

BEARING THE BRUNT OF SLACK LAWS

Relevant for: Indian Economy | Topic: Issues Related to Poverty, Inclusion, Employment & Sustainable Development

Photo: Getty Images

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.

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.

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?

Maya John is Assistant Professor, Jesus and Mary College, New Delhi, and a social activist

You have reached your limit for free articles this month.

Register to The Hindu for free and get unlimited access for 30 days.

Already have an account ? [Sign in](#)

Sign up for a 30-day free trial. [Sign Up](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Enjoy reading as many articles as you wish without any limitations.

A select list of articles that match your interests and tastes.

Move smoothly between articles as our pages load instantly.

A one-stop-shop for seeing the latest updates, and managing your preferences.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper ,crossword, iPhone, iPad mobile applications and print. Our plans enhance your reading experience.

Why you should pay for quality journalism - [Click to know more](#)

Please enter a valid email address.

How an idea for a ‘perfect Mumbai feature story’ failed to materialise

Subscribe to The Hindu now and get unlimited access.

Already have an account? [Sign In](#)

Sign up for a 30-day free trial. [Sign Up](#)

To continue enjoying The Hindu, You can turn off your ad blocker or [Subscribe to The Hindu](#).

[Sign up for a 30 day free trial.](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com