour laws for the benefit of more workers
- · More sectors covered
- State and Central welfare funds
- End of inspector raj.

So, concluding, we can say that the Ministry of Labour and Employment has come out with the, you can, I would say that the brand new platforms, the E platforms, for various purposes, which are going to change the complete labour scenario in the country. So, whether it is E Shram portal or it is a dispute settlement portal or it is the inspections Reporting Portal, so, these are going to be changed, so, everything is going to be saved digitally, that also is going to be in the database is going to be shared with state governments for various schemes and purposes.

So, the consolidation of the labour laws happened, probably after 74 years of independence through these four labour codes. And so, we can see that these new developments with the help of digital technologies are going to change the Indian labour scenario or disbursement of social security measures or disbursement in this particular country.

So, we can see that this particular development or particular policy decisions are going to help not only the industry to develop properly and also it is going to make skilled manpower in this country for attracting more and more foreign direct investment in this particular country.

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So, the main reference is the labour ministry, where you can see the codes and explanations. And so, I think probably this particular the new developments or new policies are going to be vigorously followed by the State governments as well. And so, definitely, this is going to help the implementation of these particular codes. Thank you.