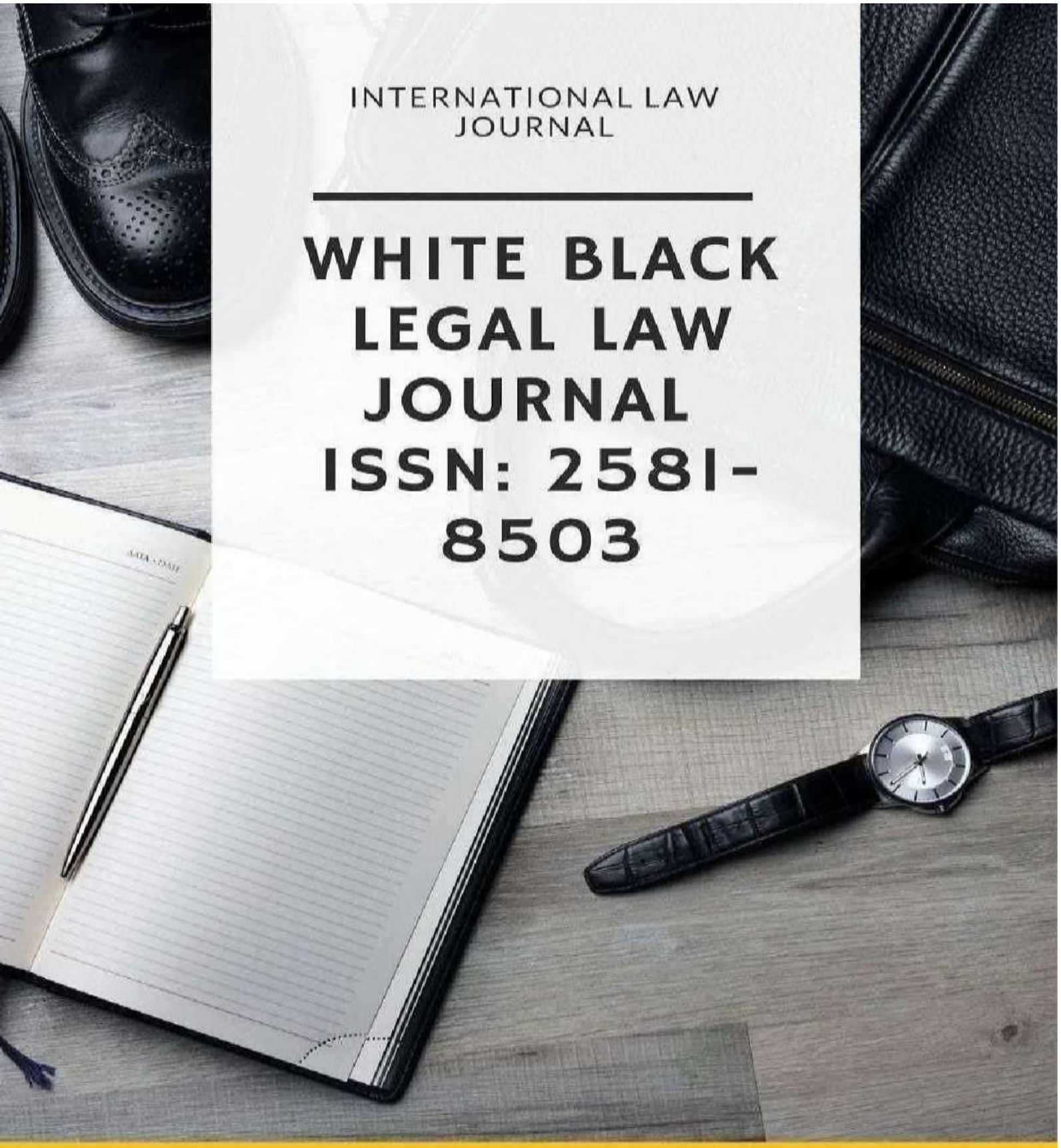

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MODERN-DAY SLAVERY IN THE GUISE OF REFORM: ANALYZING KARNATAKA'S EXTENDED WORKING HOURS

