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PG DEPARTMENT OF SOCIAL WORK

SUBJECT NAME: SOCIAL WORK IN THE UNORGANIZED SECTOR

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Unit 1

Unorganised Sector: Definition, meaning and concept: Worker, Labourer, worker of unorganized sector, economic development, occupational structure, minimum wages. Difference between organised and unorganized sectors.

Unit 2**Nature and Problems**

- a) Categories of the workers of the unorganized sector
- b) Socio – economic profile
- c) Problems
- d) Economic development and it's impact on workers of the unorganized sector.

Unit 3**Organisation of the Unorganized**

- a) Worker's movements Peasant, Naxalite, Tebhaga, Sewa.
- b) ILO and it's role
- c) Problems of organizing the unorganized
- d) Role of trade unions, social activists and voluntary organizations
- e) Generating – public opinion.

Unit 4**Policies, Programmes and Legislations** – Review of present situation and impact

- a) National Child Labour Policy.
- b) NREG Act, 2005 and NREG schemes
- c) Minimum Wages Act, Payment of Wages Act, Bonded System Act, Trade Union Act, Contract Labour Act, Equal Remuneration Act, Inter State Migration Workmen Act.

Unit 5

Social Work in the Unorganized Sector: Skills required practice in the unorganized sector, Methods and principles of organizing the unorganized.

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No.	Topic
1.0.0	Unorganized Sector
1.1.0	<p><u>Definition</u></p> <p>“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 ten” <u>The Unorganized Worker’s Social Security Act 2008</u></p> <p>“Unorganized sector is defined as that set of economic activities characterized by relative ease of entry, reliance on indigenous resources, small scale of operations, labor intensive operations, reliance on skills acquired outside the formal educational system and unregulated competitive market” <u>International Labor Organization 1983</u></p> <p>“Consisting of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of goods and services operated on a proprietary or partnership basis and with less than ten total workers” <u>National Commission ofr Enterprises in the Unorganized Sector</u></p>
1.2.0	Meaning & Concept
1.2.1	<p><u>Worker</u></p> <p>someone who works for a company or organization but does not have a powerful position<u>Cambridge Dictionary</u></p> <p>A person who works. Now this “work” can be anything. It can be intellectual, physical, skilled, semi-skilled and unskilled</p> <p>A person or animal that performs a specific or necessary task or who completes tasks in a certain way.</p> <p><u>Types of Workers</u></p> <p>Skilled worker (=one who has special skills)There is a shortage of skilled workers.</p> <p>Unskilled worker Some ex-miners now had jobs as unskilled workers in factories.</p> <p>Part-time worker A high percentage of the female staff was part-time workers.</p> <p>Full-time worker The bureau has only two full-time workers.</p> <p>Temporary/casual worker (=working somewhere for a limited period of time)Employees were fired and replaced with temporary workers.</p> <p>Manual/blue-collar worker (=someone who does physical work)Manual workers often live close to their workplace.</p> <p>White-collar worker (=someone who works in an office, a bank etc) In the past, white-collar workers tended to work for one company for a long time, rather than changing jobs.</p> <p>Low-paid worker As part-time, low-paid workers, many women earned very little.</p> <p>Factory/farm/office worker Factory workers threatened strikes.</p> <p>Research/rescue/health etc workerRescue workers searched the rubble all night looking for survivors.</p> <p>Construction worker (=someone who builds buildings, bridges etc)</p>
1.2.2	<u>Laborer</u>

<p>A laborer is a person who works in manual labor types, especially in the construction and factory industries' workforce. Laborers are in a class of wage-earners in which their only possession of significant material value is their labor, this is the proletariat. Industries employing laborers include building things such as roads, buildings, bridges, tunnels, and railway tracks. Laborers work with blasting tools, hand tools, power tools, air tools, and small heavy equipment, and act as assistants to other trades as well such as operators or cement masons.</p> <p>A laborer is a person who does a job which involves a lot of hard physical work, especially outdoor.</p> <ul style="list-style-type: none"> • concrete - shotcrete, gunite, grouting and steel forms • demolition - concrete cutting, pavement breaking, cutting torch • environmental remediation and hazardous waste • fences and landscaping • street sweeping • hod carrier - block masonry, plasterers and fireproofing • paving - white paving formwork, traffic control, striping, signs • piping - water pipe, sewer and storm drain • field technology • general digging • tunnels - drilling and blasting • dry utilities - electrical conduit and communications conduit • loading and offloading - handling of physical goods, such as construction materials • Bricklayer 		
<p><u>Difference between Worker and Labour</u></p>		
Worker	Laborer	Employee
A person who works. Now this "work" can be anything.	A person who does labor work. "Labor" means any work which requires physical effort. Generally paid on hourly/daily basis as a wage.	A person who works under a payroll of a company. Generally paid on a monthly basis as a salary. Now employee can be further divided into as regular/permanent employee & contractual employee.
A person who performs labor for a living, especially manual labor.	One who uses body strength instead of intellectual power to earn a wage, usually hourly.	
<p>So in a nutshell, Worker is a more generic term under which Laborers & Employees can be fit into, as both are workers.</p> <p>It is simple, a worker who is on the payroll is considered as an employee and one on contractual basis is labor</p>		

	<p><u>Worker Of Unorganized Sector</u> An unorganized worker is a home-based worker or a self-employed worker or a wage worker in the unorganized sector and includes a worker in the organized sector who is not covered by any of the Acts pertaining to welfare Schemes as mentioned in Schedule-II <u>Unorganized Workers Social Security Act, 2008</u></p> <p>The major characteristics of the unorganized workers</p> <ul style="list-style-type: none"> • The unorganized labour is overwhelming in terms of its number range and therefore they are omnipresent throughout India. • As the unorganized sector suffers from cycles of excessive seasonality of employment, majority of the unorganized workers does not have stable durable avenues of employment. Even those who appear to be visibly employed are not gainfully and substantially employed, indicating the existence of disguised unemployment. • The workplace is scattered and fragmented. • There is no formal employer – employee relationship • In rural areas, the unorganized labour force is highly stratified on caste and community considerations. In urban areas while such considerations are much less, it cannot be said that it is altogether absent as the bulk of the unorganized workers in urban areas are basically migrant workers from rural areas. • Workers in the unorganized sector are usually subject to indebtedness and bondage as their meager income cannot meet with their livelihood needs. • The unorganized workers are subject to exploitation significantly by the rest of the society. They receive poor working conditions especially wages much below that in the formal sector, even for closely comparable jobs, ie, where labour productivity are no different. The work status is of inferior quality of work and inferior terms of employment, both remuneration and employment. • Primitive production technologies and feudal production relations are rampant in the unorganized sector, and they do not permit or encourage the workmen to imbibe and assimilate higher technologies and better production relations. Large scale ignorance and illiteracy and limited exposure to the outside world are also responsible for such poor absorption. • The unorganized workers do not receive sufficient attention from the trade unions. • Inadequate and ineffective labour laws and standards relating to the unorganized sector.
1.2.3	<p><u>Economic development</u></p> <p>Economic development, the process whereby simple, low-income national economies are transformed into modern industrial economies. Although the term is sometimes used as a synonym for economic growth, generally it is employed to describe a change in a country's economy involving qualitative as well as quantitative improvements. <u>Britannica</u></p> <p>In the economic study of the public sector, economic and social development is the process by which the economic well-being and quality of life of a nation, region, local community, or an individual are improved according to targeted goals and objectives. <u>Wikipedia</u></p> <p>Economic development is a broader concept than economic growth. Development reflects social and economic progress and requires economic growth. Growth is a vital and necessary</p>

