



“There is a huge pay gap in the western and the eastern India. The locals don’t do the manual labour. migrant workers filled this gap. **The biggest challenge** would be for the middle class. They will not take these odd jobs. This would lead to problems in **Western Indian states**”

**SAJI NARAYANAN CK**  
*President of the Bharatiya Mazdoor Sangh (BMS)*

Over  
A Cup  
of Coffee

*As India is battling through the economic and humanitarian repercussions of one of the worst reverse migration in its history. CIEU's Radha Ahluwalia spoke President of the Bharatiya Mazdoor Sangh (BMS), Saji Narayanan CK, to understand the gravity of the disruption, how this will change the micro-economies, and our behaviours. edited excerpts by Dyuti Kumat*

**Radha: What is your assessment, how long this reverse migration of labour impact would stay on the economy? And also the provisions been made in their respective home states?**

**Saji Narayanan CK:** The response so far has not been acceptable. The accommodation is poor, wages are low. Workers are at the mercy of the local social organizations, trade unions or some help from the government agencies. Their home respective home state governments must provide them with support. People may engage in the agricultural sector for the harvest season, but this will not generate aspirational income. Post monsoon, they will have to return back to their jobs. If the states will have to incentivise them bring them for their industry. This include advance wages and free train tickets, better living conditions etc.

**Once the labour is back home, how will industry get to communicate with them. For example, if a unit in Tamil Nadu wants a batch of labour back, how can they get in touch? Are there any middle men or do trade unions play the role?**

**Saji Narayanan CK:** Trafficking the migrant workers from one state to the other, is a huge business in the country. There are a lot of agents, referred as 'contractors'. Law demands, they should be registered as contractors, if they take 20 or more migrant workers. But this law is rarely followed.

**Are there specific sectors or any part of the country where there are better labour practices?**

**Saji Narayanan CK:** Every sector has shown good and bad treatments. You generally see the migrant workers coming from the eastern states and migrating to the western states. Since Covid-19, we have witnessed many contractors, who are legally bound to take care of their workers, abandon them. This is a gross violation of the Industrial Migration Workers Act of 1979. Unfortunately, this has taken place

throughout the country.

**Do you believe available local labour would be sufficient or the return of migrant workers is necessary to properly restart the industry?**

**Saji Narayanan CK:** There is a huge pay gap in the western and the eastern India. The locals don't do the manual labour. migrant workers filled this gap. The biggest challenge would be for the middle class. They will not take these odd jobs. This would lead to problems in Western Indian states"

**Out of the 15-crore worker population in the country, approximately how many are migrant workers?**

**Saji Narayanan CK:** There was an RTI filed at Central Labour Commission, which revealed that the agencies have no numbers. Various agencies come up with several numbers, but these statistics can't be relied upon. However, it can be said that there is a sizable number of migrant workers working in the western states.

**Will the growth of industry be slow if receiving states fail to make active interventions? In terms of wages, will the receiving state be able to demand that from its own industry?**

**Saji Narayanan CK:** There are two major issues here. One, the

massive job losses, and second the payment of wages. The industry has openly come out to say that they cannot pay the wages. We are also bargaining with the industries, which are ready to go to jail but cannot pay wages right now. Employers are ready to open the industries, but with only 50 % of the workers. It is likely that the casual workers, or the women workers will be left out, and only the skilled workers will be retained.

**The government can enforce employment through regulation or support to industries with some compensation to share their costs. Which of the two is more likely?**

**Saji Narayanan CK:** The government had announced on March 29th that all the units should pay the workers and because of that, one-month wages were given to the workers. Moreover, the Finance Minister has announced a big stimulus package which we demand should support the wage bills of the small industries. Big industries should pay for the pay bills from the profits accumulated in the previous years. Since many of the small sectors are working on bank credits, hence we are expecting support by the government. Prime minister's speech also gave a clear indication that three sectors will be benefiting by the stimulus package, the small scale sector, farmers and labourers.

