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“NEW LABOUR CODE AND ITS IMPACT ON INDIAN RAILWAYS LABOUR: A CRITICAL STUDY WITH SPECIAL REFERENCE TO SAFETY AND WAGES”

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ABSTRACT

India's sweeping consolidation of over 44 central labour laws into four comprehensive 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) — represents the most significant labour reform in post-independence India. Indian Railways, as one of the world's largest employers with over 1.3 million regular employees and an indeterminate number of contract workers, stands at the epicentre of this transformation. This paper undertakes a critical examination of the new Labour Codes with specific reference to their impact on Indian Railways labour, focusing on the twin domains of occupational safety and wage justice. Drawing on CAG audit findings, union responses, legislative analysis, and policy documents, this study argues that while the Codes introduce progressive reforms, systemic implementation gaps — particularly concerning contract labour, minimum wages compliance, and worksite safety — continue to threaten the welfare of railway workers. The paper recommends a railway-specific implementation framework to ensure these reforms are translated from statute to practice.



KEYWORDS: India's sweeping consolidation , comprehensive Labour Codes .

INTRODUCTION

1.1 Background

Indian Railways is not merely a transportation network; it is the economic and social lifeline of the Indian subcontinent. Spanning over 68,000 route kilometres and employing approximately 1.4 million workers across diverse operational, technical, and support categories, it constitutes one of the largest single employers on earth. The workforce encompasses permanent gazetted and non gazetted employees, semi-permanent workers, daily wage labourers, and a vast ecosystem of contract workers engaged through private contractors for infrastructure, housekeeping, maintenance, and construction services.

For decades, the legal framework governing this enormous workforce was fragmented across more than 44 central labour statutes — a colonial and post-independence legislative patchwork that was simultaneously complex, redundant, and difficult to enforce. The Railways Act, 1989, the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Contract Labour (Regulation and Abolition) Act,

1970, the Industrial Disputes Act, 1947, the Factories Act, 1948, and the Employees' State Insurance Act, 1948 — among many others — together formed an unwieldy regulatory architecture. Compliance was inconsistent, enforcement was episodic, and exploitation of contract workers was systematic and well-documented.

Against this backdrop, the Government of India, under the aegis of the Ministry of Labour and Employment, undertook the most ambitious labour law consolidation in independent India's history: the codification of 44 central laws into four Labour Codes.

1.2 The Four Labour Codes: An Overview

The four Codes and their primary focus areas are:

- **The Code on Wages, 2019** — Consolidates the Minimum Wages Act (1948), Payment of Wages Act (1936), Payment of Bonus Act (1965), and Equal Remuneration Act (1976). It introduces a universal National Floor Wage and extends minimum wage protection to all workers irrespective of sector.
- **The Industrial Relations Code, 2020** — Merges the Industrial Disputes Act (1947), Industrial Employment (Standing Orders) Act (1946), and Trade Unions Act (1926). It raises the threshold for government approval of layoffs from 100 to 300 workers and introduces a re-skilling fund.
- **The Code on Social Security, 2020** — Consolidates nine laws including the Employees' Provident Funds Act (1952), ESI Act (1948), Gratuity Act (1972), and Maternity Benefit Act (1961). It extends social security coverage to gig and platform workers.
- **The Occupational Safety, Health and Working Conditions Code (OSH Code), 2020** — Amalgamates 13 laws including the Factories Act (1948), Contract Labour Act (1970), and Building & Other Construction Workers Act (1996). It is of particular significance to Indian Railways.

1.3 Objectives of the Study

This paper aims to:

1. Analyse the key provisions of the new Labour Codes relevant to Indian Railways.
2. Examine the existing state of wage justice and occupational safety for railway workers.
3. Critically evaluate the potential positive and negative impacts of the Codes on railway labour.
4. Identify implementation challenges and structural gaps specific to the railway sector.
5. Recommend policy measures for effective, worker-centric implementation.

1.4 Research Methodology

This study adopts a qualitative analytical methodology. Primary sources include the text of the four Labour Codes, CAG Audit Reports (particularly Report No. 19 of 2018 on Indian Railways Contract Labour), Railway Board circulars, and official Compliance Handbooks. Secondary sources include peer-reviewed articles, newspaper analyses, trade union position papers, and legal commentaries by law firms such as Cyril Amarchand Mangaldas and Fisher Phillips.

