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May 2020



For the first time in one-and-a-half-centuries, workers will have to toil 72 hours a week in at least five states as govts try to restart production amid the nationwide lockdown

A different May Day for Indian workers

SOMESH JHA
New Delhi, 30 April

When the first law governing factories in India was introduced under British rule in the 19th century, workers got a set of rights related to their working conditions, one of which was a cap on working hours in a week.

The Factory Act of 1881 set the maximum number of working hours in a week at 72 (12 hours a day if a person worked six days in a week). It was also partly because of the pressure that British authorities faced from mill owners back home in Lancashire, who feared that they were

losing out to competition coming from the Indian textile industry because of lower cost of production. After almost one-and-a-half centuries, Indian workers will again have to work for 72 hours in a week (up from 48 hours a week) as five states — Gujarat, Madhya Pradesh, Haryana, Himachal Pradesh and Punjab — have amended the Factories Act of 1948 through executive orders to effect this change.

To be sure, the states have said that this is a temporary measure as production at factories and mines have been impacted because of the nationwide lockdown imposed to curb the spread of Covid-19.

India's first factory regulation also coincided with an uprising in the working class across the world. Significantly, May Day, also known as the International Workers' Day in many countries or Labour Day, originated with a movement of workers in 1884 when workers in the United States and Canada demanded an eight-hour workday. By 1886, the movement gathered steam and resulted in riots, after protestors and police clashed at Haymarket Square in Chicago. International Workers' Day is celebrated on May 1 to commemorate this struggle.

The concept of eight-hour workday was based on the principle of 'work-life

balance' — eight hours of work, eight hours of recreation and eight hours of sleep.

The world is witnessing an unprecedented crisis because of Covid-19, which has brought the movement of humans and machines to a standstill.

In a report released on Wednesday, the International Labour Organization estimated a 4.5 per cent drop in working hours (about 130 million full-time jobs) across the globe in January-March 2020, compared to the previous quarter. The scenario for the second quarter looks worse with a 10.5 per cent slump expected in working hours, equaling 305 million jobs, compared to October-December 2019.

To compensate for the loss in production, state governments have started increasing the permissible hours of work — a measure not been taken by other countries so far. India also had one of the most stringent lockdowns, leading to soaring unemployment levels. Labour is a concurrent subject under the Constitution and states are empowered to change laws.

The trend was started by the Congress-led Rajasthan government through an executive order on April 11, which allowed factories to employ workers for 12 hours a day, up from 8 hours a day under the present law. The order stated that factories will now be able to operate at full capacity with "60-65 per cent of normal manpower". "Our initiative was lauded by Prime Minister Narendra Modi at a meeting with chief ministers on April 27 and he asked other states to follow the example," Rajasthan's Labour Secretary Niraj Kumar Pawan told *Business Standard*.

However, to ensure the welfare of workers, the Rajasthan government said the additional hours of work will be treated as "overtime" and workers will be given double the wages for this period. Congress-ruled Punjab government followed suit.

While some state governments emulated Rajasthan in increasing working hours they didn't allow doubling of wages for the extra hours.

Bharatiya Janata Party-ruled states

**PEOPLE IN INDIA
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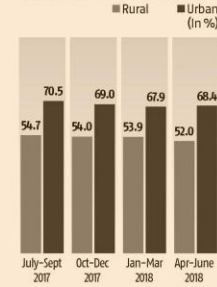


Gujarat and Himachal Pradesh said workers will be paid in proportion to their working hours. In fact, unlike Punjab, Gujarat, Haryana, Himachal Pradesh and Madhya Pradesh invoked a provision under the law that can be only used during a "public emergency" due to "war or external aggression or internal disturbances." The Rajasthan government's notification fails to mention the provision used to bring this change into effect.

"Isn't this a public emergency? When was the last time we saw closure of places of worship? Even during the Second World War all worship places were open but not now. The Gujarat government feels that this is a public emergency and we invoked Section 5 of the Factories Act," Gujarat's Industrial Safety and Health Department's Director PM Shah said. He added that the government thought it best to increase wages "proportionately", which was better than giving wages for eight hours of work and termed it a "win-win" for industry and workers.

"May Day is marked as a victory of workers in getting legislation in place for

SHARE OF WORKERS EMPLOYED FOR OVER 48 HOURS IN A WEEK



Source: Periodic Labour Force Survey report (2017-18), National Statistical Office (NSO)

eight hours of work day. In India, employers already flout the law and workers have to work overtime without getting additional pay," Centre of Indian Trade Unions' (CITU's) National President K Hemalatha said, adding that workers will be put under "immense" pressure. "Besides, this will take a toll on their mental health," she added.

People in India already work longer than average, compared to global peers, according to the National Sample Survey Office's (NSSO's) first periodic labour force survey (PLFS) conducted in 2017-18.

It showed that a majority of workers in India worked for more than 48 hours a week — higher than the ILO's prescribed global limit. On an average, workers in cities worked 53-54 hours and those in villages worked 46-47 hours in a week. In comparison, the global mean of hours worked per week was 43, with significantly lower numbers in developed regions.

"The move will put women workers at a disadvantage, especially in sectors where they are employed in huge numbers such as garments, pharmaceuticals,

food processing, among others. This will create a gender-based discrimination as it will become difficult for them to manage such long hours at factories due to pressure from within their families," K R Shyam Sundar, labour economist and professor of human resource management at XLRI, Jamshedpur, said.

He added that the Factories Act, 1948, had provisions to allow overtime work and the government should have let industries take advantage of that.

In 1922, the Factories Act was amended to reduce the hours of work to 60 in a week from 72 after India became signatory to an ILO convention in 1919. Though all countries which signed it had to reduce their working hours to 48 hours a week, India was given an exemption to keep it at 60 hours. The Great Depression of 1929 led to a series of strikes as working conditions across the world deteriorated. The Royal Commission on Labour, led by HH Whitley, which submitted its report in 1931, suggested a reduction in weekly hours to 54 and maximum hours of work to nine. This became a part of the Factories Act of 1934.

But because of the Second World War (1939-45) the British allowed non-seasonal factories to operate 60 hours a week as production took a hit.

It was BR Ambedkar, who became the Labour Member to the Viceroy's Council in 1942, who championed the cause of an eight-hour workday and 48-hour work shift in a week in India. Since then, this provision has been etched into India's labour laws — the ones that the states are amending to deal with the pandemic.

In the sixth session of the Indian Labour Conference, which came to be known as the Labour Parliament of India, held in November 1945, the Labour Department headed by Ambedkar said it was both unjust and unwise to deny the workers a reasonable amount of spare time away from the factory.

It said this was indispensable for building citizenship and maintaining physical efficiency.

"It emphasised that the present was an opportune moment for taking up this question because there was a need for giving relief to factory workers who had been put to a great strain during the war. Moreover, shorter hours would lead to greater employment," it noted.

मजदूर दिवस • अब वर्क फ्रॉम होम, एलास्टिक वर्क प्लेस जैसे कॉन्सेप्ट पर हो रहा काम कोरोना संकट से कंपनियों में बदला माहौल

■ श्रमिकों में तकनीकी दक्षता की चुनौती

सिटी रिपोर्टर | जमशेदपुर

कोरोना संकट के कारण बदलते वैश्विक माहौल व बिगड़े आर्थिक हालात में मजदूरों व कामगारों के सामने बड़ी चुनौती और संकट का समय सामने आ खड़ा हुआ है। औद्योगिक इकाइयां व कल-कारखानों में आने वाले समय में कार्य संस्कृति में परिवर्तन व रोजगार की संभावनाएं बदलेंगी।

इसका सीधा असर कामगारों पर होगा। बदलते समय में कार्यकुशल, दक्ष, तकनीक का बेहतर इस्तेमाल करने वाले कामगार ही किसी भी संस्थान की जरूरत रहेंगे। ऐसे में पुराने ढर्रे पर काम करने वाले लोगों पर नौकरी जाने का खतरा है। इस बात से इत्तेफाक अर्थशास्त्री, मजदूर नेता और कंपनी प्रबंधन से जुड़े सभी लोग मान रहे हैं।

बदल रहा है कामकाज

कोरोना संकट में कंपनियां काम का तरीका बदल रही हैं। वर्चुअल मीटिंग हो रही है। कंपनियों के अधिकारी ऑनलाइन मीटिंग कर रहे हैं। तकनीक की सहायता से काम की निगरानी, बिलिंग सिस्टम जैसी कई चीजें अपनाई जा रही हैं। इसका सीधा प्रभाव मैनपावर पर पड़ेगा।

कोल्हान में 5 लाख मजदूर

कोल्हान प्रमंडल के तीन जिलों पूर्वी सिंहभूम, पश्चिमी सिंहभूम और सरायकेला-खरसावां को मिलाकर कुल 3 हजार छोटी-बड़ी कंपनियां हैं। इनमें लगभग 5 लाख कामगार काम करते हैं। इन सभी कंपनियों में काम का तरीका बदल रहा है। इनमें तकनीक का सहारा लिया जा रहा है। सभी काम ऑनलाइन हो रहे हैं।

इन पर रहेगा जोर

- संस्थानों पर तकनीकी विकास
- वर्क फ्रॉम होम की संस्कृति होगी विकसित
- लैपटॉप, एप से होंगे काम
- वर्चुअल मीटिंग होगी, काम की ऑनलाइन होगी निगरानी
- एलास्टिक वर्क प्लेस मतलब कभी भी काम, कहीं से भी काम करने की व्यवस्था

■ श्रम विभाग मजदूरों और कामगारों के हित के लिए काम करता है। संकट के समय में भी मजदूरों के हित की रक्षा करना विभाग की प्राथमिकता है। संकट के समय सभी कार्यस्थल पर बदलाव होते हैं। इस चुनौती को सभी को स्वीकारना होता है। -राजेश प्रसाद, उपश्रमायुक्त, पूर्वी सिंहभूम

बदलते परिवेश में मजदूरों को भी बदलना होगा, संस्थान और श्रमिकों का होगा भला

■ कोरोना के कारण बदलते परिवेश में कामगारों और मजदूरों को भी बदलना होगा। मजदूरों को तकनीक सीखना होगा, आने वाली हर चुनौती को स्वीकार करते हुए आगे बढ़ना होगा। इसमें कर्मचारियों और संस्थान दोनों का भला होगा।

आरके सिंह, महामंत्री, टाटा मोटर्स वर्कर्स यूनियन

नौकरियों के कम होने का खतरा, दक्ष कर्मचारियों की होगी अधिक जरूरत

■ कोरोना संकट के कारण नौकरियों के कम होने का खतरा है। ऐसे समय में दक्ष कर्मचारियों की जरूरत होगी। समय के साथ खुद को ढाल पाने वाले मजदूर इस दौर का सामना कर पाएंगे। यह वक्त कंपनी और कर्मचारी दोनों के लिए चुनौतीपूर्ण है।

के.आर. श्यामसुंदर, अर्थशास्त्री, एक्सएलआरआई

May Day amidst Covid

Marginalised workers urgently need a hearing

KR SHYAM SUNDAR

May Day has historically been an occasion to recall the heroic often bloody struggles of workers to earn the right to eight-hours of work. May Day 2020, thanks to Covid-19, is different and even challenging in many ways. Ironically, the classic May Day struggle was about securing 8-hours of work in a day and 48-hours of work in a week. But using Covid-19 as a pretext, some States such as Rajasthan, Gujarat and Haryana have amended the Factories Act, 1948 to extend hours of work from eight hours in a day and 48 hours in a week to 12 and 72, respectively.

So, this May Day will be unique in the history of labour movement in India as trade unions will be demanding as did workers in the late 19th Century: eight hours a day and 48 hours a week.

Covid-19 has hit all kinds of workers across the board, regular and standard workers and non-standard and precarious workers. But government employees who constitute the core of standard employment are up against salary cuts and a long-term freeze of dearness allowance. Even the Left-ruled Kerala government has in the wake of Kerala High Court staying its order is attempting the "ordinance route" to defer 25 per cent of the salary of government employees and others who depend on government funding. Again, these are unilateral measures.

The Union and some State governments issued tepid advisories for timely income payments without cuts, and not to lay-off or retrench workers. Though several "good" companies have honoured the employment contracts, generally large-scale job and income losses and pay cuts have been reported. To be fair, the micro, small and medium-sized establishments (MSMEs) are as vulnerable as precarious workers and they

cannot be faulted. The government has offered so far a meagre relief package, some of which does not constitute relief to workers.

The governments now realise the lack of a database of and access to informal workers even though several laws pertaining to the unorganised workers like the Unorganised Workers' Social Security Act, 2008 provide for compulsory registrations and issuance of portable smart cards to them. Had the governments complied with these, the Covid-19 crises could have been handled better. The criminal governance failure of all the governments persists in the

case of construction workers despite the Supreme Court's intervention time and again since 2009.

At the same time there is discussion around labour law reforms to afford flexibility to employers. Meanwhile, global unions are calling for the declaration of Covid-19 as an 'occupational disease' and for the strengthening of the public healthcare system and social protection for workers.

The governments at all levels have ignored social dialogue even though India has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The ILO has placed a strong emphasis on the role of social dialogue in the design of 'policy responses' of the government.

For trade unions, this May Day is about the protection of lives and livelihoods. It is about comprehensively conceived health security, sustainable jobs and incomes which means a quick revival of economic activities. It is also about workers/trade unions voluntarily making concessions to employers for the revival of business and joining them to demand bailout packages from the government for business. The government is yet to perceive them as relevant stakeholders.

The writer is Professor, HRM Area, XLRI



Implementation of threshold to be a relief for unorganised sector now: Economists

Need to speed up wage rules

BASANT KUMAR MOHANTY

New Delhi: Labour economists have suggested the Centre speed up the notification and implementation of its minimum wage rules, expected in a matter of weeks, hoping these would provide some relief to the unorganised-sector workers amid the lockdown woes.

Some of them, though, are unsure to what extent the smaller employers, hit by the Covid-19 crisis, would be able to pay workers according to the revised and binding minimum wages.

One labour economist suggested the government introduce provisions to force private employers to establish dedicated funds so that employees can be paid their full wages during crises and those downsize can be paid a dole. Others, however, said it's the government that should bear the principal burden of these funds.

Government sources have told *The Telegraph* that the law ministry is in the final stages of vetting the new wage rules and these would be notified in May.

These rules will clear the decks for the implementation of the Wage Code, passed in Parliament last year, which provides for a minimum wage for the entire country that will for the first time be binding on the states.

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Currently, the Centre notifies a national floor-level minimum wage which is not binding on the states, some of which — including Gujarat — prescribe lower minimum wages for certain types of work.

A labour economist who did not wish to be quoted hoped the new wage rules would greatly reduce the stress on the workers, who he said were the worst sufferers

The Union labour ministry has been notifying the floor-level wage for the last two decades, usually revising it every two years. However, the floor-level wage of Rs 176 a day prescribed in 2017 has not yet been revised.

The Centre has rejected a report submitted last year by a government-appointed committee that suggested a nation-

al minimum wage of Rs 375, at July 2018 price levels. The committee was headed by Anoop Satpathy, fellow at the V.V. Giri National Labour Institute.

Once the wage rules are notified, the Centre will set up an advisory body to determine the floor-level wage that will be a binding national minimum wage, Satpathy told this newspaper.

"Then the states will notify their minimum wages, which will increase workers' wages and reduce the wage disparity among the states," he said.

Labour economist K.R. Shyam Sundar, a professor at the Xavier Institute of Management, Jamshedpur, was less optimistic.

He said the micro, small and medium enterprises

(MSME) — collectively the largest employment provider — might struggle to pay the new minimum wage and that its implementation in the farm sector was uncertain too.

"I'm not optimistic about the implementation of the minimum wage in the MSME sector, which is reeling under the Covid-19 crisis," he said.

Sundar said he expected the national minimum wage to be between Rs 220 and Rs 240 a day. Since many states now prescribe minimum wages above the current floor-level wage, he hoped the new minimum wage would be above Rs 250 a day in most states.

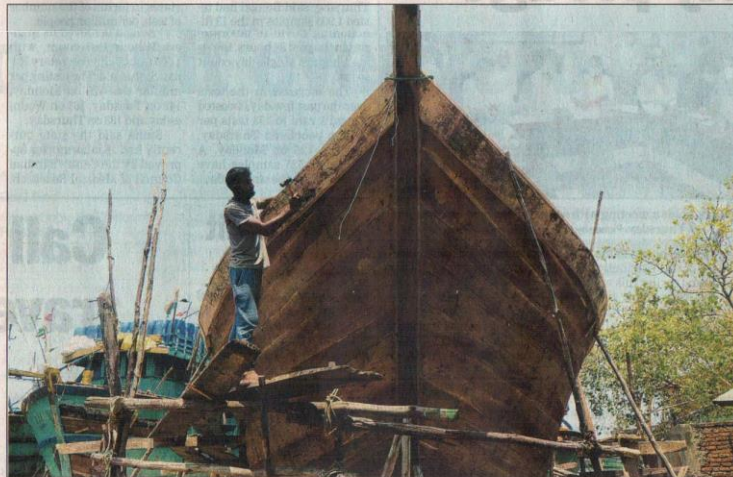
However, he said, whether the minimum wage is implemented in the farm sector — where wages tend to be low and documentation absent —

would depend on the procurement process and selling price of the rabi crop.

"How much the farmers are paid for their rabi crop will decide whether the minimum wage is paid to the farm labourers," Sundar said.

"A higher minimum support price and organised procurement, and good prices in the markets" will improve the possibility of farm hands being paid the minimum wage, he said.

Sundar said the provision for getting private employers to set up a re-skilling fund to help employees upgrade their skills — a part of the pending Industrial Relations Code — should be transferred to the pending Social Security Code Bill, which too is pending in Parliament.



A carpenter repairs a fishing boat on the eve of May Day in Chennai on Thursday. (AFP)

Slight rise in women casualties

G.S. MUDUR

New Delhi: The average case fatality rate among Covid-19 patients in India is 3.2 per cent, the Union health ministry said on Thursday, releasing fresh mortality analysis datasets as the country's number of confirmed cases rose to 33,610.

Health authorities detected 1,823 new Covid-19 cases overnight. Nearly 8,400 patients have recovered and 1,075 have died, including 67 deaths since Wednesday.

As elsewhere in the world, men vastly outnumber women dying from Covid-19 in India, but the proportion of women has increased slightly since the previous such mortality analysis in mid-April.

Among the 1,075 deaths, around 65 per cent are male and 35 per cent female, the ministry said. The earlier analysis of 109 deaths on April 17 had estimated 73 per cent male and 27 per cent female.

The updated analysis has found that 14 per cent of deaths have occurred in patients aged below 45 years, 34.8 per cent in patients between 45 and 60 years, and 51.2 per cent in patients 60 years or older. Seventy-eight per cent of the deaths occurred in patients with underlying health disorder such as diabetes, cardiovascular disease, or high blood pressure.

The ministry said the recovery rate had increased to 25 per cent, but public health experts pointed out that this figure is expected to steadily grow over time as the case fatality rate is 3.2 per cent.

"If the case fatality ratio is 3.2 per cent, all other patients would recover — this is not a chronic illness," said a public health expert. "This is just a good figure to show — a figure that will grow over time."

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B-schools Turn a Page with Covid-19

Academics from IIMs are revising this year's curriculum to incorporate learnings from the pandemic

**Anjali Venugopalan
& Prachi Verma Dadhwal**

New Delhi: There are lessons to be learnt from the widespread disruption wrought by the Covid-19 pandemic, say the country's top B-schools—literally.

Academics from the Indian Institutes of Management (Ahmedabad, Calcutta, Lucknow and Indore), XLRI and MDI Gurgaon are revising this year's curriculum to incorporate learnings from the pandemic into nearly all subjects taught in an MBA programme, from economics and strategy to human resources and supply chains.

At IIM-A, starting this summer, the macroeconomics course will in-

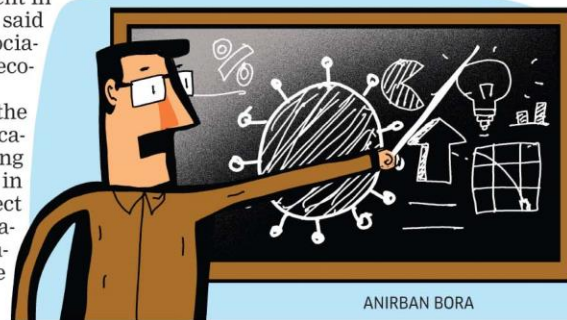
clude examples like the Supreme Court's capping of Covid-19 testing to discuss price controls and infection transmission to include the idea of 'externalities'.

"Investments in public health facilities will be discussed as part of investment in public goods," said Tarun Jain, associate professor of economics, IIM-A.

Perhaps for the first time ever, academics are having to tweak courses in real-time to reflect the changing reality of the situation outside the campus.

"The post-Covid world will unfold a new normal," said Vipul Mathur, Economics Group, IIM Calcutta. "Many aspects of businesses will have to get restructured and redesigned so that we are better prepared for the next time."

IIM Lucknow PGP chairman Ajay Garg said that his B-school was redesigning the curriculum to include lessons in subjects like macroeconomics, financial markets, strategic management, marketing and HR. At IIM Indore, lessons from research the institute is doing around a number of areas will feed into classroom conversation.



New Lessons

Pandemic lessons take centre stage

Effects on economy will be taught

Changing dynamics in HR due to WFH

Sustainability, localism in business

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ACADEMICS CITE INCREASE IN WORKING HOURS TO 12, HIRE-AND-FIRE BILL

Harshest May Day: Workers lose jobs and hard-earned rights



Labourers load sacks of wheat onto a truck in Amritsar on Friday. (AFP)

BASANT KUMAR MOHANTY

New Delhi: Academics and labour unions on Friday termed this May Day the worst in recent history, citing how five states had legitimised an increase in working hours from eight to 12 while the Centre had introduced a bill that makes hiring and firing easier.

May Day signifies a celebration of workers' rights but, they rued, this May 1 finds the workers stripped not just of their jobs by the Covid-19 crisis but also of some of the rights they had earned through decades of struggle.

K.R. Shyam Sundar, professor of labour studies at Xavier Institute of Management, Jamshedpur, said governments in India were "reinventing the 19th-century labour exploitation model".

When the workers return to the factories after a relaxation of the lockdown,

those in Gujarat, Rajasthan, Punjab, Himachal Pradesh and Haryana can be asked to work 12 hours a day.

In Gujarat, they will be paid at the same rate for the extra hours as for the first eight hours, although the Factories Act mandates payment at twice the wage rate for the extra hours.

It was through Bhimrao Ambedkar's efforts in the 1940s that the country's workers had their daily hours reduced from 12 to eight.

The Factories Act of 1948 stipulated eight hours of work a day and 48 hours a week, with a maximum of 60 hours a week allowed with payment at double the wage rate for the overtime period.

Labour economist Amitabh Kundu questioned the five states' decision to increase the working hours across all sectors.

"As an emergency measure, states

can increase the working hours in select sectors, provided the workplace offers accommodation for rest as well as health care and food. But there's no reason for a blanket increase in working hours in all sectors," Kundu said.

Another economist, who did not wish to be quoted, questioned the increased working hours in sectors like mining and construction. He also expressed dismay that while increasing the working hours the states had not taken steps to improve the environment at workplaces.

Sundar said: "Industries in 19th-century Europe followed the sweat-shop model of making labourers work long hours at the bare minimum wage. That is what the (five) states are allowing employers to do."

He criticised Gujarat's invocation of Section 5 of the Factories Act —

which refers to a public emergency — to increase the working hours.

"A public emergency, as defined in the act, refers to an external or internal threat to India's security in the form of war or internal disturbance. The Covid-19 pandemic is not a public emergency under the act," Sundar said.

Santosh Mehrotra, chairperson of the Centre for Informal Sector and Labour Studies, JNU, said this year's May Day was "definitely the worst in recent years".

"In the US, an unprecedented 25 million people have filed for unemployment insurance. The situation is similar in India. In 2018, India had witnessed the highest unemployment rate in 45 years; now the situation has worsened because of the pandemic," Mehrotra said.

Ashok Singh, a leader of Congress

labour arm Intuc, accused the NDA government of being anti-worker. He cited the Industrial Relations Code Bill, introduced last winter, which empowers the states to allow employers to sack any number of employees — up from a ceiling of 100 — without government permission.

"The concessions workers have achieved through long struggle are being withdrawn," Singh said.

Tapan Sen of the CPM-backed Citu said the NDA government had been amending the country's labour policy to benefit the corporate houses "since they donate funds to the BJP".

"I think this is the harshest May Day of the century," Sen said.

