

Reskilling and Upskilling as Legal and Managerial Imperatives in an Artificial Intelligence driven Era: A Combined Legal and Management Perspective for India.

Ms. Vidya A.R., Dr .Shivani Sah
Assistant Professor
Christ Academy Institute Of Law

Introduction

Artificial Intelligence (AI) is among the defining technological forces of this century, reshaping the way societies function, economies grow, and workplaces operate. No longer confined to automating routine and repetitive functions, AI today performs complex cognitive tasks, including planning, problem-solving, and decision-making. The emergence of agentic AI models with advanced data processing and predictive capabilities has accelerated this transformation, altering both the demand for labour and the nature of skills required in the workforce.

This rapid technological advancement has led to what scholars and policymakers term “skill obsolescence.” In the AI-driven economy, the average half-life of skills is less than five years, and in some technological sectors it is as short as two and a half years (World Economic Forum [WEF], 2023). The *Future of Jobs Report 2023* by the WEF predicts that 44% of workers’ core skills will undergo significant transformation within the next five years, and nearly six in ten workers will require training before 2027. These figures highlight an urgent need for both reskilling (the acquisition of entirely new skills to transition into different roles) and upskilling (the enhancement of existing capabilities to meet new workplace demands) of the human resources for the success of an organization.

The rise of AI has generated both economic opportunities and societal challenges. Especially in India, a country with the world’s largest youth population and a rapidly digitalizing economy, the implications are particularly significant. Failure to equip employees with new skills results in widening socio-economic inequalities and undermining constitutional commitments to livelihood and social justice.

1.1. Reskilling and Upskilling in the AI Era

The United Nations Development Programme (UNDP) in its recent report cautions about a “great divergence” between nations in areas of economic performance, people’s skill sets and governing systems. It adds that Artificial Intelligence could widen gaps between developed and developing countries. The report suggests countries frame policies to mitigate the impact.¹

Scholarly discourse on workplace mechanisms increasingly underscores the importance of reskilling and upskilling in mitigating the adverse impacts of automation. Morandini et al. (2023) emphasise that skill development is essential for ensuring equitable benefits from AI integration, while Chauhan et al. (2024) argue that continuous learning is vital for career resilience in rapidly evolving industries. Both upskilling and reskilling, enable workers

¹ (<https://www.reuters.com/technology/ai-could-increase-divide-between-rich-poor-states-un-report-warns-2025-12-02/>)

to cultivate human strengths such as critical thinking, creativity, emotional intelligence, and ethical reasoning that AI cannot replicate (Priya, 2024). These uniquely human capabilities foster more effective human-AI collaboration, helping organisations unlock the full potential of technological transformation.

Furthermore, as Vanitha and Latha (2024) observe, successful integration of AI into human resource management processes depends on the capacity of organisations to invest in continuous education. By encouraging adaptability and creativity, upskilling initiatives not only empower employees but also ensure that organisations remain competitive in global markets. For India, reskilling is not merely an economic necessity but a social imperative. Vidya and Chakraborty (2024) point towards the diminishing female labour participation among educated women due to lack of upskilling.

1.2 The Indian Context

India's demographic transition presents a paradoxical scenario. On the one hand, its young population offers the potential to drive economic growth in an AI-powered world. On the other, automation threatens to erode employment opportunities in labour-intensive industries that have traditionally absorbed large sections of the workforce. Prime Minister Narendra Modi has aptly summarised the challenge, emphasising the need for "Skilling, Reskilling, and Upskilling" as the guiding mantra for India's future of work.

The government has launched initiatives like the Skill India Mission which integrate vocational education with mainstream learning and promote advanced skill training in areas like AI. However, these frameworks remain largely policy-driven and lack statutory enforceability. Policies, unlike rights, do not create binding obligations on the State or employers. Consequently, workers displaced by automation lack legal guarantees for retraining, creating a disconnect between policy aspirations and constitutional mandates. This legal vacuum is particularly visible when considered in light of India's constitutional commitments to livelihood and equality.

1.3. Aim and Scope of the Study

This paper seeks to bridge this gap by analysing reskilling and upskilling as potential legal entitlements under India's constitutional and labour law framework. It examines key constitutional provisions as well as judicial interpretations that have progressively expanded socio-economic rights.

