

Brief Abstract of the Thesis
on
Legal Protection of Contract Labour in India:
An Analytical Study

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Contract labour has been inviting the attention of policy makers for a long time. In India, the governmental intervention in this area began as early as 1861 and over the years, a number of legislative measures were made to regulate the conditions of contract labour in industries such as plantations, mines, docks, railways and construction etc. These measures got a further momentum after the landmark judgement of the Supreme Court in the Standard Vaccum Refining Company case in 1960 and the recommendations of the Second Five Year Plan emphasizing the need to have a specific law to regulate regulating the conditions of work of contract labour, where the system was inevitable and abolish the system elsewhere. These observations and recommendations resulted in the enactment of the Contract Labour (Regulation & Abolition) Act, 1970.

The problem of contract labour is so baffling and the various issues relating to contract labour are so intricate and perplexing that judiciary has also been compelled to intervene quite frequently to address the various issues pertaining to contract labour. This is the reason that Supreme Court alone has delivered more than 50 judgments on various aspects of contract labour in addition to almost an equal number of pronouncements by different High Courts during period of less than four decades after the enactment of the Contract Labour Act. These judgments have been quite helpful in clarifying and sorting out majority of the issues. These judgments have gradually expanded the scope of the legislative protection of contract workers and have by and large followed a consistent pattern. However, there are a number of issues which still remain unresolved and one can hope that judiciary which has always played the role of the custodian of the rights and interests of the citizenry would definitely resolve the residual issues also in due course of time.

The study is spread over total ten chapters makes an attempt to trace the gradual evolution of the concept and system of contract labour, contextualizes the issue of contract labour in the present day labour and employment relations scenario, analyses the existing social security measures and legal protection mechanism available to contract labour in India in the International perspective in the light of the ILO Conventions and Recommendations and select national legal contexts. The study also throws light on the change in Government policy with regard to contract labour over the period, views of the social partners on various issues relating to contract labour and shifts in judicial approach to the issues of contingent employment such as contract labour. Based on the analysis of the secondary data, the judicial pronouncements, views of various social partners and case studies, finally the study arrives at certain conclusions and also makes a number of recommendations.