

"The tweaking of labour laws on safety and minimum wage has left a large section of workers in India without rights."

The huge fire that engulfed a residential-cum-production unit in a congested part of Delhi in the early hours of December 8, killing over 40 people, has exposed the precarity of the every-day life of workers in this country. Their unfortunate deaths have merely caused the authorities responsible to indulge in a blame game, without shame, while conveniently sidestepping the larger question of systemic labour rights violation.

It is evident that numerous industrial clusters have mushroomed in the bylanes of residential localities and slums in our big cities, not merely due to a handful of erring officials of civic agencies but also due to the wider structure of episodic or literally, non-existent regulation of labour conditions in micro-, small- and medium-sized industrial and commercial establishments. In these scores of smaller establishments, the workers are mostly migrants, and tend to work long hours for meagre wages. Often, they are crowded into living quarters inside the production unit itself. Such pervasive informality stems from the limited coverage of labour laws, indicating that the hapless victims of the recent fire were victims of a much greater catastrophe — the lack of state regulation of several kinds of work relations and workplaces.

Out of reach laws

Indeed, key labour laws in India consistently elude a large section of workers who are denied rights and benefits on the pretext of less regular work contracts, length of employment, nature of establishment (seasonal or perennial), size of the workforce, etc. It is only a minuscule section of organised workers who have actually been granted the same.

Nevertheless, the present conjuncture is characterised by a new and more offensive attack on labour by capital. A dominant discourse on the “ease of business” aggressively projects India’s labour laws as a fetter on the development of the free market. Utilising the image of protection extended by the law to organised workers of mostly large industrial establishments, employers’ lobbies have successfully projected India’s labour laws as cumbersome, a hindrance to employment generation, and, thus, intrinsically “anti labour”. Any regulation or interventionist approaches to industrial relations have increasingly become a thing of the past.

Employers' claims about the lack of labour market flexibility in India are of course unsustainable, given the high levels of employment of contract labour in all kinds of industrial and commercial establishments, steady growth of the informal sector, high labour turnover, the pattern of extended overtime put in by a majority of workers, the growing presence of apprentices and "fixed term" workers in industrial enterprises, the pattern of deskilling or high-skilled workers entering lower-skill segment jobs, as well as the presence of a weak trade union movement which is unable to prevent retrenchment.

If we focus on the phenomenal growth of India's informal sector and informal work relations, it is worth noting the specific context in which this development has unfolded. The context is one of deregulation of a large number of work relations; this is most evident in the watering down of the provisions of labour inspection, the growing paradigm of self-certification by employers of their compliance with labour laws, and the tweaking of many statutory labour laws on occupational safety standards, work hours, minimum wage, compensation, industrial disputes, etc. by successive governments, both at the State and Central level.

Retreat of the state

Taken together, the exemptions provided to smaller industrial and commercial establishments from furnishing proof of their compliance with statutory labour laws, as well as labour law amendments aimed at diluting the authority of the labour inspectorate, have greatly enhanced the power of employers across the board. The "private power" of employers to unilaterally fix wages, extract overtime, manage leaves, determine compensation, etc. has substantially increased with the steady withdrawal of the state from regulation of labour-capital relations that exist in myriad workplaces — from an Anaj Mandi in bustling north Delhi, to a real-estate construction site in Borivali, Mumbai to a garment factory in Tiruppur, Tamil Nadu, to a brick kiln in Gaya, Bihar.

Like it or not, promotion of the self-certification system, the continuous weakening of the labour inspectorate by successive governments and persistent dilution of labour laws pose uncomfortable questions, especially when we recognise the intense exploitation of labour by employers, who to stay competitive, consistently push down labour costs by circumventing labour rights. How can employers, who often tend to violate labour rights, themselves become law enforcers/certifiers in the new framework of deregulated industrial relations?

The brutal reality is that workers contribute their sweat and blood in the making of this economy, and in return the economy gives them a pittance. How many more workers' lives have to go up in flames before our conscience is awakened?

Expected Questions (Prelims Exams)

1. **Recently the Industrial Relations Code Bill 2019 was introduced by the Ministry of Labor and Employment. In this context, consider the following statements:**

1. This Code will replace the Industrial Disputes Act, 1948 and the Trade Union Act 1926.
2. The concept of fixed term employment has been introduced in this bill.
3. A three-member tribunal will be set up under this.

Which of the above statements is/are incorrect?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) None of these

Note: Answer of Prelims Expected Question given on 17 Dec., is 1 (b)

Expected Questions (Mains Exams)

Q. **The irregularities of labor laws and structural deficiencies in this sector are making this sector problematic. Do you agree with this statement? Present arguments in favor of your opinion.**

(250 words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.

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