

Constitutional Protection of Workers' Rights: A Socio-Legal and Psychological Study of Labour Law Reforms in Kolkata and North 24 Parganas

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ABSTRACT

With a regional focus on Kolkata and North 24 Parganas, two industrially varied regions of West Bengal, the paper examines the constitutional protection of workers' rights in India from a socio-legal and psychological perspective. This study, which is based on the constitutional principles of justice, equality, and worker dignity, critically analyzes how the post-2020 labour law reforms, specifically, the four unified labour codes affect workers' psychological and legal well-being. It explores the changing connection between law and mind, showing how increased anxiety, decreased agency, and a loss of faith in institutional justice are all associated with the deterioration of collective bargaining rights, contractual instability, and the informalization of labour. The study shows that workers' rights go beyond statutory entitlements to include the psychological and emotional guarantee of fairness, recognition, and stability by fusing constitutional jurisprudence, and case law analysis, particularly the idea of the psychological contract. Systemic gaps in enforcement, awareness, and psychological support still exist despite constitutional and judicial commitments to humane working conditions and livelihood stability, according to empirical evidence from Kolkata and North 24 Parganas.

Keywords: Dignity, Rights, Well-being, Collective Bargaining, Mental Health

INTRODUCTION:

Workers' rights are framed by India's constitutional enterprise as fundamental representations of social justice, equality, and human dignity rather than only as legal rights. Articles 14, 21, 23, 24, 39, 41, and 43A of the Indian Constitution ensure livelihood and decent working circumstances, which situate labour law reform within a socio-legal framework aimed at safeguarding workers' psychological and legal well-being. This dual motivation is shown in the recent comprehensive changes implemented in India through the four Labour Codes (Wages, Industrial Relations, Social Security, Occupational Safety, Health & Working Conditions): improving worker protection and streamlining outdated laws for corporate convenience. But according to empirical and doctrinal commentary, the reform process is characterized by uneven implementation, the continued informality of labour markets, and the possibility that the constitutional promise will be undermined by marginalization, job insecurity, and inadequate grievance redressal (Varnekar & Chutia, 2024; Rawal & Shukla, 2025).

Job security, perceived fairness, and an inclusive workplace culture are crucial for employee wellbeing, according to psychological research conducted in Indian workplaces. Long workdays, precarious employment, and a lack of trust in institutions lead to increased stress and poorer work performance (British Safety Council

India, 2023; Indian Journal of Psychiatry, 2024). In some geographical contexts, such as the metropolitan and peri-urban districts of Kolkata and North 24 Parganas, the interaction between constitutional protections, labour law reform, and the lived psychological reality of workers is still not sufficiently examined. To determine if the constitutional protection of workers' rights is being reflected in both legal efficacy and subjective welfare, this article conducts a socio-legal and psychological analysis of the results of labour reform in various West Bengal districts. In a welfare-state democracy undergoing transition, the goal is to close the gap between workers' mental and emotional security and their formal legal rights.

Objectives of the Study:

- To examine the constitutional foundations of workers' rights in India
- To critically analyze the impact of the post-2020 Labour Law Reforms
- To assess the level of legal awareness among workers
- To explore the psychological dimensions of labour rights, focusing on the relationship between job security, work-related stress, perceived fairness, and dignity at work
- To identify socio-economic and gender disparities in the realization of constitutional labour rights

Research Gap

Despite a substantial body of literature examining labour welfare, industrial relations, and constitutional guarantees, there exists a notable vacuum in the interdisciplinary understanding of how constitutional labour protections translate into psychological wellbeing and perceived justice among workers at the local level.

Most prior studies in India has focused on:

- a) The doctrinal validity of labour reforms under the Constitution; or
- b) The economic implications of liberalised labour policies;

However, very few combine socio-legal field data with psychological analysis to explore how workers perceive, internalise, and respond to labour law changes that affect their sense of dignity, job security, and institutional trust.

Furthermore, there is limited region-specific research on Kolkata and North 24 Parganas, which possess a unique industrial composition, blending formal manufacturing, informal labour markets, and declining trade union culture. These districts reflect a microcosm of post-liberalisation India, yet remain underexplored in socio-legal literature.