The study employs a comparative perspective, drawing on models from the European Union, Singapore, Germany, and corporate initiatives, to highlight best practices and potential pathways for India. Based on this analysis, the paper proposes a comprehensive "Future of Work" law, embedding reskilling obligations on the State and employers, creating reskilling funds through public-private partnerships, and ensuring inclusive access to digital literacy.

2. Structure of the Paper

Following this introduction, the paper is structured into six sections. Section 3 examines the global and domestic need for reskilling and upskilling in the AI era in the management perspective. Section 4 analyses India's current policy and legal framework, identifying key gaps in enforceability. Section 5 explores constitutional provisions, labour legislations, and judicial interpretations relevant to reskilling. Section 6 provides a comparative study of global reskilling models. Section 7 proposes a legal framework for India, while Section 8 highlights the significance of the study. The paper concludes by emphasising the need for a legally enforceable reskilling entitlement in India's AI-driven economy.

3. Need for Reskilling and Upskilling in the AI Era

The rise of Artificial Intelligence (AI) is considerably affecting the nature of work across industries. Unlike earlier waves of technological advancement that primarily automated routine manual labour, AI is increasingly capable of performing cognitive and decision-making tasks traditionally associated with human intelligence. This transformation has rendered existing skills obsolete at an unprecedented pace, compelling workers and employers

alike to adapt through continuous learning. Reskilling and upskilling are therefore not merely desirable strategies but necessities for sustaining employability, productivity, and equity in the AI age.

3.1 AI and Skill Obsolescence

Technological innovation has always been accompanied by shifts in the demand for skills. However, the current AI revolution is unique because of its speed, scale, and scope. Advanced AI systems are no longer limited to process optimisation but extend to areas such as legal research, medical diagnostics, customer interaction, and even creative tasks. As a result, jobs that rely heavily on routine or repetitive functions face advanced risk of automation.

According to the *Future of Jobs Report 2023* by the World Economic Forum (WEF), 44% of workers' core skills will undergo transformation within the next five years, while six out of ten workers will require training by 2027. The same report indicates that the time period within which half of the acquired knowledge becomes obsolete is now less than five years, and as short as two and a half years in technologically advanced firms. This rapid skill depreciation demands a shift from static qualifications to dynamic, lifelong learning approaches.

Figueiredo et al. (2024) argue that automation necessitates not only technical reorientation but also the cultivation of new competencies to ensure employability. Without deliberate reskilling interventions, large sections of the workforce risk redundancy, leading to structural unemployment and social exclusion.

3.2 Beyond Technical Proficiency: The Rise of Human-Centric Skills

While AI is highly effective at data processing and algorithmic decision-making, it falls short in domains requiring emotional intelligence, ethical reasoning, creativity, and cultural awareness. Scholars have highlighted that the future of work will increasingly depend on a human-AI complementarity model (Priya, 2024). Under this model, AI handles routine and analytical tasks, while humans contribute higher-order cognitive and interpersonal skills.

Pearson's research on "power skills" emphasises that competencies such as communication, adaptability, leadership, and problem-solving remain in high demand globally. These human-centric skills are transferable across roles and industries, enabling workers to pivot as technological landscapes evolve. Consequently, reskilling and upskilling initiatives must adopt a holistic approach that combines technical literacy with human strengths.

3.3 Organisational Imperatives

For organisations, reskilling and upskilling are not only tools for employee retention but also strategic imperatives for competitiveness. As Morandini et al. (2023) note, companies that invest in workforce development enhance productivity, innovation, and engagement, thereby securing a long-term advantage in rapidly changing markets.

Vanitha and Latha (2024) highlight that integrating AI into human resource management processes requires a workforce capable of adaptability and continuous learning. By cultivating a culture of lifelong education, organisations can utilise the full potential of AI while ensuring that workers remain motivated and resilient.

Chauhan et al. (2024) argue that continuous learning is not simply a matter of individual career advancement but a collective necessity to uphold the principles of social justice. By embedding reskilling within labour and constitutional frameworks, states can ensure that AI-driven growth does not deepen inequality but instead supports inclusive development.

3.4 Global Labour Market Trends

International labour organisations have also underscored the urgency of reskilling. The International Labour Organization (ILO, 2021) warns that unless skill development keeps pace with technological change, structural unemployment and job polarization may become pervasive. Similarly, the Organisation for Economic Co-operation and Development (OECD, 2020) stresses the importance of proactive skill strategies to manage transitions in the future of work.

