

LABOUR LAW AND THE RIGHT TO LIVELIHOOD UNDER CONSTITUTION

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BEST CITATION – THANESH N, LABOUR LAW AND THE RIGHT TO LIVELIHOOD UNDER CONSTITUTION, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (5) OF 2026, PG. 762-770, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

One of the key aspects of human dignity and a pillar of socio-economic justice in the Indian constitution is the right to livelihood. Even though it is not stated as a fundamental right, judiciary has broadly applied the provisions of Article 21 of the Indian Constitution to include the right to livelihood and this has made it a constitutionally guaranteed right. This paper is a critical analysis of the cross-section of labour law and constitutional requirements with a special focus on the translation of constitutional guarantees into effective rights by statutory regimes. It does a doctrinal review of landmark judicial statements such as *Olga Tellis v. Bombay Municipal Corporation*, which solidly anchored livelihood as a right to life.

Moreover, the research assesses how important labour laws contribute towards ensuring employment security, equitable pay, and decent working conditions. It deals also with modern issues like the pre-eminence of the informal sector, the contractualization of labor and the emergence of platforms in the gig economy, which challenge the sufficiency of current legal frameworks. The paper finds that constitutionalization of livelihood rights is a big step but to make it work, strong enforcement, legal changes and a rights-based approach to labour regulation in the fast-changing economy are all that is needed.

KEYWORDS

Socio-Economic Rights, Judicial Activism, Informal Sector, Gig Economy, Employment Rights, Social Justice.

INTRODUCTION

The Indian labour law is one of the most important tools of promoting social welfare, equity of the economy as well as distributive justice in a constitutional democracy. It regulates the complicated employer-employee relationship as well as protects the workers against exploitation and sustains industrial peace. Fundamentally, labour jurisprudence is interwoven with the constitutional philosophy, especially the devotion to dignity, equality, and social justice. Though the right to livelihood is not explicitly recognized as a stand-alone right in the Constitution, the right has been judicially adjudicated through the broad reading of and

has thus been raised to the level of a fundamental right.

The judiciary has played a central role in this evolution, as a result of its transformative role. Courts have expanded the meaning of Article 21, through a purposive interpretation, to mean not only the right to exist, but to live with dignity, which in turn, means access to livelihood. This interpretation is an indication of a transition between formalistic view of fundamental rights to a more human-focused and substantive interpretation. By so doing, the judiciary has balanced Fundamental Rights with Directive Principles of State Policy and thus cemented the welfare orientation of the Constitution. The work

of these constitutional guarantees is done by labour legislation. Legal provisions of wages, industrial relations, and social security, transform abstract rights into enforceable rights.

They guarantee the minimum employment standards, control the terms of employment and dispute resolution mechanisms. Yet, even with this well-developed legal framework, structural issues like informality, precarious employment, and changing labour markets remain in the way of achieving full realization of livelihood rights. Therefore, a critical scrutiny of the interaction between constitutional requirements and labour legislation is still critical in the evaluation of the effectiveness of the Indian legal system in delivering socio-economic justice.

RESEARCH METHODOLOGY

The study is conducted through a doctrinal (black-letter) approach, the latter being mostly comprised of the systematic study of the legal principles through the primary and secondary sources. The paper pays close attention to the provisions of the constitution with specific reference to and guides the reader through the evolution of the right to livelihood by the judiciary as an inseparable part of the right to life.

The study also interacts with the most prominent judicial cases, such as and other landmark judgements, in a bid to comprehend the interpretative growth of the socio-economic rights in Indian constitutional jurisprudence. Moreover, the applicable labour legislations have been examined to determine the degree to which the constitutional requirements regarding these areas, namely the security of employment, equitable wages and decent working conditions have been implemented through the statutory provisions.

To give critical information and aid in the examination of doctrines, secondary sources like authoritative textbooks, peer-reviewed journal articles, and institutional reports have

been used. The research is analytical and interpretative in nature, as it revolves around the study of legal texts, judicial logic and intent of the law.

This approach allows a thorough analysis of the interdependence between the right to livelihood and labour law, as well as showing the modern challenges and gaps in implementation. The study is qualitative in its character and is aimed to play a role in the academic discussion at a postgraduate level.

CONCEPT OF RIGHT TO LIVELIHOOD

The principle of the right to livelihood takes a strategic centre-stage in modern constitutional and labour law, especially in the legal systems advocating welfare like in India. In a loose sense, the right to livelihood refers to the right of every person to obtain the means of survival by lawful and profitable means of earning his or her living. But, in a constitutional sense, it goes way beyond subsistence. It includes the right to live with dignity, autonomy, and socio-economic security, which are inherent to in values.