A labour ministry official said the labour reforms were being pushed through to bolster India's competitiveness in attracting foreign investment.

Equal challenges and opportunities in the time of crisis: DC

Stress Management Workshop held at XLRI Learning Center



Mail News Service

Jamshedpur, May 2 : It is much easier to assist each in scoring a goal in a match than individual scoring. Deputy Commissioner Ravi Shankar Shukla made this observation at the Stress Management Workshop held for the officials at

XLRI Learning Center on Saturday. The Deputy Commissioner said that the entire team of the district administration is doing a good job to prevent the spread of Covid-19. They need to think about the far-reaching goal. The arrival of migrant labourers, students and other people has

started and the administration needs to keep a watch on them. He said that the entire team is discharging its duties with patience and efficiency. Hopefully, this stress management workshop will prove to be very helpful in this direction. The Deputy Commissioner said that as of now the entire team of the district

administration has been successful in stopping the possible spread of Covid-19, there are both challenges and opportunities for us. The challenge is that we should put a check on the possible spread of Covid-19 in the district and the opportunity is that our actions will deepen public confidence in the administration. We all have to keep thinking constantly how to improve ourselves as an individual and as a group so that our efficiency is maintained.

How should we contribute to the team so that we all continue to perform our duties successfully while keeping each other morale high. In the workshop through audio-video mediums the officials were taught about stress management.

লকডাউনের জোর ধাক্কা নতুন চাকরির বাজারেও

ইন্দ্রজিৎ অধিকারী

নয়াগিরি, ৬ মে: অভাবের তাড়নায় একশো দিনের কাজের খাভায় নাম তুলতে চান পলিটেকনিকের ছাত্রী। নামমাত্র বেতনের সাধারণ চাকরিতেও লক্ষ-লক্ষ আবেদন পিএইচডি, ইঞ্জিনিয়ার, এমবিএ, স্নাতকোত্তরদের। অথচ লকডাউন উঠলে দক্ষ কর্মী না-মেলার আশঙ্কায় বেলালুরু থেকে পরিযায়ী শ্রমিকদের ট্রেন ছাড়তে দিতে নারাজ কর্তৃক। ভারতের কাজের বাজারে তুমুল বৈপ্লবীতোর এই ছবিই করোনার ছোবলে আরও ভীত হতে বলে বিশেষজ্ঞদের আশঙ্কা। বিশেষত চাকরির দুনিয়ায় নতুন পা-রাখদের।

সংক্রমণ রূপে দেশ জোড়া দীর্ঘ লকডাউন যে বছ কর্মীর কাজ কেড়েছে এবং কাড়বে, সে বিষয়ে সন্দেহের অবকাশ প্রায় নেই। অসংগঠিত ক্ষেত্রের শ্রমিকেরা তো বটেই, বিধগত অর্থনীতির আঁচ পেতে শুরু করেছেন সংগঠিত ক্ষেত্রের কর্মীরাও। কোথাও বেতন ছুটিই হয়েছে, কোথাও যাচ্ছে কাজই। এই পরিস্থিতিতে কাজের বাজারে প্রথম বার পা-রাখাদের জন্যও যে কঠিন চ্যালেঞ্জ অপেক্ষা করছে, তা পরিস্থিতিতে চোখ রাখলেই স্পষ্ট।

এক্সপ্লোরারআই-জামেশনপুত্রের অধ্যাপক কে আর শ্যাম সুন্দরের কথায়, “সাধারণত ডিসেম্বর থেকে ফেব্রুয়ারির মধ্যেই ক্যাম্পাস ইন্টারভিউ হয় অধিকাংশ বিজনেস স্কুল, ইঞ্জিনিয়ারিং কলেজে। পছন্দের পত্য়াকে সংস্থা দিয়ে যায় অফার লেটার। চাকরিতে যোগদানের প্রাথমিক আমন্ত্রণপত্র। কিন্তু প্রথম সারির শিক্ষা প্রতিষ্ঠানগুলি ছাড়া অন্য প্রায় সর্বত্র আগে অফার লেটার দেওয়া বহু পত্য়াকে এখন আর নিতে চাইছে না অনেক সংস্থা।” সমস্যা এতটাই যে, সম্প্রতি তানা-করার জন্য শিগ্গমহলকে আবেদন জানিয়েছেন মানবসম্পদ উন্নয়নমন্ত্রী। সংশ্লিষ্ট সূত্রে খবর, দেশের



বাড়ছে আশঙ্কা

- দীর্ঘ লকডাউন কাজ কেড়েছে বহু কর্মীর। অসংগঠিত তো বটেই, চিন্তা বাড়ছে সংগঠিত ক্ষেত্র নিয়েও।
- আগে অফার লেটার দিয়েও এখন নিয়োগে গড়িমসি বহু সংস্থার।
- খরচে রাশ টানতে গিয়ে কমতে পারে সরকারি চাকরিতে নিয়োগও।

কিছু সেরা শিক্ষা প্রতিষ্ঠানেও এখন আগে অফার লেটার দেওয়া পত্য়াকে নিতে বিস্তর দর কষাকষি করছে কিছু সংস্থা। কোথাও সুযোগ-সুবিধা কমানোর কথা বলা হচ্ছে, কোথাও বেতনই। টান ‘সামার ইন্টারশিপে’ও। অর্থনীতি শুষ্ক। বিক্রিবাটা নেই। পুরোদমে উৎপাদন ফের কবে শুরু হবে কিংবা বাজারে তখন চাহিদা কেমন থাকবে, এর কোনও কিছু এখন নিশ্চিত করে বলতে পারছেন না কেউ। তার উপরে বহু সংস্থার গুলামে উপচে পড়ছে আগের তৈরি, বিক্রি না-হওয়া পণ্য। এই পরিস্থিতিতে এক জনও নতুন কর্মী নেওয়ার আগে দশ বার ভাবছে সংস্থা। যে সংস্থার সার্চ ইঞ্জিনের কাছে চড়ে চাকরি খোঁজার বিভিন্ন পোর্টালের খোঁজ করেন কর্মপ্রার্থীরা, সেই গুগলে আপাতত প্রায় সমস্ত নতুন নিয়োগ বন্ধ। যারা কর্মপ্রার্থীদের

সঙ্গে সংস্থার ‘ঘটকালির কাজ’ করে, সেই ‘প্লেসমেন্ট এজেন্সি’র হাতেও কাজের খরা। এমন একটিতে সিডি পাঠিয়ে উত্তর মিলল, “ঘরে থাকুন। সুস্থ থাকুন। পরিস্থিতির উন্নতি হলে, কাজের সন্ধান দেওয়ার চেষ্টা করব আমরা।” এক সমীক্ষা অনুযায়ী, এজিলে নিয়োগ কমেছে ৬২%। কিছু চাকরির পোর্টাল উল্টে ই-মেল পাঠিয়ে জানতে চাইছে, এখন নিয়োগ করছে, এমন সংস্থার সন্ধান আছে কি না।

সুন্দরের মতে, “আধুনিক প্রযুক্তি-নির্ভর কিছু বড় সংস্থা, স্বাস্থ্য পরিষেবার মতো কিছু ক্ষেত্র ইতালিতে কিছু নির্দিষ্ট দক্ষতার কর্মীর কদর করোনার বাজারেও বাড়বে। চাহিদা থাকবে নির্মাণ শিল্প-সহ কিছু ক্ষেত্রে আধা-দক্ষ সস্তা কর্মীরও। কিন্তু তার বাইরে কাজের বাজারে আলোর দেখা এই মুহুর্তে নেই। কম কর্মী নিয়ে কাজ করতে বাধ্য হওয়ায় নিয়োগ কম হবে ছোট শিল্পে। আর বিক্রিবাটা চান্দা না-হওয়া পর্যন্ত তাতে এগিয়ে আসবে না দীর্ঘমেয়াদি ভোগ্যপণ্য শিল্প।”

গ্রাম, মফসসল, শহরতলির বিপুল সংখ্যক পত্য়ী পাশ করেন সাধারণ কলেজ-বিশ্ববিদ্যালয় থেকে। জেনারেল স্কিমে। এদের বড় অংশ আবার পাবির চোখ করেন বিভিন্ন সরকারি চাকরির পরীক্ষাকে। দিল্লি স্কুল অব ইকনমিক্সের অধ্যাপক দিব্যেন্দু মাইতির আশঙ্কা, “সরকারি চাকরি এমনটিতেই এখন আগের তুলনায় অনেক কম। তার উপরে কেন্দ্র এবং সমস্ত রাজ্য সরকার যে ভাবে খরচ কমানোর কথা বলছে, তাতে আগামী দু’বছরে পূর্ণ সময়ের সরকারি চাকরিতে কোপ পড়ার সম্ভাবনা। গবেষণার তহবিলে কোপ পড়লে, কাজ কমেই উচ্চশিক্ষাতেও।”

যে দেশে প্রতি বছর কয়েক লক্ষ জন চাকরির খোঁজে কাজের বাজারে প্রথম বার পা-রাখেন, তার জন্য এ বড় সুখের সময় নয়।

MP plans radical changes to labour laws

May allow more factories to operate without following safety norms

SOMESH JHA
New Delhi, 6 May

The Madhya Pradesh government is planning to introduce a slew of changes to labour laws, including allowing more factories to operate without following safety and health norms and give a free hand to new companies to "keep labourers in service as per their convenience".

Chief Minister Shivraj Singh Chouhan held a meeting with officials in the state on Tuesday and "stated the need to give various concessions to industries in the next 1,000 days (due to) the situation arising out of the corona crisis," according to an official press release.

The proposed amendments in the labour laws include doing away with the inspection through official inspectors and with the need to maintain official records for the purpose of inspection.

While manufacturing units, which use power to run and employ below 40 workers will be brought out of the ambit of the Factories Act of 1948, units operating without power and employing less than 20 workers needn't comply with the law.

At present, the Factories Act applies to manufacturing units with at least 10 workers, if the premises uses electricity,

and to establishments with 20 or more workers, irrespective of power usage.

Similarly, the Contract Labour Act, 1970, will be amended so that contractors employing up to 50 workers will not be under the purview of this law, instead of 20 at present.

For this purpose, the government will seek permission from the central government as labour falls under the concurrent list of the Constitution. States can make amendments, but they need the Centre's approval.

The government will exempt companies setting up factories in the next 1,000 days from many provisions of the Factories Act — which spells out the legal framework for occupational health, safety and working conditions of employees.

The government will likely take this step without the consent of the central government, using a provision in the law that can be invoked by states during a public emergency, war or internal disturbances.

New units set up in Madhya Pradesh will not be exempted from the necessary provisions of cleanliness, disposal of wastes, ventilation, lighting, drinking water, urinals, canteens, rest rooms, crèches, working hours, wages during the leave period, and the need for the manager of the factory to send notice to authori-



SOME OF THE PROPOSALS

- A plan for industries coming up in the next 1,000 days in the state
- New establishments will be able to keep labour as per their convenience and labour courts and govt won't

- stop industries
- Online registration under seven labour laws for newly established units in a single day
- All new factories to be exempted from paying ₹80 a worker towards

- welfare board
- Factories employing 20-40 workers, with the aid of power and 10-20 without power, will come out of the purview of the Factories Act

ties in case any worker contracts occupational diseases.

"Under the Factories Act 1948, new industries will be exempted from all sections except Sections 6,7,8, Section 21 to 41 (H), 59,67,68,79,88 and Section 112 of the Factories Act, 1958. This will now exempt industries from departmental inspections. Industries will be able to conduct third-party inspections at will," the press statement said.

It added that industries will not be

required to maintain registers and can change shifts at their convenience.

Labour law experts expressed concerns over some of the proposed changes, which they feel will lead to deteriorating working conditions.

"The changes, allowing companies to not bother about certain critical elements of safety such as proper ventilation, room temperature or to appoint welfare officers and to let some working conditions go by will create scope of occupational hazard

for workers," said KR Shyam Sundar, labour economist and professor at XLRI, Jamshedpur.

The government will also amend the Industrial Disputes Act, 1947, which has provisions to protect harmony of relations between workers and industry and defines retrenchment, lay-off and compensation norms.

"After the amendment in the Industrial Disputes Act 1947, new establishments will get exemption from many provisions in the Industrial Disputes Act for 1,000 days. Establishments will be able to keep the labourers in service as per their convenience. The intervention of the department of labour and the labour court in action taken by the industries will be stopped," the press statement added.

The new factories will also not be required to contribute ₹80 per worker towards the Madhya Pradesh Labour Welfare Board fund, set up in 1982, for over two years. "Along with this, they will also get an exemption from [filing] the annual return," the government said.

This comes in the backdrop of recent amendments made by the governments of Rajasthan, Haryana, Himachal Pradesh and Punjab to the Factories Act to allow companies to employ workers for a maximum 12 hours a day, instead of 8 hours, for three months to compensate for the loss of production because of the Covid-19-induced lockdown.

मप्र में शिथिल होंगे श्रम कानून

सोमेश झा और संदीप कुमार
नई दिल्ली/भोपाल, 6 मई

मध्य प्रदेश सरकार कई श्रम कानून सुधारों की योजना बना रही है। इसमें ज्यादा तादाद में फैक्टरियों को बिना सुरक्षा और स्वास्थ्य मानकों के संचालित करना और नई कंपनियों को श्रमिकों से अपनी सुविधा के अनुसार काम लेने की छूट देना शामिल हैं।

प्रदेश के मुख्यमंत्री शिवराज सिंह चौहान ने मंगलवार को अधिकारियों के साथ बैठक में कहा कि कोरोनावायरस के कारण उत्पन्न संकट को ध्यान में रखते हुए अगले 1,000 दिनों में उद्योग जगत को ढेर सारी रियायतें दी जाएंगी। जिन रियायतों का प्रस्ताव रखा गया है उनमें प्रतिष्ठानों के निरीक्षण से छूट और इससे संबंधित रिकॉर्ड न रखने जैसी रियायतें शामिल हैं। सरकार का प्रस्ताव है कि बिजली के इस्तेमाल वाले और 40 से कम श्रमिकों वाले प्रतिष्ठानों को फैक्टरी अधिनियम 1948 के दायरे से बाहर किया जाएगा वहीं उन प्रतिष्ठानों को श्रम कानूनों से बाहर रखा जाए जहां 20

कोरोना काल में औद्योगिक गतिविधियों को बढ़ावा देने का प्रयास



- ज्यादा तादाद में फैक्टरियों को बिना सुरक्षा व स्वास्थ्य मानकों के संचालित करने की अनुमति होगी
- नई कंपनियों को श्रमिकों से अपनी सुविधा के अनुसार काम लेने की छूट देने की अनुमति होगी
- निरीक्षण से छूट और संबंधित रिकॉर्ड न रखने जैसी रियायतें भी
- संबल योजना को दोबारा शुरू करने की भी घोषणा

से कम कामगार काम करते हैं और जो बिना औद्योगिक बिजली के संचालित होते हैं। अनुबंधित श्रम अधिनियम 1970 में संशोधन किया जाएगा ताकि 50 श्रमिकों से काम लेने वाले ठेकेदारों को इसके दायरे से बाहर किया जा सके। जो कंपनियां अगले 1000 दिन में नई फैक्टरियां लगाएंगी, सरकार उन्हें फैक्टरी अधिनियम के कई प्रमुख प्रावधानों से छूट प्रदान करेगी।

ये प्रावधान कामगारों के स्वास्थ्य, सुरक्षा और काम करने की परिस्थितियों से संबंधित हैं।

श्रम कानून के जानकारों ने इसे

लेकर चिंता जताई है।

एक्सप्लोरआई जमशेदपुर में प्रोफेसर और श्रम अर्थशास्त्री के आर श्याम सुंदर कहते हैं, 'कंपनियों को इस कदर रियायतें प्रदान करना कि वे समुचित तापमान, हवादार होने, और कल्याण अधिकारियों की नियुक्ति तक का ध्यान नहीं रखें, श्रमिकों के लिए त्रासद कार्य परिस्थितियां पैदा कर सकता है।'

प्रदेश सरकार ने अपने पिछले कार्यकाल की लोकप्रिय संबल योजना को दोबारा शुरू करने की भी घोषणा की है। असंगठित क्षेत्र

के श्रमिकों को आर्थिक सहायता पहुंचाने वाली यह योजना कांग्रेस सरकार के आगमन के बाद ठंडे बस्ते में डाल दी गई थी। संबल योजना के नए प्रावधान के तहत सरकार ने सुपर 5000 योजना की शुरुआत की है। इसके तहत कक्षा 12 में अधिकतम अंक लाने वाले संबल परिवारों के 5000 बच्चों को 30-30 हजार रुपये की राशि दी जाएगी। योजना के आरंभ के साथ ही 1863 पात्र लोगों के खाते में 41 करोड़ रुपये से अधिक की राशि ई-भुगतान के माध्यम से स्थानांतरित की गई।

Neglected migrant shield now set for axe

**BASANT KUMAR
MOHANTY**

New Delhi: The poor implementation over the years of a law that provides for keeping official records of migrant workers, safeguards their wages and strives for equal pay for equal work, and now the Centre's plan to do away with it altogether, has robbed the vulnerable labourers of a shield designed to protect them during emergencies.

The Inter-state Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979, is one of the most shoddily implemented laws in the country, but it at least seeks to better protect this particularly vulnerable workforce, especially during a crisis such as the pandemic-induced lockdown, labour economists and workers' unions feel.

But now, the Centre's Occupational Safety, Health and Working Condition Code Bill, which is pending in Parliament, seeks to subsume 13 existing laws, including the 1979 rule, and also signals the government's intent on law aimed at insulating the migrant workers from exigencies.

The Inter-state Migrant Workmen (Regulation of Employment and Conditions of

Services) Act, 1979, has a specific provision for the registration of workers by labour contractors in the states of origin and also the destination states. Such a provision, albeit poorly carried out, provided a scope of keeping official records of migrant workers in case of any exigency.

If the labour contractor does not pay wages to the migrant workers, the principal employer, or the company, will have to pay, the 1979 law mandates. It also provides for the payment of travel allowance for to-and-fro journeys.

According to the law, all establishments and contractors will have to maintain records of the migrants workers employed, the wages paid to them and the nature of work assigned to them. The records and the facilities provided are to be inspected by government officials. Any person obstructing inspection can be punished with imprisonment up to two years. Violation of any other provision of the law attracts a punishment of two years in jail.

The Act also lays down that the migrant workers will not be paid less than the minimum wage and the wage being received by other workmen in a similar establishment.



Migrant workers and their families make their way out of Charbagh station in Lucknow on Wednesday after arriving by a special train from Maharashtra. (PTI)

The Occupational Safety, Health and Working Condition Code Bill, however, is silent on the registration of migrant workers and the provision for equal pay for equal work. It only says that the workers will be appointed through an agreement with the contractor or the establishment, besides providing for a travel allowance.

Academics and workers' unions say the 1979 law, if implemented well, will help the state governments address the current humanitarian crisis to a great extent, where migrant

workers have been left without any work due to the lockdown and also were initially made to pay for the train journey back home.

Prof K.R. Shyam Sundar, a faculty member of labour studies at Xavier School of Management in Jamshedpur, said the 41-year-old Act on inter-state migration was the least implemented law in the country, like the Building and Other Construction Workers Act of 1995. The two laws are connected since they seek to protect migrant workers.

"Had the registration been

done by the home states and the host states sincerely, the database of labour contractors and migrant workers would have been available with the states now. The data would have helped the states act against the labour contractors who have not paid wages to the workers, nor their travelling allowance," Sundar told **The Telegraph**.

"The entire issue of which state should bear the travel cost even would not have arisen given the extraordinary circumstances like the Covid-19 pandemic, which has effectively

terminated the employment contracts of these workers," Sundar told **The Telegraph**.

"The data would have helped in reaching relief and assistance to the needy workers at the places where they are staying. Such measures would have assuaged the workers who have had to walk miles or wait for trains and prevented much of the unrest caused by their hapless and desperate conditions," he added.

The Occupational Safety, Health and Working Condition Code Bill, while providing for the safety and proper health of workers, has a general provision on the reporting of accidents. It again states this provision with respect to migrant workers, requiring the employers to provide "suitable conditions of work" to this section because they are working "in a state different from their own state".

Sundar questioned this iteration, especially because no special safeguards have been laid down for the migrant workers. "Ideally, when a law has a general provision of occupational safety, it should be extended to all kinds of workers. Repeating this provision for migrant workers defeats the principle of parity. This is not a good legal construction," he said.

CPM labour arm Citu has urged the government not to abandon the provision of registration of migrant workers.

"Everything will be left to an agreement under the occupational safety code bill. The workers are so vulnerably that they do not have any bargaining power and are at the receiving end of exploitation. There is no provision for equal pay for equal work in this bill," Citu leader Tapan Sen said.

He said the 1979 law must be further strengthened, making it an unavoidable obligation for both the central and the state governments and the employers to register all migrant workers.

The Occupational Safety, Health and Working Condition Code Bill has been examined by the Parliamentary Standing Committee on Labour. The labour ministry has told the committee that the bill is aimed at promoting "ease of doing business".

The committee has recommended that a separate chapter on migrant workers be incorporated in the bill, not just a few provisions. It has recommended the creation of help desks, seasonal hostels for children of migrants and migration support centres.

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UP govt exempts biz from all but four labour laws for 3 yrs



PHOTO: PTI

SOMESH JHA
New Delhi, 7 May

The Uttar Pradesh government has approved an Ordinance exempting businesses from the purview of almost all the labour laws for the next three years, to give a fillip to investment in the state, affected by Covid-19.

A press statement dated May 6, issued by the state government, said the government had cleared the "Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020" to exempt all establishments, factories, and businesses from the purview of all but four labour laws, for three years.

Only the Building and Other Construction Workers Act, 1996; Workmen Compensation Act, 1923; Bonded Labour System (Abolition) Act, 1976; and Section 5 of the Payment of Wages Act, 1936 (the right to receive timely wages), will apply in the state, according to the statement. It also said the provisions related to children and women in the labour laws would continue.

Other labour laws will become defunct. They include laws related to settling industrial disputes, occupational safety, health and working conditions of workers, and those related to trade unions, contract workers, and migrant labourers. "The idea is that in the present circumstances, where we need to provide employment to workers who have migrated back to the state and to protect the existing employment, some flexibility has to be given to business and industry," Uttar Pradesh Chief Secretary R K Tiwari said.

Since labour is a concurrent subject under the Constitution of India, states can frame their own laws but need the approval of the Central government.

"It is absolutely shocking. This move of the Uttar Pradesh government turns the clock back by more than 100 years. It's unacceptable, and in violation of human and fundamental rights. This move should be legally challenged," labour law advocate Ramapriya Gopalakrishnan said.

Madhya Pradesh Chief Minister Shivraj Singh Chouhan on Thursday announced the state would exempt new manufacturing units from all but some provisions of the Factories Act, 1948, for the next 1,000 days (or over two and a half years).

"The reported labour law reforms by the UP government of exempting industries from all labour laws save three, all of them otherwise poorly implemented by any government, are beyond the scope of imagination and will make even the most vocal labour flexibility advocates to shame and industries would not have imagined getting these 'holidays from labour laws'," XLRI Jamshedpur professor and labour economist KR Shyam Sundar said. He said the move might prove counter-productive as "good capital chases high labour standards".

"The Covid-19 times are witnessing fall in labour standards like a pack of cards. The argument of occupying the market space vacated by China is taken far too seriously by this state," he added. States have witnessed a severe shortage in revenue after the lockdown because businesses are shut.