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Abstract

In June 2025, the Karnataka government proposed amendments that would allow for "voluntary" 12-hour workdays, and in a radical move, raise quarterly overtime limits up to 144 hours, a proposed change central to a national discussion about the path ahead for labour rights in India. While politicians tout modifications as a response to "efficiency" and "necessary" economic reforms, they are also indicative of a deeper reality: the undoing of protections embedded in HTA and labour rights within a neoliberal governing context. This article situates the legal fiction of "voluntary overtime" in scenarios characterized by economic precarity, informal work, and algorithmic scheduling that too often eliminate any meaningful worker autonomy. Taking account of constitutional provisions contained in Articles 21, 23 and 15(3), as well as a comparative global perspective, we argue that the potential grouping of 12- hour workdays and raising quarterly overtime limits to 144 hours reflect normalizing reinforced regulation contrasting coercive. We apply specific gendered and mental health impacts to shifts in work time dovetailing to a diminishing space for worker voice. We present legal and policy recommendations that facilitate reclaiming time, dignity and democratic regulation instead.

Keywords: labour law, forced labour, Article 23, labour rights, Karnataka, modern slavery, Article 21, extended working hours, ILO

Introduction

In June 2025, the Karnataka government announced plans to make legal amendments allowing for 12-hour workdays and increased cap on overtime, which inspired a nationwide discussion on labour rights in post-pandemic India. These reforms are conflated with ideas of "voluntary" and pro-investment, despite the structural coercion experienced by the low-wage, gig and IT workers, where economic duress often exists in place of real choice. This article argues that

those policies reframe exploitative labour as flexibility, while also doing damage to constitutional rights of dignity (Article 21), equality (Article 14), and freedom from forced labour (Article 23).

Using a multi-level critique, this article addresses the gendered burden of extended hours; the fall-out of mental health from algorithmic overwork; and the diminishment of collective bargaining. Using comparative studies and a constitutional analysis, this proposal calls for a rights-based model of labour that elevates time autonomy, care, and democratic accountability - which disclose a false dichotomy of productivity and protection.

I. Problem Context: The Resurrection of Long Hours and Diminished Worker Voice

1. Post-Pandemic Economic Restructuring

- The COVID-19 epidemic caused mass layoffs and the migration of informal workers, resulting in a diminished sense of job security even for white-collar workers.
- As post-pandemic economic recovery began, capitals such as Karnataka, UP and Gujarat turned to pro-employer labour reforms as these states framed the narrative around deregulated employment being a better investment.

In the meantime, India's long-standing relationship of industrial growth and labour dignity contained in Articles 21 and 23 of the constitution has been compromised.

2. Major Amendments

The supposed key reforms are:

(i) extending the maximum length of the work day from 9 to 12 hours, which was labeled as “voluntary” but in low bargaining situations, concern that it is implicitly coercive;

(ii) increasing the maximum amount of overtime per quarter from 50 to 144 hours, creating a legal space of overwork;

(iii) permitting women to work night shifts without any reciprocal protections regarding safety, transportation or care;

(iv) allowing for looser regulatory norms to apply to IT or gig sector employers, such that they can operate not just with maximum hours but maximal hours, that very

frequently provides algorithmic time monitoring, and high levels of work intensity; and

(v) Reduced penalties for breach of the labour laws, which diminishes deterrent effects and enforcement opportunities. Collectively, this set of changes represents a state policy shift that conceptualizes structural precarity as choice and efficiency, diluting much if not all constitutional commitments to dignity, equality, and just working conditions.

3. The Illusion of Voluntariness

Policies are claimed under the auspices of "voluntary" overtime — but in truth there is provision for agreement only because of the threat of dismissal. This gains the most relevance to workers in limited-term contracts. Economic coercion, such as precarious contracts, indent redness and absence of social security was promoted through desperation and poverty - where "refusal is not possible." As more courts across the country examine the interconnection between compulsions through an inability to forgo essentials where "hunger" is a consideration, it is evident that a values based policy narrative too much of this grey area is displaced.