The Indian judiciary has been a transforming force in the conceptualization of livelihood as an essential part of the right to life. The Supreme Court in has made it clear that the right to livelihood is a component aspect of the right to life and that without a livelihood, life would lack any meaningful content. This judicial identification was a great transition of a strict and literal view of fundamental rights to the more inclusive, purposive view of integrating socio-economic entitlements into the constitution.

Fundamentally, the right to livelihood has various dimensions that are linked to each other. To begin with, it encompasses the right to work meaning that people must have a chance to work or be self-employed without unreasonable restrictions. This aspect is not enforceable as a fundamental right, but it finds support in the Directive Principles of State Policy, especially those which require the State to ensure that proper means of livelihood are

provided to all the citizens. Second, the right includes the right to fair and reasonable remuneration and that the wages should be adequate to sustain a basic standard of living in accordance with human dignity. This aspect is directly connected with legislative regulations on minimum wages and wage safety.

Third, the right to livelihood encompasses the right to safe and humane working conditions, which bind employers and the State to provide that working environments should be safe and supportive of both physical and mental health of the workers. This element can be seen in the larger idea that economic activity should not be allowed to be at the expense of human health or dignity. Fourth, it entails the right to protection against arbitrary deprivation of employment, that is, termination, retrenchment, or dismissal should be based on the principles of natural justice and procedural fairness. Court rulings have always underscored that unwarranted or unreasonable dismissal goes against constitutional rights.

Notably, the right to livelihood is not an economic right only but a multidimensional right with a strong association to human dignity, social inclusion and individual autonomy. Livelihood gives people the opportunities to engage meaningfully in the society, support their families and exercise other fundamental freedoms. Civil and political rights tend to be a far-fetched thing without the economic security. The right to livelihood therefore plays the role of a linking bridge between the civil-political rights and the socio-economic rights which justifies the indivisibility of human rights.

In a wider sense, the idea is also an expression of the constitutional ideal of a welfare state, in which the State has an interest in providing the conditions that allow the individuals to attain dignified livelihoods. These involve the development of policies that favour creation of employment opportunities, controlling the labour markets and providing the vulnerable groups, especially the informal ones, with social security. Non-traditional work types, including

gig and platform work, have also emerged in recent years, increasing the discussion on the concept of livelihood, casting important concerns about job security, social protection, and the appropriateness of the current legal framework.

The right to livelihood in a postgraduate level analysis should therefore be regarded as not only an extension of the right to life that is judicially acknowledged but a moving and shifting concept that is influenced by the socio-economic realities, legislations and judicial imagination. It requires a comprehensive review of constitutional clauses, labour laws and policy frameworks to determine the effectiveness of the legal system in protecting the economic and dignitary interests of people. Within constitutional democracy, the substantive equality and social justice are ultimately concerned with the realization of this right.

CONSTITUTIONAL FRAMEWORK

1. Fundamental Rights

The constitutional provisions that underlie the right to livelihood in India are mainly based on the Fundamental Rights as provided in Part III of the Constitution. Even though the right to livelihood is not explicitly stipulated as an independent right, it has been judicially inferred by an expansive purposive interpretation of the basic rights, especially the rights to life, equality and freedom.

First is which has been construed by the judiciary to have the right to livelihood as a fundamental component of right to life. The landmark decision helped to firmly confirm that the deprivation of livelihood shall be considered as the deprivation of life itself, hence livelihood was increased to the position of one of the fundamental rights. In the same case, in the Supreme Court extended the meaning of the Article 21 by adding the necessity of fairness, reasonableness, and due process, which formed the basis of the further socio-economic rights jurisprudence. In addition, the Court in ruled that arbitrary dismissal of employment

without due process contravene Article 21, which supports procedural protection in labour relations.

Article 21 is supplemented by, which ensures equality before the law and outlaws arbitrary state action. Article 14 applies in employment to make labour practices non-arbitrary, fair and reasonable. The non-arbitrariness principle has been identified as an essential feature of equality, as in where the Court found arbitrariness the opposite of equality. The implications of this principle on the labour law, especially where unfair dismissal, discrimination and unequal treatment during employment are involved, are quite high.

Additionally, assure every citizen the right to any profession or to conduct any occupation, trade or business. This is a clause underpinning the constitutionality of occupational liberty and economic inclusion. This right though is limited to reasonable restrictions in the interest of the general population. In the Supreme Court acknowledged the right of the employer to close a business under Article 19(1)(g), but also stressed the importance of balancing these rights with the interests of the workers.

