

70-HOUR WORK WEEK IN INDIA IS LIKE SQUEEZING WATER FROM STONE

Infosys Chairman Narayana Murthy has stirred a hornet's nest by throwing an idea that the working hours of an employee should be fixed seventy hours a week. The opposition has erupted against what he has proposed. According to the ILO statistics on working hours of the 10 biggest Economies, the average hours put in per week by Indians are 47.7 as against the lowest per capita GDP of \$8,379. With 36% of Indian employees suffering from mental health issues and 75% of them being overweight. The big question mark is whether Indian Labour Laws will ever permit employees to work more than they already do.

by Yajat Kumar

The call of N.R. Narayana Murthy has, without doubt, sparked a wave of controversy by imploring the youth of India to work 70 hours per week, which roughly makes it nearly 12 hours per day for six days in a week. While business tycoons such as Tech Mahindra's CP Gurnani and JSW Chairman Sajjan Jindal came in support of Murthy's proposal, Emcure CEO Namita Thapar and Karnataka IT Minister Priyank Kharge came down upon the same with vehement opposition, with Kharge even going to the extent of saying that a 70-hour work week would be synonymous to running a "sweatshop". Putting all moral considerations aside, this article will analyse whether a 70-hour work week is possible under the Indian Labour Laws or not.

The primary statutes which talk about working hours are the Factories Act, 1948 ("Factories Act") and the Minimum Wages Act, 1948 ("Minimum Wages Act"). Both the Acts are fairly uniform as to the upper ceiling of daily and weekly working hours – which are 9 hours and 48 hours respectively. The Factories Act, additionally, entitles each worker to a break of at least half an hour (not more than 5 hours of work should pass before such an interval). Both the Acts further strive to provide overtime compensation at the rate of double the wages for each hour of work undertaken in excess of the threshold of 9 hours. It is imperative to note though - that the applicability of the Factories Act extends only to Factories employing 10 or more persons and where some manufacturing process is carried on; whereas the Minimum Wages Act is majorly applicable over any employment which employs more than 1000 employees in a state.

Insofar as all other establishments are concerned, their working is regulated in accordance with the Shops and Establishments Acts of each state. Take, for instance, the state from which Mr Murthy himself hails- Karnataka. The Karnataka Shops and Commercial Establishments Act, 1961 ("Karnataka Shops Act") is applicable to all shops and commercial establishments of the state with its provisions pertaining to working hours (both daily and weekly) being no different to the two above-mentioned legislations. Under the Karnataka Shops Act, the spreadover, in any case, cannot exceed 12 hours - with the overtime payment of up to 2 extra hours. The same is also the case with the Delhi Shops and Establishments Act, of 1954.

An interesting thing to note here is that while the four Labour Codes have not seen the light of day yet, the scheme of working hours as specified under them is not much different. The Occupational, Safety, Health and Working Conditions Code, 2020 ("OSH Code") puts a limit of eight hours a day (which is less than the current limit) and 48 hours a week on the daily and weekly working hours respectively. Also, the spreadover cannot go beyond 12 hours. An employee is to only work either for 5 or 6 days a week, and if the daily working hours are to be exceeded then he shall be entitled to overtime wages up to a limit of three hours per day. Owing to the limitation of 125 hours per quarter over overtime (which has been set under the draft OSH Rules), it would not even be possible to implement a 70-hour work week vis-à-vis a 4-day week.

International Law, in this regard, is also very well settled. India was a founding member of the International Labour Organisation ("ILO") in 1919 and signed and ratified the Hours of Work (Industry) Convention, 1919 which sets a general standard of working hours to not go beyond 8 hours in a day and 48 hours in a week.

Therefore, for the undertakings coverable under the above-mentioned statutes, implementing a 70-hour work week (at least legally) is as likely as squeezing water from a stone.

Email: info@labourlawreporter.com