4. Stakeholders Disproportionately Harmed

a. IT Workers:

- Productivity is measured by how much work gets done (productivity-per-KPI), hours logged in, and track based on activity monitors.
- The culture of WFH has moved into "work-from-surveillance," increasing burnout including digital burnout.
- Karnataka's reform will directly impact this group — since the IT corridor is a main target of those wishing to deregulate.

b. Gig/Platform Workers:

- App-based workers (such as Swiggy, Zomato, Ola) already work 10–14 hours/day mainly just to meet their earning threshold.
- They sit outside of labor protections (minimum wage and legal overtime caps).
- This law was not focused on gig workers, but it legitimizes longer working hours and puts that work in the new "normal."

c. Women Workers:

- Women working in service and retail sectors, they are also doing unpaid care work, are even more burdened.

- Longer shifts shorten time for domestic labour — and the above only increases the gendered nature of time-poverty, a decreasing labour participation rate for women workers.
- The exceeding working hours were put through with no added protections around safe transport, menstrual leave, childcare support, etc.

5. Crippling Worker Voice and Regulatory Capture

- Major unions like Karnataka State IT/ITeS Employees Union (KITU) and national trade organizations have responded negatively to the reform.
- Yet, public policy decisions have been implemented without public consultation or tripartite mechanisms (State–Employer–Worker). This is an obvious violation of ILO Convention 144.
- Labor policy increasingly appears to be captive to the interests of corporate stakeholders, with the interests of workers clearly subordinated. This is a case of regulatory capture.

6. Framing the Real Problem

- This is not only an issue regarding time, but is reflective of a far more expansive reorientation of labor law from anything closely resembling welfare to mechanisms of compliance.
- By deciding to facilitate longer working hours without confronting the structural inequalities around bargaining power, the state has decided to take the role of a facilitator at best, and a "passive" one at that, rather than acting as the protector of a wide spectrum of welfare interests.
- The new policy is now intended to convert precarious survival strategies into the law, and in so doing risks violating the fundamental constitutional guarantee of dignity under Article 21 and restriction against indirect forced labour under Article 23.

II. Legal Fiction of 'Voluntary Overtime': Consent While in Economic Duress

The Karnataka government's proposed amendments to allow workers to voluntarily extend their work week to a total of 12 hours per day in relation to overtime work may be revealing a legal fiction wherein consent is assumed based on the economic vulnerability and structural

coercion of situations. Even if these amendments note that the overtime work is non-mandatory, requiring the consent of the worker, this formalistic approach in its added description disregards the reality for most of low-income, contract to long-term or informal sector workers.

In practice, many workers are working under an implicit threat of non-renewal clauses occurring for not completing longer hours, termination for not completing longer hours, or expressive penalization when submitting complaints for not working longer hours. Most vividly in gig work or in IT-enabled work, the employment relationship is asymmetrical, undocumented, and often algorithms govern choices through processing and pay. In all these situations, the 'choice' is coerced in ways more from a passive, not active, agency.

The Supreme Court in People's ***Union for Democratic Rights v. Union of India*, (1982) AIR 1473** recognized that forced labour as referenced in Article 23 of the Constitution can take on different forms, to most it includes situations whereby people have no choice but to work based on the real economic compulsion of poverty, hunger or lack of alternatives; and that in such contexts regardless of the legality of consent, consent is ineffective at law.

In Karnataka's case, one legal assumption is to establish a neutral platform and that the workers were to negotiate the amount of those paid hours.

III. Mental Health as a Constitutional Labour Right: The Invisible Cost of Longer Working Hours

While typical labour policy continues to primarily treat wages and productivity as the only aspects of labour law, mental health has generally been disregarded from the Indian labour law discussion—particularly the mental health of women. Their gender role and social boundaries are non-existent if Karnataka gets rid of the 8-hour workday and extends the workday to 12 hours. A concrete and significant burden has been transferred to women even without the work/life balance, as they inherently have their own priorities independently of occupational work (childcare, household management, family support)—which in effect mean they have to support burdening their mental health too. When women work longer hours and encounter increased stress, anxiety, depression, and burnout, they apparently do so in solidarity with their dual commitments as caregivers, and the absence of formal mental health support in the

workplace. Moreover, organization-based expectations to be continuously productive, as reinforced through monitoring and surveillance technologies which is particularly prevalent in IT and gig economy jobs, can lead a level of chronic cognitive overload.