INDIAN RAILWAYS LABOUR: A STRUCTURAL PROFILE

2.1 The Workforce Composition

Indian Railways maintains a unique dual workforce structure. The first tier consists of permanent employees recruited through the Railway Recruitment Boards (RRBs) and Railway Recruitment Cells (RRCs), governed directly by service rules promulgated by the Ministry of Railways under the Railways Act, 1989. These workers enjoy relatively stable service conditions, defined pay scales under the Seventh Pay Commission recommendations, pension benefits under the National Pension System (NPS), and access to Railway health facilities.

The second tier — and numerically more precarious — consists of contract workers. These are engaged through private contractors for a wide range of non-operational and semi-operational activities: track maintenance, station cleaning and housekeeping, catering, construction of bridges, buildings, and gauge conversion projects, loading and unloading, and miscellaneous portage. The number of contract workers employed across Indian Railways at any given time runs into several hundred thousand, though precise all-India data remains elusive given the decentralised contracting system.

2.2 The Problem of Contract Labour

The contract labour dimension of Indian Railways is where labour rights violations are most acute and best documented. The CAG's landmark audit — Report No. 19 of 2018: Compliance to Statutory Requirements in Engagement of Contract Labour by Indian Railways — surveyed 463 contracts across nine zonal formations and produced damning findings:

- Only **105 out of 463 contracts** (a mere **22.7%**) showed compliance with minimum wage provisions under the Minimum Wages Act, 1948.
- Minimum wages were confirmed not paid in **129 contracts**; records were not even made available for **229 contracts**.
- Audit assessed short payments of ₹9.23 crore to **3,310 contract labourers** over the contract period.
- In **116 contracts**, contractors were not even registered with the Employees' State Insurance Corporation (ESIC).
- In **172 contracts**, contractors had not obtained the requisite licences from the Central Labour Commissioner.
- In **49 contracts**, neither rest periods were provided nor rest-day wages at double the minimum rate were paid.
- The total assessed shortfall in statutory payments across 312 reviewed contracts was a staggering **₹26.14 crore**.

These numbers represent not merely administrative lapses but a systematic denial of legally guaranteed rights to some of the most economically vulnerable workers in the country.

2.3 Categories of Railway Workers and Their Vulnerabilities

Different categories of railway workers face different types of vulnerability:

- **Track maintainers and gangers** — exposed to live rail hazards, heavy machinery, and extreme weather conditions with inadequate protective equipment.
- **Construction workers** — engaged in bridge construction, tunnel boring, and earthwork under dangerous conditions, often by contractors who neglect safety compliance.
- **Housekeeping and cleaning staff** — engaged mostly as contract workers; lowest wages, no formal employment records in many cases, no social security.
- **Loco pilots and guards** — extreme fatigue due to extended shift durations; regulated by the Hours of Employment Regulations (HOER) but with documented violations.
- **Workshop and production unit workers** — exposed to industrial hazards, noise, chemicals, and heavy machinery.

The New Labour Codes: Key Provisions Relevant to Indian Railways

3.1 The Code on Wages, 2019: Implications for Railway Workers

The Code on Wages, 2019 is arguably the most immediately impactful of the four Codes for Indian Railways labour, particularly the contract workforce. Its key provisions of relevance include:

Universal Minimum Wage Coverage: Under the predecessor Minimum Wages Act, 1948, minimum wage protection was restricted to workers employed in "scheduled employments." The Code on Wages eliminates this restriction and extends minimum wage protection to all workers in all employments, including railway contract workers in housekeeping, construction, and maintenance.

National Floor Wage: The Central Government is empowered to notify a National Floor Wage, below which no state government may set a minimum wage. This creates a nationwide wage floor that prevents a race-to-the-bottom among states competing for contractor investments.

Redefined Concept of Wages: The Code introduces a comprehensive definition of "wages" to include basic pay, dearness allowance, and retaining allowance — while excluding certain elements (HRA, conveyance, overtime, bonuses) if their aggregate does not exceed 50% of total remuneration. This restructuring significantly impacts the computation of gratuity, provident fund contributions, overtime pay, and terminal benefits for railway workers, potentially increasing their take-home components of social security.