CONSTITUTIONAL AND LEGAL FOUNDATIONS OF WORKERS RIGHTS

The Indian Constitution safeguards workers' rights through its two main components: the Fundamental Rights and the Directive Principles of State Policy (DPSPs). This establishes a structure that includes both enforceable rights and goals for socio-economic justice. This framework is fundamentally about ensuring the dignity of work, mental security, and the economic welfare of all citizens (Sharma, 2024).

Article 14 ensures equality before the law and equal protection under the law, serving as the constitutional basis to combat workplace discrimination and unjust termination (Bhatia, 2023). Article 19(1)(c) grants the right to form associations or unions, allowing workers to organize, engage in collective bargaining, and protect their economic interests, which are vital for the democratic operation of labour relations (Singh, 2023). Article 21, which ensures the right to life and personal liberty, has been broadly interpreted to encompass the right to livelihood, fair working conditions, and occupational dignity (Pathak, 2024). Articles 23 and 24 enhance this framework by banning forced labour, trafficking, and child employment in dangerous industries, thereby reinforcing the ethical basis of labour law (Mishra, 2023).

The Directive Principles of State Policy (Part IV) enhance these rights by incorporating wider welfare obligations. Article 38 requires the State to foster a social order rooted in justice: social, economic, and political, aiming to diminish inequalities among citizens. Articles 39(a) and (d) focus on ensuring sufficient means of livelihood and guaranteeing equal pay for equal work,

both of which enhance the material and psychological well-being of workers (Choudhury, 2025). Articles 41 to 43A outline the right to work, ensuring just and humane working conditions, a living wage, and the involvement of workers in industrial management (Gupta, 2024). The addition of Article 43A through the 42nd Constitutional Amendment in 1976 marks a significant change towards industrial democracy, seeing workers as stakeholders instead of just employees (Deshmukh, 2024).

The Supreme Court of India has consistently interpreted these provisions broadly and with a focus on human values. In the case of *Olga Tellis v. Bombay Municipal Corporation* (1985), the Court determined that the right to livelihood is encompassed within the right to life as stated in Article 21. The Court reasoned that a life without the means to earn a living lacks significance (Awasthi, 2023). The principle was further elaborated in *Bandhua Mukti Morcha v. Union of India* (1984), where the Court emphasized that the right to live with dignity includes just and humane working conditions, fair wages, and safeguarding the health and strength of workers. The Court explicitly referenced Articles 39(e) and (f), 41, and 42, connecting the moral authority of the DPSPs with the enforceability of fundamental rights (Jain, 2024).

The judicial acknowledgment of these socio-economic rights carries significant psychological effects. Workers gain both material security and psychological assurance from the State's dedication to dignity, equality, and fairness (Choudhury, 2025). The acknowledgment of labour dignity as part of constitutional morality, as emphasized in *Bandhua Mukti Morcha*, signifies a shift from conventional industrial regulation to a more human-centered approach in labour law. The intersection of law and psychology emphasizes that the well-being of employees is closely linked to their mental and emotional health in the work environment.

The constitutional provisions and judicial interpretations collectively create a cohesive framework for labour justice in India. They strive to safeguard workers' economic interests while fostering a psychologically safe and engaging industrial atmosphere, aligning with the Preamble's commitment to justice, equality, and dignity for every citizen.

LABOUR LAW REFORMS AND THEIR LEGAL & PSYCHOLOGICAL IMPLICATIONS ON WORKERS' RIGHTS

Indian labour law was overhauled by the Four Labour Codes between 2019 and 2020, the most thorough consolidation of labour legislation in independent India. The Codes on Wages, Industrial Relations, Social Security, and Occupational Safety, Health, and Working Conditions consolidate 29 major labour legislation into four frameworks to simplify and harmonize. Ministry of Labour and Employment goals include "ease of doing business," regulatory fragmentation reduction, and compliance improvement through digitization (MoLE, 2020). The Codes assume consolidation and labour market flexibility will boost efficiency, formalization, and equity.

