

Labor laws

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History

The History of Labor Laws in India dates back to Pre-Independence British Era as the Labor and Industrial Laws were enacted by British Administration to protect vested interests of British Employers and Industrialists. Earlier laborers were deprived of their rights at their workplaces, they were paid less for their work and their health issues were not considered. The intent of labor laws was to increase the cost of Indian Labor thereby favoring British textile magnets from Lancashire and Manchester. As a result, Indian labor got a stipulated 8 hours a day work, introduction to overtime wages, abolition of Child Labor, and restriction of women working at night. While it benefited the labor market as a whole but the real motivation behind the move was to favor the wishes of vested interest. The earliest Indian statute to regulate the relationship between employer and his workmen was the Trade Dispute Act, 1929 (Act 7 of 1929).

Constitutional Laws and Rights

In Post — Independence era our constitution played an important part in the changes and growth of labor laws.

The Fundamental Rights and Directive Principles of State Policy enshrined in Part III and Part IV mentions working class related benchmark laws which are : Article 14 concludes equality before the law which is interpreted in labor laws as “Equal pay for equal work”. Article 16 promises equality of opportunity. Article 19© gives the right to form unions or associations which provide the power to raise voice against atrocities done to the workers.

Article 23 prohibits forced labor and Article 24 goes on to prohibit child labor which includes that child below the age of 14 years should not be included in hazardous jobs. Article 38(1) promotes the welfare of people and 38(2) minimizes or decreases the inequality of income. Article 42 provides for the upliftment of the working conditions for

workers. Article 43(A) inserted through the 42nd amendment secures the participation of workers in the management of undertakings. Comparison with International Standards

Growing concerns and debate over rights of workers have been much discussed in the contemporary treatise.

International Labor Organisation(ILO) has played a vital role in promoting international labor standards. While, most countries have ratified all international conventions on labor standards, there still exist many who do not agree with some of them. India is the founder member of ILO and has contributed a lot for the codification of the standards. In fact, it has benefited from those standards in developing its own legal system on social and labor aspects. India has only partially accepted international labor standards and is being constantly urged to adopt the rest. Over the years, the ILO branch in Delhi has been coordinating assistance in fields such as rural labor, women workers, employment generation, occupational safety, health and population control in India.

Assessing the recent change made in the laws-

Last week states like UP, MP, Gujarat, Rajasthan made some changes in the labor laws within their states. Among these, UP has made the boldest change as having approved an Ordinance exempting businesses from the purview of almost all the labor laws for the next three years. From the perspective of the workers, the government has completely turned its stand from asking firms not to fire workers and pay full salaries at the start of the lockdown, to stripping workers of their bargaining power now. Contradicting the state's explanation for taking this as a measure to surge economic activity, the experience in the past suggests, dismantling worker protection laws have failed to attract investments and increase employment. A three-year window of regulatory concessions add up to nothing for any new and serious investor. A study of four states — Rajasthan, UP, AP and Madhya Pradesh by the National Labor Institute found that amendments in labor laws neither succeeded in attracting big investments nor giving a boost to industrialization or job creation'. Impact of the changes made The removal of all labor laws will not only strip the labor of its basic rights but also drive down wages. Most employment will effectively turn informal and bring down the wage rate sharply. And there is no way for any worker to even seek grievance redressal given the lockdown in the country. But when it takes on workers at a time when

people simply don't have the opportunity to take to the streets to express their opposition, this could seem like callous exploitation to many people. And it tells us even more about how pandemic politics, is being adopted by these states.

The utter disregard for the value of human life could not be starker than in using this crisis as the foreground for the whittling down of labor rights. The period of introspection that labor law has gone through needs to be tapped into, to create a framework that is inclusive and more cognisant of the divides among labor that labor law can absorb.

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