

LABOUR WELFARE AND SOCIAL SECURITY IN UNORGANIZED SECTOR

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Abstract :Unorganized sector is a vast and significant segment of Indian economy in terms of its economic worth through their economic contribution and the growing number of the workers the sector engages. The unorganized sector in our country employs around 37 crore workers and is fast expanding as a result of the liberalization policies. As vast majority of them 23.7 crore are engaged in agriculture out of the rest 4.1 crore work in manufacturing, 3.7 crore each in services and trade and around 1.7 crore work in construction. The unorganized sector workers are literary everywhere. Over 90% of labour force work in this sector.

Keywords: Unorganized Sector , Labour Welfare Activities, Social Security

INTRODUCTION

THERE ARE VARIOUS CATEGORIES OF UNORGANIZED WORKERS.

Labour welfare is an extension of the term welfare and its application to labour. As regards the necessity of welfare work in India, it can be easily realised if we look into the condition of working classes in our country, they have to work for long hours under unhealthy surroundings and afterwards have no means to remove the drudgery of their lives. Thus the necessity of welfare work is now beyond the stage of debate and is recognized an integral part of industrial management of India. Labour welfare increased productivity, efficiency of workers and infuses in them a new spirit of self realization and consciousness resulting into economic progress and prosperity of country.

Social security has assured considerable importance in the recent years. It is one of the basic needs in a welfare state like India. A comprehensive scheme of social security covers the contingencies of sickness, maternity, occupational risks, in validity and other provisions made under social assistance measures. Social assistance measures social security constitute an important step toward the goal of a welfare state by improving living and working conditions and affording the people protection against uncertainties of future.

Hence in the context of Indian conditions with the prevalence of various constraining factors, the protection of interests of unorganized sector workers is a different task but not impossible.

UNORGANIZED SECTOR : PROBLEM OF DEFINITION AND IDENTIFICATION

The concept of unorganized sector began to receive world-wide attention in the early 19+70s when the International Labour organization initiated serious efforts to identify and study the area through its world Employment programme mission in Africa. Since then the informal sector has been the subject of several studies and seminars covering various aspects like its size, employment potential, its relationship with the formal sector etc. The First National commission of Labour under the chairmanship of Justice Gajendra Gadkar defined this unorganized sector as that part of as the workforce who have not been able to organize in pursuit of a common objective because of constraints such as causal nature of employment and other constraints. The first difficulty is that unorganized sector could not be defined or described on the

basis of the nature of that work that workers or employees in the sector are engaged in, because the sector has tribal forest workers as well as home based, info-tech and software workers. It cannot be based on the number of employees in undertakings covers agricultural workers, craftsmen home based workers, self employed workers, workers in weavers co-operatives as well as workers in small scale industries where the work force cannot be counted on ones fingers. It cannot be based on the level of organization. Then how can we define this sector ? It would seem that the vocation, employments and conditions of work are so varied and disparate that it is impossible to provide protection and welfare to all workers in all these sectors, with one uniform law or one uniform system for welfare and social sectors.

However some of the important characteristics of employment or undertaking in the sectors are

- i) low scale of organization
- ii) operations of labour relations on a casual basis or on the basis of kinship or personal relations.
- iii) small own account (household) or family owned enterprises or micro enterprise.
- iv) ownership of fixed and other assets by self
- v) risking of finance capital by self
- vi) involvement of family labourers
- vii) easy entry and exit
- viii) free mobility with the sector use of indigenous resources and technology
- ix) unregulated or unprotected and nature
- x) absence of fixed working hours
- xi) lack of security of employment and other social security benefits
- xii) use of labour intensive technology
- xiii) lack of support from Govt.
- xiv) workers living in slums and squatter areas
- xv) lack of housing and access to urban services
- xvi) high percentage of migrant labour.

The unorganized sector is in no way an independent and exclusive sector it is linked to or in many cases dependent on the organized sector and the rest of economy through a variety of linkages. Despite the existence of labour laws, for various reasons the workers in this sector do not get social security and other benefits.

CATEGORIES OF UNORGANIZED SECTOR

There are various categories of workers who are working in unorganized sector e.g.

Mines and Quarry workers

Directly employed by enterprises, on some jobs, contract labour is also engaged. (Plantation workers engaged on jobs other than harvesting of crops are paid wages on time rate basis)

Home workers / Home based workers

Fall in the category between employed workers and self employed workers.

Domestic workers are found in urban and rural areas. In Mumbai during evidence session Non-Governmental group has formulated a bill that incorporates provision for protection and safety of domestic workers. Contract labour and features are as follows.

- i) production and lower cost
- ii) engaging labour without having to external fringe benefits such as leave wages, EPF, bonus

Bidi Workers :

According to 1961 census there were nine lakhs of workers engaged in industry of whom about 5.5 lakhs were in household sector in 1964-65 the number of registered trade unions in tobacco manufacturers were 1811.

Working conditions prevailing, in the bidi and cigar establishments have been unsatisfactory for the reason that although the labour laws like the factors Act, 1948 apply such establishments some employers particularly bigger ones splits their emcee into smaller units which are full ventilated and workers are crowded in dark and dingy rooms characterized by no fixed hours for work of any permanency benefits for workers.

Tribal Labour :

There should be helped given time to undergo the cultural multation and to work out for themselves a sunthesis of tradition and modern cultures.

Casual Labour

It is defined annual leave without wages maternity and sickness benefits because under the law a worker must complete a minimum period of work in an establishment as a precondition for eligibility

Scavengers

It has been a caste based occupation. Dalit manual scavenger exist under different caste names throughout the country such as Bhangis in Gujarat, Pakhis in Andhra Pradesh, Sikkaliars in T.N.