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সংস্থার বিরুদ্ধে তদন্তের নির্দেশ

বিশ্বাখ্যাতনামা: এতগুলি মানুষের প্রাণহানি পকেট মুদ্রণের মুহুরতের প্রথম দিকে যখন মুদ্রণ এটেন্ডেন্স পড়িয়ে এল তখন। তবে অল্পকালের মধ্যেই সরকারের তৎপরতায় পল্টন, দক্ষিণ কোরিয়ার ওই সংস্থাকে সহজে ছেড়ে দেওয়া হবে না। মুদ্রাঙ্কিত অগণতন্ত্রে যেই পলিমার কারখানা সত্যের প্রকাশের বিপরীতে উচ্চ-পণ্যের তদন্তের নির্দেশ দিয়েছেন। শিল্পমন্ত্রী এম ডি বেজি বলেন, 'এল জি পলিমার ইন্ডিয়া'র পরিচালকের আদতে হবে নিরপত্তার কোন ব্যবস্থাকালি নেওয়া

শোক রাস্তাঘাটের

হয়েছিল ও কেনগুলি নেওয়া হয়নি। তার ভিত্তিতে ওঁদের বিরুদ্ধে নৌজবানি পরবেশ করা হবে।

লক্ষ্যভাট্টারের ক্ষেত্রে পত চম্প দিন বন্ধ ছিল কারখানাটি। সোমবার মাঝরাতে তা চালুর চেষ্টা হতেই বিপর্যয়। মুদ্রাঙ্কিত পণ্যের বিক্রি এল জি কেম বিক্রি দিয়েছে, 'গ্যাস সিক নিয়ন্ত্রণ'। শীতেরে ভুক্তকেন্দ্রিকতার রক্ত চিকিৎসার ব্যবস্থা করা যায়, তার সমস্ত বিক্রয় দেখা হচ্ছে। শিল্পের বাংলা ও অধিকাংশের ঈর্ষান্বিত ভাবনা চেষ্টা তুলছে। প্রতিক্রিয়া নিয়েছে দক্ষিণ কোরিয়া সরকারও। ছাড়াও তাদের রাষ্ট্রপতি নিন হং-কিল বলেন, 'হুদ্যনায় এতগুলি প্রাণহানির খবরে আমি শোকস্তব্ধ। দুর্ভাগ্যজনক ঘটনা। প্রত্যেকের পরিবারকে আবার আত্মরিক সম্মেলনা। অসম্মেলনের রক্ত আরোণ্য কামনা করি।

কারখানা দু'দায় চালু করার সময় সমস্ত নিয়ন্ত্রণের ব্যবস্থা অনুসরণ করা হয়েছিল। শিল্পমন্ত্রী এম ডি বেজি বলেন, 'আমরা বাংলাদেশের এই ধরনের কারখানা' ফের শুরু করার সময় 'সংস্থাকালি' যেন বিশেষজ্ঞদের অতি অশুভই হাজির রাখেন। এল জি পলিমারের সেকটি অডিট করেছে এমন এক সংস্থার প্রধান ডি জীওয়ান বলেন, 'ইউনিট বন্ধ পুরোনো, খুব ভালো দশাও না। তা বাবে গ্যাস নিয়ন্ত্রণ হয়েছিল-বিক্রিয়া করে। পলিমারের বক্তব্য, কারখানা চালু নিউনিউজের কোন গ্যাস সিক করার পর কাজ করল না তাও খবরে দেখা দরকার।

এ বাপারের শ্রম অধীনস্থিক ও এলেক্সপারকারই ফেডারার ভুল অব মালিকদের, 'আমাদের পুরের পার্শ্ববর্তী' কে 'আর শ্রাম সুরক্ষার পার্শ্ববর্তী', 'নিরপিত' সময় অন্তর কারখানা পরিদর্শনের বাপারের অল্প সরকারের চিনেচাল মনোজ্ঞব এই দু'দিনের অন্যতম করণ।

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LG Polymer gas leak tragedy reflects the darker side of 'ease of doing business': XLRI Prof

Mail News Service

Jamshedpur, May 7: The LG Polymers gas tragedy is another reminder a costly one at that reflect the darker side of ease of doing business and governance deficits. After the Bhopal gas tragedy, the Central government has introduced Chapter IV-A which deal with provisions relating to hazardous processes, though inadequately. The Act requires every occupier of a factory which handle or use hazardous processes and/or substances to constitute a bi-partite committee, viz. Safety Committee and empowers workers in matters relating to safety at the workplace (S.41G). It also requires the occupier to draw-up onsite emergency plan and disaster control measures and disseminate to the workers and the general public living in the vicinity of the factory concerned (41B(4)). Given the ongoing generous liberalization of inspection system, it may be difficult to say whether this crucial provision would have been implemented or not, says labour economist KR Shyam Sundar, Professor, Human Resources Management at XLRI, Jamshedpur.

He further said, "With tremendous technological advances made in many



spheres especially in the chemicals domain the safety concerns should have become a major concern not only for the workers inside the factory and the larger community in the neighbourhood. The safety of the larger community has not been adequately protected. The Factories Act addresses these concerns inadequately even though more than three decades have passed by. The proposed Occupational Safety Code is not addressing these grave concerns as the Code has removed the extant Second Schedule dealing with "Permissible Levels of Certain Chemical

Substances in Work Environment" and left the same to the Rules to be made under the Code and more worryingly has removed the Statutory Safe Committee from the Code and left the same to be constituted as per the general or the special orders by the appropriate governments.

While inspection system under the command economy went extreme by creating an inspector-raj notoriety and neo-liberal reforms has gone the opposite and wrong side by generous liberalisation of require[d] reforms liberalisation of labour and factory inspection measures including the provision of self-certification. These are in utter violation of ILO's Labour Inspection Convention 1947, 081 which requires as many and at any time inspections as necessary to ensure compliance of labour laws.

The OSH Code must address the concerns which are no longer restricted to workers but also of the people and animals and the environment. Ease of doing business does not mean governance deficits which have such costly and lasting adverse impacts. Bhopal, Rana Plaza and now LG Polymers are cruel reminders of the downsides of low-cost globalization paradigm".

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States put freeze on labour laws to get business going

Zia Haq, Saubhadra Chatterji and
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NEW DELHI: Undertaking a radical set of politically controversial economic reform measures, the BJP-ruled Uttar Pradesh and Madhya Pradesh, two states with substantial workforces, have frozen major labour laws, except basic ones, in the hope that businesses will recoup from the blow of the Covid-19 pandemic and create more jobs on a net basis.

The changes give industries more flexibility in hiring and firing employees, determining their wages, and reduce their liabilities in terms of providing employee benefits.

Some economists welcomed the move for clearing structural bottlenecks, possibly leading to greater investment, creating employment opportunities for migrant workers returning home, and positioning India to be able to take advantage of disruptions in global supply chains.

The move, however, also sparked intense criticism from the Opposition, particularly the left parties, trade unions includ-

WHILE UP SUSPENDED KEY LABOUR LAWS FOR THREE YEARS THROUGH AN ORDINANCE, MP SAID IT WAS TAKING A SIMILAR COURSE. GUJARAT AND UTTARAKHAND ARE LIKELY TO FOLLOW SUIT.

ing those affiliated to the RSS, and civil society activists for undermining worker rights, removing protective measures and dismantling the welfare architecture.

To be sure, 90% of India's workforce, which is employed in the informal sector, won't be affected by these changes. These apply to those who are in the organised workforce and registered firms.

While the Centre has attempted a degree of changes in labour laws, there have been no moves with as wide ranging an impact as those brought about in UP and MP.

CONTINUED ON P10

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wages, and the Maternity Benefits Act.

This means that a broad range of laws will not apply. These include the Factories Act, which mandates work-hours provisions. In UP, this stood at eight hour daily shifts and 48 hours a week. The Industrial Disputes Act, 1947 too now remains suspended in both states. In UP, the Act covers 12 sectors that account for four-fifths of manufacturing output. The law requires 30- to 90-day notice period before retrenching "workmen", a class of mainly floor workers. In the case of manufacturing units, plantations, and mines with 100 or more workmen, lay-offs also required government approval. These will no longer be required.

The moves could be a model for other BJP-ruled states, as thousands of migrant workers head back, creating a burdening surplus labour force. Gujarat and Uttarakhand are likely to follow suit, an official said.

"A total of 3000 hectares in the industrial estates of Gujarat will be made available from the state's land bank and also different nodal officers will assist incoming industries from other countries. New industries will be exempted from labour laws other than the Minimum Wages Act, Industrial Safety and Health Act, Labour Compensation Act for 1,200 days from the start of production in the state," a Gujarat government official said.

Uttarakhand labour minister Harak Singh Rawat said his state too was contemplating "similar moves".

Between April 3 and 10, the BJP held discussions with four groups of stakeholders on the economy and reforms. "There are many bottlenecks we need to remove. Cost of acquiring land, and the legal and procedural delays are issues. Similarly, we need reforms in the labour sector," Gopal Agrawal, BJP spokesperson on economic issues said.

The move has divided economists as well as the political spectrum. On one side are those who believe that the archaic laws had crippled India's economic story making it virtually impossible to fire employees, letting inefficient firms survive at the cost of efficient ones. Stringent labour laws that apply to firms employing over 100 employees act as an incentive for smaller firms to stay small so they can escape the rules. According to the World Bank, with less restrictive laws, India could approximately add on an annual basis "2.9 million more good quality formal sector jobs".

According to State Bank of India Research report, the country's labour productivity was also significantly lower than its global peers. "Even in the next decade,

i.e., by 2021 it is estimated that India's output per worker will rise to just \$8,414 compared to China's \$16,886," it said.

The changes give markets a much freer hand to regulate labour demand and supply, and enhance productivity and size. They, according to one official requesting anonymity, aim to increase competitiveness and improve exports, while increasing labour demand. "All along we have argued for labour reforms. We know existing laws have not helped the economy. We also easily assume that existing laws are good for workers and protect them. There is no way there can be business as usual. We will have to see what the outcomes are after a year or so," said NR Bhamurthy of the New Delhi-based National Institute of Public Finance and Policy, adding the caution he would apply is not to

hoy from "one extreme to another". Criticism comes from those who believe that it is this "other extreme" that has been adopted. The core concern is that the changes dilute protections, such as floor wages and work shifts. This effectively brings the "north American hire-and-fire model to the Indian hinterland economy," said economist KR Shyam Sundar of the Xavier Labour Relations Institute, Jamshedpur. The government has approached the problem from the wrong end, he said. "Labour law changes giving flexibility of labour to employers will be meaningless unless supply-side measures are designed, such as wage subsidies, cheaper capital and more access to markets because of piled-up inventory due to the lockdown. These changes will expose workers to livelihood vulnerabilities."

Left parties, led by the Communist Party of India (Marxist) general secretary, Sitaram Yechuri, wrote to President Ram Nath Kovind for his urgent intervention to stop "such naked savagery against the working class and the working people".

Workers are angry and trade unions have criticised the moves. "This is the worst time to amend labour laws," said CK Saji Narayana, president of the Bharatiya Mazdoor Sangh, which is affiliated to the RSS, the BJP's ideological parent. General secretary of the Left-leaning CITU Tapan Sen said the government had "pounced upon the working class".

The country however has been easing many labour rules over time. In 2014, Prime Minister Narendra Modi took steps to restrict power of federal labour inspectors by introducing random inspections assignments to them and setting time limits for reports. Some businesses were

allowed to self-audit. Rajasthan, under a BJP government, also pushed reforms in labour laws. The government's ambitious plan to take the 40 different central labour laws and 100 state laws and merge them into four codes is still incomplete. While the code on wages was cleared by Parliament, three others — on occupational safety and health, industrial relations and social security — are yet to be cleared.

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Centre backs big labour reforms in UP, MP to attract investments

Prashant K Nanda

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NEW DELHI

The Centre on Friday came out strongly in favour of structural labour reforms to spur economic growth, saying it supports the sweeping labour law changes and exemptions brought in by Uttar Pradesh and Madhya Pradesh.

The Union government, like the governments of the two Bharatiya Janata Party (BJP)-ruled states, believes that the reformist mindset and labour compliance holidays will bring in more investments and ensure growth. However, workers' unions and some economists argue that the changes may lead to "labour market anarchy and loss of workers' productivity".

"Reformist zeal to push through structural reforms will alone ensure sustained growth. UP and MP emerging as big reformers," tweeted Amitabh Kant, chief executive of think tank NITI Aayog.

The statement comes a day after the UP government brought in an ordinance to exempt businesses from having to comply with all key labour laws except three for three years. The MP government has also made amendments in major Acts, including the Industrial Dispute Act and Factories Act, and reduced the paperwork for companies to help them recover faster from the covid-19 crisis.

"The pandemic has impacted economic and industrial activities badly, because of which workers' welfare has also got hit. To bring economic activity back on track, new industrial investments opportunities will have to be created and old industrial activities need to be given a boost," the UP government has said. It has become



Some economists and union leaders argue that the new labour reforms may lead to loss of workers' productivity. REUTERS

necessary to provide businesses a temporary reprieve from labour laws to promote investment for establishing industrial units, it said.

"The labour law changes are steps that will give huge flexibility to industry in their labour practices. Coming at such disruptive times, when livelihoods have come under pressure and multitudes of people have had to move away from their work places, these policy interventions will come as a huge relief to economic activity," said Chandrajit Banerjee, director general of CII.

However, workers' unions feel the states are using the opportunity to empower industries and take away the rights of workers through the back door.

Bharatiya Mazdoor Sangh (BMS), a national trade union and an affiliate of the ruling BJP, looked at the development with suspicion. "It has come as a surprise. We want to know what the plan is and how labour law exemptions will better economic activities,

How will we justify the taking away of the rights of millions of workers?" asked BMS general secretary Virjesh Upadhyay.

Madhya Pradesh and Uttar Pradesh are using covid-19 as a ploy to give labour law holidays, a move that could create labour market anarchy, said K.R. Shyamsundar, a labour economist. "In labour market terms, they are using employment creation legitimacy, labour shortage legitimacy, and investment legitimacy theories to justify killing workers' rights. This is the worst time to do this, more so when more than 100 million people are jobless. It will not quicken economic revival as labour productivity will take a hit because of the lack of dispute settlements and employee welfare," Shyamsundar said.

The move comes nine days after Uttar Pradesh chief minister Yogi Adityanath held a video conference with dozens of US-based firms to try and persuade them to shift their investment from China to the state, promising reforms.

The move comes just days after the UP CM held a video conference with US firms to persuade them to shift from China

Labour push and pushback

RASANT KUMAR
MORANTY AND OUR
BUSINESS BUREAU

New Delhi: Sominally competitive initiatives by some states to ease labour laws in the name of Covid compulsions have injected mistrust into a sensitive subject that requires the involvement of all stakeholders. Uttar Pradesh has said it will issue an ordinance freeing for three years the enforcement of central labour laws on wage hikes, working hours and worker welfare to attract investments.

Madhya Pradesh has issued an ordinance to amend two state labour laws, giving more flexibility to investors but also drawing charges that it will make things easier for smaller employers. Most restrictions are being waived for the first 1,000 days for new ventures.

Gujarat said on Friday that new industries that are set up will not be bound by labour laws for 1,000 days. The states have cited two reasons: encouraging businesses to kick-start activities after the long lockdown and attracting foreign investors who may be looking for options outside China.

The stated objectives are laudable, but the timing of the drive by the states—all three are BJP-ruled but some run by either parties or are not adverse to easing the related laws, either—has created an impression that the virus outbreak is being used to rush through these decisions.

Such mistrust has already vitiated the atmosphere. Eight political parties, mostly from the Left, wrote to President Ram Nath Kovind on Friday registering their protest at the dilution of the labour laws.

Industry, which has been demanding flexibility in labour laws for a long time, feels it's a question of survival for all. "I do not see this as a debate, whether pro-industry or pro-labour. This is a situation where business units need to survive because economic activity needs to grow, for which some changes in norms and regulations may be necessary over a specified time-frame," said Niraj Kumar, Hindustani, president of the Associated Chambers of Commerce and Industry of India (Assocham).

CONTINUED ON PAGE 6

Labour law push and pushback

FROM PAGE 1

"We need to take a holistic view rather than slot this into a debate of labour versus business. Ideally, more work opportunities will come up as a result of these changes in norms and regulations. That will definitely benefit all stakeholders, including labour, business units and the Indian economy."

At a webinar held by Union labour minister Santosh Gangwar on Friday, business chambers like CII, FICCI and Assocham echoed the states and suggested a suspension of labour laws for the next two to three years—except for provisions like minimum wages, terms and statutory dues—to help industry come out of the present crisis, a government release said.

The chambers also suggested increasing working hours to 12 a day, the release said.

Gujarat, Rajasthan, Punjab, Haryana and Himachal Pradesh have used powers granted under the Factories Act to increase the daily working hours from 8 to 12, citing

the compulsions of reviving virus-stricken economies with trusted partners.

Industry has been advancing the argument that many firms choose to stay small in India because they do not want to cross critical thresholds that would then force them to comply with what they describe as "overly protective" labour laws.

In its pre-budget memorandum to the Modi government ahead of this year's budget, the CII had said that the labour laws in the country "discourage hiring and encourage substitution of labour with capital (automation)".

Industry has consistently argued that there should be flexibility in labour laws—a euphemism for hire-and-fire policies—in order to encourage the creation of jobs in the formal sector.

It has suggested that the government create an empowered committee of state ministers and relevant central ministers to build a consensus on labour laws in consultation with industry.

Industry has buttressed its argument with statistics drawn from the Economic Survey for 2018 to show how badly job creation in India is slowed. Small firms (those employing less than 10 workers) constitute 86 per cent of the manufacturing units in the country but account for only 24 per cent of employment in the organised sector, the data revealed.

The larger firms (100 or more employees) account for only 13 per cent of the manufacturing firms but provide jobs to 77 per cent of the workers in the organised manufacturing sector.

In his first term, Prime Minister Narendra Modi was forced to abandon a labour reform bill after facing severe resistance from Opposition-led states.

The Centre has renewed efforts to amend the rigid labour laws in Modi's second term. It has already drawn up plans to bring 46 federal labour laws under four codes.

States like BJP-ruled Madhya Pradesh are now pushing for labour law amendments that will permit new establishments to seek exemption from many provisions of the Industrial Disputes Act for the first 1,000 days.

The proposed amendment to the Madhya Pradesh Industrial Employment (Permanent Order) Act, 1981 will exempt factories employing up to 100 in foreign investors, at a time some American companies have started to shift production out of China.

In 2014, Rajasthan amended its labour laws making it easier for companies to hire and dismiss workers and tightened the rules for registering trade unions. Ever since, the states have been under pressure from industry to adopt the Rajasthan legislation, and risk losing out on investments if they don't.

CII director-general Chandan Banerjee said: "The labour law changes initiated by UP and MP are both steps that will give huge flexibility to industry in their labour practices. Coming at such a disruptive time, when livelihoods have come under pressure and multitudes of people

have had to move away from their workplaces, these new policy interventions will come as a balm to economic activity. There is a need to re-skill and re-train the workers who have been displaced and employ them as per the needs of the industry."

The dissent Not everyone is, however, of opinion about the changes. K.R. Shyam Sundar, labour economist and professor at the Jamshedpur-based XLRI,

said: "The sweeping exemptions offered by the UP government and the rather detailed, but not sweeping, changes made by MP and now Gujarat pose considerable cause for concern as these spell labour market anarchy. These labour changes are based on three key principles: labour laws are not needed in society, which means no rule for the State in the labour market; that workers should rely solely on the goodwill of the employer; and that the labour rigidities are the principal irritants that halt investment and hence economic growth."

He said the changes offered in these states may impact other states to undertake amendments that are even worse in order to compete for capital.

"Chakravarty" This time, states like Madhya Pradesh have shown an interest in foreign investors, at a time some American companies have started to shift production out of China.

Vietnam, Indonesia, Thailand and Malaysia are strong contenders for the new production facilities that the US companies will be looking to build—and are not immune from being tough labour laws, a weak consumer industry regime and what former chief economic adviser Arvind Subramanian labelled as the "chakravarty" challenge in India that allows foreign firms to come in but doesn't make it easy for them to move out.

A labour economist, challenged the Uttar Pradesh government, reasoning that the eased rules can attract investments, quelling a World Bank survey to contend that work-

er-friendly labour laws were not as big a barrier to industrial growth as shortcomings of electricity, infrastructure or logistics.

Labour economist Santosh Mehrotra, chairperson of the Centre of Informal Sector and Labour Studies at JNU, said: "About eight years ago, the World Bank had conducted a survey to find out from employers in South Asia what they considered the most important barriers to industrial growth."

"They mentioned electricity, infrastructure, logistics—the labour laws came after these barriers. It means they (employers) have adjusted to the labour laws in India."

Mehrotra added that the findings were particularly true for "Hind best states like Uttar Pradesh, Madhya Pradesh and Bihar, where agriculture is the main source of employment."

The lack of infrastructure and development in these states is their main hurdle to attracting investment, he said.

"This is not to say the labour laws are not a problem at all, but they are not the major problem. In any case, the Centre is bringing in four (industry-friendly labour) codes," Mehrotra said.

"The Uttar Pradesh release did not say which central laws would be waived. Some economists and business leaders said that while the states could modify central laws or rules, they could not dilute their spirit."

Asked about the legality of the proposed ordinance, former labour welfare commissioner G.P. Bhatia said: "Any exemption has to be consistent with the objective of the act—it is to further it, not dilute it."

Anoop Satpathy, a fellow at the V.V. Giri National Labour Research Institute, explained the implications of the proposed ordinance in Uttar Pradesh. "There will be a reduction in labour standards leading to a reduction in labour cost for production, the objective being to attract investment to the state," he said.

Madhya Pradesh does not face questions of legality since its ordinance has merely amended state laws.

UP Ordinance a blow to industrial dispute resolution, say experts

SOMESH JHA
New Delhi, 08 May

The proposed Ordinance of the Uttar Pradesh (UP) government to exempt firms from almost all labour laws seeks to dismantle the industrial dispute mechanism, even as it keeps safety-related norms and minimum wage provisions intact.

A copy of the draft Ordinance titled The Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020, which has been sent for the approval of the governor, was reviewed by *Business Standard* on Friday.

The Ordinance has been sent for ratification to the governor, following which it will be sent to the President (through the Centre), as some changes are meant to be done to Central laws.

The draft Ordinance stated that "all factories and establishments engaged in manufacturing process shall be exempt from the operation of all labour laws for a period of three years", subject to fulfilment of certain conditions. This means all manufacturing and plantation units, construction, services sector, and shops/establishments "dealing" with manufacturing process will be able to enjoy the benefits of the exemption.

The Ordinance does not state the specific laws that will be exempt, but UP Principal Secretary (Labour) Suresh Chandra said most of the 38 labour laws in the state will cease to exist for the next three years. "Notwithstanding anything contained in this Ordinance, the previous opera-



WHO?

All factories and establishments engaged in manufacturing process shall be exempt from the operation of all but three labour laws for a period of three years

WHEN?

The proposed Ordinance is pending approval of the state

governor and will go to the president through the central

WHAT?

- No welfare provisions under the Factories Act or the Building and Other Construction Workers Act will apply
- Safety provisions under the Factories Act to be kept intact
- No means to settle dispute as the Industrial Disputes Act will become redundant

- No right to form unions or go on a strike
- Employees Provident fund and Employees' State Insurance benefits to continue; the gratuity scheme will not apply
- Workers to be paid salary directly in bank accounts and to be registered through an online portal
- Minimum wages to be paid

Working with states on labour reforms: Centre

The Union labour and employment ministry told industry executives in a meeting on Friday that it is working in a close coordination with state governments to usher in labour law reforms to boost investment, even as companies asked the government to take action against workers not joining back work.

SOMESH JHA

tions of various labour laws shall not be affected," it said.

Though the Ordinance has not specified it, businesses will have to pay towards the Employees' Provident Fund Organisation and Employees State Insurance Corporation schemes, as the laws governing them are controlled and administered by the Centre, according

to experts. Firms won't be liable to pay gratuity benefits.

The proposed Ordinance shows the existing Industrial Disputes Act of 1947, which spells out the mechanism for resolving industrial disputes, will be rendered invalid. This means employers will get a free hand to retrench or lay off workers, to the extent that they will not be obligated to pay retrenchment compensation. There will be no mechanism for workers to raise a dispute or for authorities to reconcile issues between workers and employers.

Trade unions have criticised the move, even as industry bodies cheered similar steps taken by certain BJP-ruled states.

According to the proposed Ordinance, employers will have to enter the name and details of all employed workers electronically on an attendance register of the government under the Factories Act, 1948. "No worker shall be paid less than the min-

imum wage as prescribed by the UP government," it added.

Wages of workers have to be deposited on time in their bank accounts, not through cash.

"The provision of Factories Act, 1948 and Building and Other Construction Workers (BoCW) Act, 1996 relating to safety and security of workers, shall remain applicable," the proposed Ordinance states.

K R Shyam Sundar, professor and labour law economist, XLRI Jamshedpur, said the welfare provisions in the Factories Act, for instance the necessary provisions of cleanliness, disposal of waste, lighting, drinking water, urinals, canteens, rest rooms, crèches, and wages during the leave period, will cease to exist. He said construction firms won't be required to contribute towards the BoCW cess fund.

"The Ordinance is ill-drafted, ambiguous, and hurriedly prepared. It will lead to extensive litigations," Sundar added.

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QuickPicks

Industries want suspension of most labour laws for 3 years



EMPLOYERS DEMANDED suspension of almost all labour laws barring a few for the next two-three years to help the industry come out of the present crisis, reports **fe Bureau** in **New Delhi**. In a webinar

with Union labour minister, employers flagged the need for raising daily working hours to 12 hours from 8 hours.