Timely Payment Obligation: Employers must pay all wages within seven days of the end of the wage period (or two working days upon separation). For a historically cash-strapped railway contracting ecosystem where delayed wage payments were routine, this is a significant protective measure.

Special Provisions for Railways: The Code on Wages explicitly includes railway-specific provisions relating to deductions for losses caused by railway employees' negligence (such as incorrect billing, failure to collect fares, loss of railway property), thereby retaining the pre-existing accountability framework within the new consolidated structure.

3.2 The Occupational Safety, Health and Working Conditions Code, 2020

The OSH Code 2020 consolidates 13 laws including the Contract Labour Act, Factories Act, and the Building and Other Construction Workers Act — all of which were previously applicable to various categories of Indian Railways workers. Its railway-specific and broadly applicable provisions include:

Explicit Reference to Railway Establishments: The Code's definition of "appropriate government" explicitly includes railway establishments as Central Government undertakings, bringing Indian Railways directly under the Code's regulatory ambit.

Annual Safety Audits: Employers are mandated to conduct annual safety audits. For railway workshops, construction sites, and maintenance yards, this provision could substantially improve hazard identification and risk mitigation.

Annual Health Examinations: Free annual health check-ups are now a statutory right for specified categories of employees, directly benefiting railway workers exposed to industrial hazards.

Women Workers at Night: The Code formally permits women to work night shifts across all roles, provided the employer ensures safety measures. This is significant for female railway employees in operational and technical roles.

Digital Record-Keeping: Employers must maintain digital registers of workers — a provision that directly addresses the chronic problem of undocumented contract workers in the railway system.

Mandatory Appointment Letters: Every worker, including contract workers, must receive a written appointment letter. This single provision, if enforced, could dramatically reduce the informality and vulnerability of railway contract labour.

3.3 The Industrial Relations Code, 2020

Threshold for Layoffs Raised: The threshold for requiring government permission before layoffs, retrenchment, or closure has been raised from 100 to 300 workers. For Indian Railways' own permanent workforce, this has limited direct impact. However, for large railway contractors employing

hundreds of contract workers, this change increases their flexibility to retrench workers without government approval — a matter of concern for organised contract labour.

Re-skilling Fund: A re-skilling fund, to which employers must contribute 15 days' wages per retrenched worker, is a progressive provision that could benefit displaced railway contract workers.

Grievance Redressal Committee: Establishments with 20 or more workers must constitute a Grievance Redressal Committee with equal employer-employee representation. This could provide a formal dispute resolution channel for railway workers who currently lack accessible grievance mechanisms.

3.4 The Code on Social Security, 2020

Extended Gratuity Coverage: Gratuity entitlement is extended to piece-rate, seasonal, and disabled workers. Many railway construction and maintenance workers engaged on piece-rate or seasonal basis were previously excluded from gratuity.

Gig and Platform Worker Recognition: For the first time, gig and platform workers are formally recognised and brought within the social security framework. This has implications for increasingly digitised railway service functions being outsourced.

EPFO and ESIC Digitisation: The Code strengthens digital integration of social security infrastructure, potentially closing the gap that previously allowed railway contractors to avoid EPFO and ESIC registrations for their workers.

IMPACT ON WAGES: A CRITICAL ASSESSMENT

4.1 Positive Dimensions

The new Labour Codes offer several potentially transformative improvements to the wage landscape of Indian Railways labour.

Elimination of Scheduled Employment Restriction: The most progressive wage-related reform is the extension of minimum wage protection to all workers, regardless of the nature of their employment. Previously, the Minimum Wages Act applied only to 45 scheduled employments. Millions of Indian Railways contract workers — particularly in housekeeping, cleaning, and portage — who fell outside scheduled categories were legally unprotected. The Code on Wages eliminates this exclusion.

National Floor Wage as a Bulwark Against Exploitation: The National Floor Wage mechanism ensures that even in states where minimum wages are historically low, railway contractors cannot legally pay below the nationally determined floor. Given that Indian Railways operates across 29 states and 7 Union Territories, this is a critical harmonising measure.