Combined, these provisions establish a strong constitutional framework of protection of livelihood. They all make sure that people are not deprived of work arbitrarily, that they are equal in labour relations, and that they can work in legal occupations. Progressive interpretation has helped the judiciary to reconcile these rights towards the larger goal of social justice and human dignity in the Indian constitutional system.

2. Principles of State Policy or Directives.

Part IV of the Constitution is the Directive Principles of State Policy (DPSPs), which is a significant factor in determining the normative framework of the right to livelihood. These principles, even though they are not justiciable in nature, are basic in the management of the country and act as guiding principles in the act of legislation and courts in their interpretation of

the law. The judiciary has over time successfully aligned DPSPs with Fundamental Rights to promote socio-economic justice and enhance the constitutional obligation to a welfare state.

The state requires to orient its policy toward ensuring that the citizens, both men and women, have a right to a sufficient means of livelihood. This provision is based on the constitutional vision of economic equity and distributive justice. In a number of cases, the Supreme Court has made use of Article 39(a) to ascertain the interpretation of fundamental rights in a way that encourages access to livelihood and avoiding economic deprivation.

Also imposes a duty on the State to provide effectively in the right to work, education and public assistance in case of unemployment, old age, sickness and disablement. Although this provision is not legally binding, it has had a great impact on welfare acts and employment guarantee schemes like which puts the right to work into practice in a narrow yet important way.

Also, instructs the State to provide workers with living wage, decent conditions of work and a standard of life that is in line with human dignity. This is the basis of labour welfare laws in relation to minimum wages, social security and working conditions.

Judiciary has always pointed out that though non-enforceable, DPSPs are necessary in interpreting the extent and content of Fundamental Rights. In other instances like the one in , the Supreme Court pointed out that there should be a balance between Parts III and IV of the Constitution. In such a way, the DPSPs become an important constitutional instrument in the empowerment of the right to livelihood and the overall goal of social and economic justice.

JUDICIAL INTERPRETATION

Indian judiciary has been a key and transformational force in establishing and broadening the right to livelihood as a fundamental right. By a process of purposive

and progressive interpretation, the courts have transformed socio-economic rights which were once non-justiciable aspirations into enforceable constitutional guaranteed.

This jurisprudence was based on the foundation of in which the Supreme Court determined that the procedure adopted by law under Article 21 should be fair, just and reasonable. This ruling was a paradigm shift and Article 21 was able to expand its coverage and scope to encompass a broad range of rights, including that of livelihood. Expanding on this, in the

Court clearly acknowledged the right to livelihood, by stating that any eviction of pavement dwellers without alternative subsistence means, would be a breach of Article 21.

The judiciary has dealt with the problem of labour exploitation and human dignity as well. The Court in adopted a proactive role in combating bonded labour and insisted on the role of the State in providing humane working conditions. Equally, the long constitutional guarantees to employees working on government projects, with the view that minimum wages are not paid by the workers, constitute forced labour under Article 23.

When it comes to the issue of employment security, it was determined that the unjustified termination of service without observing the principles of natural justice is a breach of Article 21. This principle was also strengthened in when the Court invalidated arbitrary service regulations that allowed termination without cause, which stresses the importance of fairness and non-arbitrariness in employment.

Moreover, the Supreme Court in viewed that the right to life encompasses the right to live with human dignity and, therefore, enhanced the conceptual basis of livelihood rights. The decision in further reinforced the importance of social justice in labour relations by recognizing the rights of contract labourers.

Together, all of these judicial decisions have constitutionalised labour rights by embedding

them within the larger context of fundamental rights. The judiciary has therefore played a role in sealing the divide that exists between the constitutional ideals and the socio-economic realities in that the right to livelihood is not only an ideological right, but a practical right.

ROLE OF LABOUR LEGISLATION

The Indian labour legislation serves as the working model where the constitutional rights, especially that of the right to livelihood in under the clause are converted into a binding right. Although the normative basis can be found in the provisions of the Constitution, it is the statutory enactments that guarantee the workers concrete protection in terms of wages, job security, working conditions, and social welfare. All these laws demonstrate the desire of the State to create a fair and equitable labour regime in line with the principles of a welfare state.

One of the pillars of this is the that requires employers to pay minimum wages to employees

in scheduled employments. It aims at avoiding exploitation by making wages at least subsistence level and hence has a direct effect on the right to livelihood. High significance has also been seen in a fair remuneration, which is judicially established as part of human dignity and economic justice.

This plays an essential role in ensuring harmony in industry since it offers mechanisms of investigating and resolving industrial disputes. It controls layoffs, retrenchment and dismissal and thus protects the workers against unreasonable dismissal and procedural fairness in employment relations.