	<p>condition for development, but it is not a sufficient condition as it cannot guarantee development. <u>Economics Online</u></p>
1.2.4	<p><u>Occupational structure</u></p> <p>The distribution of the population according to different types of occupation is referred to as the occupational structure. In India, there is an enormous variety of occupations. Occupations are generally classified as primary, secondary and tertiary.</p> <p>(i) <u>Primary activities</u> include agriculture, animal husbandry, forestry, fishing, mining, and quarrying etc.</p> <p>(ii) <u>Secondary activities</u> include manufacturing industry, building and construction work etc.</p> <p>(iii) <u>Tertiary activities</u> include transport, communications, commerce, administration and other services.</p> <p>In India, about 64 percent of the population is engaged only in agriculture. The proportion of population dependent on secondary and tertiary sectors is about 13 and 20 percent respectively. But recently there has been an occupational shift in favour of secondary and tertiary sectors because of growing industrialisation and urbanisation.</p>
1.2.5	<p><u>Minimum wages</u></p> <p>As per the Indian Constitution, 'Minimum Wage' has been defined as the level of income for skilled and unskilled workers which ensures a sustaining standard of living while also providing for some measure of comfort. A minimum wage not just supports the bare level of employment, but also seeks for viable continuous improvement. It aims at preventing exploitation of labour.</p> <p><u>Fixation and Revision of Minimum Wages</u></p> <p>Under the Minimum Wages Act, 1948, both Central and State government have dominion over fixing the wages. The State governments fix their own scheduled employments and further release the rates of Minimum Wage along with the VDA (Variable Dearness Allowance). Wage boards are set up to review and fix minimum wages at specified intervals. The wage rates in scheduled employments differ across states, sectors, skills, regions and occupations owing to a lot of differentiating factors. Hence, there is no single uniform minimum wage rate across the country and the revision cycle differs for each state.</p> <p><u>Scope and Applicability</u></p> <p>Minimum Wages Act was enforced to ensure the employers did not exploit employees with insufficient wages. The Act is applicable on all establishments, factories, place of business and industry types. Unscheduled industries are generally excluded, though a state can add a minimum wage for an occupation or specify it for a sector during a revision cycle.</p> <p><u>Consequences of Non-Compliance</u></p> <p>Under-payment and non-payment of Minimum Wage is deemed as an offence under the Central Act. The penalty may range from upto 5 years imprisonment and a fine of Rs. 10000/- (under Section 22 of the Act) \</p>
1.2.6	<p><u>Difference between organized and unorganized sectors.</u></p>

	BASIS FOR COMPARISON	ORGANISED SECTOR	UNORGANISED SECTOR
	Meaning	The sector in which the employment terms are fixed and employees have assured work is Organised sector.	The sector that comprises of small scale enterprises or units and are not registered with the government.
	Governed by	Various acts like Factories Act, Bonus Act, PF Act, Minimum Wages Act etc.	Not governed by any act.
	Government rules	Strictly followed	Not followed
	Remuneration	Regular monthly salary.	Daily wages
	Job security	Yes	No
	Working hours	Fixed	Not fixed
	Overtime	Workers are paid remuneration for overtime.	No provision for overtime.
	Salary of workers	As prescribed by the government.	Less than the salary prescribed by the government.
	Contribution to Provident fund by the employer	Yes	No
	Increment in salary	Once in a while	Rarely
	Benefits and perquisites	Employees get add-on benefits like medical facilities, pension, leave travel compensation, etc.	Not provided.
2.0.0	Nature and Problems		
2.1.0	<p><u>Categories of the workers of the unorganized sector</u></p> <p>The Ministry of Labour, Government of India, has categorised the unorganised labour force under four groups depending on occupation, nature of employment, especially distressed categories and service categories.</p> <ol style="list-style-type: none"> 1. Under Terms of Occupation: Small and marginal farmers, landless agricultural labourers, share croppers, fishermen, those engaged in animal husbandry, beedi rolling, labelling and packing, building and construction workers, leather workers, weavers, artisans, salt workers, workers in brick kilns and stone quarries, workers in saw mills, oil mills, etc. come under this category. 2. Under Terms of Nature of Employment: Attached agricultural labourers, bonded labourers, migrant workers, contract and casual labourers come under this category. 3. Under Terms of Specially Distressed Category: Toddy tappers, scavengers, carriers of head loads, drivers of animal driven vehicles, loaders and unloaders come under this category. 4. Under Terms of Service Category: Midwives, domestic workers, fishermen and women, barbers, vegetable and fruit vendors, 		