Suggestions include the need for suspension of "the labour laws for the next two-three years, among others". **PAGE 2**

Employers for labour laws suspension for 2-3 years

FE BUREAU,
New Delhi, May 8

EMPLOYERS DEMANDED SUSPENSION of almost all labour laws barring a few for the next two-three years to help the industry come out of the present crisis arising out of Covid-19 pandemic. In a webinar with Union labour minister Santosh Kumar Gangwar on Friday, employers flagged the need for raising daily working hours to 12 hours from 8 hours.

An official statement issued after the meeting said

suggestions given by representatives of the employers' organisations include the need for suspension of "the labour laws for the next two-three years, except the provisions like minimum wages, bonus and statutory dues, to help the industry to come out of the present crisis".

Employers also requested the government to provide an appropriate package to industries so that the business is sustainable and there is no loss of job opportunities. Also on their ask list was the need for relaxation of the provisions of



Industrial Disputes Act to treat the lockdown period as lay-off.

Keeping in view the difficulties being faced by the industry and liquidity crisis, wages paid to workers may be covered under expenses under CSR funds, they said and demanded that the maximum permissible limit for workers' attendance in workplaces should be enhanced to 50% from 33% now.

Power supply to the industry at subsidised rates and reduction in the social security cost for both employees and employers were also on their

demand list.

Criticising industries' demands, labour expert KR Shyam Sundar said, "The virus of planned labour reforms following Madhya Pradesh and then Uttar Pradesh is progressively offering more flexibility to employers and the virus is fast spreading to various states, and now it has reached to the national level in order to extract maximum labour flexibility from the government, which is worse than the Covid virus."

Leading industry bodies took part in the webinar.

“Labour law holidays” will create a labour market anarchy

Kolkata: The COVID-19 crisis has adversely impacted the labour market as millions of workers, especially the migrant workers have been deprived of not only jobs and incomes but even shelter.

But the sweeping exemptions offered by the UP government and the rather detailed but not sweeping changes made by MP and now Gujarat pose considerable cause for concern as these mean labour market anarchy.

These labour changes are based on three key principles, viz. labour laws are not needed in the society which means no role for the State in the labour market, workers should solely rely on the goodwill of the employer, and labour rigidities are the principal irritants that halt investment and hence economic growth.

More worryingly, these may serve impetus to other States to do changes that even worse than these to outcompete for capital if that is the rationale of these changes, a kind of demonstration effect. These competitive labour law changes will lead to a race to the bottom in the labour standards which we as founding members of ILO will be violating many of the ILO conventions ratified or not as they offer globally acceptable labour standards. It is reliably learnt that the apex industry bodies are lobbying for changes along the lines done by MP and UP. The UP Model will probably become the defining labour market governance or its lack in the times to come.

The Minimum Wages Act effectively covers as per 1999-2000 NSSO calculations 53.3 percent of the hired workers, the Payment of Wages Act, 1936 22.9 percent, the Contract Labour Act, 1931 15.1 percent. These mean huge exclusions though if we factor in the unorganized component, the coverage will be much higher and to that extent, the “uncoverage” will be higher.

These cannot be justified either by the COVID-19 which is mischievous nor by rational economic logic nor by providing conducive labour market environment free of irritant labour laws nor to generate employment. These “labour law holidays” will create a labour market anarchy. Neither it will boost investment or labour productivity nor will it ensure labour welfare. It will stoke considerable industrial discontent and in the absence of efficient settlement mechanisms will lead to unrest. India is witnessing two kinds of excesses, viz. the high state intervention during the command economy and high state retrenchment during the post-globalization period and these did not and will not promote economic efficiency and labour welfare. Strikes then were called as “Jungle Raj” during the 1950s and now labour exemptions will initiate a “Jungle Raj”.

The moot question is whether these costly social laboratory experiments will lead to an economic revival, which largely depends on the supply-side factors, including fiscal stimulus? The manufacturing sector accounted for 27.91% of the total FDI inflows during April 2000-December 2019. This raises a serious concern as to whether extending labour law holidays to the factory sector in these states will bring in FDI inflows as anticipated? Further, the shares of UP and MP in the total FDI inflows during October-December 2019 were 0.35% and 0.27%. The economic justification thus is doubtful. (Views expressed by K. R. Shyam sundar - M.R.I, Jamshedpur)

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Bengal migrant workers denied salaries; contractors go missing

NAMRATA ACHARYA
Kolkata, 10 May

For Samaresh Mondal, who used to work as a welder at an automotive spare parts factory in Tamil Nadu, a month's wage delay was not unusual.

But this time around, the normally reticent man is vocalising his anger. His wages are long overdue. He feels short-changed. He knows the nose-to-grindstone approach to work will yield no rewards.

Just days before the nationwide lockdown kicked into gear on March 25, Mondal had returned to Hingalgunj, a block in the Sundarbars region in West Bengal.

Before packing his bags, Mondal had left his bank details with the contractor, with the expressed assurance his wages for January, February, and 15 days of March would be made out to him.

Close to two months have elapsed. The promise made to Mondal remains unfulfilled. He checks his bank account daily. His pending wages now total ₹20,000. Worse, his contractor no longer takes his calls.

Mondal is not alone.

Like him, several migrant workers in West Bengal who took the long road home have not been paid their dues for over two months.

According to the data compiled by Asha, a non-governmental organisation, in Sandalerbil village alone in the Hingalgunj block in the Sundarbars, around 36 families (with nearly 108 family members) from the Scheduled Caste community migrated from Tamil Nadu in March, where they had been working in a gas oven factory. A majority awaits dues promised but not paid.

The story is no different in the villages of Manipur, Atapur, and Amtoli under the Sandeshkhali block in the Sundarbars.

Nearly 41 families (with 123 family members), mostly engaged in construction work, returned from Tamil Nadu, Kerala, and Gujarat in March.

"One member in every family awaits two-month wages promised," says Sanjeev Kumar Singh, founder, Asha.



"FOR MOST WORKERS, THE PENDING SALARY RANGES BETWEEN ₹18,000 AND ₹20,000. THEIR EMPLOYERS HAD ASSURED THEM THAT THEIR WAGES WOULD BE TRANSFERRED TO THEIR BANK ACCOUNTS. THESE WORKERS ARE UNDERSTANDABLY DEPRESSED. THEY HAVE BEEN DENIED THEIR HARD-EARNED MONEY"

SANJEEV KUMAR SINGH, founder, Asha, an NGO

"For most workers, the pending salary ranges between ₹18,000 and ₹20,000. Their employers had assured them that their wages would be

transferred to their bank accounts. These workers are understandably depressed. They have been denied their hard-earned money,"

says Singh.

After her husband's death, Lalita Mondal migrated to Tamil Nadu with her two sons. Lalita used to work in gas oven

factory, earning ₹7,500 a month, while her sons worked in garment and car factories, where they earned ₹10,000 and ₹13,000 per month, respectively. Lalita still waits for ₹20,000; her sons are yet to be paid ₹20,000 and ₹25,000, respectively, by their contractors. None of the contractors is taking phone calls and remains incommunicado.

"Our contractor had been saying the factory is not doing well, and the dues would be paid lump sum," rues Lalita.

But the question arises, why were workers not paid their salaries for the months of January and February, when the lockdown started only end-March?

The answer lies in the informal, often unfair norms of work, dictated by their contractors. For example, every time a worker goes home, more than 50 per cent salary is withheld, forcing the worker to return, says Singh.

Again, at any given point in time, a part of the salary is withheld, so that the workers don't leave.

K R Shyam Sundar, labour

economist and professor at Xavier School of Management, Jamshedpur, agrees that the delay in salary payout is quite common for migrant workers. The delay ranges between 10 days and a month. In that period, the workers are paid just enough to subsist.

"There is always a circulating fund with the contractor, which comprises his commission from the owner of the factory as well as a part of the unpaid dues of labourers. These payments are mostly done in cash," says Sundar.

As reports of Covid-19 started trickling in around the first week of February, the employers began to tighten their purse strings and withhold salaries.

Migrant workers are protected by the Inter-State Migrant Workmen Act, 1979. Under this Act, it is the primary responsibility of contractors to pay the dues of workers, although the eventual responsibility lies with the primary employer, says Sundar.

The contractors are also required to pay for the return journey of workers. However,

states do not update the database of contractors, which makes the implementation of the law itself untenable.

"The Inter-State Migrant Workmen Act, 1979, is the most neglected and poorly implemented labour law in the country. No state has the requisite database of contractors. If this data was available, contractors would have been obligated to pay the dues of workers and fund their return home. Now states must pay the price for their negligence in governance. The price should in no way be passed on to the hapless workers," says Sundar.

Lalita says she is not planning on going back to work for at least three months, even as her family adjusts to life in a village. She has taken up a part-time job of making puffed rice for a local rice trader, earning ₹90-100 a day. Her sons are not so lucky.

With Tamil Nadu not on her mind just yet, she knows West Bengal is home for the next three months at least. If her contractor offers her job back, she says she'll drive a hard bargain.

Vizag gas tragedy exposes gaps in labour laws

The new 'code on occupational safety and health' does not inspire confidence, as statutory obligations have been diluted

KR SHYAM SUNDAR

The leakage of toxic styrene gas from the LG Polymers chemical plant in a village in Vizag should sound alarm bells to lawmakers.

The episode exposes vital gaps in our laws even as employers and a section of academics flog the labour laws as imposing high rigidity and even costs on the business. India has arguably not ratified the ILO Convention Occupational Safety and Health Convention, 1981 (No. 155) on account of two reasons — the incapacity of some sectors like agriculture and the higher costs arising out of complying with the safety regulations contained in it.

The Factories Act, 1948, was amended in 1987 to insert a Separate Chapter IV-A (Provisions dealing with hazardous processes) in the wake of the Bhopal gas tragedy. On the night of December 2-3, 1984, methyl isocyanate (MIC) gas leaked from the Union Carbide India Ltd pesticide plant in Bhopal, which killed thousands of people and injured more than half a million; these figures are contested, though.

There are several issues with the Act even after the significant 1987

amendment. Safety precautions and disaster control measures, with respect to the workplace and the community, have failed to keep pace with technological advances in chemical substances. This failure has been highlighted by recent public movements in Tamil Nadu and other places.

The potential hazard of "leakage" of gases and their airborne adverse implications has not been included in the Act, which only refers to the event of "explosion". In fact, under Section 41F, styrene is included in the Second Schedule, which deals with "permissible levels of certain chemical substance in work environment" (Item 102).

The reports on the functioning of the Safety Committee under Section 41G should mandatorily be submitted to the appropriate authorities for technical ratification by the experts and as a regular governance measure. It is well-known that the range of committees, be they the Safety Committee in this Act or the "works committee or the grievances redressal machinery" exist in the laws, but have not been functioning efficiently.

The Act does not contemplate inclusion of local representatives, say



Time to reform the inspection system

panchayati institutions or representatives of the community and medical and domain experts, to be a part of the wider Safety Committee. The Act requires every occupier to draw up and disseminate disaster control measures like safety measures to the workers employed in the factory and "to the general public living in the vicinity of the factory..." [Section 41B(4)].

Hazardous industries should be equipped with hospital facilities (under the Employees' State Insurance Scheme or otherwise) and medical specialists to address the immediate consequences arising out of any disaster and tragedy. This is, however, outside the scope of the Factories Act. The measure of self-certification under various labour

laws has been offered by many States, including third-party auditing even for boilers.

In fact, an undated circular on the website of Andhra Pradesh labour department has liberalised factory inspections based on the "risk criteria" — the low risk factories, i.e., those employing 20-150 workers will be inspected once in three years, the medium-risk factories among others employing 150-1,000 workers once in two years and the high-risk employing 1,000 and above and major accident hazard factories once a year.

Unsafe Code

To be sure, many States have liberalised the factory and labour inspection system in response to the notorious tag given to inspectors as "inspector-raj" — which, however, was not without basis. But it calls for reforms of the inspection system and not a free-for-all.

India has ratified the ILO Convention on Labour Inspection, 1947 (081). There could be reforms to curb corruption and harassment but to do away with inspection amounts to throwing the baby out with the bathwater.

When the non-implementation

of labour laws is taken into account, the labour rigidity argument falls like the pack of cards. In fact, the Code on Occupational Safety and Health and Working Conditions (one of the four 'codes' under the proposed labour laws) has diluted safety issues. For example, the Code has removed the above-mentioned Second Schedule and left it to the rules which are yet to be drawn up.

There is a tendency to transfer provisions in the law into the domain of rule-making. In the Factories Act, every occupier (the legal entity or individual designated as responsible for conditions in a unit) under Section 41G in a factory handling hazardous substances and/or using the hazardous processes shall constitute a bi-partite Safety Committee.

But the Code has left its constitution to a general or a special order by the appropriate government. The growing role of rule-making on matters of labour does not augur well for labour rights and safety. Bhopal, Rana Plaza and now LG Polymers are cruel reminders of the downsides of the low-cost globalisation paradigm.

The writer is Professor, HRM Area, XLRI

শ্রম আইন শিথিলে অশনি সঙ্কেত

ইন্দ্রজিৎ অধিকারী

নয়াঙ্গল, ১১ মে: চিন থেকে মুখ ফেরানো বহুজাতিকের বিনিয়োগ টানা দূর। শুধু শ্রম আইন শিথিল করে করোনার হ্যাঁচকা টানে থমকে যাওয়া শিল্পের চাকায় গতি ফেরানোও কার্যত অসম্ভব বলে দাবি অনেক বিশেষজ্ঞের। তাঁদের আশঙ্কা, এতে চাকরির নিরাপত্তা কমবে। গোঁড়া খাবে পিএফ, ইএসআইয়ের মতো সামাজিক সুরক্ষা। এমনকি কাজের বাজারে সম্ভাবনা নৈরাজ্যের। অথচ সেই চড়া মাসুল গুলেও মরিচকাই থেকে যাবে বিনিয়োগের বান কিংবা বিপুল কর্মসংস্থান। এই মতের শরিক অধিকাংশ সর্ব ভারতীয় কর্মী সংগঠনও। যদিও লম্বির খরা কাটিয়ে শিল্পে প্রাণ ফেরাতে ওই আইনে ‘কড়া’ কমানোর পক্ষপাতী নিয়োগকারীদের বড় অংশ।

অধিকাংশ বিরোধী দল ও ট্রেড ইউনিয়নের অভিযোগ, অর্থনীতিতে করোনার ধাক্কা যোবার ‘অজুহাতে’ একের পর এক শ্রমিকবিরোধী পদক্ষেপ করছে গুজরাত, উত্তরপ্রদেশ, মধ্যপ্রদেশ-সহ বিভিন্ন রাজ্য। দিনে কাজের সময় ৮ থেকে বাড়িয়ে ১২ ঘণ্টা করার কথা তো বলা হচ্ছেই। তিন বছরের জন্য বহু শ্রম আইন শিথিলের কথাও জানিয়েছে উত্তরপ্রদেশ সরকার। দাবি, করোনার ছোবলে মৃতপ্রায় শিল্পকে চালা করা ই এর লক্ষ্য। সঙ্গে পাখির চোখ বিদেশি লাগি। বিশেষত মারগ অতিমারির পরে চিন থেকে মুখ ফেরানো বহুজাতিকগুলি। কিন্তু শুধু এই অল্পে লক্ষ্য পূরণ নিয়ে সন্দেহান বিশেষজ্ঞেরা।

দিল্লি স্কুল অব ইকনমিক্সের

ব্যবসায় বাধা

| সমস্যা | শিল্পের মতে কতখানি (%)* | | | | |
|---------------------------------|-------------------------|-------|--------|-------|----------|
| | নেই | অল্প | মাঝারি | বেশি | খুব বেশি |
| ■ বিদ্যুৎ | ২৯.১৯ | ১৭.৬২ | ২০.৩৮ | ১৫.৫৯ | ১৭.২৩ |
| ■ করের হার | ৩০.০১ | ১৭.৩২ | ২০.৮২ | ১৯.০৮ | ১২.৭৭ |
| ■ দুর্নীতি | ৩৩.৪০ | ১৫.১৮ | ১৯.৪৩ | ১৬.০৫ | ১৫.৯৩ |
| ■ কর-জটিলতা | ৩৪.৪১ | ১৫.৯৪ | ২২.৫৮ | ১৭.১৮ | ৯.৯০ |
| ■ পুঁজি জোগাড়ের খরচ (চড়া সুদ) | ৪৪.৬৭ | ১৮.১৫ | ১৮.৯৭ | ১১.৬৪ | ৬.৫৮ |
| ■ শ্রম নিয়ন্ত্রণ | ৪৫.৪৫ | ২০.০৭ | ১৮.৯২ | ৯.২২ | ৬.৩৩ |

* সমীক্ষায় অংশ নেওয়া কত শতাংশ ভারতীয় সংস্থার মতে কোন বাধা কতখানি তথ্যসূত্র: বিশ্ব ব্যাঙ্ক। পরিসংখ্যান ২০১৪ সালের। তার পরে বরং আরও শিথিল হয়েছে শ্রম নিয়ন্ত্রণ।

অধ্যাপক আদিত্য ভট্টাচার্যের কথায়, “এ দেশে শিল্পের ৯০% অসংগঠিত ক্ষেত্রে। যেখানে শ্রম আইন টিলেটাল। কার্যত নেই। সংগঠিত ক্ষেত্রের কর্মীদেরও অনেকে স্বল্প মেয়াদি ঠিকা কর্মী। যারা বিভিন্ন সুবিধা থেকে বঞ্চিত। এই অবস্থায় আইন আরও শিথিলের অর্থ বাকিদের বিপদ বাড়ানো। আগেই দেওয়ালে পিঠ ঠেকে থাকা কর্মীদের নামমাত্র টাকায় নিংড়ে নেওয়ার বন্দোবস্ত আরও পাকা করা।”

লম্বিকারী টাকা ঢালার আগে পরিকাঠামো পরখ করেন। যাচাই করেন যোগাযোগ, পরিবহনের সুবিধা। দেখেন, জমি-জট কেমন, নাগালে থাকা মজুরিতে দক্ষ কর্মী মিলবে কি না, লাল ফিতের ফাঁস কতটা শক্ত বা কত দিন লাগবে ব্যবসা চালুর ছাড়পত্র পতে। এ কথা মনে করিয়ে আদিত্য বলেন, “এই সব জোর না-দিয়ে শুধু শিথিল শ্রম আইনের টোপে লাগি টানা অসম্ভব। কম খরচে, একলপ্তে যে

বিপুল পণ্য উৎপাদন এবং তাকে সারা বিশ্বে বিক্রি চিনে সম্ভব, তার মূল কারণ পরিকাঠামো। বিশ্ব বাজারে দরের গলা-কাটা প্রতিযোগিতায় যুঝে টিকে থাকতে চট করে যা থেকে মুখ ফেরানো যে কোনও সংস্থার পক্ষে শক্ত।”

২০১৪ সালে বিশ্ব ব্যাঙ্কের সমীক্ষা অনুযায়ী, শ্রম নিয়ন্ত্রণ লম্বির পথে বাধা নয় বলে জানিয়েছিল এ দেশে টাকা ঢালা ৪৫% সংস্থা। অথচ করের হার বা কর ব্যবস্থা সমস্যা নয় বলে ধারণা ৩০% ও ৩৪% সংস্থার। এ কথা মনে করিয়ে দিল্লি স্কুল অব ইকনমিক্সের অধ্যাপক দিবেন্দ্র মহিতির দাবি, “পণ্য তৈরির সময়ে কারখানায় যে মূল্য যোগ হয়, উন্নত দুনিয়ায় সংগঠিত উৎপাদন শিল্পে শ্রমের অংশীদারি প্রায় ৬০%। ভারতে আশির দশকে তা ছিল ৩০%। এখন কমে ১০%-১২%। এই টাকা আর কমানো যাবে কতটুকু! তার মতে, শ্রম আইন শিথিল হলে, কর্মীদের বিপত্তি বাড়বে। সহজ হবে

ছাটাই। আরও বেশি হাত পড়বে ন্যূনতম বেতন, পিএফ। কিন্তু তাঁর দাবি, শুধু শিথিল শ্রম আইনের জোরে চিনকে টেকা দেওয়া কার্যত দিবাস্বপ্ন।

শিল্পে প্রাণ ফেরাতে শ্রমমন্ত্রী কাছে ২-৩ বছর শ্রম আইন শিথিলের আর্জি জানিয়েছে নিয়োগকারীদের নানা সংগঠন। এতে ব্যবসায় সুবিধার কথা বলছে বহু নিয়োগ উপদেষ্টা সংস্থাও। কিন্তু এক্সএলআরআই-এর অধ্যাপক কে আর শ্যাম সুন্দরের বক্তব্য, “উৎপাদন শিল্পে বিদেশি লম্বির সিংহভাগই যায় গুজরাত, তামিলনাড়ু, মহারাষ্ট্র, কর্ণাটক, তেলঙ্গানা। কারণ, বন্দর-সহ পরিকাঠামো, দক্ষ কর্মী, বিপুল সংখ্যক অনুসারী শিল্প। তাই শুধু শ্রম আইন শিথিল করে লাগি টানার চেষ্টা হয়তো উনিশ শতকের শ্রমিক-শোষণের দিনে ফিরিয়ে নিয়ে যাবে। দেখা দেবে নৈরাজ্য। কিন্তু লম্বি, উৎপাদনশীলতা বৃদ্ধি বা কর্মী উন্নয়নের চিহ্নে ওই জলে ভেজা শক্ত।”

Jobless rate drops as govt lifts curbs

Prashant K Nanda

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NEW DELHI: India's unemployment rate dropped to 23.97% in the week ended May 10 as the government lifted some curbs on economic activity, including farming, after a month-long lockdown, according to a private survey.

The job loss rate was 27.11% in the week ended May 3, according to the Centre for Monitoring of Indian Economy (CMIE).

Rural unemployment rate declined four percentage points, indicating some farming activity has resumed during the harvest season. The urban jobless rate, on the other hand, declined more modestly, underlining the fact that cities are still struggling to recover as covid-19 cases continue to rise.

Urban unemployment declined to 27.83% in the week to May 10 from 29.22% in the previous week, but the figure is still higher than the national job-loss rate of 23.97% and the rural job loss rate of 22.35%, according to CMIE.

India's major cities remain in a lockdown as most of them are in so-called red zones, or hotspot districts. Delhi, Chennai, Mum-

RURAL UNEMPLOYMENT FELL TO 22.35% IN THE WEEK TO MAY 10 FROM 26.16% THE WEEK PRIOR

bai, Kolkata, Hyderabad and Bengaluru are witnessing a renewed surge in the number of coronavirus cases and may not be able to return to normalcy immediately, experts said.

“The urban centres are facing a tough time. The job loss and wage loss in cities in both the formal and informal segments is negating whatever little activity is taking place in urban centres and industrial clusters. It will take time for revival,” said KR Shyamsundar, a labour economist and professor at XLRI Jamshedpur.

The rural economy, which accounts for a lion's share of the workforce, also saw a fall in the unemployment rate to 22.35% in the week to May 10 from 26.16% in the previous week, according to CMIE data.

Economists, however, believe the rural unemployment rate may increase as millions of migrants stranded in cities make their way back to their home states.

Jobless rate drops as govt lifts some curbs on economic activity

Unemployment rate declined to 23.97% in week ended 10 May

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NEW DELHI

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ACTIVITY RESUMES

RURAL job loss rate fell to 22.35% in the week to 10 May from 26.16% in the previous week

URBAN job loss dipped to 27.83% in the week to 10 May from 29.22% in the previous week

REVERSE migration may lead to increase in unemployment rate in rural areas, say economists

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Economists, however, believe the rural unemployment rate may increase as millions of migrants stranded in cities make their way back to their home states.

"The supply will go up even as the demand remains constant. This will

have an impact on people and their livelihoods," said Anoop Satpathy, a fellow at the V.V. Giri National Labour Institute.

The pandemic has hit everyone hard, workers and businesses alike, Satpathy said. "The collective impact is visible," he said. Things will open up when economic activity picks up and it is difficult to predict a time frame, Satpathy added.