Mental Health relates to the Constitution of India?

- The right to life contemplated by Article 21, extended in ***Puttaswamy v. Union of India*** (2017), entails a right to mental health and dignity.
- The Directive Principles provided in Article 43 required "just and humane conditions of work" should include psychosocial conditions.
- Disregarded, this would constitute structural discrimination, particularly against women, and violates Articles 14 and 15(3).

As an aside, labour law in India has not developed a robust and supportive framework for recognizing and addressing cognitive burnout; there is invariably no statutory entitlement to mental health leave.

IV. Gendered Impact of Extended Working Hours on Women

When labour reforms legalize extended working hours such as Karnataka's proposed 12-hour workday, there are disproportionate effects on women, which perpetuate existing structural inequalities in and out of the workplace. Even though labour reforms are often presented as neutral measures to improve productivity, they do not respond to the burden of unpaid labour that women face which often goes largely unmeasured.

According to the 2019 Time Use Survey, Indian women undertake unpaid care and domestic work for an average of 4.5 to 6 hours daily, juxtaposed to 1 to 1.5 hours for men. Extended working hours also mandate longer care giving time for women, which contributes to their "time poverty," further diminishing their control over important employment determinants such as mental health, social participation, rest, and career progression.

Moreover:

- Many women working in low-paying informal and semi-formal positions (e.g., garment, retail, hospitality) cannot negotiate or opt out of extended working hours, stemming from fear of losing their jobs or losing their shifts.
- Extended working hours without a corresponding infrastructure means women's safety

will be compromised — particularly if they are commuting or walking home late at night.

- Women have more comprehensive demands, thus higher labour dropout rates, diminishing India's already small female labour participation rate (less than 20% according to data on women and work).

V. The Disintegration of Collective Voice: Narrowing Pathways for Labour Negotiation

The most concerning component of Karnataka's 2025 plan to increase working hours is not just the substantive impact, but also the procedural degradation of collective bargaining and democratic labour consultation. The reforms, labeled pro-employer and "voluntary", were announced without dialogue with trade unions, worker associations, or civil society organizations; this continues a wider trend since 2020: executive ordinances or administrative notification reforms, that by-pass India's tripartite process of negotiating labour relations.

The lack of any formality, or even consultation, prior to legislation disregards international obligations under ILO Convention No 144 (Tripartite Consultation) as well as India's own constitutional framework that guarantees workers' freedom of association under Article 19(1)(c). Workers' dissent is increasingly perceived as civil disruption: mass protests by the unions and IT employee groups in *Bengaluru* attracted police restrictions, digital monitoring, and the threat of punitive action, especially for workers regarded as contractual workers or working in SEZ's. This is part of a trend that promotes criminality as a basis for considering protests and the need to "maintain economic order."

Indian workers remain especially vulnerable within a labour law framework that has been rendered less effective by the 2020 labour codes and now exists in a context where there is little formal recognition of workers' unions and collective agreements are unenforceable.

VI. Rethinking Labour Law for the 21st Century: Policy and Legal Frameworks

The Karnataka government's proposal to increase working hours, though approved by businesses, is not an isolated reform; rather it is an indication of a shift in India's labour governance towards treating labour as a cost, not a right. As in formalization becomes entrenched and algorithmic management becomes the paradigm, India's legal framework must

move beyond the dichotomy of voluntary/forced labour. Now, we need to rethink labour law which prioritizes dignity, autonomy, rest and democratic accountability. This section will create a policy and constitutional approach to consider rebuilding a labour framework which responds to new issues, including precarious gig work, mental fatigue, gendered time poverty, and the dismantling of collective bargaining.

1. Define the Right to Rest and Time Rights

The right to life and dignity under Article 21 must be read to include the right to rest, and the right to time autonomy, especially in a digital economy where work spills into home life. The ***Puttaswamy v. Union of India*** (2017) case centered on autonomy and privacy as constitutional principles. Building from the principles espoused in **Puttaswamy**.