4. Situation in India: Policies, Laws, and Gaps

India is at the centre of the global debate on reskilling and upskilling in the AI era. With the world's largest youth population, the country stands at a critical juncture where automation poses both opportunities and risks. On the one hand, AI and digital technologies are enabling new industries, expanding service delivery, and creating demand for technologically literate and creative workers. On the other hand, they are displacing traditional low- and mid-skill jobs that form the backbone of India's employment landscape. Addressing this paradox requires more than aspirational policies, it demands a legally enforceable framework that guarantees employability through reskilling and upskilling.

4.1 Constitutional Commitments

The Indian Constitution provides a fertile ground for situating reskilling and upskilling within a rights-based discourse. The relevant provisions include Articles 14 and 16, Article 21, Article 39(a), Article 41, Article 46. Doctrinally, the Constitution supports the recognition of reskilling as part of the right to livelihood and equality. Yet, the lack of express legal obligations has resulted in a gap between constitutional ideals and workplace realities.

4.2 Statutory Landscape of Training Without Employability

India's labour law framework reflects a limited and largely outdated approach to skill development and employability. While several statutes and codes address aspects of training or compensation, they collectively fall short of creating a rights-based or future-oriented reskilling mechanism including the Apprentices Act, 1961, the Industrial Disputes Act, 1947, the Occupational Safety, Health and Working Conditions Code, 2020 and the Labour Codes of 2020.

Existing laws provide limited compensation for job loss but do not guarantee any well defined reskilling opportunities that could enable displaced workers to reintegrate into the workforce. This gap demands the urgent need for legislative innovation to embed reskilling and employability within the broader framework of the right to livelihood under Article 21 of the Constitution.

4.3 Judicial Expansions sowing the Seeds of a Rights-Based Approach

The Indian judiciary has constantly widened the area of socio-economic rights, reshaping interpretations of life, dignity, and justice. Through purposive interpretation, courts have transformed abstract social ideals into actionable guarantees in response to contemporary socio-economic background.

The cases include *Unni Krishnan v. State of Andhra Pradesh* (1993), *Olga Tellis v. Bombay Municipal Corporation* (1985), *State of Punjab v. Jagjit Singh* (2016), and *B.K. Pavitra v. Union of India* (2019)

Within this jurisprudential framework, the constitutional promise of life with dignity could reasonably be interpreted to include a right to reskilling, ensuring that individuals are not considered obsolete by economic and technological change. Such an expansion aligns with the transformative tone of Article 21, highlighting that the right to life under the Indian Constitution is a living, adaptive concept shaped by the evolving realities of human work and survival.

4.4 Policy Initiatives: Aspirations Without Legal Mandate

The Government of India has introduced a series of flagship programmes to prepare the workforce for future challenges including Skill India Mission (2015), Pradhan Mantri Kaushal Vikas Yojana (PMKVY 4.0), Directorate General of Resettlement, and National Education Policy (NEP) 2020 (Government of India, 2020)

4.5 Gaps in India's Reskilling Framework

Apart from the progressive policy initiatives and constitutional commitments to inclusive development, significant gaps continue to obstruct the realization of equitable and sustainable reskilling system in India. Existing frameworks primarily operate through policy directives rather than proper legislation, resulting in weak accountability

mechanisms and inconsistent implementation across states. The lack of statutory obligations prevents the creation of a rights-based approach to reskilling and restricts judicial oversight in cases of policy failure.

4.6 Towards a Rights-Based Framework

To transform India's aspirational policies into enforceable guarantees, reskilling and upskilling must be recognised as legal entitlements. Article 41's vision of the right to work and education could serve as the constitutional foundation for such recognition. Judicial precedents expanding socio-economic rights further strengthen this argument.

Embedding reskilling within a statutory framework would not only safeguard workers from displacement but also align with India's constitutional commitments to social justice, equality, and livelihood. A comprehensive "Future of Work" law, discussed in Section 6, could operationalise these commitments by creating enforceable rights, shared responsibilities, and inclusive access mechanisms.

5. Global Comparisons – Lessons for India

While India continues to rely on policy-driven skill initiatives without statutory backing, several jurisdictions have moved decisively towards embedding reskilling and upskilling within their legal and institutional frameworks. Comparative analysis demonstrates that enforceable obligations, financing models, and shared responsibility between the State, employers, and employees are critical for sustaining employability in the age of Artificial Intelligence.