The Code on Wages, 2019 combines minimum wage, bonus, and fair pay rules. Creating a universal pay

floor across industries expands legislative coverage (Saini, 2021). The 2020 Industrial Relations Code is the most contentious. It amends trade union, strike, layoff, and retrenchment rules to prohibit companies with up to 300 employees from receiving prior government approval for layoffs, up from 100. Critics say this change weakens collective bargaining and job security (Shyam Sundar, 2021). The Code on Social Security, 2020 consolidates multiple social security regulations and broadens “employee” to include gig and platform workers without imposing employer liability, raising questions about the protection provided. The Occupational Safety, Health, and Working Conditions Code, 2020 consolidates 13 health, safety, and working conditions laws and raises the threshold for specific welfare provisions, raising concerns about the exclusion of smaller establishments (Mehrotra, 2021).

Despite reasoning, some analysts say innovations weaken safeguards. The Industrial Relations Code's tight strike provisions, which require 14-day strike notices and ban strikes in key services, might weaken collective bargaining frameworks. These restrictions use Article 19(1)(c) of the Constitution, which protects group and union formation. The Supreme Court has often said that unionism is fundamental to industrial democracy (All India Bank Employees' Assn. v. National Industrial Tribunal, 1962), yet Art. 19(1)(c) does not grant the right to strike. Therefore, excessive proceduralism may impair legally recognized associational autonomy.

The shift to risk-based and web-based inspections raises Article 14 constitutional concerns regarding arbitrariness and unequal protection. Researchers note that online, randomized inspections may favour capital-intensive firms, underregulating informal sectors (Sankaran, 2020). Article 14's idea of arbitrariness requires classifications to be consistent to the intended goal, yet exclusion of establishments below particular standards doesn't explain workers' wellbeing.

Article 21, which Indian law has broadly interpreted to include the right to livelihood, humane working conditions, and dignity, is threatened by the Codes' inadequate substantive protection for informal, gig, and platform workers. Despite its recognition, the gig worker Social Security Code does not provide enforceable rights against employers and relies on discretionary government initiatives. Reducing constitutional rights to policy benevolence endangers them.

The central jurisprudential question is whether the Codes' simplicity meets Articles 38-43A's welfare state requirement. These articles require social order, economic fairness, livable wages, and worker engagement forever. Minimalist social security and employer-centric flexibility challenge this normative paradigm. Scholars argue that welfare cannot be sacrificed for efficiency without violating the constitutional duty to social justice (Sankaran & Routh, 2021).

After the Supreme Court's turn toward rights-based labour jurisprudence (GlaxoSmithKline Pharmaceuticals Ltd. v. Presiding Officer, 2021), constitutional courts are anticipated to evaluate these reforms with substantive equality and proportionality in mind. Courts may consider whether establishment size, contract worker rights, and unionization procedures violate the Constitution's equitable ideals. The Codes represent a major change in India's labour regulation, but their constitutionality depends on judicial review and the State's commitment to labour rights as expressions of dignity, equality, and justice.

Recent reforms in India's labour laws, especially the merging of 29 legislations into four Labour Codes, have sparked considerable discussion about their impact on workers' rights. The reforms are designed to simplify compliance, enhance labour market flexibility, and facilitate business operations. However, the psychological impact on workers is also a vital consideration. Scholars contend that greater employer discretion regarding working hours, retrenchment thresholds, and fixed-term employment heightens job precarity. This precarity is closely linked to increased anxiety, diminished self-esteem, and chronic stress among workers (Sen, 2021).

The Industrial Relations Code's erosion of collective bargaining frameworks, particularly the limitations on strikes and increased requirements for union recognition, can undermine workers' sense of empowerment by reducing their perceived agency and voice in the workplace. Research in psychology has repeatedly demonstrated that a lack of control in the workplace leads to learned helplessness, burnout, and reduced motivation (Kohli, 2022). The rise of fixed-term and gig-based jobs heightens feelings of insecurity, isolation, and alienation in the workplace.

In areas such as Kolkata and North 24 Parganas, where informal work is prevalent, reforms aimed at increasing labour flexibility could worsen mental health issues for low-income workers. Labour reforms should be assessed not just for their legal consistency but also for their impact on the psychosocial aspects that influence worker dignity, well-being, and long-term productivity.

