The Final Oral Examination
for the Degree of

DOCTOR OF PHILOSOPHY
Faculty of Law

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2008 Vanderbilt University Law School LLM
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“Informal Workers in India: Reconceptualizing Labour Law to Promote Capabilities”

Thursday, August, 01, 2013
10:00 AM, PST
David Turpin Building, A144

Supervisory Committee:
Dr. Judy Fudge, Faculty of Law, UVic (Supervisor)
Professor Jeremy Webber, Faculty of Law, Uvic (Member)
Dr. William Carroll, Department of Sociology, UVic (Outside Member)

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Dr. Kevin Kolben, Department of Supply Chain Management and Marketing Sciences, Rutgers Business School

Chair of Oral Examination:
Dr. Anthony Quas, Department of Mathematics and Statistics, UVic
Abstract

The Constitution of India provides the basis of labour jurisprudence in the country. It promises right to work, right to livelihood, right against forced labour, right against child labour, equal treatment of all workers, equal pay for equal work, appropriate conditions at work, and the overall social, economic and political justice to the people. These constitutional promises find specific expression in the numerous labour-related statutes enacted in furtherance of workers’ welfare. However, the constitutional promises remain unrealized for the approximately 92% of informal workers who are largely excluded from the purview of the labour laws and accordingly, lead marginalized and precarious lives devoid of dignity. Against this backdrop, I analyze whether a capabilities-inspired approach to labour law can address the concerns of informal workers in India and promote their dignified life.

After reviewing the literature around informal economic activities, I argue that it is important to adopt a worker-centered approach that focuses on informal employment. Informal employment is varied and because of this the problems and concerns associated with the different categories of informal workers differ. For this reason, I focus on one specific category of informal activity – waste-picking – in one city – Kolkata – in order to ascertain whether a human development approach to labour law is capable of addressing the specific concerns of these waste-pickers. Drawing on the work of labour law scholars who develop the capability approach formulated by Amartya Sen, I consider whether it is suitable as a basis for labour law designed for informal workers in general and waste-pickers in particular. Using a case study of the informal activity of waste picking in Kolkata, I identify the specific capability deprivations suffered by waste-pickers and argue that the capabilities approach can supplement the International Labour Organization’s social dialogue pillar of its Decent Work Agenda to
address the work-related concerns of waste-pickers. Based on the International Labour Organization’s social dialogue strategy, I envisage a mechanism through which waste-pickers along with other stakeholders could be integrated in a democratic dialogue process leading to the formulation of a capability-promoting labour law.

**Awards, Scholarships, Fellowships**

2012-13  Law Foundation of British Columbia Graduate Scholarship, University of Victoria  
2012  Interuniversity Research Centre on Globalization and Work (CRIMT) Studentship Grant  
2012  The Hari Sharma Foundation Research and Publication Grant  
2011  International Development and Research Centre (IDRC) Doctoral Award  
2009  Graduate Fellowship, University of Victoria

**Presentations**

Publications