	newspaper vendors, etc., belong to this category.
2.2.0	<p><u>Socio – economic profile</u></p> <p><u>Major Issues of Domestic Workers in India</u></p> <p>India has huge population living below poverty line. Due to poverty poor people face lot of hard ships in their life and in order to survive they have to do any sort of job available to them. As it is obvious because of being poor and illiterate, they cannot expect a government job or a private job for themselves, so they take part in those economic activities which are looked down socially. In India this situation is more prevalent among workers in informal sector. Informal sector is the dominant sector in Indian society which not only provides employment opportunities to millions of poor people but this sector contribute greatly towards the development of Indian society. As this sector is playing a positive role for the development of society but this sector has never received any serious attention from the government side. Both men and women are engaged with this sector. Women are playing a vital in informal sector but face too many discriminations from all side. Most of the women with in informal sector work as domestic workers, like other sector of informal economy has many problems; same is the case of domestic workers. There are various problems associated with domestic workers. A brief about them is mentioned below.</p> <p><u>Insufficient Wages:</u> The first and the foremost most problem associated with women domestic workers is wage discrimination. Within informal sector domestic workers are the most marginalized, as they are paid very less as compared to the work they perform. Due to lack of proper wages fixed for them, they are easily exploited. Further domestic workers are doubly exploited due to lack of bargaining power.</p> <p><u>Poor Working Conditions:</u> Domestic workers are supposed to work for long hours and have to follow the orders of the employer. Long hours work affects their health and also disturb their social life as well. This problem is more sever with those women domestic workers who live within the house of the employer day and night. As these workers are provided some shabby place for living by the employer. These domestic workers are truly unsafe, as there is no safety provision form them.</p> <p><u>Lack of Rules for Work:</u> The most critical problem associated with women domestic workers is lack of proper rules with respect to the number of hour’s work they are supposed to work per day. This problem is more associated with live-in domestic workers, who have to remain available all the time. They hardly get any holiday which they can spend with their family members.</p> <p><u>Social Isolation:</u> An individual cannot live alone and needs to have social relations with wider society. As most of the women domestic workers are migrants. Being cut off from their family members and relatives, they feel socially alienated, which ultimately affect their life. Due to nature of work, they remain cut off from their children and other family members. This alienation through them in a stage of anxiety and depression. Further this very nature of work not only affect them but also creates schooling for their children.</p> <p><u>Prone to Sexual Harassment at Work Place:</u> There are different problems which the women domestic work face but the most critical problem associated with women domestic workers is</p>

	<p>the problem of sexual harassment at work place. As these women work at another households were they can be easily sexually harassed by the employer. Sometimes being illiterate and poor, employer take advantage of the helplessness of the worker and exploits them easily. This is the most inhuman thing which the women 118 Bangladesh e-Journal of Sociology. Volume 17, No. 1, January 2020 domestic workers face. Due to social setup and because of poverty, these women cannot raise their voice against this cruelty, as they know; no one will listen to them.</p> <p><u>Lack of Social Security:</u> Unorganized sector as whole is having least social security provision from government side and same is the case with women domestic workers. There is lack of old age security, lack of maternity benefits, and lack of proper wages with in this sector. Due to lack of all the facilities this sector is in crises. This condition makes women domestic workers more vulnerable lot of the Indian society, especially during old, these domestic workers face a lot of problems during their old age, as there is no old age security provision on the basis of which they can live their old life and meet the requirement of their life.</p>
2.3.0	<p><u>Problems</u></p> <ul style="list-style-type: none"> • Incapacity to secure even minimum wages • Absence of a suitable physical environment at work • Revenue loss resulting from accident • No Trade Union or Labor Union knowledge • Long working hours • Health and occupational risks • Insecurity resulting from illness • Failure to ensure old age • Lack of bargaining power • Failure to enforce social security measures • Poverty and Debt • Job insecurity • Vulnerable Labor Groups • Insecurity from natural disasters
2.4.0	<p><u>Economic development and its impact on workers of the unorganized sector.</u></p> <p>India's socio-economic condition is overwhelmingly informal covering various aspects of life. It is multi-dimensional and perennial in nature. It has age old tradition and experience. For most of the Indians it is way of life, just like agriculture and animal husbandry. Unorganised sector is distinctively pervasive.</p> <p>Product and services of unorganised sector contribute to the life and living of the society all the twenty four hours. The sector also encompasses the treasure of traditional indigenous knowledge. Unorganised economic activities in India are highly diversified. They provide easily accessible variety of goods and services at affordable prices as compared to that of organised sector products. It is source of livelihood and employment for a large number of workforces.</p>

	<p>More than 90 percent of the workforce and about 50 percent of the national product are accounted for by the informal economy. 10 A large proportion of socially and economically under-privileged section of the society are concentrated in informal activities. Thus faster and inclusive growth of the economy needs special attention to informal economy.</p>
3.0.0	Organization of the Unorganized
3.1.0	Worker's Movements Peasant
3.1.1	<p><u>Naxalite</u></p> <p>Naxalite, general <u>designation</u> given to several Maoist-oriented and militant insurgent and separatist groups that have operated intermittently in India since the mid-1960s. More broadly, the term often given as Naxalism or the Naxal movement has been applied to the communist insurgency itself.</p> <p>The name Naxalite is derived from the town of Naxalbari (Naksalbari) in far northern West Bengal state in northeastern India, which was the centre of a tribal peasant uprising against local landlords in 1967. Although the rebellion was suppressed, it became the focus of a number of communist-led separatist movements that sprung up in remote, often tribal areas in India—at first primarily in northeastern India but later more widely in other parts of the country. The rise of Naxalism corresponded to the growth of militant communism in India, particularly the creation of the Communist Party of India–Marxist-Leninist (CPI-ML) in 1969, and to the emergence of such rebel groups as the Maoist Communist Centre (MCC) and the Peoples' War Group (PWG).</p> <p>Naxalite groups generally have claimed to represent the poorest and most socially marginalized members of Indian society (notably tribal peoples and Dalits [formerly untouchables]) and to adhere to the Maoist doctrine of sustained peasant-led revolution. For decades they have waged guerrilla warfare against such targets as landlords, businesspeople, politicians, and security forces, and they have disrupted infrastructure by damaging transportation, communication, and power lines. In the process, they often have been able to establish bases of operation in remote forested areas. Naxalite groups have come to control large territories in many of the states of eastern India—notably Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Orissa, and West Bengal—and their influence has spread even wider beyond those areas. Often Naxalite groups have taken over governing functions and provided social services within areas under their control, although they also have been accused of using harsh enforcement tactics.</p> <p>National and state governments in India consistently have labeled Naxalite groups as terrorist organizations and declared them to be illegal. The original CPI-ML has not operated as a legal political party (though several offshoots of it have), and the more recent Communist Party of India-Maoist (formed in 2004 by the merger of the MCC and the PWG) has been outlawed. Police and security forces have responded to the Naxalites with various raids and military campaigns aimed at counteracting the guerrilla attacks and flushing the rebels out of their sanctuaries. Those operations have had mixed success, in part because authorities often have not provided adequate services in the territories where they have</p>

