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NEED OF ATTENTION REQUIRE IN PROTECTING THE UNORGANIZED LABOUR

Welfare schemes for workforce do not reach the door steps of unorganized labour in India, opined by former Chief justice T.S.Thakur

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ABSTRACT

Nations wealth is not only flows from organized sector exclusively, but also from unorganized sector too. But unfortunately the government and private sectors could not concentrate for the protection of the unorganized labour. Even several legislations are passed by union and state governments those are not reached to the door steps of the unorganized labour. At the same time the private industrialists or the capitalists getting the services from the unorganized labour, without providing much financial support to the workers. The capitalists are very happy with the services gained from unorganized labour by paying fewer wages. At the same time they escape from the implementation of labour welfare legislations.

Because of illiteracy, lack of knowledge of welfare legislations and insecurity of job, the labour in unorganized sector didn't raise their mouth for their rights. Government and the bureaucrats have not much time to concentrate upon the burning problem i.e. unorganized labour. As there is no appropriate agreements and appointments with that of the unorganized labour to the management, the labour even when their rights are violated they are unable to approach court of law.

Apart from this it is great need to protect the unorganized labour by passing appropriate legislations by the government to safeguard the economy of the nation

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INTRODUCTION

Unorganized sector means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten¹.

More than 90 per cent workforce in India is part of the unorganized sector. Even the benefits of various schemes started for their welfare are proving ineffective due to poor implementation by the respective government authorities. The unorganized sector is in no way an independent and exclusive sector. It is linked to, or in many cases depended on the organized sector. It depends on the organized sector for few raw materials and other capital requirements, generation of employment, marketing facilities, and so on².

Unorganized workers in India have increased many folds post-independence. Almost 400 million people - more than 85% of the working population in India - work in the unorganized sector. Of these, at least 120 million are women. The term 'unorganized' is often used in the Indian context to refer to the vast numbers of women and men engaged in different forms of employment. These forms include home-based work (for example: rolling papads and beedis, self-employment (for example: selling vegetables), employment in household enterprises, small units, on

¹ Ministry of Labour and Employment

² Report of Second National Commission on Labour, (2002), pp. 596-597

land as agricultural workers, labour on construction sites, domestic work, and a countless other forms of casual or temporary employment³.

The social security measures such as old age pension, gratuity, employees' state insurance and other insurance schemes are non-accessible to workers of the unorganized sector. A large number of statutes and schemes addressed to different categories of workers are found neither feasible nor practicable. This is because labour relations in the unorganized sector are chaotic and there is no formal employer-employee relationship. But, even if it exists, it is of casual nature. Since the unorganized sector plays pivotal role in the Indian economy, it needs special attention.

The unorganized sector is known by different names such as informal sector, unregulated sector etc. This implies that informal workers are beyond any regulation or legislations passed by the Government. Hence, their working status is rarely covered by the legal status. Only 0.4% of the unorganized workers in unorganized sector were receiving benefits like provident fund, and this proportion has not changed since 1999-2000⁴.

CHARACTERISTICS OF UNORGANIZED WORKERS: Some of the Characteristics of unorganized labour are as follows:

- It is in general a low wage and low earning sector.
- Women constitute an important section of the workers in this sector.
- Family labour is engaged in some occupations such as home-based ones.
- Economic activities, which engage child labour, fall within this sector.
- Piece-rate payment, home-based work and contractual work are increasing trends in this sector.
- Some employees are engaged through contractors. An increasing trend to recruit workers through contractors is visible in areas of home-based work.
- Some kinds of employment are seasonal, some others are irregular. As such, under-employment is a serious problem.
- There is not much recourse to collective bargaining.

IMPORTANCE AND CAUSES OF UNORGANISED LABOUR: The activities in the informal sector account for an important share of total employment in the developing countries more particularly in urban areas⁵.

National level data on employment and income generated in the informal economy is generally not available. India is one of the few exceptions where it has recently estimated the informal sector by National Sample Survey Organization. A faster growth of employment in the unorganized or informal sector is often referred to as an evidence of the employer's unwillingness to expand employment in large sized factories in which the protective labour laws are applicable. Hence, there is no doubt that employment has growth faster in the informal segment and its share has sharply increased over the years⁶.

Further, the intensified competitions among firms have resulted in driving down the labour-cost. These costs are lower in informal economy, due to non-compliance with labour regulations such as minimum wage, social security contributions and other welfare provisions. In addition to above, the distinction is often made within the informal sector between those who operated from their residence, and other micro enterprises. Not all those operating from their residence or whom are truly independent enterprises, taking risks and making decisions; many, especially women, are paid for their work by the employer, sub-contractor, agent or middlemen and hence consider as "home workers" or "disguised wage workers". The tendency to engage workers outside the factory premises on a sub-contracting basis is widely seen in the process of in formalisation and interpreted as a means by which employers disown responsibilities for their welfare envisaged in the labour standards.

PROBLEMS OF UNORGANISED WORKERS: Unlike organized sector, this sector have not tasted the benefits or derived the advantages that can be gained from organization. Many of them are victims of invisibility. There is no a

³ www.nirmana.org

⁴ National Commission for Enterprises in the Unorganized Sector, Report on condition of work and promotion of livelihoods in the unorganized sector.

⁵ Government of India, Report of the Committee on Unorganised Sector Statics, National Statistical Commission, (2012) p.1.