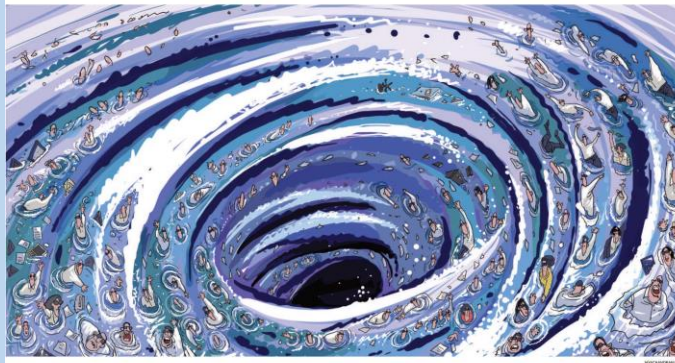
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WHITE-COLLAR JOBS THAT SINKING FEELING

As the pain from covid-19 intensifies, the higher layers of India's job pyramid are facing the heat



COVID-19
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Don't call it reform



Industrial Relations Code was a good beginning. But ordinances by states to change labour laws are a travesty

PRATAP BHANU MEHTA

INDIAN LABOUR LAWS needed serious reform. But the ordinances being promulgated by state governments are, under the pretext of reform, unleashing a whole-scale assault on labour. By increasing working hours, the state wants to literally break their bodies, their freedom and their dignity. By taking away any serious pretence of grievance redressal, the state wants to immobilise all questions of justice. States want to ensure that labour has no bargaining power left.

Indian labour laws had the unique distinction of representing the state's war on both capital and labour. They were irrelevant to 90 per cent of India's labour force. At best, and very rarely, they protected a small section of it. They created enough distortions to prevent greater formal protections for the labour force. The work of KR Shyam Sundar showed in great detail that these laws were, in his phrase, "not even a paper tiger."

It is a myth that India's labour laws increased Indian labour's bargaining power. As brilliant papers by Aditya Bhattacharjee of Delhi School of Economics showed, Indian labour's wages stagnated, since the 1980s there was a massive decrease in strikes and lockouts, factories with hundred or more workers experienced more variability in employment than smaller firms. So the idea that Indian labour's bargaining power was an obstacle to India's industrialisation is errant.

Labour law did not protect workers. It was not incompatible with growth. But these propositions are not incompatible with the idea that labour laws can still sometimes unfairly hurt business. These laws were excessively complex. Some laws created rigidities that had nothing to do with labour protection. They disincentivised industry investment in human capital. They created a political economy of rent-seeking. Business has often circumvented these laws. But the very need for circumvention can distort the nature of entrepreneurship and adversely select those who can manage the state, more than genuinely innovative entrepreneurs.

So the Narendra Modi government was right in thinking that these laws needed to be looked at afresh. The Industrial Relations Code was introduced in the Lok Sabha in November 2019. The Standing Committee has just given its report. This was a sensible way to proceed:

It allowed room for serious deliberation on first principles. It allowed parliament to take an all-things-considered view of the matter, and would have, if done right, created a labour code fit for the 21st century.

But, instead, we have a four-pronged assault on labour that threatens to undermine the Modi government's own legislation. The first is an assault on constitutionalism. Previous governments have abused the ordinance route. But the brazen use of ordinance to suspend such important provisions of the law, when Parliament is already deliberating on the matter, shows contempt for democracy. Allowing the states to override central legislation, without justification, will create future problems for federalism. Repealing many of these provisions will put India in contravention of ILO conventions and its own laws. And there is also a non-application of mind in many of the proposals. Some states will increase work hours without increasing rate of compensation. Let us say we do want more flexibility in working hours that allow occasionally for 12-hour shifts. What is the objective of flexibility? If it is workers' health and reducing commutes, should such flexibility not still be within a limit of the total number of working hours in the week? Or do we want to barbarically increase the total number of working hours? On constitutional, democratic propriety, application of mind, the president has a good basis for withholding assent. These ordinances confirm the worst fears that the pandemic emergency will be used to amass arbitrary powers at a time when it is not even possible to protest.

Second, we are seeing a systematic assault on whatever little bargaining power labour has left. We inflict needless duress, indignity and the spectre of poverty on millions of workers by refusing to provide adequate social support. We artificially create a mass army of reserve labour, barely on the brink of subsistence, so they have no option but to work on any terms that are offered. If the government is genuinely worried about what to do with labour who might not want to return to work because both the state and their employers have treated them atrociously, it can easily expand the remit of MGNREGA. But here is the dirty secret for

why governments and employers hate the MGNREGA. Its real effect is that it puts a floor under labour, and marginally improves its bargaining position.

The third is an ideological assault on Indian labour. The narrative build-up has been that India's inability to attract companies leaving China has largely to do with labour. Indian labour's capacity to supposedly obstruct the onward march of Indian capitalism pales in comparison with the state and Indian capital's capacity to inflict damage on the Indian economy. The fourth is the cultivation of an authoritarianism: The more we can punish our own people the more salvation there will be for us. The ease with which we applaud 12-hour working days, the machismo with which we applaud the gutting of grievance redressal, suggests a deeper pathology that might have nothing to do with economics.

Basic necessities like environmental protection, worker safety, hazardous industrial activity, basic rights, require regulation. We have to invest in the state capacity to do them right. We need to reclaim the word reform. 'Reform' should be used only when a particular measure actually achieves a desired objective. Gutting environmental laws is not 'reform'. Designing laws and enforcement that achieve clean air and water is reform. Gutting labour protection is not 'reform'. Designing protection that can protect core interests of workers, respect their bargaining power and at the same time rescue distortions in capital allocation, is reform. What our chief ministers are doing is not reform: It is indolence and authoritarianism.

The Industrial Relations Code was a good beginning by the Modi government. The ordinances are a travesty. No country can develop that does not invest in human capital of its citizens, that does not increase the share of labour in the country's wealth, and does not get the balance between capital and labour right. The Modi government can decide whether it wants to write a new and fairer social contract. Or will it unleash a new 19th century barbarism?

The writer is contributing editor, The Indian Express

AS LOCKDOWN GETS LONGER, SOCIAL OUTFITS FACE SHORTAGE OF FUNDS

Fears surface as charity flood starts to dry up

ANTARA BOSE

Jamshedpur: As the world changes in response to Covid-19, philanthropic organisations are facing the heat.

When the lockdown first started for the 21 days, people donated generously, but in its second and third extensions many have tightened their purse strings, say members and heads of social organisations.

As the economy looks uncertain and donors dry up, organisations are trying their best to prepare a backup

plan so that the needy keep getting food and dry ration.

The Chhotagovindpur Sarvajanik Durga Puja Samiti, which has been feeding around 300 people a day in the slums since lockdown, is now beginning to feel the cash crunch. "People donated more than enough in the first two phases (of the lockdown). We successfully distributed cooked meals to 300 people a day, but as days pass by, we have to individually approach donors, mostly businessmen, with appeals for financial help," said Ashutosh Singh,

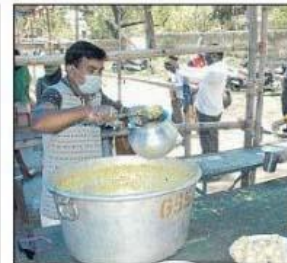
general secretary of the Samiti.

He added that so far they distributed cooked meals but from Monday would distribute groceries.

"If the lockdown extends, there will be a problem," said Singh.

Kolhan's largest trade outfit, The Singhbhum Chamber of Commerce and Industry (SCCI), is also feeding families in Salgajhari on the city's outskirts. They are regularly feeding 450 people a day, but "the future is uncertain", members say.

"Initially everyone donat-



A social outfit distributes cooked food to the needy in Sonari, Jamshedpur, on Saturday. Picture by Bhola Prasad

ed generously but if the lockdown increases and our country's Covid-19 graph does not

flatten, donations will be hit. We will do everything possible, including pooling our personal contributions to keep feeding people. But we will have to try and approach donors after a few days for uninterrupted food distribution," said SCCI general secretary Bharat Vasani.

B-school XLRI had raised Rs 12 lakh for social work. Now, the officials involved said they have to start raising funds by the third week of May again.

Former banker and well-known social worker of Jamshedpur Amitava Ghosh

agreed this situation was unprecedented and unforeseen.

"Our NGO Kalamandir has been raising funds to help artists and people in the Dhalbhumgarh block of East Singhbhum. But in tough times, philanthropists also face a cash crunch. Though many people and organisations have given a lot, if the lockdown extends, donors will back out. As of now there is no solution to this. Sadly in this social system few understand the real meaning of sustainable development," said Ghosh.

Risk management, to HR dynamics

Lessons from COVID-19 to take centre stage at B-schools

GUNJAN SHARMA

New Delhi, May 12: The lessons learnt from COVID-19 pandemic and long term consequences of the disruption caused by the lockdown, are set to take centre stage at premiere business schools in the country with many of them already gearing up to introduce them in the curriculum. Effects on economy, changing dynamic of Human Resources management due to work from home, price controls, sustainability, localism, business strategies for natural disasters and epidemics, risk management, decision making under uncertainty, are among the topics that are being discussed for inclusion in academic learning and discussions.

Indian Institute of Management (IIM), Calcutta, Director Anju Seth told that several colleagues at the institute are actively following the recent developments and their consequences will be incorporated and discussed as part of courses in Economics, Business Environment, Strategy, Marketing and other areas. "As business schools we have to step in and create content which can inform businesses and managers moving forward. I also expect that the nature of such an attempt should be rooted in cross-disciplinary elements," said Professor Vipul Mathur from the institute's Economics Group. "For instance, in the standard macroeconomics course, we mostly delve on how to think about standard shocks that the economy is subjected to, and how such shocks get reverberated through the economy," Mathur said. He said the courses available do not offer any readymade pandemic plan for economic policy, be it fiscal or monetary. "This also makes for a very exciting time to build a course, the content and application of which will, literally, be unfolding in real time. The challenge will be



to go back to the drawing board with the broad contours of standard economics that we know of and then weave in this pandemic shock with some cross-disciplinary insights from areas of strategy and finance," he added. According to G Raghuram, Director, IIM Bangalore, the faculty is working on different aspects of the pandemic including impact on start-ups, technology, economy and business as well as education. "Our faculty is at the forefront of thought leadership on different aspects of the pandemic impact on start-ups, technology, economy and business, education, healthcare etc. They have been sharing their ideas in different forms. Some faculty members are developing more researched papers which could go onto being published in academic journals. Much of this will flow into classrooms as applications of concepts. There could also be cases written which would lead to material for classroom discussion," he told PTI. While IIM Lucknow and IIM Indore are also working on introducing various aspects of COVID-19 pan-

dem in the curriculum, IIM Raipur and Sambalpur are yet to take a call on this. According to academicians at Gurgaon-based Management Development Institute (MDI), students should be prepared to face such transition in the corporate world. "In the light of COVID 19, a 'new normal' is a less financially leveraged world with more government interventions. Businesses may experience more prudence, less consumerism and low risk investment," said Rupamanjari Sinha Ray, Assistant Professor, Economics Area, MDI Gurgaon. Social distancing and low growth have led to new business and economic challenges due to reverse migration, unemployment, low productivity, investment and liquidity challenges, public policy changes, and low international trade, she noted. "Strategic changes in organizations and expansionary fiscal policies are required for sustainable growth. Students should be prepared to face such transition in the corporate world," she said. Ray said learning pedagogy in B-Schools may include online teaching mode

along with case studies and discussions on COVID related macroeconomic environmental analysis, risk management, decision making under uncertainty, resource optimization, business ethics dilemma, behavioural changes and low-cost innovation in various industrial sectors. The curriculum may incorporate new business opportunities for India due to geo-political and economic changes," she added.

Xavier School of Management (XLRI), Jamshedpur, which is known for its HR-focused course, said future business leaders need enhanced "Resilience Quotient" to respond to unpredictable events like pandemics and similar adverse black swan-like events.

"B-Schools must incorporate in their curriculum the widespread adverse impact and learnings of pandemics like COVID 19 on society at large and business in particular. More importantly, the community at large and organizations, in particular, need to take conscious resilience-building measures to withstand and overcome unpredictable events that have an adverse impact - globally or locally," said Sunil Varughese, Chief Brand & Sustainability Officer, XLRI. "Future business leaders should develop skill-sets over time to enhance their 'Resilience Quotient' to respond to unpredictable events like pandemics and similar adverse black swan-like events," he said.

Moreover, organizations both small and large need to proactively react compassionately to help mitigate the pain and sufferings of internal and external stakeholders and society at large during such adverse events," he added.

The country has been under a lockdown since March 25 to contain spread of COVID-19 throwing economic activities out of gear. The lockdown has been extended till May 17.

लॉकडाउन इफेक्ट • उद्यमियों पर दोहरी मार, ऑर्डर व कैश फ्लो नहीं होने से संकट में कोल्हान की 17 सौ कंपनियां औद्योगिक इकाइयों को लोन नहीं ग्रांट चाहिए, ताकि कंपनियां चला सकें, उद्योग चलाने और मजदूरों का वेतन देने का दबाव

सिटी रिपोर्टर | जमशेदपुर

कोरोना संकट के कारण लॉकडाउन में पिछले 24 मार्च से बंद पड़ी कोल्हान प्रमंडल की औद्योगिक इकाइयों की हालत खस्ता हो गई है। औद्योगिक इकाइयों को सरकार से जल्द ग्रांट (आर्थिक अनुदान) की उम्मीद है, ताकि कंपनियों को फिर से चालू किया जा सके। उद्यमियों का कहना है कि छोटे और मध्यम उद्यमियों को लोन (ऋण) की जरूरत नहीं है, वे पहले से ही बैंकों के बड़े लोन से दबे हुए हैं। कोल्हान प्रमंडल में लाखों लोगों

को रोजगार देने वाले जमशेदपुर की बड़ी कंपनियों के बूते चलने वाली आदित्यपुर इंडस्ट्रियल एरिया की 1400 छोटी व मध्यम स्तर की कंपनियों ने मार्च में लॉकडाउन अवधि का वेतन मजदूरों को दिया, कई कंपनियों ने अप्रैल का भी पूरा वेतन दिया है, कई कंपनियां मजदूरों का वेतन दे पाने की स्थिति में नहीं हैं।

इस संबंध में लघु उद्योग भारती के महासचिव समीर कुमार सिंह बताते हैं कि कंपनियों के पास ऑर्डर नहीं हैं। टाटा मोटर्स जैसी कंपनियां शुरू नहीं होंगी, तो स्थिति में सुधार

अभी नहीं मिल रहा ऑर्डर

■ कंपनियों में ऑर्डर नहीं है, उत्पादन भी करेंगे तो डिलवरी कहां करेंगे। कैश फ्लो की कमी है। कच्चा माल से लेकर मजदूरों का भुगतान करने में समस्या है। उद्यमी पहले से ही कर्ज से दबे हैं। समीर कुमार सिंह, महासचिव, लघु उद्योग भारती

कंपनियों को मदद चाहिए

■ कंपनियों को जल्द मदद की जरूरत है। आर्थिक अनुदान से कंपनियां मजदूरों को वेतन देगी। इससे आर्थिक गतिविधि बढ़ेगी, अर्थव्यवस्था सुचारू होगी, ऐसा सरकार को जल्द करना होगा। प्रोफेसर के.आर. श्यामसुंदर, अर्थशास्त्री, एक्सएलआरआई

ग्रांट नहीं, टैक्स में छूट दें

■ कंपनियों को ग्रांट से ज्यादा जरूरी टैक्स में छूट देकर मदद की जा सकती है। बैंकों का लोन को डेफर किया जा सकता है। इससे कंपनियां स्वतः रिवाइव कर सकेंगी और मजदूरों को फायदा मिलेगा। अखिलेश श्रीवास्तव, अधिवक्ता, कंपनी मामलों के

आंकड़ों में स्थिति : ■ कोल्हान में कुल छोटी-बड़ी कंपनियां : 1700

■ कोल्हान की कंपनियों में काम करने वाले मजदूर : करीब पांच लाख

■ आदित्यपुर के औद्योगिक क्षेत्र में कुल स्थापित कंपनियां : 1400

संभव नहीं है। कैश फ्लो की भारी कमी है। पहले से ही उद्यमी बैंकों

के लोन से दबे हुए हैं। ऐसे में केन्द्र और राज्य सरकार जल्द ग्रांट की

घोषणा करे, ताकि कंपनियों को बंद होने से बचाया जा सके।

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EPF announcement to provide modicum relief to employees, employers: Labour Economist

Mail News Service

Jamshedpur, May 13: The announcement of the FM to continue to pay EPF contributions of employers and employees covered under the EPF Scheme at the rate of 12% each under the Pradhan Mantri Garib Kalyan Package (PMGKP) and slashing the EPF contributions from 12% to 10% for both employers and employees in non-PMGKP establishments is indeed a welcome move for two reasons, viz. given the genuine substantial economic distress experienced by businesses and hence considerably reduced liquidity and revenue in their

hands, both the kinds of reliefs as applicable will provide some modicum of relief. On the other hand, for the cash or income starved workers during the national lockdown their liquidity needs will be equally substantial and hence will some hundreds or thousands of rupees in their pockets, said Labour Economist Prof KR Shyam Sundar, Professor, HRM Area at XLRI - Xavier School of Management, Jamshedpur.

He stated, "The FM could have expanded the coverage under the PMGKP as not more than 16.5% of the total subscribers has benefited under

this scheme due to tougher conditions like coverage of establishments employing 100 employees and with at least 90% of them earning less than Rs 15,000 per month.

Considering the magnitude of the total relief package announced by the PM, viz. Rs 22,000 crores, the relief measures for the organised sector and the MSME sector concerning workers must be far more generous and inclusive to cover more firms and more workers than was the case before. This is a good opportunity which has been missed out again.

Secondly, reduction in the



EPF rate may inject liquidity into the system but at whose

cost? The reduction may look rosy now and is a low-hanging fruit for the government. It will look rosy now because of more cash on hand now. But it eats into the accumulation of funds for the funds even if marginal only. The issue is that the government is disposed to do this as and when required. Hence, in reality the costs of the COVID-19 crisis management in a basic sense is shifted on to the vast majority of workers who are not covered by the EPF subvention scheme thanks to its narrow coverage. Finally, how much significance these measures will have for mobile and footloose wage

earners like contract and casual workers who may not have portable EPF accounts and may not get immediate employment also. One expects some credible and solid income support for them as they are most hurt by the crisis and will continue to be hurt as they would have continued to dissave (i.e. utilise the savings) and hence are rendered insecure both in the present and the future.

Further, these measures will translate into actual reliefs if and only if employees are called back for work and they get their salaries".

পরিযায়ী-পাতে শুধুই চাল, ডাল

নিজস্ব সংবাদদাতা

নয়া দিল্লি, ১৪ মে: প্রাপ্তি বলতে মৌখিক সমাবেশ। আর তার বাইরে পরিযায়ী শ্রমিকদের জন্য বরাদ্দ বলতে কার্ড না-থাকলেও দু'মাসের নিষেধার রেশন।

আগামী দিনে একই কার্ড দেশের যে কোনও প্রান্তে রেশন তেলার সুবিধার কথা এ দিন বলা হল। ঘোষণার বইল বড় শহরে বাড়ি তৈরি করে ভিন্ন রাজ্যের শ্রমিকদের তা সস্তায় ভাড়া দেওয়ার প্রকল্প। কিন্তু সে সবই তো ভবিষ্যতের গল্প।

পরিযায়ী শ্রমিকদের দুঃসহ যন্ত্রণা ও মৃত্যু, বিরোধীদের কটাক্ষ, শ্রমিক সংগঠনগুলির দাবি এবং বিশেষজ্ঞদের শব্দ পরামর্শের পরেও ওই কর্মীদের হাতে এক নয়া প্যাসাও দেওয়ার কথা এ দিনও বললেন না অর্থমন্ত্রী নির্মলা সীতারামন।

মোট ২০ লক্ষ কোটি টাকার জাপ প্রকল্পের দ্বিতীয় দফা ঘোষণা করতে গিয়ে বৃহস্পতিবার নির্মলা বারবার বললেন, লকডাউনে পরিযায়ী শ্রমিকদের অশেষ দুর্গতি কষ্ট বিয়েছে তাকে। কিন্তু ওই পর্যন্তই।

এর পরে অর্থমন্ত্রীর ভিন ঘোষণা:
■ যে সমস্ত পরিযায়ী শ্রমিকের রেশন কার্ড নেই কিংবা জাতীয় খাদ্য সুরক্ষা প্রকল্পে নাম নেই, তাঁরাও আগামী দু'মাসে মাথাপিছু ৫ কেজি করে চাল অথবা গম এবং পরিবার পিছু ১ কেজি ডাল পাবেন। তাঁদের চিহ্নিত করতে সংশ্লিষ্ট রাজ্যগুলি। আনুমানিক এমন ৮ কোটি কর্মীর জন্য ৩,৫০০ কোটি টাকা দেবে কেন্দ্র।

■ অলাইস্ট মধ্যেই 'এক দেশ এক রেশন কার্ড' প্রকল্পের আওতায় আসবে ৬৭ কোটি পরিবার। ৩১ মার্চের মধ্যে সকলে। তখন ভিন্ন রাজ্যে কাজে গিয়েও ক্ষেত্র ও পরিবারের রেশন সেখানে তুলতে অসুবিধা হবে না পরিযায়ী শ্রমিকদের।

■ আগামী দিনে সরকারি-বেসরকারি



■ সিলিভে সাংবাদিক বৈঠকে নির্মলা সীতারামন। বৃহস্পতিবার। পিটিআই

যৌথ উদ্যোগে বড় শহরগুলিতে তৈরি হবে বাড়ি। যা সস্তায় ভাড়া দেওয়ার সুবিধা পাবেন ভিন্ন রাজ্যে কাজে আসা শ্রমিক কিংবা শহরে গরীবেরা।
প্রশ্ন হল, কার্ড ছাড়া রেশন মিলবে কী ভাবে? স্পষ্ট উত্তর এখনও নেই। কর্মী সংগঠন সিটি-র সাধারণ সম্পাদক তপন সেনের অভিযোগ, "অভিন্ন রেশন কার্ড বা সস্তার ভাড়াবাড়ি তো বহু দূরের পরিকল্পনা। যে শ্রমিকদের খাবারের অভাবে মরতে বসার ভোগাযা, কাজ নেই, তাঁদের আত্মকর প্রাপ্তি কী? সবার আগে তো এঁদের হাতে টাকার দরকার ছিল।" তা ছাড়া অভিন্ন রেশন কার্ডে আপত্তি রয়েছে পশ্চিমবঙ্গেরই-এ বছরের প্রোডাক্স 'এক দেশ এক রেশন কার্ড' আনিচ্ছেন বলে খালিমহী জ্যোতিষ্মিত মল্লিক। রাজ্যের মুক্তি ছিল, অভিন্ন রেশন কার্ড চালু হলে বিশাল পড়তেন বন্ধবানী। কারণ, এর মধ্যে কয়েকটি কার্ডের গ্রাহকেরা যেমন ক্ষেত্রের জাতীয় খাদ্য সুরক্ষা আইনের অধর্ভুক্ত, তেমনি রাজ্যে খাদ্য সুরক্ষা বোঝানার (পরিযায়ী) আওতার রয়েছেন বেশ কিছু ক্ষেত্রের গ্রাহক। অভিন্ন রেশন

কার্ড চালু হলে খাদ্যসামগ্রী কার্ডের গ্রাহকেরা অন্য রাজ্যে গিয়ে সামগ্রী পাবেন না। পাশাপাশি, এখানে ভিন্ন রাজ্যের বহু মানুষ থাকেন। অভিন্ন রেশন কার্ড চালু হলে তাঁরাও এখানে থেকে খাদ্যসামগ্রী সংগ্রহ করতে পারবেন। তখন রাজ্যের আর্থিক চাপ বাড়বে।

এক্সপ্ল্যান্ডেট-এর অর্থনীতির অধ্যাপক কে আর শাম সন্দর বলেন, "কেন পরিযায়ী শ্রমিকদের আলাদা করে সরাসরি ৫,০০০ টাকা করে পাঠানো কথা ভাবল না সরকার?" তার দাবি, ভাড়া এই প্রতিকূল পরিস্থিতিতে অত্যন্ত ভুলে থাকার ঝড়কটো পোড়ন ওই কর্মীরা। তাঁদের কেনাকাটার বাজারে চাহিদা বাড়ত। সেই মারফত কিছু টাকা কর হিসেবে ফেরত যেত সরকারের কাছে। সব মিলিয়ে, টাকা হত অর্থনীতি। কয়েকশ নেতা রাহুল গান্ধির টুইট, "এই শ্রমিকদের আর্থনাম সরকারের কান পর্যন্ত পৌঁছে ছাড়ার।"