Structural Redefinition Benefiting Social Security Contributions: The new definition of "wages" under the Code on Wages limits the exclusion of allowances to 50% of total remuneration. This means that employers who had structurally inflated the allowance component of salaries to artificially reduce the "basic pay" base for PF/ESI/gratuity calculations — a widespread practice among railway contractors — will now face enhanced contribution liabilities, directly benefiting workers.

Two-Day Final Settlement: The requirement to settle final wages within two working days of separation significantly protects railway contract workers from the chronic withholding of dues upon contract completion or termination — a practice that was routine and difficult to legally challenge.

4.2 Critical Concerns and Limitations

Despite these progressive provisions, several critical concerns undermine the transformative potential of the Codes in the Indian Railways wage context.

Non-Implementation of National Floor Wage: The Code mandates the Central Government to notify the National Floor Wage, but as of the time of this writing, the floor wage has not been notified by several states. Without a notified floor wage, the entire protective architecture rests on an incomplete foundation.

The Definition of Wages: A Double-Edged Sword: While the redefined wage definition benefits social security computation, it simultaneously creates ambiguity regarding what constitutes the "wage" for the purpose of minimum wage compliance. Legal commentators have noted that employers may restructure salary packages in ways that technically comply with the new definition while keeping actual worker income depressed.

Enforcement Deficit: The CAG Report of 2018 documented that minimum wages were being paid in only 23% of reviewed railway contracts even under the existing Minimum Wages Act — a law that was simpler and clearer. The new Code, with its broader definitional framework and multi-tier compliance structure, may be more complex to enforce without a commensurate strengthening of the Labour Commissioner's inspection machinery within the railway system.

Contractor Disqualification Mechanism: Weak in Practice: Indian Railways introduced a policy to disqualify contractors levied with penalties for labour law violations three times in two years. However, the limited rate of inspections, under-reporting of violations, and the absence of a robust real-time complaint mechanism means this disqualification trigger is rarely activated.

Bonus Threshold Stagnation: The Code on Wages retains the statutory bonus coverage for employees earning up to ₹21,000 per month. However, the bonus calculation ceiling remains at ₹7,000 per month — levels that have not kept pace with inflation, effectively eroding the real value of statutory bonus for railway workers.

4.3 The Wage Gap: Data in Context

The Seventh Pay Commission's recommendations brought significant improvements in the wages of permanent railway employees. However, the contrast with contract workers remains stark. The table below illustrates the wage disparity:

Category	Monthly Wage Range	Social Security Coverage	Formal Employment Record
Permanent Railway Employee (Group C/D)	₹18,000 – ₹60,000+	Full (PF, ESI, Gratuity, Pension)	Yes (Service Book)
Registered Contract Worker	₹9,000 – ₹18,000	Partial/Variable	Sometimes
Unregistered/Informal Contract Worker	₹6,000 – ₹12,000	Rarely	Rarely
Daily Wage Labourer	₹350–₹600/day	Almost Never	Almost Never

The Codes, if fully implemented, would eliminate the bottom two rows by mandating universal minimum wages, mandatory appointment letters, and digital registration of all workers.

IMPACT ON OCCUPATIONAL SAFETY: A CRITICAL ASSESSMENT

5.1 The Safety Crisis in Indian Railways Work Environments

Occupational safety in Indian Railways is a matter of institutional and national urgency. Railway construction sites, maintenance worksites, locomotive sheds, workshops, and track sections constitute some of the most hazardous work environments in the country. The Indian Railways' own Handbook on Safety at Work Site acknowledges that "due to the increase in construction works and large-scale mechanisation, accidents in railway worksites are more frequent and their rate is high."

Common occupational hazards specific to railway worksites include:

- **Track Maintenance:** Risk of train collision, falls, heavy lifting injuries, heat stroke, and electrocution from overhead equipment.
- **Bridge and Construction Work:** Falls from height, scaffolding collapses, failure of suspension ropes, inadequate counterweights, and unstable ground conditions.
- **Ladder and Height Work:** Annual fatalities and severe injuries from improper ladder use, poor maintenance, and inadequate fall protection.
- **Tunnel and Underground Operations:** Oxygen-deficient environments, rock falls, noise-induced hearing loss.
- **Workshop Environments:** Industrial chemical exposure, machinery entanglement, noise, vibration, and repetitive strain injuries.