SOCIO-LEGAL CONTEXT OF KOLKATA AND NORTH 24 PARGANAS

The labour landscape of Kolkata and North 24 Parganas exemplifies a very intricate socio-legal environment in eastern India, influenced by urban informality, industrial decline, and enduring discrepancies between constitutional assurances and quotidian labour conditions. The diversity of both districts, one serving as an urban service center and the other as an industrial zone, forms a microcosm for the proper evaluation of modern labour reforms.

Kolkata, marked by intense urbanization and a service-driven economy, has experienced a structural transition from conventional sectors to platform-based and informal service employment. Data from the PLFS

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2022–23 indicates that around 68% of Kolkata's employment is informal, predominantly engaged in areas like as gig-based delivery services, domestic labour, transportation, micro-retail, and construction. The emergence of digital labour intermediaries has further fractured work interactions, weakening firm employer-employee connections and complicated the enforcement of rights.

Conversely, North 24 Parganas maintains an extensive industrial corridor that spans Barrackpore, Kamarhati,

Titagarh, and Baranagar, traditionally characterized by jute mills, engineering enterprises, dyeing factories, and medium-scale manufacturing. Labour Bureau surveys reveal that more than 54% of industrial workers in this region are engaged under contract or piece-rate arrangements, illustrating the intensified casualization of labour subsequent to the industrial restructuring post-2015. Jute mills employ tens of thousands of people, many of whom lack access to adequate social security systems.

The below data shows the contrast between lived statutory realities & law in place:

Indicator (2022–23)	Kolkata	North 24 Parganas
Informal workforce share	68% (PLFS)	72% (Labour Bureau)
Gig/platform workers (estimated)	85,000–95,000	30,000–40,000
Contract labour in industrial units	42%	54%
Effective trade union coverage	18%	27%
Reported minimum wage violations (annual)	High in domestic, retail, gig work	High in jute and small factories
Average inspection frequency per establishment	0.4 per year	0.6 per year

Sources: PLFS 2021-22 and PLFS 2022-23, NITI Aayog, “India’s Booming Gig and Platform Economy,” 2022, & West Bengal Labour Department Annual Reports

These indicative figures reveal a structural pattern of informalisation, contractualisation, and weakened enforcement, conditions that sharply contrast with constitutional expectations of equality, dignified work, and social justice.

The socio-legal landscape of Kolkata and North 24 Parganas highlights a growing disparity between the constitutional ideals and the realities faced by individuals. Articles 14, 21, and 38 outline a labour framework based on dignity, equality, and justice focused on welfare. Rising informality, weakened enforcement, and diminished collective power highlight a constitutional paradox: workers in these districts find themselves caught between constitutional aspirations and regulatory retreat. These districts serve as an essential location for examining if labour reforms in India can genuinely support the social-justice principles outlined in the Constitution’s transformative vision.

JUDICIAL & POLICY RESPONSE IN WEST BENGAL

Judicial and policy developments in the post-reform period reveal an essential constitutional dialectic between the imperatives of economic liberalisation and the enduring commitment to labour protection. Indian courts have consistently reaffirmed that labour rights are

not merely derivatives of statutory benevolence but flow from the deeper constitutional architecture of dignity, equality, and social justice.

A pivotal articulation of this doctrine appears in *PWD v. State of Karnataka (2007)*, where the Supreme Court held that the right to dignity in employment is inseparable from Article 21, and that state authorities bear an affirmative obligation to create non-discriminatory working environments. By emphasising equality of opportunity and substantive inclusion for vulnerable categories, the Court underscored that labour reforms cannot erode the foundational constitutional promise of human dignity (Sharma, 2019). This judicial position acquires renewed significance in the context of labour codes that attenuate inspection mechanisms and expand employer discretion.

Similarly, in *Glaxo Smithkline Pharmaceuticals Ltd. v. Presiding Officer (2021)*, the Supreme Court reiterated that termination and disciplinary proceedings must adhere to due process, procedural fairness, and reasoned decision-making. The Court reaffirmed the centrality of natural justice, anchoring labour jurisprudence in Article 14’s guarantee against arbitrariness. By insisting that managerial prerogatives remain subject to constitutional discipline, the judgment restricts the extent to which the

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simplification and “flexibility” embedded in the new Codes may be invoked to justify procedural dilution (Menon, 2022).