	<p>reestablished control. In addition, the fighting frequently has reverted to the government and Naxalite sides each retaliating against the other. Thousands of people have been killed during the decades of the insurgency, and tens of thousands have fled the fighting to become refugees.</p>
3.1.2	<p><u>Tebhaga</u></p> <p>The word Tebhaga literally means three shares of harvests. It was a sharecropper's movement, which demanded two-thirds for themselves and one-third for the landlord. Earlier, the sharecroppers used to give fifty-fifty share of the produce on their tenancy. The crop sharing system at that time was known as barga, adhi, bhagi, etc., and the sharecroppers were called as bargadars or adhiars.</p> <p>These sharecroppers seriously challenged the custom of sharing crops between the bargadar and the landlord in 1946-1947. During the harvest of 1946, the sharecroppers of a few north and northeastern districts of Bengal went to fields and cut down the crops and thrashed them on their own.</p> <p>There were two reasons why this action led to the insurrection on the part of the sharecroppers. First, they demanded that the sharing of the produce into half was not justified. As the tenants made most of the labor and other investments and since the land owner's participation was very less in the production process the tenants believed that the latter should be getting only one-third of the crop share and not half of it.</p> <p>Secondly, the tenants were required to store their grains at the granary of the landlord and had to share the straw and other by products of the grains on half-sharing basis. The tenants were not prepared to follow this rule. The tenants took the stand that the stock of the harvests would be stored at the tenants' compound and the landlord would not be getting "any" of the shares from the byproducts of the grains.</p> <p>The Berigal Provincial Krishak Sabha organized the movement of Tebhaga. The sharecroppers under the leadership of the sabha mobilized themselves against the landlords. However, the leadership also came from among the peasants. The movement spread across the 19 districts of Bengal, but its intensity was more seriously felt in certain districts only. The landlords refused to accept the demands of the tenants and called the police. The police arrested the tenants and many of them were put behind the bars.</p> <p>This action made the tenants more furious and they started a new slogan to abolish the whole Zamindari system. The slogan also indicated that the rate of the rents which was raised by the peasants of the Tebhaga movement should be reduced.</p> <p>In few places of the Tebhaga movement the peasants declared their zones as Tebhaga areas and many Tebhaga committees were set up in order to govern the area locally. Under the pressure of Tebhaga activists most of the landlords had come to terms with the Tebhaga peasants and withdrew the cases filed against them.</p> <p>Such kinds of Tebhaga areas were established at the districts of Jessore, Dinajpur, and Jalpaiguri. Later on, the Tebhaga areas were established extensively at Midnapur and in other 24 paraganas. In early 1947, such developments led the government to introduce a bill in the</p>

	<p>Legislative Assembly.</p> <p>The bill proposed to reform the bhagi system of the country, which caused the agrarian unrest. However, due to certain other political developments in the country the government could not enact the bill into a law. Moreover, the promises of the new government and the partition of Bengal led to the suspension of the Tebhaga movement.</p> <p>The Tebhaga movement, to an extent, was successful, as it has been estimated that about 40 per cent of the sharecropping peasants were granted the Tebhaga right by the landowners themselves. The illegal exaction in the name of abwabs was also abolished.</p> <p>The movement was, however, less successful in the East Bengal districts. In 1948-1950, there was another wave of Tebhaga movement in these districts. The government credited this to be a handiwork of the Indian agents which the general public believed and abstained themselves from involving in the movement. However, the East Bengal State Acquisition and Tenancy Act of 1950 was passed due to the initiation of the movement.</p>
3.1.3	<p><u>Sewa</u></p> <p><u>History</u></p> <p>SEWA grew out of the Textile Labour Association, TLA, India's oldest and largest union of textile workers founded in 1920 by Anasuya Sarabhai. The inspiration for the union came from Mahatma Gandhi. The ideological base provided by Mahatma Gandhi and the feminist seeds planted by Anasuya Sarabhai led to the creation by the TLA of their Women's Wing in 1954. Its original purpose was to assist women belonging to households of mill workers and its work was focussed largely on training and welfare activities. By 1968, classes in sewing, knitting, embroidery, spinning, press composition, typing and stenography were established in centres throughout the city for the wives and daughters of mill workers.</p> <p>By 1970 however, relations had soured with the TLA over women's working rights, leading to the creation of SEWA in December 1971. SEWA grew continuously from 1972, increasing in its membership and including more and more different occupations within its fold. The beginning of the Women's Decade in 1975 gave a boost to the growth of SEWA, placing it within the women's movement. In 1977, SEWA's General Secretary, Ela Bhatt, was awarded prestigious Ramon Magsaysay Award and this brought international recognition to SEWA.</p> <p><u>Services</u></p> <p>SEWA provides the following services for poor women: savings and credit, health care, child care, insurance, legal aid, capacity building and communication services. SEWA has helped women take a number of initiatives in organising these services for themselves and their SEWA sisters.</p> <p><u>SEWA Bank</u></p> <p>Swashrayi Mahila Sewa Sahakari Bank is SEWA members' largest cooperative, the first of its kind in India. The bank is owned by the self-employed women as share holders; policies are</p>

	<p>formulated by their own elected Board of women workers. SEWA Bank was established in 1974 with 4000 members each contributed Rs.10 as share capital. Today there are 93,000 active depositors. In 1999, SEWA Bank celebrated 25 years of providing financial services to poor, self-employed women. Always in debt, our members initially raised the issue of their need for credit so as to free them from the clutches of money-lenders and traders, to enhance their businesses, build up assets in their own name, for children's education, for the several emergencies including illness that they face and many other purposes.</p> <p><u>Health Care</u></p> <p>SEWA has helped its members obtain health care which is run by women themselves. Our approach emphasizes health education as well as curative care. It also involves coordination and collaboration with government health services for immunization, micronutrient supplementation, family planning, tuberculosis control and referral care at public hospitals, dispensaries and primary health centers.</p> <p><u>Child Care</u></p> <p>SEWA provides childcare through its cooperatives & local organisations.</p> <p><u>Work Security Insurance</u></p> <p>SEWA started an integrated insurance scheme to support women in times of crisis. Operative since 1992 in collaboration with our nationalised insurance companies, it has demonstrated that insurance for the poor can be run in a self-reliant and financially viable way.</p> <p><u>Legal Services</u></p> <p>SEWA has been providing legal education and support in court cases to its members. They have been running a legal advisory centre at SEWA which accepts cases and complaints lodged by members.</p> <p><u>Capacity building of SEWA Members</u></p> <p>SEWA Academy is the focal point for workers' education and capacity-building. The Academy stresses the self-development of the worker in order that her talents may be encouraged and developed, and she develops self-confidence and leadership skills. It is also the means by which SEWA unites its large and diverse membership through common ideology.</p>
3.2.0	<p><u>ILO and it's role</u></p> <p>The mission of the International Labour Organization (ILO) <i>“To promote social justice and internationally recognized human and labour rights based on the founding principle that social justice is essential to universal and lasting peace.”</i> Established in 1919 as part of the Treaty of Versailles that ended World War 1, it is the only</p>

tripartite United Nations agency - bringing together governments, employers and workers representatives from its 187 member states.