লকডাউনে পরিযায়ী শ্রমিকদের দুর্ভাগ্য ছবি যত সামনে এসেছে, তত জোরদার হয়েছে তাঁদের জন্য আলাদা ভাবে আর্থিক ভাগের দাবি। নোবেলজয়ী অর্থনীতিবিদ অজিত্বিৎ বিনায়ক বন্দ্যোপাধ্যায়, অর্থনীতিবিদ কৌশিক বসু থেকে বিজ্ঞান বায়োর গাঙ্কন গাঙ্কন রত্নমারা রাহুল বা রাহুল অর্থমন্ত্রী পি চিঙ্গরাম-অনেকেই পরামর্শ ছিল, সবার আগে এই হতদরিদ্রদের সরাসরি টাকা নিক সরকার। যাতে এই কঠিন সময়ে তারা টিকে থাকতে পারেন।

কিন্তু এ দিন পর্যন্ত সে সব কিছু হয়নি। নির্মলা এ দিন জানিয়েছেন, বাড়ি নিজে যাতে তাঁরা একসাথে দিনের কাজে যোগ দিতে পারেন, তার প্রকৃতি নেওয়া হচ্ছে। প্রশ্ন, এত বড় সমস্যা সামল দিতে মৌখী সরকারের এখন ভরসা তা হলে একশো দিনের কাজ। যাকে ইউপিএ সরকারের 'গর্ত খোঁজার প্রকল্প' বলে সংসদে বাড়িয়ে বাজ করেছিলেন নরেন্দ্র মোদী।

প্রবাসী শ্রমিকों को और मदद की जरूरत

সোমেশ জা
নई दिल्ली, 14 मई

কেন্দ্র সরকার ने गुरुवार को प्रवासी श्रमिकों के लिए कुछ उपायों की घोषणा की, लेकिन विशेषज्ञों का कहना है कि सरकार को प्रवासी श्रमिकों का ख्याल रखने के लिए और अधिक कदम उठाने चाहिए।

विशेषज्ञों ने कहा कि अधिक सहायता की आवश्यकता वाले प्रवासी श्रमिक दो प्रकार के हैं, पहला वे जो अपने गृह राज्य वापस लौट गए हैं तथा नौकरियां तलाश रहे हैं और दूसरे वे, जो अभी भी आय तथा संसाधनों की कमी के साथ शहरों में फंसे हुए हैं।

वकील तथा सामाजिक कार्यकर्ता अंजलि भारद्वाज ने कहा, 'कोविड-19 संकट से निपटने के लिए केंद्र सरकार द्वारा उठाया गया कदम एक मामूली मदद होगी। प्रवासी श्रमिकों को तत्काल राहत की जरूरत है। सरकार ने न्यूनतम बुनियादी आय की गारंटी देने की कोई घोषणा नहीं की, जो समय की जरूरत है।' मार्च में राष्ट्रव्यापी लॉकडाउन की घोषणा के बाद से ही भारद्वाज प्रवासी श्रमिकों की मदद कर रही हैं और हाल ही में उन्होंने सामाजिक कार्यकर्ता हर्ष मंदर के साथ मिलकर उच्चतम न्यायालय में गुहार लगाई है कि सभी प्रवासी श्रमिकों को न्यूनतम मजदूरी भुगतान के लिए केंद्र तथा राज्य सरकारों



ट्रक से अपने गृह जनपद जा रहे विस्थापित श्रमिकों को गुरुवार को लखनऊ-फैजाबाद मार्ग पर केले देते स्वयंसेवी फोटो-पीटीआई

को निर्देश जारी किए जाएं।
भारद्वाज ने सुझाव दिया कि सरकार को जरूरतमंदों को लक्षित आधार के बजाय खाद्यान्न के वितरण को सार्वभौमिक बनाना चाहिए क्योंकि हालिया मॉडल से समाज का एक हिस्सा इससे दूर रह सकता है।
ऐसे प्रवासी जो राष्ट्रीय खाद्य सुरक्षा अधिनियम के दायरे में नहीं आते हैं या किसी भी राज्य सरकार की योजनाओं के लाभार्थी नहीं हैं, उन्हें एक महीने में पांच किलोग्राम अनाज और एक किलो चना प्रति परिवार प्रदान किया जाएगा। वित्त मंत्री निर्मला सीतारमण ने गुरुवार

को एक संवाददाता सम्मेलन में घोषणा की कि यह लाभ 8 करोड़ प्रवासियों को दिया जाएगा और वे दो महीने तक इसका लाभ उठा सकते हैं। भारद्वाज ने कहा, 'केंद्र 8 करोड़ के आंकड़े पर कैसे पहुंच गया? इस सुविधा का लाभ उठाने के लिए प्रवासी के रूप में किसे माना जाएगा? हमें अधिक स्पष्टता आने तक इंतजार करना होगा।'
सीतारमण ने कहा कि सरकार विनिर्माण इकाइयों, उद्योगों, संस्थानों और संघों को अपनी निजी भूमि पर कफायती किराये के आवास परिसर विकसित करने के लिए प्रोत्साहित

कामगारों के लिए घोषणा

■ विस्थापितों को राष्ट्रीय खाद्य सुरक्षा कानून में शामिल किया जाएगा या राज्य सरकारें उन्हें 5 किलो अनाज और एक किलो चना प्रति परिवार हर महीने मुहैया कराएंगी

■ विस्थापितों को शहरों में किराये पर सस्ता मकान उपलब्ध कराने के लिए प्रधानमंत्री आवास योजना के तहत योजना आएगी

■ मार्च 2021 तक सार्वजनिक वितरण कार्ड की नेशनल पोर्टेबिलिटी

■ मॉनसून सत्र में भी जारी रहेगा मनरेगा का काम

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The FM on Thursday announced measures for farmers and migrant workers. This was the second in a series of announcements that started on Wednesday

FROM MARGINALISED TO MAINSTREAM



TALKING REVERSE MIGRATION

Experts call for more, urgently

Minimum basic income, urban employment guarantee programme are some of the suggestions

SOMESH JHA
New Delhi, 16 May

Experts urged the central government to do more to address the needs of migrant workers after it announced a bunch of relief measures on Thursday.

There are two sets of migrants who may need further assistance — those who have returned home and are in search of jobs, and those who will be stranded in cities with no income and resources, experts said.

"The piece-meal approach adopted by the central government to deal with the Covid-19 crisis will be of little help. Migrant workers need immediate relief. There was no announcement from the government on guaranteeing a minimum basic income, which is the need of the hour," lawyer and activist Anjali Bhardwaj said.

Bhardwaj, who has been helping migrant workers since the national lockdown was imposed in March, had moved the Supreme Court, along with activist Harsh Mander, seeking a direction to the Centre and states on payments of minimum wages to all migrant workers.

"The announcements on portability of ration cards and affordable rental housing are for the long and medium terms. These are welcome steps, but

SOME STEPS ANNOUNCED FOR WORKERS

- Migrants not covered under the National Food Security Act or in any state government scheme will be provided 5 kg of grains and 1 kg of chana per family in a month
- A scheme under the Pradhan Mantri Awas Yojana for migrant workers or urban poor to provide ease of living at an affordable rent
- MGNREGA work to continue during monsoons as well; states advised to provide work to migrants through MGNREGA
- Labour law changes to be made by taking the legislative route
- A special credit facility to help 5 million street vendors with a working capital of up to ₹10,000

workers need immediate relief," Bhardwaj said.

She said the government should universalise the distribution of foodgrain, as a targeted scheme leaves scope for exclusion, as has been witnessed during the lockdown. Migrant families that are not covered under the National Food Security Act or any state government scheme will be provided 5 kg of grain and 1 kg of chana per month. The benefit will be passed on to 80 million migrants for two months, Finance Minister Nirmala Sitharaman announced on Thursday. "How did the Centre arrive at the 80 million figure? Who will be considered a migrant for availing this facility? We will have to wait for the fine print," Bhardwaj added.

XLRI Jamshedpur professor and labour economist KR Shyam Sundar said the Inter-State Migrant Workers Act of 1949 already had a provision that required every contractor to provide suitable residential accommodation to workers. One of the key issues faced by migrant workers during the lockdown was their inability to afford house rent or get proper accommodation.

The FM emphasised that the workers who have returned to the villages will be given jobs through the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the Centre has already written to states in this regard.

Radhicka Kapoor, senior fellow at Indian Council for Research on

International Economic Relations (ICRIER), suggested that the government frame an urban employment guarantee programme to incentivise migrant workers to return to cities, along with increasing the number of days per household for work under MGNREGA scheme.

"Reverse migration will compound the agrarian distress in the absence of non-agricultural jobs in villages. It will affect income levels and to avoid the problem of crowding, MGNREGA needs to be strengthened. The government can increase the number of days," Kapoor said.

The MGNREGA scheme provides at least 100 days of guaranteed wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work. However, the number of household members willing to work in villages might rise because of the reverse migration.

"We require an urban employment guarantee scheme, especially looking at the difficulties faced by workers in returning home and the level of unemployment that will follow. The workers will be incentivised to get back to cities, thinking that they will be able to get a job with a guaranteed minimum level of income," Kapoor added.

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AGITATION

RSS-affiliate BMS to go on strike against UP, MP and Gujarat govts' 'anti-labour' policies

SABYASACHI ROY CHOWDHARY
NEW DELHI

India's largest trade union, the RSS-affiliated Bharatiya Mazdoor Sangh (BMS), has decided to hold nationwide agitation on May 20 against what it called the dilution in labour laws by the governments of Uttar Pradesh, Madhya Pradesh and Gujarat.

The BMS has strictly condemned the withdrawal of labour laws in UP, MP and Gujarat and the increase of working hours from 8 to 12 in Rajasthan, Maharashtra, Goa and Odisha. Many other states are also willing to follow the same path in order to attract foreign investments.

Contractors, employers and agencies in several states are reported to have not paid the workers salary or wages for the month of April. To add to that, crores of labourers have lost their jobs and livelihood, the BMS said.

The exemptions drawn out by the governments revolve around three fundamental principles - no labour laws required in society, therefore, the state doesn't play any role in the labour market, labour inflexibilities are the main roadblock to investment and economic enhancement, and workers should completely bank on the goodwill of the hirer.

The BMS claimed such inhumane and stringent laws are rare even in the most undemocratic countries of the world. BMS State Units had written their concerns to the respective chief ministers but only the MP chief minister has agreed on meeting the BMS delegation.

On being asked the BJP's opinion of the strike, Gopal Krishna Agarwal, the BJP National Spokesperson,

said, «We cannot comment on their choice. It is for them to decide if they want to go on a strike and then the government will take a call.»

The BMS stated, «Migrant worker's issues have aggravated mainly because there is gross violation of migrant labour act by most of the states. Hence we are pushed to the wall and there is no other way out except going for agitation.»

The BMS office-bearers also discussed the effects of COVID-19 on various sectors and welcomed the package declared by Prime Minister Narendra Modi. They also agreed upon the details announced in the first stage by Finance Minister Nirmala Sitharaman.

The BMS district level volunteers who were involved in one of the largest service activities supporting workers nationwide, were also congratulated.

The following actions plans were decided by the BMS in its meeting held on Wednesday:

16 May to 18 May: Send letters to district authorities on local issues by district secretaries, local and state level unions, and federations on issues like payment of wages, job losses, relief measures to unregistered workers, migrant workers, self-employed workers, private transport workers, on welfare boards for non-renewal of members, representing stranded migrant labour problems in their respective districts, opposing increase in working hours.

20 May: Nationwide Protest Day - Demonstrations at taluka centre/district center/industrial estate by maintaining social distance: on freezing labour laws and increasing working hours in various states, on migrant workers issues, payment of



wages, job losses, increase in working hours and also demand job opportunity for unorganised sector, contract workers of organised sector.

30 May to 31 May: State/industry/company/sector level conventions on workers' demands and also demanding withdrawal of labour laws freezing.

The Daily Guardian spoke to XLRI professor and labour economist Professor K R Shyam Sundar on his views about the strike during times of social distancing and found out that the protest scheduled to take place on May 20 would hardly have any impact on the economy as we've to wait for the home ministerial announcement of extent of liberalisation of production which is yet to take place.

He said, "BMS is a big organisation but the impact of the strike will depend on the actual production laws that take place on that day otherwise it is more political and symbolic."

"If the liberalisation is 40% and 1/3rd of the workers in Green Zones and Orange Zones are permitted to go to work, we need to see what kind of guidelines will be issued. It

will firstly, depend on what kind of economic activities will be allowed and secondly, on the proportion of workers in the particular areas and what is their coverage. Not more than 10-12% of the workers are unionized, so it will hardly have a pinch effect on the economy, although it varies from sector to sector."

He added, "But it can be defended on patriotic grounds that they must have been pushed to the wall to protest at such a cash crunch time. They're losing jobs and lives. Strike is the last resort unless it's a revolutionary union. I would still wish to say there are better avenues to express protest rather than going on a strike. They must talk to the ministers and the ministers must come forward. Strike means going to the work place and protesting but now it will just be a demonstration without any economic loss as most of the workers cannot even go to work."

On the contrary, Ashwin Srivastava, Head of Economic Advisory, Sapio Umbrella, said, "The possible impact of one-day strike in today's scenario may be more than Rs 10000 crores, and this disagreement will have a multiplier effect at a time when the economy is trying to stand back up. But the long-term impact on the growth of India will be much higher if the ordinances are not removed or modified, as the impact on livelihood of labourers will lead to a more complicated cycle of economic and social impact. We recommend a data driven approach to figure out the impact on economy and society in all scenarios and take the right call towards the primary goal of making India become Aatmanirbhar Bharat."

Are India's labour laws too restrictive?

PARLEY

For employers, availability of skilled workforce and worker-management ties are more vital

Some State governments including Uttar Pradesh (U.P.) and Madhya Pradesh (M.P.) have proposed ordinances to exempt manufacturing establishments from the purview of most labour laws. In a discussion moderated by Suresh Seshadri, Amit Basole and K.R. Shyam Sundar look at the backdrop for this move and consider what lies ahead for the country's labour and industrial relations. Edited excerpts:

Are the ordinances justified given the need to both preserve and create jobs in the wake of the COVID-19 crisis?

K.R. Shyam Sundar (KRSS): First, let me express my profound sense of shock [at the] changes or even disruptions that M.P. and U.P. governments have introduced on the pretext of creating employment and attracting investment. This is a very dangerous kind of political legitimacy that has been invoked.

There are three issues here. The Constitution provides a number of basic rights, and, under the directive principles of state policy, a number of assurances. Now, the kind of changes that have been made, they potentially will hurt, will dis-enable the realisation of the constitutional objectives. Second, the facility of the concurrent subject has been abused. And, we should bear in mind that the national codification and the labour law reform process is on. What is the unholy hurry on the part of the State governments to do this? But, I have an explanation: given the COVID situation and the national lockdown, the trade unions that are already weak cannot mobilise their forces and conduct any kind of a State-level or national struggle. This is a clear case of vulnerability, which the state has exploited.

Now, whether the labour laws constitute rigidities, the answer, in a cautious sense, is 'indisecutive' because there are research studies on both sides. The World Bank survey, 2014, asked employers... and the employers did not rate labour law regulations as [among] the top five or seven or 10 irritants. For them, the availability of skilled workforce

and cooperative labour-management relations were far more important than flexible labour laws. So, the gravest implication of these labour laws [changes] is that it will create industrial discontent, even a kind of labour unrest, which will stifle any hope of achieving industrial progress. And, employers will not benefit because these provisions will hurt labour welfare and thereby labour efficiency.

Amit Basole (AB): One must remember in all of these discussions that India still remains, what economists call, a labour-surplus country. Particularly at the lower ends of the labour spectrum where less education is required, there is usually an excess supply of labour which gives more bargaining power to employers. So, the responsibility of the state in such a context is to safeguard the interests of labour through legislation because the market does not give them the necessary protection.

Second, on the question of how they act as constraints or barriers: of course employers will always want to have a freer hand in managing labour relations, setting wages, conditions and so forth. That just follows from the nature of the capital-labour relations. That does not mean that the state should allow them that free hand. Will employers hire more workers if they are given a freer hand? Possibly, if certain other conditions are also met. [If not], there is no reason to believe that labour laws by themselves will do anything to improve job creation.

Of course, they will make working conditions worse, and life worse for workers. But, on the plus side, will you get any benefit out of a total increase in employment? That is not clear. The well-known things that act as constraints on job creation [include] the overall health of the economy, the level of demand in the economy. What is people's purchasing power? Are their wages rising or not? What is the stability of the business climate? Is the state trusted by businesses, small and large businesses, to deliver on its promises? What are the export conditions like? Is the government following a con-



sistent policy, sending out the correct and consistent signals on what it wants to promote and what it doesn't want to promote? All of these macro policies, industrial policies, trade policies govern the climate of job creation, in addition to the overall health of the economy. If none of that is in place, a simple tweaking of the labour laws basically worsens working conditions and doesn't achieve much else.

Was lack of flexibility an issue retarding manufacturing and job creation even before the pandemic?

AB: There is also an issue of diversity of employers when we talk about manufacturing. We're talking about some very large companies. We're talking about small and medium companies, we're talking about very small workshops also. And they all experience the government and the labour regime differently. It is certainly possible that at the lower end of the manufacturing spectrum, the labour laws have been arbitrarily and extortionately imposed. There is always a possibility that bribes can be extracted in the name of labour laws not being covered, making life difficult for employers, which creates incentives for them to double book, keep workers off the books. So, do the labour laws act as a constraint on good job creation? In this particular sense, yes, because they do incentivise some employers to evade showing workers on their books, for fear that even if they're following laws, the state may come down on

them. Given the imposition of lockdown and suspension of public transport, there must be enabling conditions like resumption of public transportation or private provision of transportation by the employers... [Second] COVID SOPs [must be] effectively implemented at the workplace because the workers could withdraw from a potentially hazardous workplace. And third, there must be work. If these three conditions are satisfied and still the workers do not report, action can be taken against them, as per the company rules or agreements or the standing orders under the Industrial Employment Standing Orders Act, 1946. But, the workers should be given a fair hearing.

Do these ordinances risk compromising workers' rights, including safety?

KRSS: So, the professed objective of ensuring occupational safety and security may not be realised for primarily two reasons. Both [ordinances] have frozen the conditions of work like lighting, temperature, dust and fumes and brightness... and there is every incentive for the employer to ignore [these conditions] given the labour market opportunistic behaviour. And these may lead to unsafe working conditions. Second, the extension of working hours. It is well known that long hours of work, repetitive work... deficient conditions of work, pose a considerable threat to occupational safety and health.

One justification spoken of is the need to make India a more attractive destination than China for setting up manufacturing plants.

AB: Regarding competitiveness with respect to labour, it is true that a race to the bottom is a general accepted principle. It is ironic in a way in the globalisation period, that countries compete on low wages, and primarily on that sort of labour element, particularly the labour-surplus countries. But that said, those are again never the only factors when investment decisions are considered. Almost always, the overall business climate, the reliability of the state and its policies, the infrastructural situation, electricity

supply, logistics and transport, the quality of labour and the skill of labour, human capital issues. All these things matter as much, if not more, than the level of wages and the laxity, or lack thereof of the labour laws. So, if we don't do anything on the other fronts, and only expect that somehow, with the stroke of a pen, diluting labour laws will magically bring in investment then we are very sadly mistaken.

Given that job creation is crucial and that trade unions have been weakened, what lies ahead for our labour force?

KRSS: During the financial crisis when the trade unions were taken into confidence by the employers, the trade unions were willing to offer concessions in terms of deferring increments, agreeing to regular overtime wage rate, or to work on a Sunday or to have some kind of structured lay-off systems. So, instead of making macro-level, un-called for interventions, which are draconian, the governments should have held social dialogue and asked the trade unions: "Look these are difficult times, we need to create jobs, we need to get out of the COVID crisis, how can we go about it?" And then, if the trade unions set unreasonable demands, then there is a call for introducing certain directives.

AB: At this point, in the immediate months to come, the responsibility actually lies squarely on the government to restore some health to the labour market... because we were in a slowdown, even going into the lockdown. [Private investment may not pick up, jobs also may not come back. In the immediate term, there is a necessity for the government to come out with a fairly strong fiscal package that creates optimistic conditions by providing employment to people, something that tightens the labour market a little bit, puts money in people's pockets, and creates demand in the economy; the private investment then will follow as it usually does. And, once that happens, once there's some health restored in the economy and economic growth has been restored, then, a lot of these things are discussable: we can go back to the labour reform issue.



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COVID ECONOMIC PACKAGE: DAY 2

Govt safety net for migrant workers and poor has a little for now, more for later

Free foodgrains to credit for street vendors: Of Rs 3.10 lakh crore, Centre's outflow Rs 5000 cr

AANCHAL MAGAZINE & ANIL SASI
NEW DELHI, MAY 14

THERE WAS an expectation that a package aimed at migrant workers, farmers and street vendors would strive to offer immediate relief given that they have borne the brunt of the lockdown-related distress for over 50 days now. But more than half the nine major proposals announced by Union Finance Minister Nirmala Sitharaman on Thursday have a longer-term horizon.

Besides, the second leg of the relief package continues with the basic design of leveraging large stimulus with minimal fiscal cost — of the total liquidity infusion of Rs 3.10 lakh crore, the likely outflow from the Centre's exchequer is only about Rs 5,000 crore.

Thursday's measures focused on the poorer segments of society, including migrant labour, small and marginal farmers and urban poor, seems skewed more towards the long-term.

For instance, the affordable rental housing scheme under Pradhan Mantri Awas Yojana for migrant workers and urban poor will likely be implemented only over a longer time frame.

Similarly, the portable ration delivery system is scheduled to be completed only by March next year. The credit facility for street vendors and the extension of the credit-linked subsidy scheme middle class (Rs 6-10 lakh annual income) are also

CONTINUED ON PAGE 2



4 AM, THURSDAY A migrant family on their way home to UP, outside the Mayapuri Metro Station in Delhi. *Cajendra Yadav*

Govt safety net for migrants has little for now, more for later

viewed as measures which would take time to be implemented and unlikely to provide any relief in the immediate crisis being faced by workers.

The announcement of free foodgrain supply (5 kg of grains and 1 kg chana per person) for two months to 8 crore migrant workers without a ration card and outside the ambit of National Food Security Act was expected to provide some relief to migrant workers.

But experts said this entails resolving complicated logistical issues. Since every public distribution shop has a fixed number of rations based on which the stock of foodgrains is supplied to the shop, allowing accessibility to non-cardholders may result in shortage of supplies at these outlets.

The other proposal of 'One Nation One Ration Card', first announced by Food Minister Ram Vilas Paswan in July last year and then targeted for completion in June 2020, is seen as a system of considerable utility to migrants.

But this too suffers from the

limitation of the incomplete value chain backed by infrastructure, including availability of point of sale systems at PDS shops, and states coming on board. Hence, this is unlikely to address the immediate issues being faced by transiting and distressed migrant workers.

Experts said given the ambiguity about differentiating between non-cardholders and cardholders under the 'One Nation, One Ration Card' proposal, a worker could possibly take ration from one shop and then identify himself or herself as a non-cardholder in another shop.

"One of the major issues would be how to identify migrant workers and non-migrant workers if the uniform ration card applicability takes place across the country. The administration will face issues about how much stock of foodgrain supplies to send to which shop, given that every shop has a fixed quota, which then could turn into a major logistical problem," said Pratik Sen, economist and former Chief

Statistician of India.

Exclusion of beneficiaries from PDS distribution could possibly be avoided by suspending the ration card system for now and instead relying on Aadhaar for distribution of food grains, Sen said.

The proposal regarding the rollout of affordable rental housing under PMAY by involving the private industry via private public partnership on government land is also unlikely to deliver benefits to quell the short-term distress that is playing out.

"It is not going to happen soon. Also, details about the PPP modalities was not elaborated today and needs to be looked at," said Partha Chatterjee, Professor and Head of the Economics Department, Shiv Nadar University.

The provision for concessional Rs 2 lakh crore credit to be provided to 2.5 crore farmers, including fishermen, is also contingent on new Kisan Cards being handed out.

Credit facility of Rs 5,000 crore for 50 lakh street vendors will translate into a working

capital of only about Rs 10,000 per street vendor for a month.

Analysts said street vendors could have been better served with cash transfers. "The street vendors will be far more disappointed than the migrant workers since they are just getting 'easy access to credit facility' and that too only 'within a month'... Should they not have been given credible forms of income support given they did not and could not sell their wares since March 26? Why could not the government think of instant direct benefit transfer to stranded migrants and the five million street vendors and free ration for the latter if they have not availed it for want of ration card under the Pradhan Mantri Garib Kalyan Yojana? Why is the government not talking of DBT of a fixed amount of say Rs 5,000 which will, in fact, go back to the business in the form of purchases and then possibly to the government, at least a part of it, as tax?" said K R Shyam Sundar, labour economist and Professor of Human Resources Management at XLRI.