- India should teach a "right to disconnect" rule in labour law.

2. Rebalancing consent in contexts of economic duress

India's labour laws frequently presume that any written agreement to work overtime is, in fact, consensual. However, for precarious and low-income workers in precarious work, to decline overtime is generally to incur the risk of termination. ***In PUDR v. Union of India*** (1982), the Supreme Court clarified that "forced labour" is present even if there is not any physical coercion, where the worker is considered coerced if employment circumstances render the choice of accepting or declining work overtime not a real choice.

To this end:

- Amend the labour codes to define coercion to include economic vulnerability, job insecurity, and power asymmetry.
- Require informing and voluntary opt-ins for overtime agreements and record the agreement in the worker's own language and protect them from reprisal.

3. Restoring Collective Bargaining and Tripartism

This Karnataka conflict was characterized by the complete exclusion of worker organizations from the process of policy making. This contravenes ILO Convention No. 144 which prescribes tripartite consultations. In addition, recent years have been marked by weaker trade unions due to restrictive registration limits, restrictions on the right to peaceful protest, and confusing legal status of gig workers in the gig economy.

To revive democratic structures in labour governance:

- Union registration and recognition requires simplification in order to support registration particularly for informal workers in the contract and gig economy.
- There should be mandatory tripartite decision-making through the respective representative bodies of employers, the State, and worker organizations prior to any material changes in working conditions as defined by the ILO (for example maximum hours of overtime, etc.).

4. Gender-Responsive Labour Regulation

Women are more likely than men to face the drawbacks of unfairly lengthy hours because the unpaid care work they do outside of work is not compensated. The Time Use Survey (2019) found that the average Indian female performs unpaid domestic work more than 5 times longer than males. Extended formal hours extend "time poverty," which in turn drives many women out of the labour force.

Legal reforms must:

- Include predictable and flexible scheduling options to achieve work-life balance.
- Recognize equitable provision of on-site childcare facilities, care giving leave, and transport to and from work for night shifts.
- Require gender impact assessments for all reforms to working workplace policies.

5. Institutionalizing Mental Health as a Workplace Right

Chronic overwork produces burnout, anxiety, and depression, but mental health and wellness continues to be ignored in Indian labour law and jurisprudence. Silence is definitely not, nor has it ever been, an acceptable practice.

Legal reforms must:

- Create mental health as a part of workplace safety as comprised under occupational health standards.
- Provide for mental health leave, on-site counseling, and periodic leave, especially in high-stress work environments (e.g., technology, education, and hospitality.
- Contain mental fatigue as compensable injuries from work, building on practices from South Korea and Japan.

6. Bringing Indian Labour Law in Line with Worldwide Norms

India has to take Indian labour law practices in line with international legal standards. This would mean;

- Ratifying and implementing ILO Conventions 1 and 30 on working time,
- Following France and Belgium's "right to disconnect" legislative choices, which prescribe rest time between shifts,
- Adopting Japan's karoshi laws, which characterize illness and death from overwork as a workplace injury for which the state would be responsible.

Conclusion

Karnataka's 2025 labour reform isn't just about extending working hours - it represents a symbolic and structural inflection point in India's labour governance. By legally permitting 12 hour workdays and increasing ceilings for overtime through the guise of voluntariness and productivity, it diminishes hard-fought protections, situates consent in dangerously narrow terms, and legitimizes structural coercion in the workplace. This article has argued that such reforms undermine constitutional rights of dignity under Article 21, equality under Article 14, and freedom from forced labour under Article 23. Furthermore, such reforms disproportionally burden already vulnerable groups, particularly women, informal workers, and digital labourers, who do not have the bargaining, power or protections needed. The way forward does not involve presenting cosmetic changes or reforming the obvious shortcomings of the reforms. The way forward requires a fundamental shift - one which privileges workers, respects temporal limits and autonomy, and reconceptualizes labour from a commodity or an economic tool to a constitutional concern and an expression of human dignity. The future of labour law should be democratic, gender-just, and based on care, not control.

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