The judiciary has also recognised collective bargaining as an essential component of industrial democracy. In *Transport and Dock Workers’ Union v. Mumbai Port Trust*, the Supreme Court emphasised that unionisation embodies workers’ collective voice and is protected under Article 19(1)(c). The Court clarified that restrictions on union activities must pass the test of reasonableness and may not be justified merely by administrative convenience or productivity concerns (Ray, 2020). This doctrine is directly relevant to the Industrial Relations Code’s enhanced thresholds for union recognition and stringent strike regulations.

Policy developments in West Bengal reveal both innovation and contradiction. The state has historically maintained stronger labour protections compared to several other regions, with district-level Labour Commissionerates in Kolkata and North 24 Parganas implementing targeted schemes for unorganised labour, welfare board registrations, and dispute resolution. However, enforcement capacity remains uneven, hampered by inadequate staffing, limited inspection frequency, and resource constraints (Ghosh, 2022). Although West Bengal has not fully operationalised the new Labour Codes due to pending state rules, administrative liminality has created regulatory ambiguities that disproportionately affect informal workers.

A significant policy trend is the increasing reliance on digital compliance mechanisms, such as the Shram Suvidha Portal and state-level e-labour platforms. While these systems streamline employer filings and offer transparency, they often presuppose digital literacy, documentation, and formal registration—requirements that systematically exclude informal, migrant, and home-based workers. This technological shift risks generating what scholars call “digital constitutionalism gaps,” wherein constitutional protections fail to translate into digital governance systems (Banerjee, 2021).

The critical question thus arises: Can judicial review recalibrate the labour reforms to reflect constitutional morality? Indian courts have historically expanded constitutional protections through doctrines of substantive equality, legitimate expectation, and proportionality. Judicial review retains the potential to scrutinise whether classifications introduced under the Codes unjustifiably narrow worker coverage, whether restrictions on strikes violate associational freedom, and whether reduced inspection regimes compromise the State’s positive welfare duties under Articles 38 and 43A. In doing so, the judiciary may redefine the boundaries of permissible labour flexibility, ensuring that economic rationalisation does not eclipse constitutional commitments.

Hence, the constitutional future of India’s labour regime will depend on the synergistic functioning of judicial

vigilance, administrative robustness, and policy sensitivity to structural vulnerabilities. Judicial review thus stands as a critical forum through which labour reforms may be reconciled with the moral and normative commitments of the Constitution.

FINDINGS AND ANALYSIS

The key findings from the above data collected are:

- a) The trend towards casual work and the decline of secure jobs: The transition from permanent industrial jobs to casual and gig work in both districts has reduced access to social security, collective bargaining, and occupational safety—rights that were historically safeguarded under Articles 21 and 43A. In Kolkata, delivery workers using digital platforms face uncertainty regarding employer responsibility, frequently not fitting the traditional definition of “employee” as outlined in existing labour laws. In North 24 Parganas, the use of contract labour has become the standard approach for hiring, allowing employers to bypass regulations related to wage stability and job security.
- b) Weak enforcement of statutes: Labour officers in both districts are facing significant administrative challenges, such as a lack of staff, higher establishment density, and the shift to digital inspection tools. E-governance portals, while promising transparency, frequently operate more as compliance-reporting systems than as effective enforcement tools, resulting in minimal influence on unorganised or semi-formal sectors. Wage violations are widespread, particularly in sectors like domestic work, retail, and jute mills, even with constitutional guarantees outlined in Articles 14 and 39.
- c) The weakening of effective unionism: In Kolkata, traditional trade union structures have diminished as the labour market has fragmented. Meanwhile, unions in North 24 Parganas face challenges due to increasing contractualisation and resistance from employers. Union leaders often claim that the Labour Codes introduced after 2020 have led to a “constitutional backsliding.” They argue that these changes have increased the thresholds for recognition and imposed stricter regulations on strikes, which they believe undermines the associational freedoms guaranteed by Article 19(1)(c).
- d) Insights from the Field: Reports and studies indicate that workers have a notably limited understanding of their constitutional labour rights. Numerous gig, contract, and informal workers view labour protections as optional gestures from employers instead of rights that are firmly established in constitutional law. Labour officers observe that while digital systems have streamlined documentation, they have not strengthened the state’s ability to oversee hazardous workplaces or effectively

pursue violations. Trade unions in the industrial areas of North 24 Parganas contend that recent labour reforms have shifted the regulatory focus towards facilitating business operations, frequently undermining the dignity and safety of workers.