Free grains without ration card credible relief measure: XLRI Prof

Mail News Service

Jamshedpur, May 14:

The FM's second tranche of relief measures have sought to address issues concerning generally the urban poor and more specifically the migrant workers and the street vendors.

The biggest take-away and the only credible relief measure amongst the host of announcements made today is that migrant workers even without the ration card can avail 5 kg of rice or wheat and 5kg chana per family.

The FM has announced that this document-free free ration will benefit approximately 8 crore people. During the announcement of measures during the COVID-19 times, when it comes to claimed beneficiaries numbers often easily run into crores! What are the sources of these data, especially when we do not have any scientific basis save the 2011 Census to even guesstimate migrant

population save by extrapolations which will be based on some linear growth assumptions. Even assuming that the government has credible database, does not this statistic reveal that 8 crore people have been rendered without a ration card and they must have been deprived of the rights of foodgrains promised under the first relief measure by the FM on March 26? Could the government not have realised that such a huge measure of population that too vulnerable lot have been left out?

The rest of the measures such as affordable housing (that too on an untrustworthy PPP mode), potential statutory rights in the forthcoming Occupational Safety and Health and Working Conditions Code (OSHC), a portable PDS system in the distant future (by March 2021), etc. do not constitute relief measures. Interestingly, the existing Inter-State Migrant



1979 and the proposed OSHWC Code requires every employer (in the Act, it was contractor) to "provide and maintain suitable residential accommodation to such worker during the period of their employment" (S.59, (iii) in the Code). Then, where is the question of "affordable rental housing complexes" (ARHC) under the PMAY Scheme by several players? What happens to the statute then? Will the ARHC be used to deny accommodation by the employers?

Further, the Code should be strengthened considerably to make compulsory

registrations of the inter-state migrant workmen from the original LOCAL place of origin and they must be issued smart portable e-operative cards and a portable set of documents including the PDS card. The progress in these procedural aspects are far more important than these vague promises!

The street vendors will be far more disappointed than the migrant workers since they are just getting "easy access to credit facility" and that only "within a month" which means a working capital of Rs 10,000 and this is said to benefit 5 million street vendors.

Should they not have been given credible forms of income support given they did not and could not sell their petty to somewhat decent wares on the streets and the allotted spaces since March 26? Why could not the government think of instant direct benefit transfer to stranded migrants and the 5 million

street vendors and for the latter free ration if they have not availed for want of ration card under the PMGKY? Why is the government not talking of DBT of a fixed amount of say Rs 5,000 which will in fact go back to the Business in the form of purchases and then possibly to the government at least a part of it as tax?

These toiling and suffering millions expected credible economic relief but all that they have offered apart from the delayed offer of free ration and promises that make little or no difference and these may or may not come even in the distant future, given the track record of implementation of promises. Finally, does it take a crisis of this vast magnitude for the government to wake up and recognise the "historically missing and invisible" migrant workers and despite having a statute like Inter-State Migrant Workmen Act (the Act), some four decades ago?

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DATE: 17 May 2020

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PAGE: 7



केन्द्र का क्रांतिकारी
कदम है। उद्योग जगत
के साथ ही कृषि-छोटे
रोजगार के लिए लाभकारी
होगा। लोकल रोजगार सृजित
होगा, पलायन रुकेगा। -प्रो.

विश्व वल्लभ, इकोनॉमिस्ट, एक्सएलआरआई।

PUBLICATION: The Economic Times
DATE: 18 May 2020
EDITION: All Edition
PAGE: 3

LOSING THE HARD-FOUGHT-FOR RIGHTS?

Women to Bear Brunt of New Labour Laws: Experts

States say measures taken to help households and industry survive

Vasudha.Venugopal
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New Delhi: The changes to the labour laws proposed by at least 12 states, including Gujarat, Uttar Pradesh and Madhya Pradesh, exempting manufacturing companies from implementing labour-friendly measures, will push more women out of work, causing a further decline in the Female Labour Force Participation, according to experts on labour and gender.

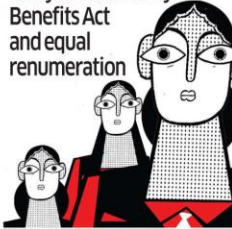
Their concerns include likely suspension of benefits provided by the Maternity Benefits Act and equal remuneration, apart from not holding the employer accountable for providing safe working conditions such as adequate lighting, safety, food, water, transport for night shifts, or even paying double wages for overtime work as mandated earlier.

Officials from Rajasthan, Madhya Pradesh and Gujarat maintain that the changes in the law are in the interest of labour, and that revoking some of those laws was necessary to allow private industry to flourish.

UP industrial development minister Satish Mahana said, "We could not think of all aspects, including about female workers, but the state is utmost concerned about them. Right now, it is about survival of industry and households. We are

NO CLARITY

Concerns over likely suspension of benefits provided by the Maternity Benefits Act and equal remuneration



strengthening our inspection processes to see women workers can work without problems. Night shifts for women was to happen only if both parties are satisfied."

Rajasthan Labour and Employment secretary Niraj Pawan said after work timings were extended in the state, the government has been reaching out to employers to "be considerate" and not violate the norms of safety and transport for women.

EXPERTS CLAIM INJUSTICE

Experts feel gender dimension has been ignored by most states while framing the changes to labour rules.

Neetha N, director of the Centre for Women's Development Studies, said due to extended working hours, many women

will be forced to withdraw from the labour forces. With household incomes shrinking, their decision-making power in a family will take a hit.

Most states are doing away with laws that looks at ways of going for industrial disputes and offering unionised resistance which will lead to fewer women complaining about work conditions.

KR Shyam Sundar, professor of Human Resource Management, XLRI, Jamshedpur, said, "I am hoping there is some more clarity on the ordinance as wholesale laws such as Maternity Act and equal wages applied for both income and recruitment, cannot be reduced to clauses. MP has not touched these Acts, but UP's ordinance is rather incomplete," he said.

"The right of women to work and earn during night shifts has come after years of struggle, and going back on it would mean reversing the social progress made," he said.

In MP, companies will be able to take a licence for hiring contract workers for a longer duration and intervention by trade unions will no longer be possible for key industrial sectors such as automobiles and garments. In Gujarat, all new firms will be exempt from all labour laws, except the Minimum Wages Act, the Employee Compensation Act and safety-related rules in factories.

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एक्सएसएलआरआई में 480 सीट पर दाखिला के लिए रिजल्ट कल

जमशेदपुर | एक्सएसएलआरआई जमशेदपुर में पोस्ट ग्रेजुएट डिप्लोमा कोर्स में दाखिला का फाइनल रिजल्ट 20 मई को जारी होगा। यहां 480 विद्यार्थियों का दाखिला होगा। संस्थान ने वेबसाइट पर इसकी अधिसूचना जारी की है। मार्च के अंतिम सप्ताह में जारी होने वाला यह रिजल्ट कोरोना के चलते दो माह देरी से जारी हो रहा है। इस साल का सत्र भी विलंब होगा। संस्थान का कहना है कि जुलाई के बाद ही इस साल का नया सत्र शुरू होगा, जो अमूमन 15 जून से शुरू होता है। एक्सएसएलआरआई जमशेदपुर के अलावा इस साल से दिल्ली कैंपस में भी पढ़ाई शुरू होने जा रही है।

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Jobless rate crosses 24% as migrants return home

GRADUAL UPTICK The rate rose from 23.97% last week despite restart of activity

Prashant K. Nanda
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NEW DELHI: India's unemployment rate crossed 24% in the week ended May 17 as millions of migrants went home amid a continued lockdown to curb the spread of coronavirus in the country, according to data released by the Centre for Monitoring Indian Economy (CMIE).

The national unemployment rate was 23.97% in the week ended May 10 showing a declining trend. However, it rose again to reach 24.01% in the week ended May 17 despite economic activity opening up in patches in the country as government relaxed some of the restrictions imposed for the lockdown.

The unemployment rate may go up as reverse migration picks up and millions of migrant workers reach their homes in rural India, according to economists and industry experts.

Urban unemployment rate declined almost a percentage point to 26.95% in the week ended May 17 over the week ended May 10, according to CMIE data. However, the rural unemployment rate increased to 22.79% as against 22.35% recorded on the week ended May 10, indicative of an oversupply of labour in rural India with the harvesting season nearing an end in parts of the country.

The central government has allocated a fresh ₹40,000 crore to accommodate the increasing demand for work. However, the mass reverse migration will have a double impact, economists said. The lack of labour is likely to affect the urban economy, while the rural economy is likely to be impacted by the oversupply thus increasing rural unemployment



• The unemployment rate may go up as reverse migration picks up and millions of migrant workers reach their homes in rural India, say economists. AP

further.

"The reverse migration is not confined to only Bihar and Uttar Pradesh. It's a nationwide reality. Several million people have gone home and more are going back. The excess supply is certainly going to have an impact on rural unemployment rate," said Ravi Srivastava, director of the Centre for Employment Studies at the Institute of Human Development, New Delhi.

"Rural economy is not an electric switch that will start running as soon as you allow activities in parts. People will need money in their hands and the Mahatma Gandhi National Rural Employment Guarantee Scheme will be of some help," Srivastava said.

"We were expecting 3% of the gross domestic product (GDP) as income transfer to the poor and needy and 3% for direct stimulus to small companies. However, the financial package announcement has not addressed the immediate need," Srivastava said.

The urban unemployment of 26.95% is still higher than the national rate of 24.01% and the rural unemployment rate of 22.79%, said KR Shyam Sundar, a labour economist and professor at XLRI Jamshedpur. "The situation may worsen as retrenchment picks up and we have already seen signs of such activity in the formal sector," he said.

Smaller start-ups and well-funded unicorns, from online

food delivery and hospitality and tourism to mobility, social commerce and foodtech, are downsizing or streamlining operations to cut costs as demand remains muted because of the covid-19 outbreak and lockdown, *Mint* had reported on May 17. Last week, online food delivery company Zomato said it will lay off 13% of its workforce as the lockdown has impacted its food delivery business.

"It's a critical situation where reverse migration because of the lockdown has led to millions going home and in cities that are still under the grip of coronavirus companies are laying off people because of lack of demand," Shyam Sundar said.

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POOJA MOHANTY

Humanity has suddenly been challenged with a colossal crisis as the world is infected with corona virus. This pandemic has cost numerous lives, brought down economies and subjected each one of us to numerous mental and psychological catastrophes. The fast spreading contagion has raised concerns regarding psychological wellbeing globally as the distress transpires into countries, states, cities and even communities.

Time has come to a standstill within the frame of our closed walls as we are adhering to the safety measures of social distancing and isolation. The pandemic has led us to lose our sense of self security, control and social connections. In the decade of my clinical practice, I have often witnessed that the loss of control and comfort lead us to a feeling of stagnancy in adapting the new normal of uncertainty, unpredictability and ephemeral nature of this life.

As we stand to face the collective unprecedented trauma and grief, life at present has been reduced to basic existential questions: Is this the end? Will I lose my family?

As per researchers and clinical assessments of earlier disasters and pandemics, people who have successfully surpassed the catastrophic times felt less pressurised by uncertainty and trusted the powerful process of transformation. This transformation is regarded as cultivating an attitude of "tragic optimism", a term coined by psychiatrist and holocaust survivor Viktor Frankl. Tragic optimism is the ability to maintain hope and find meaning in life despite its inescapable pain, loss and suffering.

The Covid-19 has completely put us out of our places of comfort compelling humanity to wake up from the unconscious slumber of ego. The powerful transformation is obvious. The ego of power and leadership has taken a backseat as the focus has shifted to survival, holistic wellbeing and meaningful existence. There is a sudden shift from our small inauthentic lives, survived by fears, controlled by how others think of us, ruled by the culture of conditioning to the consciousness of our inner selves. If there is any way to defeat the fears of the virus, it is through making these times of solitude a vehicle for liberation. The quarantine is compelling us to connect in new ways and be compassionate towards ourselves, our families and our communities instead of focusing only on



Adapting to a new normal

As the world stands collectively to face the unprecedented trauma and grief prompted by Covid-19, life at present has been reduced to basic existential questions

pay cheques. It is crucial to break the virus chain by embracing the oneness to fight together revering and supporting the frontliners in this battle. The power of unified humanity has proved victorious since time immemorial.

The new face of reality is an opportunity to elevate. It's time to embrace the truth that life is ubiquitous yet uncertain, transient and impermanent. The only way to alleviate the dread which this deadly virus has created is to now be in charge, integrate and gather self, through consciousness, connection and compassion.

Consciousness

Consciousness means to be in the present, here and now, letting go of the "what ifs" and accepting the "what is". Changing our vision from probability to possibility could lead us to relief. Self awareness, actualisation, acceptance, adaptation, and authentication are five ways to activate consciousness. In the present context the solution is to strike a good balance between recognising potential threat and avoiding unnecessary panic through scientific evidence.



Connection

We need to transform isolation and separation to meaningful connections. Fundamentally, we are social creatures. Hence the process of quarantining to keep safe and flatten the curve often comes with mental health implications. As solitude can be our strength, virtual social network can be our life line. This can be done either together in family or online forums letting them know that we are unified in our sorrows and resilient in over-

coming this unprecedented phase.

Compassion

This entails transforming from helplessness to helpfulness by practicing empathy and gratitude. Kindness, gratitude and compassion are powerful mechanisms towards a meaningful life. Sooner or later in a pandemic such as this, our extension of love and empathy towards others will give meaning to all spiritual teachings. If we can keep an eye on another in need, it will automa-

tically help us to revere the richness of our own life and how much we have taken it for granted all this while. Being empathetic will also help us to shun stigma for our fellow beings. We can't control this life but we can observe with keenness, our self and the world that lives in an indifferent void today, that will certainly transform from illusion to hope and meaningfulness one day.

The writer is psychotherapist, XLRI - Xavier School of Management, Jamshedpur

Returning migrants: Boon or bane for states?

Govts looking to turn labourers' return into an opportunity, but might have to rely on rural job guarantee scheme in near term

ISHITA RYAN DUTT, NAMRATA ACHARYA
& VIRENDRA SINGH RAWAT
Kolkata/Lucknow/Bengaluru/
Mumbai, 19 May

After almost a month, work under MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Schemes) resumed at Mohanpur, a village in North 24 Parganas, West Bengal.

Around 20 people got work, but just for a day. Bapi Das, a migrant, who used to work for a catering service provider in Tamil Nadu, and returned home just before the lockdown to contain Covid-19, wasn't among those lucky ones.

The demand for MGNREGS work in Mohanpur has shot up since a large number of migrants returned. Out of work, and with little cash in hand, MGNREGS has been holding out hope. But even as Das and his lot wait to find work, going back is the last thing on their mind. Even with lesser pay, thousands of migrants who have returned are willing to battle it out in their home state. As they juggle between risking lives and no work, states are calling out to "sons of the soil", albeit for different reasons.

On Monday, Maharashtra Chief Minister Uddhav Thackeray, appealed to the *bhumiputra* of Maharashtra to go and work for industries in green zones. "Till now you stayed at home to save Maharashtra. Now, you must go to work in industries in green zones."

Maharashtra, which has the highest share of in-migrants, is

facing a labour shortage in green zones with workers from other states moving back home. Labour shortage had forced Karnataka to cancel inter-state trains earlier. A large number of workers from other states were engaged in the construction industry.

In a bid to woo construction workers, the Karnataka government recently provided financial support of ₹3,000 to each of the 1.58 million registered building workers in the state as part of the state's ₹1,600 crore relief package. This is over and above the ₹2,000 that is already transferred to their accounts.

But what is a problem for Maharashtra and Karnataka, could well be a boon for West Bengal Chief Minister Mamata Banerjee. Much before Thackeray, Banerjee reached out to migrants, asking them to stay put in their home state. She has assured them of employment opportunities.

"A video conference with district industries centres, MSMEs and chambers, has been held," said a senior minister in the state government. West Bengal has about 549 industrial clusters, then there are industrial parks and *karmatirthas* for the micro units.

For states like West Bengal, Bihar, Odisha, Jharkhand and Uttar Pradesh, where migration is high, the return of workers could be as much an opportunity as a liability, though.

In 19 days, Indian Railways transported about 2.15 million to their home states. But many more



Migrants outside Bandra Terminus in Mumbai on Tuesday waiting to board a train to return home

MIGRATION AT A GLANCE

■ **Inter-state migration** in India was close to 9 million annually between 2011 and 2016

■ **Between 2001 and 2011**, the rate of growth of migrant labourers nearly doubled over previous decade at 4.5% per year

■ **Census 2011** pegs the total number of internal migrants in the country at 139 million (both inter and intra-state)

■ **The major destination states** are Delhi, Maharashtra, Tamil Nadu, Gujarat, Andhra Pradesh and Kerala

■ **Uttar Pradesh and Bihar** are the biggest source states

Source: Economic Survey 2016-17

took the long march home.

For instance, the heavy influx of migrant labourers in Uttar Pradesh, currently estimated at 1.8 million since the Covid-19 lockdown began, has created a problem of plenty for the Yogi Adityanath government as it deals with the onerous challenge

of providing local employment.

Nonetheless, the chief minister has instructed department heads to prepare separate roadmaps for collectively creating more than 2 million local jobs in the MSME segment, one district one product (ODOP) scheme, khadi, food pro-

cessing, and so on. Meanwhile, the government is looking to double MGNREGS jobs to cover 5 million from the current 2.5 million.

UP Additional Chief Secretary Awanish Kumar Awasthi said the government was preparing a muster roll of all migrants, so that they could be provided with jobs. It would have details like skill set.

A major problem with migrant workers is that a large proportion is unskilled workers, and they might need skill upgradation. "That could be time consuming,"

Odisha Industry Secretary Hemant Sharma, however, said, "When we were doing skill mapping, we found that some had ITI certificates and some even had polytechnic diplomas. Around 15-20 per cent of workers can be absorbed as it is, they would not require skill upgradation."

All states have launched portals to register migrant workers; additional fields like nature of employment and remuneration in the past 2-3 years are being added to help in skill mapping.

K R Shyam Sundar, professor at XLRI — Xavier School of Management in Jamshedpur, said states might err in having more unskilled workers, but the skill mix will change over time. "States must have an open door policy for migrant workers," he added.

Odisha is brainstorming other plans involving migrant workers. "May be, we could have a memorandum of understanding with a steel plant to engage migrant workers. This would not be mandatory, but persuasive. Additionally, if a big chunk of workers is from a particular sector, special incentives could be offered to attract investment in that sector," Sharma said.

An inter-ministerial committee has been formed to reboot industry in the context of the pandemic and how to engage migrant workers could be a part of the discourse. These are plans, however, that will take time to be implemented. "Till economic activities are restarted fully, it's MGNREGS and government schemes that may keep the thousands who have struggled to reach home busy. But for how long?"

Pallabi Mondal, a worker with an NGO called Asha, said people don't want to risk their lives and go back to work immediately, even if trains start running. "The fear for life is more than the fear of job loss," she said.

(With inputs from Samreen Ahmad and Aneesh Phadnis)

CENTRE ISSUES NEW GUIDELINES TO STATES ON MIGRANTS

PRESS TRUST OF INDIA
New Delhi, 19 May

The Centre on Tuesday issued a Standard Operating Protocol (SOP) for transportation of stranded migrant workers between states, which will designate nodal authorities and make necessary arrangements for receiving and sending them, amid the lockdown.

While issuing the revised SOP, Union Home Secretary Ajay Bhalla said for running 'Shramik' special trains, permission will be given by the Ministry of Railways in consultation with the Ministry of Home Affairs (MHA).

States and Union Territories should designate nodal authorities and make necessary arrangements for receiving and sending such stranded people, the home ministry SOP said.

However, the guidelines issued by the Ministry of Railways on May 2 for 'Shramik' special trains said: "The consent of receiving state shall be obtained by originating state, and a copy provided to Railways before departure of train".

According to the fresh SOP, the train schedule, including stoppages and destination, shall be finalised by the Railways based on the requirements of states and UTs, and shall be communicated by the Railways to states and UTs for making suitable arrangements for sending and receiving such stranded workers.

कामगारों को काम देने की बड़ी सिरदर्दी

प्रवासी मजदूरों की घर वापसी राज्य सरकारों के लिए एक मौका जरूर बन सकती है

ईशिता आचान दत्त, नमरा
आचार्य और वीरेंद्र सिंह रावत

लगभग एक महीने बाद पश्चिम बंगाल के उत्तर 24 परगना के एक गांव मोहनपुर में मनरेगा (महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी कानून) के तहत काम फिर शुरू हो गया है। यहां करीब 20 लोगों को काम मिला है लेकिन सिर्फ एक दिन के लिए। हालांकि एक प्रवासी मजदूर बापू दास इन भाग्यशाली लोगों में नहीं हैं जिन्हें काम मिला है। वह हाल तक तमिलनाडु में एक खानपान सेवा प्रदाता के लिए काम करते थे लेकिन कोविड-19 महामारी को नियंत्रित करने के लिए देश भर में लगाए गए लॉकडाउन से ठीक पहले घर वापस लौट आए। मोहनपुर में मनरेगा काम की मांग कई गुना बढ़ गई है क्योंकि बड़ी संख्या में प्रवासी कामगार वापस अपने पैतृक गांव लौट आए हैं। जिन लोगों के पास इस वक्त कोई काम नहीं है और हाथ में कम पैसे भी बचे हैं उनके लिए मनरेगा एक उम्मीद जगा रहा है।

लेकिन दास और उनको तरह कई ऐसे लोग जो काम की तलाश में हैं उनके दिमाग में महानगरों में वापसी की अब कोई बात नहीं है। अपने गृहस्थ वापस लौटने कामगारों की इच्छा अब यही है कि भले ही उन्हें कम पैसे मिले लेकिन वे अपने गृहस्थ को छोड़कर नहीं जाएंगे। सोमवार को महाराष्ट्र के मुख्यमंत्री उद्धव ठाकरे ने राज्य के 'भूमिपुत्र' से ग्रीन जॉन के उद्योगों में जाकर काम करने की अपील की। उन्होंने कहा, 'अब तक आप महाराष्ट्र को बचाने के लिए घर पर हो रहे हैं। लेकिन अब, आपको ग्रीन जॉन के उद्योगों में काम करने जरूर जाना चाहिए।' महाराष्ट्र की प्रवासी मजदूरों के लिहाज से ज्यादा हिस्सेदारी है और यह ग्रीन जॉन में आ रहे हैं क्योंकि दूसरे राज्यों के कामगार वापस अपने घर जा रहे हैं। कर्नाटक को श्रमिकों की कमी की वजह से पहले अंतरराष्ट्रीय ट्रेन रह करने पर मजबूर होना पड़ा था। दक्षिण भारत में बड़ी



विभिन्न राज्यों से वापस लौट रहे प्रवासी मजदूर बसों से अपने घर के लिए रवाना होते हैं -पीटीआई

■ प्रवासी मजदूरों की घर वापसी राज्य सरकारों के लिए एक मौका जरूर बन सकती है लेकिन इनके लिए रोजगार के मौके तैयार करने में काफी वक्त लग सकता है

■ ऐसी स्थिति में इन प्रवासी मजदूरों को मनरेगा और सरकारी योजनाओं के अंतर्गत ही रकबा होगा

■ कई जगहों पर जून जॉन के उद्योगों में काम करने वाले श्रमिकों की देखी जा रही है कमी

■ ओडिशा जैसे राज्य कामगारों के कोशल के मुताबिक उनके लिए काम की संभावनाएं देख रहे हैं

संख्या में दूसरे राज्यों के मजदूर जुटे थे। शल ही में निर्माण कार्यों से जुड़े श्रमिकों को लुभाने के लिए कर्नाटक सरकार ने राज्य के 1,600 करोड़ रुपये के कोविड राहत पैकेज के हिस्से के रूप में राज्य में भवन निर्माण से जुड़े 15.8 करोड़ पंजीकृत श्रमिकों में से हरेक को 3,000 रुपये दिए। यह रकम पहले ही उनके खाते में डाले गए 2,000 रुपये के अलावा दी गई राशि है। लेकिन महाराष्ट्र और कर्नाटक के लिए जो बातें सिरदर्द बन चुकी हैं वे पश्चिम बंगाल की मुख्यमंत्री ममता बनर्जी के लिए वरदान साबित हो सकती हैं। ठाकरे से काफी पहले ममता ने प्रवासी कामगारों से संपर्क करते हुए उन्हें अपने गृह राज्य में रहने के लिए कहा। उन्होंने उन्हें रोजगार के मौके देने का आश्वासन दिया और राज्य प्रशासन ने सड़क लिए तुरंत काम शुरू कर दिया।