The absence of systematic accident reporting, the informal status of most contract workers, and the lack of an integrated occupational health surveillance system have meant that the true extent of occupational morbidity and mortality in Indian Railways work environments remains significantly underreported.

5.2 Positive Contributions of the OSH Code, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 represents a genuine legislative advance in several respects relevant to Indian Railways.

Consolidation of Applicable Laws: The merger of the Contract Labour Act, the Building & Other Construction Workers Act, and the Factories Act into a single code eliminates the jurisdictional ambiguity that previously allowed contractors to evade safety obligations by arguing that a specific law did not apply to their particular category of work.

Annual Safety Audits — A Structural Preventive Mechanism: The mandatory annual safety audit requirement, applicable to all covered establishments, could serve as a powerful preventive tool. For the hundreds of active railway construction sites and maintenance depots, an annual audit would create a systematic protocol for hazard identification, risk assessment, and corrective action — activities that were previously ad hoc and discretionary.

Mandatory Health Examinations: The requirement for free annual health examinations for workers in specified categories addresses the chronic issue of undetected occupational diseases among railway workers. Workers in welding, painting, asbestos handling (in older rolling stock), chemical treatment, and noise-intensive environments can particularly benefit.

Event-Based Compliance Obligations: The new framework requires accident and dangerous occurrence reporting within 24–72 hours. This reporting obligation, combined with digital record-keeping mandates, could create a more accurate national picture of railway worksite accidents, enabling evidence-based safety policy.

Worker Representation in Safety Committees: The OSH Code mandates safety committees in establishments meeting defined thresholds, with worker representation. This democratic safety governance mechanism is an advance over the employer-centric safety management systems that prevailed under the Factories Act.

Crèche Facilities: Establishments with 50 or more employees must provide or share crèche facilities. For female contract workers in railway housekeeping and cleaning — a rapidly growing segment — this provision addresses a critical welfare need.

5.3 Critical Concerns and Gaps

Despite these advances, the OSH Code contains significant gaps and limitations that temper its transformative potential in the Indian Railways context.

The Threshold Problem: The OSH Code applies to establishments above defined worker thresholds. Many railway contractors — particularly those managing small maintenance sections or housekeeping units — employ workers in numbers below these thresholds, potentially placing them outside the Code's direct ambit. The protection of hazardous occupation clauses (which waive threshold

requirements for life-threatening activities) partially addresses this, but requires proactive government notification of relevant categories.

Exclusion of Mobile Railway Operations: The Code's definition of "factory" explicitly excludes "a mobile unit belonging to the armed forces" and, in specific provisions, railway operations. This creates an anomaly where on-board train crew — including loco pilots, guards, and on-train catering staff — may not be fully covered by the OSH Code's safety provisions, continuing to rely on the HOER and Railways Act framework.

Implementation Capacity Deficit: The OSH Code's effectiveness depends entirely on the capacity of the inspection machinery. India's ratio of labour inspectors to workers is among the lowest in the world. Without a substantial increase in inspection staff and their railway-specific technical training, the Code's impressive provisions will remain aspirational.

Contractor Accountability Gap: The Code makes contractors primarily responsible for worksite safety but provides for principal employer (Indian Railways) liability when contractors fail. However, the practical enforcement of principal employer liability against Indian Railways has been historically weak, with zonal administrations typically deflecting responsibility to contractors.

Absence of Railway-Specific Safety Standards: The OSH Code provides a general framework. Indian Railways' unique safety environment — live overhead equipment, moving trains, track geometry maintenance, high-speed rail environments — requires sector-specific occupational safety standards. The Code does not itself prescribe these; it empowers the government to make rules but leaves the formulation of railway-specific standards to subordinate legislation that is yet to be comprehensively developed.

TRADE UNION RESPONSES, IMPLEMENTATION CHALLENGES, AND STRUCTURAL ANALYSIS

6.1 Trade Union Perspectives

The response of Indian Railways' trade unions to the new Labour Codes has been one of cautious suspicion, shading into active opposition in several respects.

The All India Railwaymen's Federation (AIRF) and the National Federation of Indian Railwaymen (NFIR) — the two principal federations recognised by the Railway Ministry — have raised concerns primarily around the Industrial Relations Code. The raising of the layoff threshold from 100 to 300 workers is viewed as a potential tool for large railway contractors to retrench workers without accountability, weakening the bargaining position of organised labour.