The International Labour Office, the ILO's secretariat, employs some 2,700 people from 150 countries at its headquarters in Geneva, Switzerland, and in around 40 countries around the world. Its activities are directed by the Director-General and the ILO's **Governing Body**, which includes representatives from member states, workers' and employers' groups.

Decent Work Agenda

As part of its mission, the ILO aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards. The ILO provides technical support to more than 100 countries to help achieve these aims, with the support of development partners.

International labour standards

The ILO sets international labour standards with **Conventions**, which are ratified by member states, or **Recommendations**, which are non-binding.

Conventions are drawn up with input from governments, workers' and employers' groups at the ILO. Conventions are adopted by the **International Labour Conference**, which meets every year in Geneva.

In ratifying an ILO Convention, a member state accepts it as a legally binding instrument. Many countries use the Conventions as a tool to bring national laws in line with international standards.

ILO Declaration on Fundamental Principles and Rights at Work

Adopted in 1998, the Declaration commits member states to respect and promote eight fundamental principles and rights in four categories, whether or not they have ratified the relevant Conventions.

They are:

- freedom of association and the right to collective bargaining (Conventions 87 and 98)
- the elimination of forced or compulsory labour (No. 29 and No. 105)
- the abolition of child labour (Conventions No. 138 and No. 182)
- the elimination of discrimination in respect of employment and occupation (Conventions No. 100 and No. 111)

Trade unions at the ILO

Worker group representation is drawn from national trade union confederations, so trade unions play a crucial role in developing policy at the ILO. The Bureau for Workers' Activities (ACTRAV) at the secretariat is dedicated to strengthening independent and democratic trade unions so they can better defend workers' rights and interests.

The ILO's supervisory role

The ILO monitors the implementation of ILO Conventions ratified by member states. This is done through:

	<ul style="list-style-type: none"> • The Committee of Experts on the Application of Conventions and Recommendations • The International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations <p>Member states are also required to send reports on the progress of the implementation of the Conventions they have ratified.</p> <p>Complaints</p> <p>Complaints can be filed against member states for not complying with ILO Conventions they have ratified. Complaints can be from another member state which has signed the same Convention, a delegate to the International Labour Conference or the ILO's own Governing Body.</p> <p>Trade unions <u>use the complaint procedure</u> and the International Labour Conference to bring attention to labour and workers' rights violations in member states.</p>
3.3.0	<p><u>Problems of organizing the unorganized</u></p> <ol style="list-style-type: none"> 1) Omnipresence (found everywhere) 2) Migratory character 3) Subject to all types of exploitations 4) Excessive seasonality of employment 5) Temporary and part-time employment 6) No employment guarantee 7) Low productivity syndrome 8) Primitive production technology 9) Stratified on caste and community base in rural areas 10) No labour unions 11) Poor bargaining capacity 12) More working hours 13) No leave or leave with wages 14) No maternity leave or benefits 15) No social security or welfare benefits 16) Lower wages – denial of minimum wages 17) Poor working conditions 18) No formal employer-employee relationship 19) Outdated production 20) Debt bondage is very common 21) Health hazards exist in a majority of occupations 22) Uncontrolled and unregulated employment conditions 23) Inadequate and ineffective labour laws 24) Poor human capital base in terms of education, skill and training
3.4.0	<p><u>Role of trade unions, social activists and voluntary organizations</u></p> <p><u>Role of Trade Unions</u></p> <p>The Unorganised sector is small in size, widely scattered, unstable, heterogeneous, complex and invisible –actors not conducive to organization. All the legal factors that serve as a basis for organizing, viz., employment relationship, contract, wage earner tag – do not generally qualify in the Unorganised sector as they possess little organizational basis. The issues,</p>

problems and concerns of the unorganised workers are unique and different from those of formal sector worker which cause the neglect of the major unions. Workers are not often organised into trade unions. A study conducted on building workers by the National Institute of Construction Management and Research (NICMAR) in Delhi shows that, only 8 out of 999 workers interviewed, stated that they were members of any trade union. Delhi has at least 3 registered trade unions of building workers, and many social activists who claimed to be leaders of building workers. The report says none of them had visited building sites or labour colonies of building workers. It indicates the scant attention these workers receive from organised Trade Unions. Though there are over one lakh persons engaged in waste picking only 5,000 of them have joined in the KagadKanch Patra Kashtkari Panchayat, which is a trade union of scrap which exhibits the fact that unorganised workers are either not aware of the Unions or not interested to associate themselves with Unions. The Unions working for the unorganised sector

All the major central union organizations (CTUOs) in India (like AITUC, BMS, HMS, INTUC) have attempted to organize workers in the informal sector. The AITUC organized workers in the beedi, cigar, construction industries; the BMS has formed eight federations, organizing International Journal of Advanced Research in ISSN: 2278-6236 Management and Social Sciences Impact Factor: 6.284 Vol. 5 | No. 5 | May 2016 www.garph.co.uk IJARMSS | 132 workers in beedi, construction, handloom industry, fishermen, and anganwadi workers (Aghi, ibid.); HMS has organized forest workers, workers in brick kiln units and rickshaw pullers in Punjab, fishermen in Tamil Nadu. New trade unions have been created specifically to organize informal sector workers, e.g., Self Employed Women Association (SEWA) in India established in 1972 as a trade union is the old and classic instance. It organizes, among others, home workers, street vendors and refuse collectors and has more than 200,000 members covering four states in India. Though registered as a trade union, it offers a number of services like micro credit, vocational and training programmes, pensions. StreetNet is an international alliance of street vendors and includes organizations or support groups in 11 countries. It is a network consisting of street vendors, activists, researchers, and institutions associated with street vendors to 'increase the visibility, voice and bargaining power of street vendors throughout the world.' The network aims to promote exchange of ideas and information relating to various issues concerning street vendors to organize and work out advocacy strategies. Its longer term objective is to build a strong case and mobilize international support for establishing a convention on the rights of street vendors similar to the existing convention for home-based workers. Women Working Worldwide (WWW) is a small voluntary organization in the United Kingdom working with the global network of women worker organizations. It was formed by a group of researchers and activists in 1983. It supports the rights of women workers through networking with women organizations to exchange information and influence international policy-making bodies. WIEGO is a worldwide coalition of institutions and individuals formed to improve the status of women in the informal sector. Its founding members include grassroots organizations, research and academic institutions, and international development organizations; the principal players are SEWA, Harvard University, and UNIFEM. The union is a powerful voice institution. It can and should play a pivotal role in building a larger social movement. Various social organizations like NGOs are important players in the labour arena, whose contributions in organizing informal sector workers cannot be ignored.