Rag Pickers

There are over 1 lakh persons engaged in waste pickering and other form of scrap collection in urban areas of state of Maharashtra

Street Vendors

Are among the most viable and active category of workforce in the unorganized sector. The Bellagio International Declaration of salaried vendors adopted on November 23, 1995 says that because of poverty, unemployment and forced migration despite the useful service they render to society are looked down upon as low categories of people and they are looked upon as hindrances in urban areas.

Rickshaw pullers

Are among the least privileged works in unorganized sector. It is hand work further aggravated by the body maintenance and road, they will have to work in the open therefore at the mercy of nature.

Agricultural, Marginal Farmers and share croppers –

The Annual Report of the Ministry of labour 1999-2000 considers cultivators, share croppers and agricultural labourers are in unorganized sector. Their bargaining capacity is marginal and this leads to ruthless exploitation by money lenders and rich farmers. The exiting labour laws which are applicable to partially safe guard the internal of agricultural workers are

- i) The Worker men's Compensation Act, 1923
- ii) The Minimum Wages Act, 1948
- iii) The Maternity Benefit Act, 1961
- iv) The Contract Labour Act, 1970
- v) The Personal Injuries Compensation Act, 1973

The Bonded labour injuries compensation Insurance Act, 1976. The child labour (prohibition Act and Regular Act, 1986, Payment of wages Act, 1934

Bonded Labour – where a person provided labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of words "Forced labour" under article 23. The Bonded labour system (Abolition) Act, 1976 and the Asiad workers case (Peoples Union for Democratic Right V. Union of India) together point out that the prevailing situation in some sub-sectors of the unorganized sector is equivalent to bonded ness.

LABOUR WELFARE ACTIVITIES

As regard the necessity of welfare work in India, it can be easily realized if we look into the conditions of working classes in our country. They have to work for long hours under unhealthy surroundings and afterward have no means to remove the drudgery of there lives. Removed from the village community and thrown into a strange and uncongenial environment, they are liable to become easy victim of drinks, gambling and other vices.

LABOUR WELFARE SERVICES SHOULD INCLUDE

- a) enable workers to live a richer and more satisfactory life.
- b) contribute to the productivity of labour and efficiency of enterprises
- c) raise the stander of living of workers by indirectly reducing the burden on their purse
- d) be in tune and harmony with similar services obtaining in a neighboring community where an enterprise is situated.

The scope of labour welfare needs to be considered pragmatically and has to be both dynamic and elastic.

PRINCIPLES AND PRACTICES OF LABOUR WELFARE

Labour welfare is dependent on certain basic principles which must be kept in mind and properly followed to achieve a successful implementation of welfare programmes and they are as follows.

1. Principle of Adequate Wages – workers have a right to adequate wages
2. Principles of Social responsibility of Industry – where it says that industries has an obligation or duty towards its employees to look into their welfare
3. Principles of efficiency and it is based on relationship between welfare and efficiency.
4. Principle of re-personalization – where it lays importance on development of human personality of workers.
5. Principle of Totality of welfare – where it says that concept of Labour welfare must spread throughout the hierarchy of organization. Employees of all levels must accept this total concept of Labour welfare because without this acceptance Labour welfare programmes will never really get off the ground.
6. Principles of Association of Democratic values – The co-operation of the worker is the basis of this principle. Consultation with and the agreement of the workers in formulation and implementation of labour welfare services are necessary for their success.

LABOUR WELFARE PROTECTION INDIA SHOULD INCLUDE

- i) Sanitary and Hygienic facilities
- ii) Washing facilities
- iii) Drinking water facility
- iv) First aid Box
- v) Rest shelter facilities
- vi) Provision of canteen, crèches
- vii) Medical, educational and recreational facilities
- ix) Transport facilities etc

SOCIAL SECURITY : UNORGANIZED SECTOR

The social security need of unorganized sector are extensive and varied whereas the funds available for the programmes are necessarily limited various schemes evolved in respect of social securities in India and they are as follows

- a) February 22, 2004, Social Security Scheme for unorganized sector
- b) Rajiv Gandhi Sharmik Kalyan Yojana 2005
- c) Bhoomi Sena scheme October, 2005
- d) The unorganized sector workers (Employment And Welfare) Bill 2003
- e) The unorganized sector workers Bill 2004
- f) Unorganized sector workers social security bill 2005

IN SHORT THERE ARE SOME PROBLEMS WITH THE BILLS

- i) It has not paid attention to the heterogeneous character of unorganized sector
- ii) The Funds are limited
- iii) The bills seem to be following the targeting approach for identifying beneficiaries of the implementation of machinery with looks bureaucratic although decentralization is mentioned.
- iv) Legislation is not enough. Hence spending has to increase at the grass root level

The unorganized sector workers are the uncovered wage earners who work for small employers. Majority of unorganized workers are deprived of any protection of the existing social security legislations.

SUGGESTIONS AND CONCLUSION

The present study prompts us to put forth some suggestion as under.

1. Understanding of the problem of different categories of unorganized sector is essential for formulation of suitable ameliorative measures for welfare. First hand detailed surveys of these categories should be undertaken from time to time to study their problems and conditions of work.
2. To ensure better and more effective enforcement of the laws a strong political will coupled with active co-operation from the public is a must. Social workers and voluntary or organization should be persuaded to associate themselves with the law enforcement process.

3. As the unorganized sector comprises 92% of our working age population, both central and state Govt must contribute a proportion of their revenue and also levy access from the employers, for extending welfare and social security benefit to these workers.

Hence in the context of Indian conditions with the prevalence of various difficult factors, the protection of intersects of unorganized sector workers is a difficult task and therefore the need of hour is to create awareness among the workers engaged in unorganized sector about their rights and proper implementation of the laws, schemes and policies.

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