At the national level, all ten Central Trade Unions — including INTUC, AITUC, HMS, CITU, and BMS — have repeatedly called for strikes against the new Codes, with nationwide agitations in February 2026 disrupting banking and public transport services. Their concerns, as articulated in public statements, include:

- The Codes give employers greater freedom to hire, dismiss, and restructure workforces without adequate worker consultation.
- The consolidation process has diluted certain protective provisions that existed in the predecessor laws.
- The longer work-hour flexibility provisions in certain industries could be extended to railways under the guise of operational necessity.
- The multi-layered state rule-making process creates a prolonged implementation uncertainty that benefits employers at workers' expense.

6.2 The Digital Railway Labour Management Initiative

Indian Railways has, alongside the national Labour Code reform, taken some autonomous initiatives that align with the Codes' thrust. A significant development has been the introduction of a **Digital Contract Labour Management System**, which creates a centralised database of all contract workers engaged in labour-intensive service contracts, containing:

- Personal details and police verification records
- Medical insurance and EPFO registration data
- Biometric attendance records
- Shift logs and safety training completion records
- Salary disbursement details

This system was introduced under a new General Conditions of Contract (GCC) framework approved by the Railway Board. It operationalises, at the institutional level, many of the digital registration and appointment letter requirements of the OSH Code and Code on Social Security, providing a model for implementation that other sectors could emulate.

Additionally, the Railway Board directed that contractors found violating labour laws could be blacklisted — a significant deterrent if consistently applied.

6.3 The Principal Employer Liability Framework

A key structural question arising from the application of the new Labour Codes to Indian Railways is the delineation of responsibility between Indian Railways as the principal employer and private contractors as the immediate employers of contract labour. Under the OSH Code and the Code on Wages, the principal employer bears liability for ensuring contractor compliance with wage and safety obligations, with the right to recover costs from the contractor.

This framework, if rigorously enforced, could transform Indian Railways from a passive principal employer into an active guarantor of labour standards for its entire contractor ecosystem. The Railway Board's 2019 directive — threatening blacklisting for labour law violations — represents a step in this direction. However, the systemic changes needed to make principal employer liability a practical reality require:

1. Dedicated labour compliance cells within each zonal railway.
2. Mandatory third-party labour audits of all contracts above defined thresholds.
3. Integration of labour compliance data into the railway's contract management systems.
4. Accessible helplines for contract workers to report violations anonymously.

6.4 The Gender Dimension

The Codes introduce several gender-progressive provisions of relevance to Indian Railways. The permission for women to work night shifts in all roles — with employer-mandated safety measures — aligns with the increasing entry of women into technical and operational positions in Indian Railways. The mandatory Grievance Redressal Committees (with women's inclusion) and crèche facilities address the structural barriers that limit women's full participation in railway employment. However, critics note that the "consent" requirement for night work, while nominally protective, can in practice become a mechanism for employer-driven rationalisation of women's exclusion from certain roles if safety infrastructure is inadequately provided.

CRITICAL ANALYSIS, RECOMMENDATIONS, AND CONCLUSION

7.1 A Synthesis: Progressive Reform with Structural Contradictions

The new Labour Codes represent a genuinely significant advance in the legal architecture governing Indian Railways labour. The universalisation of minimum wage protection, the extension of social security to previously excluded categories, the consolidation of applicable safety laws, and the introduction of digital worker registration are legislative achievements of real consequence. The political will reflected in these Codes acknowledges, at least formally, the systemic exploitation that has characterised the treatment of railway contract workers.

However, a critical assessment must honestly confront the structural contradictions embedded in these reforms:

The Flexibility-Security Paradox: The Codes simultaneously extend worker protections (minimum wages, safety audits, social security) and increase employer flexibility (higher layoff thresholds, relaxed standing order requirements, fixed-term employment flexibility). In the Indian Railways context, where contract workers already labour under highly precarious conditions, the flexibility provisions may exacerbate insecurity unless the protective provisions are zealously enforced.