3.5.0 **Generating – public opinion.**

Thanks to a humongous oversight on the part of the government, India's unorganized labour has suddenly become a vivid, long-running story. Photographers walk with families undertaking unimaginable journeys. Reporters tail them in SUVs. Their faces and daily tragedies have dominated newspaper headlines and television news for two months running, something nobody would have ever thought possible. Since when did hyperventilating news channels focus on the travails of the poor?

But how did a segment of the population numbering at least 80 million, going by the government's provisioning for them, become so invisible that the State did not plan for them while preparing for a nationwide lockdown? As AtulSood, a professor at the Jawaharlal Nehru University, put in one of the many Zoom discussions taking place, "In the imagining of the so-called lockdown... there was no imagining of labour." But the question is why?

The media have been partly responsible for their invisibility, until they chose to make them visible. Unorganized labour, with no formal representation, was not on their radar. Tracking labour has not been a news beat for a few decades. Covering the ministry of labour and employment and the organized labour *via* trade unions was something that lost relevance with the advent of liberalization in the 1990s. And even when it was a beat, it did not cover unorganized labour whose numbers had begun to grow as smaller unions were disbanded and contractualization set in.

The trade unions themselves have done little to project the travails, or indeed the existence, of migrant workers or other categories of informal labour. The problems of vulnerable unorganized labour are more likely to be responded to by civil society organizations. Last week the major unions held countrywide demonstrations, billed to be in solidarity with these circular migrants. But there was no mention of the migrants in their demands, which focused on the withdrawal of changes in labour laws, and opposed privatization of public sector enterprises. The red flag protests got no coverage at all except on Left-liberal websites.

A third reason is the lack of data (<https://www.livemint.com/news/india/why-india-s-migrants-deserve-a-better-deal-11589818749274.html>) on circular migration. The government has no identification or registration of informal, interstate labour coming into cities, either on their own or through contractors. So it was just not aware of the scale of their presence.

And a fourth reason linked to the third is spelt out in an analysis (<https://indianexpress.com/article/opinion/columns/india-lockdown-inter-state-migrant-workmen-act-6400710/>) of why a key piece of legislation governing interstate migrants in India — the Inter-State Migrant Workmen Act of 1979 — fails to ensure their registration and protection and, thereby, their formalization. It was enacted to prevent the exploitation of interstate migrant workmen by contractors and to ensure fair and decent conditions of employment. If it had been implemented properly, state governments would have had the details of interstate migrant workmen coming through contractors within their states. But the

law has so many onerous compliance requirements that it proved impossible to implement, making it too costly to hire interstate migrants formally.

The media's own role in invisibilizing such labour has gone through different stages. In his 2018 memoir, *The Post-Truth Media's Survival Sutra*, the veteran political reporter, P. Raman, describes the "universal, permanent list of pariahs" in the newsrooms of the leading English dailies of the 1980s: "trade unions, Left parties, the BahujanSamaj Party and rural issues — in that order". He writes that if there was an all-India *bandh*, the chief sub on the night edition was expected to know better than to put it on Page 1. Strikes were to be reported from the lens of the disruptions they caused, if they were reported at all. Newspaper proprietors were allergic to trade unions.

Then came the 1990s and the decade of liberalization and upward mobility for both India's middle class and the press. There was little sympathy for organized labour, which was synonymous with trade unions and strikes. Post liberalization the middle class and upper middle class also had little interest in reading about poverty, the media catered to upwardly mobile consumerist readers, and the poor became invisible, except in calamities. Readers were not presumed to be interested in the travails of the working class, which then slipped below the radar and stayed there. The invisibility persisted through the first decade of the next century even as smaller unions disappeared with growing contractualization, and the informalization of labour grew.

The big irony in all of this was that journalists in the mainstream publications persisted in wanting labour protection for themselves *via* the Working Journalists Act (which mandated periodic wage board announcements for working journalists), even as they ignored the unorganized sector. In the current overhaul of labour laws being undertaken however, the wage boards have been scrapped.

The other reason for the invisibility of migrants who build cities and keep the wheels of micro, small and medium enterprises running is the attitude the Dutch sociologist, Jan Bremen, cited in a Zoom webinar on labour and the pandemic (https://www.facebook.com/watch/live/?v=302921200702336&ref=watch_permalink): "Labour should behave as a commodity, not have citizen expectations." Cities don't look at migrant workers as human beings, he added. They are anonymous, and not meant to become citizens.

But when millions of them poured out of the same cities and hit the road, they became a phenomenon impossible to ignore, for the media and for the rest of the entitled citizenry of Delhi, Mumbai, Ahmedabad and elsewhere. An inured middle class and upper class suddenly discovered their existence, and were at least temporarily shaken.

The absence of regular media coverage of the working classes perpetuates both invisibility and inequality. Sanitation workers throughout the country enter drains every day without equipment despite two laws rendering manual scavenging illegal. They make news only when they die. Bonded labour still thrives in pockets of the country. And mandated minimum wages remain a myth despite legislation. All of these issues merit precious little focus even as the government has embarked on a major reorganization of labour laws into four codes, including one on social security. The invisibility helps to explain what the civil

	<p>society activist, Harsh Mander, describes as the privileged Indian's ability to be comfortable with some of the most unconscionable inequalities in the planet.</p> <p>The recent watering down of labour laws in some states triggered by the collapse in economic activity has served to revive an editorial engagement with the issues of wages, labour rights, and access to social security. The dilution of protections, particularly the lengthening of the working day in at least 10 states, has outraged many. However, the fact is that a 12-hour working day has long been the norm for informal workers without either journalists or citizens losing sleep over it.</p> <p>Labour law reform is not the sexiest of subjects. But the events of the last two months have made humanizing it that much easier. Will more journalists now wake up to the challenge of turning sweat labour into citizens for their readers and viewers?</p>
4.0.0	Policies, Programmes and Legislations
4.1.0	<p><u>National Child Labour Policy 1987</u></p> <p>POLICY:</p> <ul style="list-style-type: none"> ➤ The National Policy on Child Labour, August 1987 contains the action plan for tackling the problem of child labour. It envisages: <ul style="list-style-type: none"> • A legislative action plan • Focusing and convergence of general development programmes for benefiting children wherever possible, and • Project-based action plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour. <p>In pursuance of National Child Labour Policy, the NCLP Scheme was started in 1988 to rehabilitate child labour. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance. Under the Scheme, after a survey of child labour engaged in hazardous occupations & processes has been conducted, children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.</p> <p>Strategy for elimination of child labour in Xth Plan</p> <p>Keeping in view the policy of the Government as laid down in the National Agenda and Prime Minister's directions in the National Conference on Child Labour, the evaluation studies carried out by the VVG NLI and the approach defined in the working paper for the Tenth Plan, the strategy adopted during this Plan period aims at bringing qualitative changes in the scheme for elimination of child labour. The details are as follows:</p> <ul style="list-style-type: none"> • Policy and programmes for elimination of child labour would be continued in a more focused, integrated and convergent manner. • Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the Plan period.