Over the last few years, the labour law reforms have resulted in the adoption of the which has brought together and rationalized various laws concerning the wages. It is supposed to facilitate compliance and provide equality in wages and cover more workers under the protection, even those in the unorganized sector.

Moreover, there is a major legislative intrusion into the realization of the right to work. It offers a safety net against unemployment and economic distress, by ensuring that rural households receive a minimum number of days of wages.

Taken together, these laws will guarantee wage security, employer-employee relations, and employment guarantees, which strengthen the constitutional requirement of securing livelihood and fostering social justice.

INTERRELATION BETWEEN LABOUR LAW AND FUNDAMENTAL RIGHTS

Labour law and Fundamental Rights in the Indian Constitution are both symbiotic and mutually reinforcing. Whereas the Fundamental Rights give the normative and constitutional basis of the protection of workers, the labour legislation transforms these abstract guarantees into real, enforceable rights in the employment sector. This reciprocity indicates

the expanded constitutional devotion to social justice and the creation of a welfare state.

The essence of this synergy is at the fundamental level, which has been judicially enlarged to incorporate the right to livelihood, dignity and human working conditions. These guarantees are practically applied to labour laws including wage and industrial relations laws, which govern the terms of employment and protect workers against exploitation. Likewise, it has the effect of shaping legislative and administrative policies on employment issues, by ensuring that labour practices are non-arbitrary and non-discriminatory.

The judiciary has a special role to play in filling loopholes between the ideals of the constitution and the statutory implementation. Courts have also reconciled Fundamental Rights with the labour legislation through judicial interpretation to make sure that the statutory provisions are in line with the constitutional requirements. In, the Supreme Court highlighted the duty of the State to abolish any exploitative labour practices which strengthens the constitutional vision of

dignity and equality. Similarly, in the Court has ruled that failure to pay the minimum wages contravenes constitutional rights, effectively connecting statutory labour rights with Fundamental Rights.

This is a dynamic interaction that guarantees that labour law is not only regulatory, but is also rights-oriented. Legitimacy and guidance are given by constitutional provisions, implementation mechanisms by labour laws, and coherence and accountability by the judiciary. They collectively constitute a composite legal system which promotes the welfare-oriented philosophy of the Indian Constitution, to establish not only economic security, but also dignity and social justice among workers.

CHALLENGES IN REALIZING THE RIGHT TO LIVELIHOOD

Despite the strong constitutional foundation and elaborate labour laws, the actual implementation of the right to livelihood is still limited by various structural and systemic issues. These are not only a violation of the statutory protection but also a watering down of the substantive material of rights emanating out of.

One of them is the dominance of the informal sector which forms a big majority of the workforce in India. Employees in this industry usually find themselves outside the scope of formal labour laws, which means that they have little access to the minimum wage, job security, and social safety nets. This means that the benefits envisaged in the labour laws do not accrue to a significant percentage of the working population.

The second important issue is the lack of effective implementation of labour laws. Although there are well-developed statutory frameworks, absence of administrative capacity, lack of efficient inspection systems and delays in procedures make proper implementation hard. This implementation gap

is a difference between what is due under the law and what is achieved in reality.

The growing phenomenon of contractualization and precarious jobs also makes workers even more vulnerable. Temporary employment, outsourcing and informal labour agreements tend to leave workers without stability, employment continuity and other benefits, thus compromising on the security component of livelihood. Also, wage differentials by gender still exist even with the constitutional provisions of equality by. There are strong structural inequalities that often manifest in women workers being unequally paid, restricted in opportunities and segregated into occupations.

Another major hindrance is lack of a wide-scale coverage of social security. Many employees, especially in the unorganized sectors are not entitled to benefits like health, pensions as well as unemployment benefits hence they are economically vulnerable.

Lastly, the introduction of the gig and platform economy is a source of new regulatory problems. Gig workers do not necessarily have an employer-employee relationship, which makes them unclear in terms of their legal status, and not covered by labour protections.

All the above issues underscore the need to bridge the disconnect between constitutional ideals and ground realities, greater enforcement, broader policy changes, and dynamic legal principles to have the right to livelihood meaningfully realized.

CONTEMPORARY DEVELOPMENTS

In recent years, there has been a massive change in the labour law landscape in India, especially in the consolidation of various labour acts into four all-inclusive labour codes. These are the Code on Social Security, 2020, the Occupational Safety, Health and Working Conditions Code, 2020 and the in addition to the Industrial Relations Code, 2020. It was a legislative re-packaging that was done to achieve the aim of streamlining and increasing

the ease of doing business and the coverage of labour protection.