⁶ K.Mariappan, Employment Policy and labour Welfare in India (New Delhi: New Century Publications) 2011 Edition p.78.

single or primary criterion by which the sector could be defined. The large segment of the work force has continued to be neglected even though this sector has a crucial role in economy in terms of employment. Hence, an attempt has been made to address the problems faced by the unorganized workers resulting in vulnerability are as follows:

1. **INSECURITY OF JOB:** The informal sector workers often undertake multiple jobs, pursuing of multiple jobs by a person may be taken as a sign of insecurity in jobs. A single job or even two may generate income barely enough for subsistence. For instance employment of agricultural labour is irregular and un assured. This is due to availability of work to them only for about three months and the remaining nine months, they are mostly unemployed and suffer from starvation. Employment in agriculture is thus available for fewer days per year. In India Mahatma Gandhi National Rural Workers Employment Guarantee Act, 2005 aims to provide employment security by guaranteeing at least 100 days of work in the most backward districts of the country who can perform manually. But, informal workers continue to face the risk of loss of employment as they are varied by nature and location⁷.
2. **INABILITY TO SECURE MINIMUM WAGES:** The Supreme Court of India ruled that employing workers at wage rates below the statutory minimum wage levels was equivalent to forced labour and prohibited under Article 23 of the constitution on India even though economic compulsion might drive one to volunteer to work below the statutory minimum wage⁸.
3. **EXTENSIVE HOURS OF WORK:** Long hours of work in the unorganized sector beyond the labour and regulatory norms are common in India. In agricultural sector there are no fixed hours of work as there are no laws to act as guidelines for the working conditions of agricultural labourers. In case of non- agricultural sectors such as fireworks, match making, power looms and so on, workers started their work very early in the morning at 6.00 a.m. and continue till late evening. In hand loom sector the work is organized in such a way that wages were based on a 12-15 hours work per day. The Factories Act, 1948, The Minimum Wages Act, 1948 and the Shops and Establishments Act stipulates that no adult worker shall be required to work more than 48 hours in a week. But these provisions relating to working hours have been violated frequently. Thus limitation on hours of work is almost non-existent⁹.
4. **POVERTY AND INDEBTEDNESS:** Workers in the unorganized sector had a much higher incidence of poverty than their counterparts in the organized sector. Due to low level of income and uncertain employment in the unorganized sector make the workers unable to meet their basic necessities and other social and other cultural responsibilities. In agricultural sector, it is fact that increased indebtedness is noted as a major reason for suicide in various states¹⁰. Since the wage levels have been very low, they are worst in terms of poverty level and economic status.
5. **OCCUPATIONAL HAZARDS AND HEALTH ISSUES:** The working conditions in the unorganized sector are the main cause to have an adverse effect on the health conditions of workers. Low nutritional intake due to low income, constant physical labour increases health problems to the workers in the unorganized sector resulting in risks of life of unorganized workers. Lack of resources to pay for the health care often forces the poor workers either to forego it or become indebted. With regard to home workers most of the studies reported health problems mainly related to respiratory due to inhalation of the tobacco dust and body ach due to the peculiar posture that has to be maintained at all times of work. Occupational illness and diseases have also been reported among workers in many industries of unorganized sector.
6. **NON-APPLICABILITY OF SOCIAL SECURITY MEASURES:** There is many times when a worker cannot economically active. Due to biological circumstances such as modernity, sickness or old age; on account of personal calamities such as widowhood, or an accident; social or natural calamities such as unemployment, flood, fire drought or high unemployment or closure of an industry. During these spells of risk the worker

⁷ National Commission for Enterprises in the Unorganized Sector, Report on Social Security for Unorganized Workers, 2006 p. 22.

⁸ Peoples' Union for Democratic Rights v. Union of India AIR 1982 SC 1473

⁹ Kamala Kantha Mohabatra, "Women Workers in Informal Sector in India: Understanding the Occupational Vulnerability" International Journal of Humanities and Social Science, Vol.2, 21 (2012) p.198.

¹⁰ Kannan K.P., "How Inclusive is Inclusive Growth in India", Working Paper WP03/2012, New Delhi: Institute for Human Development (IHD). 202 a major reason for suicide in various states.

needs support, in the form of some social insurance to survive the crisis and resume work after it. Social security measures are indispensable for unorganized workers to protect them from contingencies and deprivation. The existing social security legislations are not applicable to most of the unorganized sectors.

7. **LACK OF PROPER PHYSICAL ENVIRONMENT AT PLACE OF WORK:** Lack of sanitation facilities has an impact on health of the workers. But, sanitary conditions are so precarious in most of the industries in the unorganized sector due to lack of proper toilet facilities. The facilities such as washing, urinal and toilet facilities at work are found to be low standard. It could be said that no such facilities were provided to workers in the industries. Apart from that, physical conditions such as space, lighting, ventilation etc. are very poor.
8. **INSECURITY ARISING OUT OF ILLNESS:** Many studies show health risk as the primary risk of informal sector workers. A number of studies show that risks and crisis situations due to low level of health security are endemic for informal sector workers.

CONCLUSION

Taken into consideration of the above problems and the studies, researches, data collected by government and private organizations and also individual scholars, it is required to protect the unorganized labour to safeguard the Indian economy.