Singapore: SkillsFuture Model

The SkillsFuture initiative of Singapore offers a comprehensive, future-oriented framework that integrates employability with lifelong learning. (Ministry of Education Singapore, 2023).

European Union: Employer Co-Funding and Legal Mandates

The European Union (EU) has developed an effective, rights-based, and employer-supportive mechanism to promote reskilling and lifelong learning. Based on the *European Skills Agenda* (European Commission, 2020) and the *Pact for Skills*, this approach reflects co-responsibility among government, employers, and employees in maintaining workforce adaptability. Member states like Denmark maintain a system of joint training councils that manage employer contributions to lifelong learning initiatives (European Centre for the Development of Vocational Training [CEDEFOP], 2022).

Germany: "Work 4.0" and Legal Integration of Lifelong Learning

Germany's "Work 4.0" (*Arbeiten 4.0*) initiative represents one of the most comprehensive national responses to digital transformation in the labor market. Introduced by the Federal Ministry of Labour and Social Affairs (BMAS, 2016), the program redefines employment policy around the principles of adaptability, co-determination, and continuous learning.

Companies are encouraged to negotiate "digital transformation agreements," which set out norms for training, work-time flexibility, and technology adaptation (European Trade Union Confederation, 2021). The legal infrastructure operationalizes the notion of "learning work" (*Lernende Arbeit*), a dynamic version of employment that values learning as an ongoing right and duty (Deutscher Bundestag, 2020).

United States: Market-Driven but Increasingly Regulated

The United States has historically followed a market-oriented approach to workforce development, in which reskilling and upskilling initiatives are largely driven by employers and private institutions rather than statutory directives. The Workforce Innovation and Opportunity Act (WIOA) provides federal funding for employment and training programs, though its primary focus remains on displaced and unemployed workers rather than on universal

lifelong learning opportunities (U.S. Department of Labor, 2014). Apart from this, AI accountability laws enacted in several states, including New York and Illinois, regulate the use of automated decision-making tools in hiring, ensuring fairness and compliance with equal opportunity norms (New York City Local Law No. 144, 2021; Illinois Artificial Intelligence Video Interview Act, 2019).

Corporate-Led Global Initiatives

In the U S, major corporations have launched large-scale reforms that connect private innovation with social inclusion. Programs such as IBM SkillsBuild and Microsoft Learn provide free or subsidized training in digital and technical fields, often through collaborations with community colleges and non-profit partners (IBM, 2023; Microsoft, 2023).

Similarly, Amazon's Upskilling 2025 program represents a \$700 million investment aimed at reskilling 100,000 employees for technical roles within the company and beyond (Amazon, 2022).

5.1 India's Position in Global Context

Compared to these global perspectives, India's reliance on policy rather than law appears ineffective. While Skill India and NEP 2020 are ambitious in scope, their lack of enforceability dilutes worker protection. Furthermore, India has not yet imposed binding obligations on employers to co-fund or provide reskilling opportunities. The absence of universal entitlements leaves informal and marginalised workers excluded from skill development initiatives.

Thus, India faces the risk of falling behind unless it changes from a policy-driven approach to a rights-based statutory framework. Global models offer diverse viewpoints, whether through universal entitlements (Singapore), employer mandates (EU), collective bargaining (Germany), or anti-discrimination safeguards (U.S.). Adapting these principles within India's constitutional and socio-economic context could create a comprehensive "Future of Work" law to protect employability factor in the AI age.

6. Framework of the Proposed Future of Work Law

The proposed legislation seeks to operationalize the constitutional commitments through a comprehensive statutory framework. Its objectives include recognizing reskilling as a legal entitlement, establishing employer obligations to finance or provide retraining in cases of technological displacement, and creating a National Reskilling Fund through public-private partnerships (Government of India, Ministry of Labour and Employment, 2024). Institutional mechanisms such as a National Commission on the Future of Work (NCFW), Sectoral Skill Councils, a Reskilling Ombudsman, and a Digital Skills Repository are envisioned to ensure effective coordination, accountability, and transparency.