Although these reforms are a move in the right direction towards modernization and rationalization of labour laws, they have brought about a lot of debate. A significant issue is associated with the risk of watering down the rights and privileges of workers, especially when it comes to retrenchment criteria, the right to collective bargaining, and the method of resolving the conflict. Critics complain that some of the provisions will tip the scales towards employers, thus undermining the protective framework traditionally linked with labour law.

The other problem is that of the growing focus on employer-centric flexibility, as part of the effort to streamline business activities, but could inadvertently result in job insecurity and precarious working conditions. The increased flexibility of employment at a fixed term and the softening of regulatory obligations on industries bring questions on the stability of employment in the long term and the bargaining power of the workers.

Moreover, uncertainties about implementation are also an issue of concern. The success of these codes is largely dependent on how well the detailed rules are formulated, how well the administration is prepared, and how well coordination between the central and the state authorities is ensured. Slow implementation and lack of consistency can be a hindrance to the actualization of the intended benefits.

Moreover, the gig and platform economy has also brought new complexities to the labour regulation due to its rapid growth. Gig workers, who are employed via online platforms, are not generally subject to conventional employer-employee relationships and thus they are not clearly defined under the law. This poses fundamental questions on their right to minimum wages, social security, and other labour protection.

These modern changes highlight the necessity of a balanced solution that would not only bridge the gap between economic efficiency and the constitutional imperative of safeguarding the right to livelihood but also social justice.

RECOMMENDATIONS

To guarantee the successful implementation of the right to livelihood in the constitutional framework, a multi-dimensional and rights-based approach is necessary. The recommendations below deal with the major structural gaps and they are to enhance the synergy between labour laws and constitutional guarantees.

1. Enhancing the enforcement of Labour Laws

An effective legal system cannot exist without an appropriate enforcement. The institutional capacity is urgently required to improve with more trained labour inspectors, electronic compliance, and effective redressal of grievance procedures. Enforcement will be strengthened to make sure that the statutory protections come into meaningful effect and will support the guarantees.

2. Social Security Expansion To Informal and Gig Workers

A large percentage of the workers in India are in the informal sector and lack most of the basic social security benefits. Policymaking and legislative actions should be made to cover health insurance, pension plans, and unemployment benefits. The gives a framework, yet its successful implementation is still essential.

3. Recognition of Gig Workers as Labour Protection

The emergence of platform-based work requires a re-consideration of conventional types of employment. Gig workers are supposed to be treated as employees or they are to be included in a legal grey zone that guarantees them minimum labour rights such as a secure wage and social benefits. This

would help to fill the existing regulatory gap and bring the labour law in line with the changing economic reality.

4. Providing Living Wages, which are higher than Minimum Wages.

Although minimum wage laws are a minimum, they are frequently not enough to guarantee a respectable standard of living. The policies must aim at shifting to the idea of a living wage, which is in line with the requirement in under the directive, thus advancing economic justice and human dignity.

5. Promotion of Gender Pay Equity

Even though there are constitutional provisions regarding equality under, there are gender-based differences in wages. This gap should be closed with stronger application of equal remuneration laws, as well as workplace policies that ensure inclusivity and non-discrimination in order to achieve substantive equality.

6. Promoting Judicial Activism in Labour Rights

The courts have been traditionally instrumental in increasing the range of socio-economic rights. The judiciary needs to continue to be involved in order to tackle the arising issues, to interpret labour legislation in the context of the constitutional values and to make sure that right to livelihood is dynamic and adaptive to the emerging socio-economic realities.

All these recommendations are designed to help close the divide between constitutional principles and the reality on the ground and enhance the rights to livelihood in India.

CONCLUSION

The right to livelihood has gradually become a key constituent of the constitutional jurisprudence in India mainly due to the liberal interpretation of. Even though the right to livelihood is not explicitly mentioned within the constitutional text, the Indian courts have already recognized it as the part of the right to life – the right to lead an honourable existence, which presupposes a means to livelihood.

Several decisions on cases like helped to consolidate the idea of livelihood as one of the components of life. In addition, the labour legislation contributes significantly to the practical realization of the constitutional right to livelihood through ensuring protection against exploitation, discrimination, and dismissal of employees. The legal regulation of such important aspects of labour as wages, working conditions, social protection provides the framework for protection from violations and economic risks of employees. Nevertheless, the current situation raises several concerns about the effectiveness of the legal system. First, the prevalence of the informal employment sector leads to the fact that millions of people remain unprotected because of the gaps in legislation. In addition, gender discrimination in labour and other negative tendencies create additional barriers to the exercise of the workers' rights.

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