

# Doing away with labour laws is not feasible: Santosh Kumar Gangwar

Last Updated at May 27, 2020 02:44 IST

Labour and Employment Minister Santosh Kumar Gangwar tells Somesh Jha that most workers have returned home and they will join back the workforce after monsoon.

Migrant workers have been on long journeys to reach home as the nationwide lockdown didn't allow them access to public transport for around two months. Labour and Employment Minister Santosh Kumar Gangwar tells Somesh Jha that most workers have returned home and they will join back the workforce after monsoon. He also says some of the recent steps taken by states on labour laws were wrong. Edited excerpts:

**Industry perceives labour laws in India as cobwebs. Workers also don't seem to benefit from these laws as most have remained in the unorganised sector, outside the labour law framework. Do you agree that it has neither helped workers, nor industries?**

That's the reason we are bringing about four codes and rationalising them. For instance, we are replacing inspectors with facilitators, who will assist you rather than go with a mindset to harass you in the name of inspection. We will undertake reforms to help both workers and industry.

**Some states have proposed labour law changes. What is your view on these?**

Labour is a subject under the concurrent list of the Constitution, and therefore both states and the Centre can legislate on it.

States can make their own changes to suit their needs. Some changes in the labour laws do not need the Central government's permission. We cannot meddle with all decisions taken by state governments. For instance, they can exempt industries for three months from portions of labour laws. Now some states have increased daily working hour limit to 12 hours from eight hours, but they need to give overtime wages, too. Some unions have expressed ire over a few changes. But we take a call whenever labour law changes come for our consent.

**Didn't the central government push for some of the labour law changes?**

We have not given directions, but only suggestions. But those changes were different, such as related to raising the threshold under various labour laws for companies.

**India is a signatory to the International Labour Organisation (ILO) conventions and one of them says 60 hours of weekly work is allowed in India...**

Two states have already reversed this decision. We were thinking of calling a meeting of all state labour ministers but it couldn't take place due to the pandemic. We wanted to suggest them steps that they could take, keeping in mind the needs of the ILO conventions.

**States like Uttar Pradesh have proposed doing away with labour laws temporarily. What's your view?**

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### **Are you saying that the ILO norms will be kept in mind while framing laws?**

Yes. As you rightly pointed out, India is a signatory to ILO and it has praised our efforts many times. We will not do anything which will give them an opportunity to complain.

The trade unions have complained to the ILO recently...

We will talk to unions. We will address it through dialogue.

### **Don't you think it was a reverse strategy of the government to not allow workers to go home earlier and now when economic activities are beginning, they are being facilitated to go home?**

There is a fear in the mind of workers. Now, most workers have gone back home and governments have taken steps to address their problems. I think this will continue for the next two months of June and July. After monsoon, the workers will return to factories. For now, there will be a shortage of skilled and semi-skilled workers in factories in the immediate future.

### **Don't you think the Centre could have handled the migrant issue better?**

Lockdown was a sudden decision taken by the government to control the spread of the virus. Workers follow a particular time schedule in cities and they generally go back home for two-three months in a year. When the lockdown was enforced, workers got anxious about the disease and panicked. And in India, around 90 per cent of the 480 million workers are in the unorganised sector. They are spread out across the country. When I went to my constituency Bareilly (in Uttar Pradesh) during the first few days of the lockdown, I saw many workers on foot walking back home.

But when I went to Bareilly a few days back, I hardly saw people walking back home. There are problems in small pockets but their best interest has been taken care of by giving them transportation, food and shelter by the state and Central governments, along with the non-governmental organisations. Workers were anxious about the virus and they wanted to be home. Now, most of them have already reached home and only a few are left.

### **Is the government planning incentives to bring back the workforce?**

There is a need to instil confidence in the workers. In India, the mortality rate is low and the real threat is to the older population. I think by the time workers come back after monsoon, the situation will improve.

### **Did we not anticipate that lockdown will create problems for the 400 million unorganised sector workers?**

I am a part of the group of ministers which has to recommend suggestions for welfare of workers. We have discussed the need to create a national database for migrant workers to map their movement and skill sets. The Prime Minister's Office is also aware of such a move. It's critical to create a database first and we are working towards it.

### **What's the next step?**

We plan to assign a unique identification number to the migrant workers. We are also discussing how the benefits of the Employees' Provident Fund and Employees' State Insurance schemes can reach them as well. The PM wants to ensure social security cover for the migrant workers.

**Do you think we need to revisit the process of labour law reforms, especially looking at the current situation?**

When Atal Bihar Vajpayee was the Prime Minister, a decision was taken to convert 44 laws into four codes so that these laws are easy to comprehend, even for workers. In 2004, the UPA government came to power but it didn't take it up. In 2014, we started working on labour codes and the Code on Wages has already been passed in Parliament in a historic step.

Now, two codes - Occupational Safety and Health (OSH) and Industrial Relations — will be taken up for consideration in the Lok Sabha in July when the Parliament session is likely to take place. The whole world is looking at India to undertake these reforms. We want to attract investments and are working towards reforming labour laws.

**Will you consider taking the Ordinance route, too?**

There is hardly any need as the Parliament session will likely happen in July.

**But after the pandemic, don't you think the labour law changes require a fresh thinking?**

Yes, we will try to bring more unorganised sector into the organised and are contemplating various measures.

**Wasn't the Inter-State Migrant Workers Act of 1949 ineffective in dealing with the plight of the migrant workers?**

We do need to reform such laws. The first step is to have a national database of migrant workers. Second, it is also necessary that there are provisions in the law that migrant workers are able to get benefits of welfare schemes in a better way. For instance, in the Building and Other Construction Workers Act when workers register with one state, they are unable to take benefits of the scheme if they move to another state.

We are considering bringing about such a change. Also, the definition of migrant workers will be altered. Right now, if a migrant worker is in a state without being employed through a contractor, he's outside the limit of this law. There is a need to widen this so that maximum workers are benefited. We are bringing these changes in the OSH code.