- Expansion of the NCLPs to additional 150 districts during the Plan.
 - Ensuring that the NCLPs have a focused time frame of 5 years with clearly defined targets.
 - Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan of the MHRD an attempt to ensure that small children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centres. Increased efforts to provide vocational training to the older children.
- Strengthening of the formal school mechanism in the endemic child labour areas in the country both in terms of quality and numbers in such a manner as to provide an attractive schooling system to the child labour force and its parents so that motivational levels of both the parents and such children are high and sending these children to school becomes an attractive proposition.
- Convergence with the ongoing schemes of the Dept. of Education, Rural Development, Health and Women & Child Development would be critical for the ultimate attainment of the objective of elimination of child labour in a time bound manner.
 - Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools. The attempt during this Plan would be to encourage the running of the rehabilitation schools only through accepted and committed NGOs so that the Government machinery is not burdened with running of such schools.

Certain important and enhanced parameters that have been introduced in the scheme now are as under:

STIPEND: In the existing arrangement, the stipend of Rs. 100/- per child per month was being disbursed every month. As per the revised scheme, the monthly stipend of Rs. 100/- per month per child will be disbursed only after the child is successfully mainstreamed into formal system of schooling. Till that period, the amount of stipend will be regularly deposited in the Bank Account of the child. The accumulated stipend amount could be handed over to the child at the time of her/his getting mainstreamed.

NUTRITION: The amount for provision of nutrition to the children in the special schools has been doubled from Rs. 2.50/- per child per day to Rs. 5/- per child per day.

HEALTH COMPONENT: In the existing scheme, there was no separate budgetary provision for any health component to take care of the health-related aspects of the children. In the revised scheme an amount of honorarium (Rs. 5,000/- per month for one doctor for every 20 schools) has been provided to put in place an institutionalised mechanism for regular and periodical effective health care of the children by a doctor. A health card in respect of every child also needs to be maintained with all the necessary entries.

VOCATIONAL TRAINING: In the existing scheme, there was no separate budgetary provision for the services of any Master Trainer for imparting training to the children/teachers. In the revised scheme, budgetary provision (Rs. 5,000/- for one Master Trainer for each NCLP) has been provided to hire the services of a Master for each NCLP.

TRAINING FOR EDUCATIONAL TEACHERS: In the existing scheme, there was no

	<p>separate budgetary provision for providing training to the educational teachers. In the revised scheme, budgetary provision has been provided to impart training to the teachers twice during the 10th Plan period.</p> <p>SURVEY: In the revised Scheme, provision (Rs. 2.75 lakh per survey) has been made to conduct surveys of working children two times during the 10th Plan period.</p> <p>By following the strategy enunciated above and combining this with the existing established mechanisms of enforcement, it is expected that a drastic reduction in child labour would result by the end of Plan period.</p> <p>The problem of child labour requires to be dealt through sustained efforts over a period of time. Government is committed to the goal of eradication of child labour in all its forms. Considering the nature and magnitude of the problem a gradual and sequential approach has been adopted to withdraw and rehabilitate child labour beginning with the children working in hazardous occupations.</p>
4.2.0	<p>NREG Act, 2005 and NREG schemes</p> <p>This is a rural wage employment programme in India. It provides for a legal guarantee of at least 100 days of unskilled wage employment in a financial year to rural households whose adult members are willing to engage in unskilled manual work at a pre-determined minimum wage rate.</p> <p>The objectives of the Act are:</p> <ul style="list-style-type: none"> ▪ to enhance the livelihood security of the rural poor by generating wage employment opportunities; and ▪ to create a rural asset base which would enhance productive ways of employment, augment and sustain rural household income. <p>MGNREGA was initially implemented as National Rural Employment Guarantee Act (NREGA) in 200 selected backward districts in India on February 2, 2006. It was extended to an additional 130 districts with effect from April 1, 2007. Later, the remaining 285 districts were covered from April 1, 2008. The National Rural Employment Guarantee (Amendment) Act, 2009 renamed NREGA as MGNREGA.</p> <p>Section 4(1) of MGNREGA mandates the design and implementation of State-specific Rural Employment Guarantee Schemes (REGS) to give effect to the provisions made in MGNREGA. Section 6(1) empowers the Central Government to specify the wage rates for MGNREGA beneficiaries. So far, the wage rates have been modified three times, the latest being on January 14, 2011 where the base minimum wage rate of Rs. 100 was indexed to inflation.</p> <p>MGNREGA is unique in not only ensuring at least 100 days of employment to the willing unskilled workers, but also in ensuring an <i>enforceable commitment</i> on the implementing machinery i.e., the State Governments, and providing a bargaining power to the labourers. The failure of provision for employment within 15 days of the receipt of job application from a prospective household will result in the payment of unemployment allowance to the job seekers.</p>

	<p>The implementation of MGNREGA largely depends on the active participation of three-tier decentralized self governance units called <i>Panchayat</i> institutions. The <i>panchayats</i> are required to estimate labour demand, identify works and demarcate work sites, prioritize works, prepare village/block/district level development plans in advance for the continuous and smooth planning and the execution of this wage employment programme. The <i>Panchayats</i> are responsible for processing the registration of job seekers, issuance of job cards, receipts of applications for employment, allotment of jobs, identification of work sites, planning, allocation and execution of works, payment of wages and commencement of social audit, transparency and accountability check at the grass-root level.</p> <p>The implementation of MGNREGA has influenced the wage structure in rural areas as the minimum wages for agricultural labourers across States have witnessed an upward trend between 2006 and 2010. The Act has broadened the occupational choices available to the agricultural workers within their locality, thereby impacting rural-urban migration.</p> <p>Budget provision hovered around 40,000-50000 under this programme. The report card on Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) on the completion of ten years of its implementation on 2nd February 2016, may be seen from the official press release of Ministry of Rural Development on 1 February 2016.</p>
4.3.0	<p><u>Minimum Wages Act 1948</u></p> <p>The Minimum Wages Act, 1948 is a Central legislation aimed at statutory fixation of minimum rates of wages in the employments where sweated labour is prevalent with possibility for exploitation of unorganized labour. The provisions of the Act are intended to achieve the object of doing social justice to workmen employed in the scheduled employments by prescribing minimum rates of wages for them. The Act aims at statutory fixation of minimum wages with a view to prevent exploitation of labour.</p> <p>The Government of Telangana have fixed minimum rates of wages in (73) Scheduled employments (List enclosed) so far under Minimum Wages Act, 1948 in which 65 employments (industry related) are covered under part-I and 8 (Agriculture related) Scheduled employments under part-II of the said Act. Presently, the wages have been fixed to each and every category under the above specific employments and as a result wages are fixed covering nearly for 20 to 40 categories of workers in each employment, creating confusion among the working class about their wages. Due to a large number of Scheduled Employments much time is being consumed for revision of wages without uniformity causing discrimination among the workers. It is becoming very difficult to the Inspectors notified under the Act for implementation of wages due to innumerable schedules. Moreover, in the existing G.Os, there is a variation in wages from employment to employment for similar category of worker. Variation in wages to similar categories of workers in various scheduled employments leads to anomalies and discontentment among the workers doing same and similar type of work.</p> <p>In order to overcome this problem, it is considered necessary to simplify and rationalize the existing Scheduled employments under the Act and to fix uniform rates to the similar category of workers and simultaneously to reduce the categories as well as employments and the Government through G.O.Rt.No.654, dated 18/05/2010 of Labour, Employment, Training and Factories (Lab.II) Department, have constituted the</p>