**What are the most damaging elements of the relaxation of labour laws? Is there anything which is a redeeming factor?**

**Saji Narayanan CK:** What happened in UP, MP and Gujarat is not labour reforms but a burial of labour laws. Except two or three of the labour laws all the labour laws have been withdrawn. The Supreme Court has iterated that changes in labour laws should stand the test of fundamental rights. Hence, these changes are not constitutional. Secondly, India has ratified about 47 ILO conventions. Once the parliament has ratified it gives the status of a statute so these ordinances are a clear violation of all the 47. The changes were accepted without any consultation with any trade union, which violates convention number



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144 of ILO . We are formulating action plans and have also directed the state government units to take whatever steps are required to do this.

**Radha: The steps would necessarily have to be peaceful protest filling; just in case if it goes to the High Court of the State?**

**Saji Narayanan CK:** Yes, we will only take legal actions permitted by the law.

In India, Industry and Manufacturing remain the provider of majority of employment generation. Unless the government focuses on skill upgradation, India will not be able to compete in the global markets. If we had to accelerate the industry globally in the next two years, what should be our course of action, without harming the interest of laborers?

BMS is concerned about the de-

velopment of the nation, and believes that there should be a perfect harmony between capital national interest and labour. However, labourers cannot be considered a hindrance in the ease of doing business. Even the World Bank in 2009 admitted that a human being couldn't be accounted as a hindrance to economic development. There is however a need to reform the 78 year old labour laws in India. They are complicated and contradictory, and there is a need of consolidation and simplification of labor laws. ILO's mandate provides guidelines to follow while dealing with labour laws. People are not aware of the global standards of the labour laws. In a calamity such as the wholesale withdrawal of labour laws, BMS in the past has strongly protested.

**Radha: As we come towards the modernization of labour laws and speak of middle class poverty and joblessness, do you expect a surge in white collar unionisation?**

**Saji Narayanan CK:** In the emerging sectors such as the IT sector, or the special economics zones; one can see unionization at varying degrees. But once a part of the union, you are at a risk of being expelled. The IT sector, for example, lacks job security and the many people in the sector feel the need for a union.

We have built forums at many places for discussion and action on the same.

You being one of the world's largest trade unions, must also grapple with the politicization of some units. Human beings by their very nature are political creatures. How can politics ever be dissociated with trade unionism ?

There are many different types/nature of trade unions in the nation. The trade union movement has been divided in history with the entry of politics. There are unions which work for the political party's motivation to strengthen itself, and are only answerable to their political bosses. But, since inception, BMS was created as being a non-political organization. Whichever government comes to power, their policies towards labour would be the thing that determines our reaction.

**Since the process of simplification and codification of labour laws has already begun, much in your favour, which are the 4-5 fundamental elements that you think need to be adhered to; so rest can be simplified or diluted ?**

**Saji Narayanan CK:** According to the global labour standards set by the ILO, there are a few criteria which cannot be compromised.

The first would be the payment of minimum wage. There should be a definite system of determination of wages in every unit. Second would be the working conditions. Moreover, safety and health cannot be compromised. Then comes many social security provisions; which

should be the right of every worker of the country. The labourers should also, in no condition, should ever be deprived of the right to organise, freedom of association, and hence should be allowed to form trade unions. At last, gender parity is also equally important in a sector where nearly 50% of the workforce is female. Every labour law should address these basic issues.

**Permanency of jobs is integral when it comes to social security and payment of wages. Labourers are often exploited by the global companies and the government also does not provide them social security. How does one work around this ?**

**Saji Narayanan CK:** We have provisions in the existing labour laws regarding lay off, closure or retrenchment. The main issue however, is giving 'ease of doing business' more priority than the labour laws. For the ease of doing business, permanency of the worker is compromised, which is important for his family life and the future of children. With the world moving towards a gig state, everything is turning temporary, which is unsuited for a country like India. We should always secure permanency and for this purpose may not promote ease of doing business.

**So in that light then your view really will be that whilst there is job security, there can be distinction or differentiation through wages on the basis of productivity perhaps. Is the differentiation on the basis of skills acceptable ?**

**Saji Narayanan CK:** Wage calculation is based on parameters, like skill or productivity. In a system, these can be clubbed together in a scientific manner to calculate wages. The problem however, comes up when the industry starts to think of labour as a constraint in their business. Human capital should be the most important capital, and human beings should be the centre of all development. Especially in a country like India, where relations are the basis of every institution. Such work culture needs to be protected. ●