

## LIP SERVICE TO LABOUR RIGHTS

Relevant for: Indian Economy | Topic: Issues relating to Employment

Gujarat is one of the top States in India that receive migrant workers, largely temporary and seasonal, on a large scale. In Gujarat, they work in unskilled or semi-skilled jobs in a wide range of activities such as in agriculture, brick kilns and construction work, salt pans and domestic work, petty services and trades (food and street vending) as well as in textiles and garments, embroidery and diamond cutting and polishing, small engineering and electronics and also small and big factories.

These workers are from Rajasthan, Madhya Pradesh, Maharashtra and even from as far as Bihar, Uttar Pradesh, Andhra Pradesh, Odisha, Jharkhand, Chhattisgarh, Assam and Karnataka. Employers send contractors to distant unexplored places to gather labour at the lowest possible wage rate. For example, a new township in Gujarat being promoted by a large industrialist is to be built with workers from Assam. Surprisingly, the Gujarat government has no data on/estimates of migrant workers coming to Gujarat. Informally, the figures are estimated to be between 40 lakh to one crore.

Segmenting the labour market and creating a separate labour market for migrant workers — who are easy to exploit — has been a common strategy of employers across India. The pathetic conditions migrant workers face have been widely documented. They earn low wages, work very long hours without any overtime benefits, and are almost without any leave or social protection. Lakhs of unskilled and migrant workers live on worksites in makeshift huts (usually made of tin sheets) or on roads, slums and in illegal settlements not served by municipalities. They are neither able to save much to improve their conditions back in their home States nor save enough to live comfortably in Gujarat. They go back home only once or twice to celebrate festivals. Semi-skilled workers with some education and skills (such as those in diamond cutting and polishing units, power looms and factories) get slightly higher wages and earn some leave. However, these workers are also exploited in multiple ways and are mostly unprotected. Factory owners, employers and traders are only too happy with such a situation as they earn huge profits from wage labour exploitation.

Local workers resent the presence of migrant workers who they feel take away their jobs in factories and other places on account of being cheap labour. The recent attacks on migrant labour after an incident in Gujarat late last month, involving the sexual assault of a 14-month-old girl, allegedly by a migrant labourer from Bihar, appears to be have been a consequence of this resentment. Many migrant workers have now rushed out to their home States out of fear despite several local people having been taken into custody on the charge of inciting violence against migrant workers. There have been reports of an estimated 60,000 to more than a lakh workers leaving the State. Those who have stayed back now live under constant fear.

The exodus is cause for concern as it is bound to impact Gujarat's growth and create resentment among factory owners and other employers, especially at a time when the general election is drawing close.

Gujarat Chief Minister Vijay Rupani has blamed the Opposition for inciting locals to push out migrants while the latter have accused him of not stopping the migration. Some have even demanded his resignation. The anger on both the sides is essentially more out of fear that losing cheap labour will be at the cost of Gujarat's prosperity than out of genuine concern for the welfare of migrant workers. The signals from the top leadership of the Chief Minister's party are "to bring the situation back to normal". This would also avert a crisis in the migrants' home

States which would have to cope with an army of the unemployed.

All this shows the utter indifference of States to the well being of migrant workers and their rights. The Gujarat government wants normalcy to return so that migrant workers can toil for the prosperity of Gujarat, while the Bihar government, which is at its wit's end trying to manage the sudden inflow of returning migrants, wants migration to Gujarat to continue as before. It is not surprising that Uttar Pradesh has lauded the Gujarat government "for handling the situation well".

Under the Inter-State Migrant Workmen Act and other labour laws (for unorganised workers), migrant workers in Gujarat are legally entitled to all their basic labour rights. These include minimum wages, regular wage payment, regular working hours and overtime payment, and decent working and living conditions which include taking care of the health and education of their children.

Under the same Act, the governments of the States from where migrant workforce originate are expected to issue licences to contractors who take workers away, register such workers and also monitor their working and living conditions in other States. But most State governments remain indifferent to these laws. Gujarat has taken a few steps but these are far from adequate. In the political sphere, there has been hardly any mention about protecting the legal rights of migrant workers in India. The political impulse has been to maintain status quo — the continuation of the situation where migrant workers are exploited.

The Gujarat government passed a rule in the 1990s making it mandatory for industries and employers in Gujarat to give 85% of jobs to local people. This rule was never really implemented in reality, but watered down by the State government in its subsequent industrial policies, as new and large investors coming to the State did not like any such restrictions. Now there is a move in the State to introduce a law for industries and investors in Gujarat which reserves 80% of labour jobs for State domiciles and at least 25% for local workers. But those behind the idea are perhaps fully aware of the futility of such a move. As long as there are huge surpluses from the labour of migrant workers, employers will have no incentive in hiring local workers. The objective of such a move is to perhaps contain the anger of local workers — at least till the 2019 election.

In the end, the real solution to this issue would be to enforce all relevant labour laws for migrant workers so that segmentation of the labour market becomes weak, and workers (local and migrant) get a fair and equal deal in the labour market. This will also weaken unfair competition between local and migrant labour and enable migrant workers either to settle down in the place of destination or to go back home and make a good living there. But are State and Central governments genuinely interested in improving the conditions of workers in the economy?

*Indira Hirway is professor of economics and Director, Centre For Development Alternatives, Ahmedabad, Gujarat*

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