A striking feature of the law is its integration of AI governance and ethical labor practices. By embedding algorithmic transparency, anti-discrimination measures, and worker protection from AI bias, the legislation aligns with constitutional equality mandates under Articles 14 and 16 (Constitution of India, 1950). Furthermore, it emphasizes inclusive development, providing clear provisions for women, unorganized workers, rural youth, and persons with disabilities.

By transforming constitutional principles into enforceable rights, the Future of Work Law represents a total shift from policy-based welfare to statutory empowerment. It aligns India's labour governance with international best practices, such as Singapore's *SkillsFuture* model and the European Union's training leave directives (Ministry of Education Singapore, 2023; European Commission, 2022), ensuring that economic modernization proceeds hand in hand with social justice and human progress.

7. Significance of the Study

The present study gains substantial importance both in its scholarly contribution to constitutional and labour law discourse and in its practical implications for management and policy professionals in India and abroad. By

remodelling reskilling and upskilling in the age of artificial intelligence (AI) as legal entitlements rather than discretionary policy measures, this research intervenes in a rapidly evolving intersection of technology, law, management, and social justice.

7.1 Contribution to Legal and Management Scholarship

This study advances constitutional jurisprudence by integrating reskilling and upskilling within the domain of fundamental rights and directive principles. By linking the right to livelihood under Article 21, the right to equality and non-discrimination under Articles 14 and 16, and the Directive Principles of State Policy under Articles 39, 41, and 46 of the Constitution of India, the research demonstrates how constitutional guarantees can evolve to meet contemporary socio-economic challenges. This approach enriches ongoing debates on transformative constitutionalism, where judicial interpretation expands rights in response to technological and economic change (Baxi, 2017; Deva, 2021).

In the domain of management and labour law, the study redefines the employer-employee relationship by extending employer obligations beyond wages and working conditions to include investment in lifelong learning as a statutory duty. This shift transforms labour laws from instruments of protection to frameworks of empowerment, equipping workers with adaptive and future-ready skills (Sen & Das, 2022).

Furthermore, the research contributes to comparative legal and management scholarship by drawing on international models such as Singapore's SkillsFuture Initiative, Germany's dual vocational training system, and the European Union's lifelong learning directives (European Commission, 2022; Ministry of Education Singapore, 2023). By incorporating these within India's socio-economic and constitutional realities, the study bridges the gap between global best practices and national governance structure.

7.2 Policy Relevance

The findings have immediate policy relevance for India's Future of Work discourse. While initiatives such as the Skill India Mission and the National Education Policy (NEP) 2020 reflect dynamic steps toward capacity building, they remain policy-driven and non-justiciable. The proposed Future of Work (Reskilling and Upskilling) Law transforms these commitments into enforceable rights supported by employer obligations and state guarantees (Government of India, 2024).

Such a framework is essential to address India's structural shortcomings. Most of India's workforce operates in the informal sector with limited access to formal training (NITI Aayog, 2023). The country's demographic dividend, a predominantly young workforce risks erosion due to skill obsolescence amidst AI-driven automation. Moreover, social inequality prevails, as automation disproportionately threatens low-skill jobs held by women, rural migrants, and marginalized communities. A statutory approach can thus ensure that technological advancement promotes inclusion rather than aggravating inequality.

8. Conclusion

Artificial Intelligence is redefining the nature of work by displacing routine jobs and creating demand for advanced digital and cognitive skills. For India, with its vast youth population and rapidly expanding digital economy, the challenge is not merely technological but constitutional, legal, and social. Without a rights-based framework for reskilling and upskilling, automation risks deepening inequalities, marginalising vulnerable workers, and undermining constitutional commitments to social justice.

This study has argued that reskilling and upskilling must be recognised not as policy aspirations but as legal entitlements, grounded in constitutional provisions and Judicial precedents demonstrating how the Supreme Court has expanded socio-economic rights through transformative interpretation. Extending this jurisprudence to technological displacement strengthens the case for embedding reskilling obligations within India's labour law framework.

Comparative models from other nations also provide valuable lessons. India must adapt these frameworks to its socio-economic realities, ensuring that informal workers, women, and rural migrants are not excluded from technological transitions.

India urgently needs to adopt a comprehensive Future of Work Law that recognises reskilling and upskilling as integral to the *right to livelihood and dignity* under Article 21 of the Constitution. Such a framework would operationalise constitutional guarantees, align India with global best practices, and provide the legal foundation for inclusive and equitable technological progress.

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