राज्य सरकार के एक वरिष्ठ मंत्री का कहना है कि जिले के औद्योगिक केन्द्रों, परामर्शदाता और उद्योग के बीच के साथ एक कोविड कोरिस हो गई। मजदूरों में किस तरह का कोशल है इसे समझने के बाद हर

जिले में काम के मौके की संभावनाएं तैयार की जाएंगी। पश्चिम बंगाल में करीब 549 औद्योगिक क्लस्टर हैं और औद्योगिक पार्क के अलावा कई सूक्ष्म इकाइयों के लिए 'कर्मतीर्थ' हैं। लेकिन पश्चिम बंगाल, बिहार, ओडिशा, झारखंड और उत्तर प्रदेश जैसे राज्यों के लिए, जहां कामगारों का पलायन अधिक है वहां इन प्रवासी मजदूरों को घर वापसी बिजनेसों बढ़ाने के साथ-साथ एक अवसर भी दे सकता है। 16 मई तक रेलवे ने करीब 15 लाख मजदूरों को उनके गृह राज्यों में पहुंचाया है। लेकिन कई और मजदूर वापसी में सड़क लिए तुरंत काम शुरू कर दिया।

उत्तर प्रदेश के अगर मुख्य सचिव अनुराग कुमार अवस्थी ने कहा कि सरकार सभी प्रवासी मजदूरों के लिए एक 'मस्टर प्लान' तैयार कर रही है, ताकि उन्हें काम दिया जा सके। इसमें कामगारों के कोशल के अलावा अन्य खर्च भी शामिल किया जाएगा। प्रवासी मजदूरों के साथ एक बड़ी समस्या यह है कि एक बड़ा हिस्सा अकुशल मजदूरों का है जिन्हें कोशल प्रशिक्षण देने की जरूरत पड़ सकती है। मुम्बई में कि इसमें काफी वक्त

लग सकता है। हालांकि ओडिशा के उद्योग सचिव हेमंत शर्मा ने कहा, 'जब हम इन मजदूरों के कोशल का जायजा ले रहे थे तब हमने यह पाया कि कुछ के पास आईटीआई प्रमाणपत्र था और कुछ तो पॉलिटेक्निक डिप्लोमा वाले भी थे। लगभग 15-20 प्रतिशत कामगारों को काम में लगाया जा सकता है क्योंकि उन्हें कोशल प्रशिक्षण देने की जरूरत नहीं होगी।' सभी राज्यों ने प्रवासी कामगारों को पंजीकृत करने के लिए चेकलिस्ट शुरू कर दिए हैं। मजदूरों की कुशलता का अंदाजा लेने के लिए इसमें रोजगार के क्षेत्र और पिछले 2-3 वर्षों में मिले पगार का खयाल भी देने के लिए जगह दी गई है। जमशेदपुर के एक्सलेंसआरआई (जेबिबर स्कूल ऑफ मैनेजमेंट) में प्रोफेसर (एचआरएफ एरिया) के आर खयम सुंदर ने कहा कि संभव है कि राज्य ज्यादा अकुशल कामगारों को लेने में गलती कर दें लेकिन कुशलता में वकत के साथ बहालव आएगा। उन्होंने कहा कि राज्यों के पास प्रवासी कामगारों के लिए एक खुली नीति होनी चाहिए। ओडिशा सरकार प्रवासी कामगारों से जुड़ी अन्य योजनाओं पर विचार-विमर्श कर रही है। शर्मा कहते हैं, 'संभव है कि हम प्रवासी श्रमिकों को इसका फायदा दे सकें। इसमें कोशल के अलावा अन्य खर्च भी दे सकते हैं। 16 मई तक रेलवे ने करीब 15 लाख मजदूरों को उनके गृह राज्यों में पहुंचाया है। लेकिन कई और मजदूर वापसी में सड़क लिए तुरंत काम शुरू कर दिया।

उत्तर प्रदेश के अगर मुख्य सचिव अनुराग कुमार अवस्थी ने कहा कि सरकार सभी प्रवासी मजदूरों के लिए एक 'मस्टर प्लान' तैयार कर रही है, ताकि उन्हें काम दिया जा सके। इसमें कामगारों के कोशल के अलावा अन्य खर्च भी शामिल किया जाएगा। प्रवासी मजदूरों के साथ एक बड़ी समस्या यह है कि एक बड़ा हिस्सा अकुशल मजदूरों का है जिन्हें कोशल प्रशिक्षण देने की जरूरत पड़ सकती है। मुम्बई में कि इसमें काफी वक्त

States compete to bring in sweeping changes to labour laws, 'competition to attract capital', say analysts

ANANCHAL MAGAZINE
NEW DELHI, MAY 23

WITH AT LEAST 10 states moving to amend their labour laws as they restart economic activities post the COVID-19 lockdown, an overhaul in the central labour laws is being seen in the offing. It is learnt that most states are expected to move towards extended working hours and are likely to follow the model of suspension of labour laws like Uttar Pradesh and Madhya Pradesh, with the Centre according the requisite backing for the changes following which it will move to restore an overhaul of central labour laws as well.

A blanket suspension of labour laws, as has been in the case of UP, however, may not find favour, with the Centre leaning towards putting caveats in order to protect the rights of bonded labour, children and women. While UP and MP have opted for a suspension of labour laws for 100 days, as many as ten states — including Rajasthan, Punjab, Odisha, Maharashtra, Himachal Pradesh, MP, Haryana, Assam and Gujarat — have allowed extension of working hours to 12 through issuance of orders under the Factories Act during the ongoing lockdown against the COVID-19 pandemic.

While states like MP have taken a more nuanced approach, other such as UP and Gujarat have opted for a broader, more sweeping relaxation of the labour laws, leaving drafting loopholes that could see potential legal challenges in the days ahead.

Madhya Pradesh has exempted employers from some obligations under various labour laws like Factories Act, Madhya Pradesh Industrial Relations Act and Industrial Disputes Act, and Contract Labour Act for a period of 100 days, i.e. nearly 3 months. This gives employers the freedom to hire and fire, and contractors not needing a licence to supply labour of up to 40 persons.

The state has also exempted new factories under the Factories Act, 1947 from inspection by the Labour Department and permitted the flexibility to conduct third party inspections at will. It has also issued an Ordinance to the Madhya Pradesh Labour Welfare Board the next 100 days.

UP has given a 3-year exemption to all factories and establishments engaged in manufacturing from all labour laws, except provisions of Bonded Labour System (Abolition) Act and those relating to employment of children and women. The Ordinance has been sent by the state for the President's assent, prior to which

| STATE-WISE CHANGES TO WORK HOURS | | | | |
|----------------------------------|----------------|---------------------------|---------------------------|----------------------|
| State | Establishments | Maximum weekly work hours | Maximum daily work hours | Time period (months) |
| Gujarat | All factories | From 48 hrs to 72 hrs | From 9 hrs to 12 hrs | 3 |
| HP | All factories | From 48 hrs to 72 hrs | From 9 hrs to 12 hrs | 3 |
| Rajasthan | Some factories | From 48 hrs to 72 hrs | From 9 hrs to 12 hrs | 3 |
| Haryana | All factories | Not specified | From 9 hrs to 12 hrs | 2 |
| UP | All factories | From 48 hrs to 72 hrs | From 9 hrs to 12 hrs | 3** |
| Uttarakhand | Some factories | Maximum of 12 hrs per day | Two shifts of 12 hrs each | 3 |
| MP | All factories | Not specified | Not specified | 3 |

Note: **All factories distributing essential goods and manufacturing essential goods and food; *All factories and continuous process industries that are allowed to function by government; **The Uttar Pradesh notification was withdrawn

the Union Labour Ministry will also give its comments on the Ordinance.

On May 15, however, the UP government, in a communication to the Allahabad High Court following a notice for a public interest litigation, withdrew its earlier order regarding extension of daily working hours in industrial units to 12 hours from 8 hours.

Gujarat has also announced the intent to follow suit with a 1,200-day exemption of labour laws for new industrial units, with the state also having sent the Ordinance for the President's approval following comments from the Union Labour Ministry.

While a section of experts is viewing these changes as a competition by states to attract capital after the lockdown, many see the blanket suspension of labour laws as a rushed move without details and leaving it ambiguous and open to litigation. "In Madhya Pradesh's order, there is clarity as to which clauses would be applicable and clauses which won't apply. Uttar Pradesh's Ordinance mentions that provisions of Factories Act and Building and Other Construction Workers Act relating to safety and security of the workers shall remain applicable. Any provision that is safety or security related even if it's related to lighting or temperature control

is the unit. But details are missing. The order is ill-conceived, misguided and lacks clarity," said KR Shyam Sundar, labour economist and professor of Human Resources Management at XLRI.

Trade unions have opposed the changes being made in labour laws. Ten central trade unions — including Indian National Trade Union Congress (INTUC), All India Trade Union Congress (AITUC), Centre of Indian Trade Unions (CITU) — registered an initial complaint with the International Labour Organisation (ILO) on May 14, terming these moves as "an attack on human and labour rights", asking for ILO's intervention on "the extremely precarious and regressive moves" for the working class in the country. RSS-

affiliated Bharatiya Mazdoor Sangh (BMS) has also instructed its state units to oppose the unilateral withdrawal of labour laws. Former Labour Secretary Shankar Aggarwal said many labour laws are archaic and leave scope for harassment at the hands of labour inspectors or require multiple levels of approvals from various departments. Bribes are taken by labour inspectors and violation of some of the provisions have imprisonment as punishment. These are exceptional circumstances, smaller units are already at the brink of closure due to a risk of shortage of inputs from China and lack of consumption demand. States should be allowed to move forward with their labour reforms," he said.

Labour is a concurrent subject, with both the Centre and states having powers to enact laws. Where there is any conflict between a central law and a state law on the same subject, the central law is expected to prevail. If some of the laws that states have moved to suspend have a corresponding act in the central docket, the suspension is open to legal challenge.

Both the Centre and states have separate machinery to enforce the labour laws, including the Contract Labour (Regulation & Abolition) Act, 1970 and the corresponding Rules. The enforcement in the Central Sphere is done through the officers of the Central Industrial Relations Machinery (CIRM). The country-wide network of Deputy Chief Labour Commissioners (Central) under the Chief Labour Commissioner (Central) is mandated to settle the complaints/claims under rule 25(2) of the Act. The respective state governments are entrusted with implementing of labour laws and undertaking inspections in the state sphere independently "for proper implementation of the Acts".

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जैट का रिजल्ट जारी जमशेदपुर कैंपस के 360 विद्यार्थी चयनित

सिटी रिपोर्टर | जमशेदपुर

जेवियर एप्टीट्यूड टेस्ट (जैट)-2020 का नतीजा बुधवार को घोषित हो गया। एक्सएलआरआई द्वारा आयोजित इस टेस्ट में अभी सिर्फ जमशेदपुर कैंपस के लिए 360 विद्यार्थियों के नतीजे आए हैं। इनमें बिजनेस मैनेजमेंट कोर्स के 180 और ह्यूमन रिसोर्स मैनेजमेंट कोर्स के 180 विद्यार्थी हैं। चयनित विद्यार्थियों को जून तक नामांकन के लिए कहा गया है। वहीं, एक्सएलआरआई प्रबंधन दिल्ली कैंपस के लिए चयनित विद्यार्थियों की सूची जून के पहले सप्ताह में जारी करेगा। परीक्षा में मिले अंकों के आधार पर देशभर के लगभग 150 बिजनेस स्कूलों में दाखिला मिल जाता है। ऐसे में इस परीक्षा की महत्ता काफी होती है। जैट-2020 की परीक्षा में मिले अंकों के आधार पर देशभर के लगभग 150 बिजनेस स्कूलों में दाखिला मिल जाता है। ऐसे में इस परीक्षा की महत्ता काफी होती है।

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No short-cuts, Test remains cricket's premier league

GUEST COLUMN

SUBHASIS RAY



Virat Kohli

Sports provides a high-risk, high-consequence environment where each sportsperson aspires to earn an entire life's livelihood during his or her playing span. Sport career transition (SCT) studies have revealed that post-sport life is full of uncertainty, even for elite athletes.

Cricket being the most popular sport in India, it is an interesting topic of research to find out how Indian cricketers are shaping their career with an ever-increasing volume and variety of the same (Test, ODI, T20, IPL and other similar T20 and T10 leagues and first class cricket), notwithstanding the surge in post-career options in upstream (e.g. facility creation, manufacturing of equipment) and downstream (e.g. sports journalism, coaching) activities.

One of the most common criticisms of the IPL is that it brings players into limelight quickly and they pass into oblivion even quicker. A few scintillating knocks or incisive bowling spells in the IPL is all they need to catch the attention of millions of viewers, more importantly the decision-makers (read selectors) to gain a berth in the Indian ODI or Test teams; however, most of them fail to meet the

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expectations of the longer format is the claim.

Both the claims were put to test and the outcome was recently published in XLRI's peer reviewed journal, *Management and Labour Studies*, Vol. 45(2).

As many as 57 players started their Test career during the period April 1, 2000, to March 31, 2016; 30 before IPL and 27 after the first edition of IPL in 2008.

Four players (Saba Karim, Sairaj Bahutule, Sameer Dighe and Iqbal Siddiqui), who debuted pre-IPL, and five cricketers (Subramaniam Badrinath, Shikhar Dhawan, Stuart Binny, Pankaj Singh and Naman Ojha), who made their debut post-IPL 2008, are excluded from the first part of this study because of their exceptional pattern.

All these nine players had to wait for around 10 years after their first class debut before they played their first Test match. Saba Karim tops this list with 18 years of first class cricket before making

his Test debut.

The average number of years of first class cricket before debuting for Test matches during the pre and post-IPL era came out to be 4.96 and 5.73, contrary to com-

mon belief. The statistical study also concludes that there is no reason to believe that a player gets selected faster in the post-IPL era; in fact, the wait has gone up, signifying the cut-throat competition at the highest level of cricket.

In the second part of this study, a pattern analysis was conducted on all the 57 players to probe into their longevity. The similarity measures were drawn up based on parameters like "number of Tests played", "number of T20 matches played", "total playing span in years", "years in Test cricket" etc. The analysis yielded four patterns of players:

● Not very successful in Test cricket but picked up T20 cricket (primarily IPL) that elongated their playing career (Lakshminpathy Balaji, R.P.

Singh, Munaf Patel, Pragyan Ojha, Subramaniam Badrinath are some of the members)

● Not very successful in Test cricket and also did not succeed in T20 as well. However, their playing career got extended owing to first class cricket (e.g. Shiv Sunder Das, Saba Karim, Vijay Dahiya, Sarandeep Singh, Rahul Sanghvi, Sairaj Bahutule, Sameer Dighe etc.)

● Most successful bunch of cricketers who are good in Tests, T20s and IPL (e.g. Yuvraj Singh, Gautam Gambhir, Mahendra Singh Dhoni, Virat Kohli, Ravichandran Ashwin etc.)

● Similar features of the earlier point but most of them started their career during the early years of the millennium and hence did not get much chance to play in T20s for India (e.g. Zaheer Khan, Virender Sehwag, Parthiv Patel, Irfan Pathan, Dinesh Karthik, Piyush Chawla etc.)

The study shows that cricketers who are successful in Test cricket generally get a successful stint in T20 as well. The cricket boards should counsel budding players about this and create an aura for this elite level.

In a competitive world, like in any other field, the best will elevate to the Ivy League. For the rest, there is enough encouragement from this study as players can embrace T20 as an alternative career option and continue playing for 15-16 years.

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3 States Finalising Databases for Benefit of Migrant Workers

Vasudha Venugopal &
Vatsala Gaur

New Delhi | Lucknow: UP, MP and Rajasthan are finalising their online databases of migrant workers with details such as how skilled the workers are and how they can be best employed within the state.

The migrant commission announced by the UP government will map skills of workers who have returned to the state, providing data to employment exchanges while also providing workers social security measures like insurance.

UP's Workers (employment and livelihood) Welfare Commission will consolidate migrant management efforts of different departments into a single body that will include industrial and social experts. It may even become a

SEEKING UNIFORM LAW



We must have uniform labour standards and states can always supplement that: Labour economist

regulatory body later, invested in a large way in taking care of workers through social security measures like insurance, said state officials.

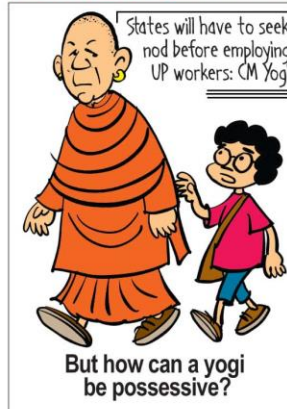
"Through the commission, apart from mapping skills and working towards socially securing them, we will also work with other states towards passing down the benefits of all central as well as state laws fram-

ed for welfare of migrant workers," the chief secretary of UP, RK Tiwari, told ET. Though a legislation (The Inter-state Migrant Workmen Act) with this objective was already in place, the lockdown revealed how ineffectively it had been enforced, he said.

An official privy to discussions said the idea of setting up the commission was inspired by the Overseas Indian Affairs division of the external affairs ministry.

Other states are not behind in the process. Rajasthan has started collecting data of both skilled and unskilled workers from all its 33 districts. The database will be made open to factory owners in 18 industrial clusters soon. The state administration has collected details of 1.2 million unemployed as well as of 2.1 million workers employed in sectors such as mining, manufacturing, electricity, gas, water

Poliloquy R PRASAD



and cement, said an official.

Niraj Pawan, labour secretary of Rajasthan, said a government portal will soon have details of more than 3 million skilled workers in the state and will "help the government in coming out with programmes for the labourers, help in quick employment and also meet the demand and supply".

There are about 280,000 industries registered in the state, where a total of about 5 million workers were employed earlier, according to government data. Till March 15, around 3 million workers were employed in trade and industry while 2 million were in the construction sector in the state. "Six lakh workers in trade and industry were from the state, but four lakh have already left the state. We have their details though so they can be contacted as per demand," said an official, who did not wish to be identified.

MP has restarted Sambal Yojana, which will also cover migrant labourers and provide social security to their family members, including school fees of children and insurance. An official said the state government was preparing a database of its workers, both residing in the state and those who have come from neighbouring states, to ensure they get work through the Mahatma Gandhi National Rural Employment Guarantee Act.

Labour economist and XLRI professor KR Shyam Sundar told ET that the economic aspects of migration should not be overlooked for politics. "Instead of states individually addressing social security concerns of migrants, what we need is a national law on this. We must have uniform labour standards, and states can always supplement that," said Shyam Sundar.

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ILO concerned over states' move to ease labour legislations

The organisation has urged the prime minister to intervene

FE BUREAU,
New Delhi, May 25

THE INTERNATIONAL LABOUR Organisation (ILO) has expressed 'deep concern' over the way some state governments are trying to modify relevant laws to ease labour regulations, and has requested Prime Minister Narendra Modi to intervene and ask states to uphold the country's international commitments on the labour front.

ILO's response came after 10 central trade unions (CTUs), barring RSS-affiliated Bharatiya Mazdoor Sangh, requested the ILO to engage with the Indian authorities and urge them to take necessary action for protection of workers' rights in light of measures taken by the state governments.

To lure investment and make operations of business viable amid the Covid-19 pandemic, Uttar Pradesh, Gujarat and Madhya Pradesh have announced sweeping changes in labour laws.

Replying to the CTUs' pleas, Karen Curtis, chief, Freedom of Association Branch, International Labour Standards Department, said, "Please allow me to assure you that the ILO director general has immedi-

ately intervened, expressing his deep concern at these recent events and appealing to the Prime Minister to send a clear message to the central and state governments to uphold the country's international commitments and encourage engagement in effective social dialogue." Curtis, in his letter dated May 22, said he would let know the CTUs any observations or comments that may be made by the Indian authorities.

Commenting on the development, labour expert KR Shyam Sunder said, "ILO's intervention will be very critical and India's response will be watched by all the member countries of the ILO. This may have possible repercussions on global trade and investment aspects and sentiments."

In their May 14 letter to ILO director general Guy Ryder, CTUs said, "It is unfortunate that the government of India supports the blanket exemptions to all establishments from the employers' obligation under all substantive labour laws for a period of three years by the state governments through amendments by executive order or ordinance for a period of three years, empowering employers to hire and fire workers at their convenience, freezing collective bargaining rights, undoing rights of occupational safety and health, without labour department's intervention in the establishments for any inspection of the basic bare minimum needs for decent working conditions, etc during the said period."

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Prez yet to approve labour law changes

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NEW DELHI: The Union labour ministry is examining a set of radical changes made by Uttar Pradesh, Madhya Pradesh and Gujarat to their labour laws, including moves to freeze them altogether, and may suggest several modifications because some changes could be against "acceptable norms", a government official said, asking not to be identified.

The BJP-ruled states passed ordinances to give effect to various changes, some of which effectively suspend labour laws. None of the ordinances has received approval from President Ram Nath Kovind, according to people with knowledge of the matter.

MP sent its ordinance for the president's approval on May 18. The UP government sent its ordinance soon after the state's governor Anandiben Patel approved it on May 14. Gujarat too sent it soon after the state's governor Acharya Devvrat gave his nod.

Under the Constitution, labour falls under the concurrent list, which means the Union government and states have joint jurisdiction. Changes by state need to be ratified at the federal level.

"The main concern is violation of accepted universal norms. Industrial dispute resolution mechanisms, compensation etc are important considerations. Can you simply suspend all labour laws? Legal views matter in this," the official cited in the first instance said.

UP suspended key labour laws for all units for three years on May 6 through an ordinance. Madhya Pradesh announced on May 7 it was taking a similar course to put all labour laws on hold for new units, barring some provisions of the Factories Act, 1948, for the next 1,000 days.

Five other states -- Haryana,

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AN OFFICIAL

Himachal Pradesh, Rajasthan, Assam and Odisha -- have increased working hours from 8 hours to 12 hours a day for three months. Rajasthan too extended work hours, but rescinded it.

However, the moves drew criticism from labour experts, who say suspending the laws not just eased regulation but infringed on workers' rights. The labour ministry is examining whether the changes impact conventions of the International Labour Organisation (ILO).

Ten central trade unions wrote to the Geneva-based ILO, stating that changes in labour laws by these states violate workers' rights and ILO convention No 144, to which, India is a signatory. The convention enjoins signatories for consultations among government, employers and workers.

"The moves to simply suspend labour laws effectively brings the North American hire-and-fire model to the Indian hinterland economy. However, they will also lead to a basic violation of universal workers' rights," said economist KR Shyam Sunder of the Xavier Labour Relations Institute, Jamshedpur.

The ILO has issued an appeal to Prime Minister Narendra Modi on May 25. "Please allow me to assure you that the ILO director general has immediately intervened, expressing his deep concern at these recent events," an ILO letter addressed to the trade unions stated.

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More than one in four jobless in rural areas amid migrant influx

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NEW DELHI

More than one in four workers in rural India are unemployed and the situation may worsen with millions returning to the villages from the cities as the nationwide lockdown in place to check the spread of coronavirus causes large-scale job losses.

The rural job loss rate in the country rose to 25.09% in the week ended 24 May from 22.79% a week earlier, according to weekly job loss data from the Centre for Monitoring Indian Economy (CMIE)

issued on Monday. This even as the urban unemployment rate fell more than four percentage points in the same period.

The rural unemployment rate of 25.09% is the highest since India went into a lockdown on 25 March, except for the weeks ended 19 April and 3 May when it was more than 26%.

The rise in the rural unemployment rate in the past fortnight comes even as economic activity limps back to normalcy, with the government easing various curbs. However, labour economists believe it will take time for the unemployment scenario to return to pre-covid levels.

"You will see a see-saw between urban and rural

unemployment rate over the next few months because of various factors, including demand, oversupply, and re-start of factories," said K. R. Shyam Sunder, a labour economist and professor at XLRI, Jamshedpur.

"Rural economy has not picked up and consumption revival will take time. Here, we are seeing a huge flow of workforce in the rural labour market, making the unemployment scenario a big headache for all," he said.

The Indian Railways has said that since 1 May it has already transported 3.5 million migrants through its 'Shramik Special' trains and is set to carry 3.6

million more in the next eight to 10 days. These numbers are in addition to the migrants who are walking back home or taking interstate bus services, creating an overall labour surplus in rural India.

On the positive side, the urban unemployment rate fell to 22.72% in the week ended 24 May from 26.95% a week earlier. This is the lowest job loss rate in a month, a likely outcome of factors such as reopening of standalone shops as well as factories in industrial belts with limited capacity.

Overall unemployment in India inched up to 24.34% in the week ended 24 May from 24.01% in the week ended 17 May, according to CMIE data.