The Delegation Problem: Both the OSH Code and the Code on Social Security delegate significant rulemaking authority to the Central and State Governments. Many of these rules, including the notification of the National Floor Wage and railway-specific safety standards, remain incomplete or unpublished. A Labour Code without its Rules is a building without walls — the legislative frame exists, but the habitable space does not.

The Enforcement Infrastructure Gap: The most comprehensive labour legislation is only as effective as the enforcement machinery that implements it. India's labour inspection system is chronically understaffed. The introduction of a system of self-certification and compliance web portals, while administratively efficient, transfers the burden of compliance verification from inspectors to employers — precisely the parties whose historical compliance record in Indian Railways was documented as catastrophically poor by the CAG.

The Contract Labour Paradox: The OSH Code retains the contract labour system rather than restructuring it. As long as the principal-contractor-subcontractor chain allows diffusion of accountability, the nominal extension of protections to contract workers will remain difficult to realise in practice. The CAG's 2018 finding that minimum wages were paid in fewer than one-quarter of reviewed railway contracts was under a simpler, clearer law. A more complex consolidated framework may not automatically produce better compliance.

7.2 Recommendations

Based on the foregoing analysis, this paper recommends the following measures for effective, railway-specific implementation of the new Labour Codes:

1. **Establish Railway Labour Compliance Cells:** Each of the 18 zonal railways should establish a dedicated Labour Compliance Cell, staffed by trained officers with authority to inspect contractor worksites, review wage records, and initiate proceedings against non-compliant contractors.
2. **Notify Railway-Specific Safety Standards:** The Ministry of Labour, in consultation with the Ministry of Railways, should notify railway-specific occupational safety standards under the OSH Code, covering track maintenance, construction, workshop, and on-board work environments.
3. **Mandate Third-Party Labour Audits:** All railway contracts above ₹50 lakh should be subjected to mandatory annual third-party labour audits, with findings submitted to the Railway Board and the Central Labour Commissioner.
4. **Accelerate National Floor Wage Notification:** The Central Government should expeditiously notify the National Floor Wage at a level that genuinely reflects the cost of living, ensuring that railway contract workers across all states receive a meaningful wage floor.
5. **Operationalise Digital Labour Management System Nationwide:** The Digital Contract Labour Management System piloted under the new GCC should be mandatorily extended to all railway contracts, integrated with EPFO and ESIC databases for real-time compliance monitoring.
6. **Create an Anonymous Worker Complaint Mechanism:** A dedicated, multilingual, 24-hour toll-free helpline and mobile application should be established for railway contract workers to report wage theft, safety violations, and employment condition complaints, with guaranteed non-retaliation protections.
7. **Strengthen Union Consultation:** The implementation rules under the four Codes — particularly those relating to standing orders and safety committees for railway contractor establishments — should be drafted in consultation with recognised railway trade unions to ensure that the flexibility provisions are balanced by adequate worker protections.

8. **Introduce Gender-Sensitive Safety Protocols:** The Railway Board should develop specific guidelines for women's safety on railway worksites during night and early morning hours, consistent with the OSH Code's requirements, including adequate lighting, transport, and anti-harassment infrastructure.

7.3 Conclusion

The enactment of the four Labour Codes marks a watershed moment in India's labour law history. For Indian Railways labour — a workforce that simultaneously sustains the nation's mobility and endures some of its most documented instances of wage theft, safety neglect, and social security exclusion — these Codes carry transformative potential. The universalisation of minimum wage protection, the consolidation of safety standards, and the digital registration of contract workers are measures that, if implemented with institutional seriousness, could meaningfully improve the lives of hundreds of thousands of railway workers.

Yet, as this study has demonstrated, the distance between legislative intent and worksite reality in the Indian Railways context is wide and historically well-documented. The same systemic conditions that produced a 23% minimum wage compliance rate under simpler predecessor laws — inadequate enforcement infrastructure, diffused contractor accountability, weak principal employer oversight, and limited worker voice — persist under the new framework unless deliberately addressed.

The Codes are a necessary condition for the protection of Indian Railways labour. They are not, by themselves, a sufficient one. That sufficiency must be built through institutional reform, political will, resource allocation, and — above all — the active participation of workers themselves in shaping the safety and wage standards of their workplaces. The law has moved; now governance must follow.

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