- e) **Constitutional Contrast:** Constitutional Contrast refers to the differences and distinctions found within various constitutions, highlighting how different nations approach governance, rights, and legal frameworks. This concept examines the unique features of each constitution, including the structure of government, the separation of powers, and the protection of individual rights. By analyzing these contrasts, one can gain insight into the cultural, historical, and political contexts that shape each nation's legal system. The study of Constitutional Contrast is essential for understanding the diversity of legal practices and the implications of constitutional design on society. It encourages a comparative perspective, allowing for a deeper appreciation of how different countries address similar challenges through their constitutional arrangements.

SUGGESTIVE MEASURES

The following measures can be adopted to ensure that reforms are actually put in place & it helps to realize the vision & mission of the statutes:

- a) Labour legislation should expressly incorporate psychological well-being as an element of “occupational safety and health.” Mandatory mental-health audits, stress-risk assessments, and psychological hazard mapping, similar to global standards under the ILO, would ensure employers recognise stress, burnout, and emotional harm as legally actionable risks. This would shift mental health from a voluntary welfare measure to a statutory obligation.
- b) Policymakers should re-evaluate provisions under the Industrial Relations Code that heighten job insecurity. Limiting overuse of fixed-term contracts, mandating transparent retrenchment procedures, and providing guaranteed severance benefits can significantly reduce anticipatory stress and the psychological toll of precarious work. Job stability is strongly correlated with lower anxiety and better cognitive functioning.
- c) Large and medium enterprises should be required to maintain in-house psychological support units staffed with trained counsellors. For smaller units, state-funded mobile mental-health clinics could provide periodic support. Regular counselling, conflict-resolution services, and trauma-informed interventions would help mitigate workplace stressors.
- d) Legal frameworks should strengthen collective bargaining rights and ensure workers have institutionalised avenues to express concerns without fear of retaliation. Psychological

research indicates that perceived control and participatory governance reduce burnout, increase job satisfaction, and enhance organisational trust.

- e) Supervisors, HR managers, and employers should undergo compulsory training on emotional intelligence, behavioural management, and early identification of psychological distress. Such training, modelled on Scandinavian psychosocial safety standards, would build empathetic leadership and reduce instances of workplace hostility, harassment, and undue pressure.
- f) Labour tribunals and conciliation officers should recognise psychological injury, stress disorders, emotional trauma, and workplace-induced depression, as compensable harms. Incorporating psychological assessments into adjudication processes will ensure holistic justice that acknowledges both legal and emotional dimensions of labour violations.

CONCLUSION

There is a significant gap between the constitutional guarantees and the actual situation in the socio-legal context of workers' rights in North 24 Parganas and Kolkata. Modern labour market changes, caused by informalization, technological upheaval, and regulatory watering down, have undermined the protections meant to keep workers secure, despite the fact that these principles are enshrined in the Indian Constitution as fundamental standards. Despite judicial interventions that uphold labour rights as fundamental to constitutional morality, these normative victories are consistently undermined by structural constraints such as insecure employment, weak enforcement, and dwindling collective bargaining power.

Workers' mental health suffers as a result of job insecurity in this context. More and more, workers are navigating an environment characterized by insecurity, less autonomy, and increased susceptibility; these factors have negative effects on workers' self-esteem, mental health, and ability to cope with stress. Aside from breaking the social fabric of work, the erosion of conventional labour safeguards has resulted in legal deprivation as well as severe emotional and cognitive strain. According to psychological research, people's rights only matter when they feel safe and capable enough to really exercise them.

In order to go beyond mere procedural compliance, a rights-based labour regime has to take a more comprehensive, multidisciplinary approach that integrates legal safeguards with psychological safety. To bring labour reforms in line with constitutional norms, we must have vigilant judges, stronger enforcement, participatory government, protections for mental health, and more. Real social change in North 24 Parganas, Kolkata, and India at large can only come about when people realise that workers have a right to be treated with respect in the workplace and that this is also an emotional and psychological need. In a changing

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economic order, the liberatory function of labour legislation can only be restored by reconciling these two opposing forces.

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