	<p>Rationalization Committee for Simplification and Rationalization of the schedule of Employments under the Minimum Wages Act, 1948, with a term of 2 years to recommend to the government on simplification and rationalization of fixation and revision of minimum wages and the committee has given its recommendations and a proposal on the recommendations is being submitted to the government.</p> <p>During the year 1989, Government of Andhra Pradesh have introduced for the first time the Cost of Living Allowance in addition to the notified basic wage in respect of the scheduled Employments covered under Part-I of the schedule. The Commissioner of Labour notifies the increase of average Consumer Price Index Numbers on 1st April and 1st October every year taking into account the CPI numbers of both Central and State series from 12 centers for the half year ending June & December.</p> <p>Recently the Government took a decision to implement the Variable Dearness Allowance component to the scheduled employments covered under Part-II of the Schedule under Minimum Wages Act on par with the scheduled employments covered under Part-I. Recently, two new Scheduled Employments viz., 1. Sales Promotion 2. Contract labour have been added to Part-I of the Schedule by issuing preliminary notification under Section 27 of the Act. The issue of payment of appropriate statutory wages to contract labour, of late has become disputed due to litigation by many employers where both minimum wages and contract labour wages notified under Contract Labour Act exist and fixation of minimum wages in respect of the contract labour employment, where minimum wages are not fixed is expected to resolve the above issue.</p> <p>The process of revision of minimum rates of wages in the respective Scheduled Employments is being taken up for every 5 years against the Scheduled Employments where the VDA component is a part of wages and for every two years, where the VDA is not incorporated.</p> <p>The procedure to be adopted for fixation/revision of minimum wages has been provided under Sections 3 and 5 of the Minimum Wages Act, 1948. Two methods are provided under Section 5 of the Act, for fixation/revision of minimum wages in any Scheduled Employment under the Minimum Wages Act, 1948, which are detailed below.</p> <p>Procedure for fixing and revising minimum wages.—(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either—</p> <ol style="list-style-type: none"> a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration. <p>In the State of Telangana, Government have been adopting the notification method as provided under Section 5(1) (b) of the Act for fixation or revision of minimum wages in any scheduled employment</p>
4.4.0	<u>Payment of Wages Act, 1936</u>

Payment of Wages Act, 1936

The Payment of Wages Act, 1936 regulates the payment of wages of certain classes of employed persons.

It extends to the whole of India and it came into force on 28th March 1937.

Important points

This act applies to an employed person whose wage does not exceed twenty-four thousand rupees per month.

Industrial or other establishment includes the following:

Tramway or motor transport service engaged in carrying passengers or goods or both for hire or reward.

Air transport service other than such service which is exclusively employed in the military, naval or air forces or the civil aviation department.

Dock, wharf, or jetty.

Inland vessel, mechanically propelled.

Mine, quarry, or oilfield.

Plantation

Any workshop or establishment is included if it involves the production, adaption, or manufacturing of articles for use, transport, or sale.

Any establishment in which work relating to the construction, development, or maintenance of buildings, roads, bridges or canals, navigation, irrigation, or distribution of electricity or any other form of power is being carried on.

Any other establishment notified by the appropriate government.

A wage-period shall not exceed one month

4) Wages shall be paid before the expiry of the seventh day and tenth day if the person is employed in an establishment in which less than one thousand persons and more than one thousand are employed respectively.

If a person is employed on a dock, wharf or jetty or in a mine, the balance of wages shall be paid before the expiry of the seventh day from the day of such completion.

If the employment of any person is terminated by the employer, the wages shall be paid before the expiry of the second working day.

If the employment of any person is terminated due to the closure of the establishment, the wages shall be paid before the expiry of the second day.

5) The total amount of deductions from the wages of an employed person shall not exceed: seventy-five percent, if the deductions include payments to co-operative societies. fifty percent, in any other case.

6) The total amount of fine imposed in a wage-period on any employed person shall not exceed an amount equal to three percent of the wages.

7) A fine shall not be imposed on any employed person who is under the age of fifteen years.

8) The appropriate government may appoint the following as the authority to hear and decide the claims related to the deductions or delay in wages:
Any commissioner for Workmen's Compensation or
Regional Labour Commissioner (central) or
Assistant Labour Commissioner (central) with at least two years' experience or
Assistant Labour Commissioner (state) with at least two years' experience or
A presiding officer of any Labour Court or Industrial Tribunal constituted under the Industrial Disputes Act, 1947 or under any corresponding law or
Judge of a Civil Court or a Judicial Magistrate.

9) The authority may direct the employer:
To refund the deducted amount together with the compensation not exceeding ten times the amount deducted.
To pay the delayed wages together with the compensation not exceeding three thousand rupees but not less than one thousand five hundred rupees.
The authority may direct the employer to pay the maximum compensation of two thousand rupees, even if the amount deducted or delayed wages are paid before the disposal of the application.

10) If the authority is satisfied that the application is either malicious or vexatious, it may direct the person who presented the application to pay a penalty not exceeding three hundred seventy-five rupees to the employer.

11) If a person who is required to nominate or designate a person under section 3 (responsibility for payment of wages) fails to do so, such person shall be punishable with a maximum fine of three thousand rupees.

12) If a person who is required to maintain records or registers or to furnish any information or return, does the following, then he shall be punishable with fine which shall not be less than one thousand five hundred rupees but may extend to seven thousand five hundred rupees:
Fails to maintain such a register or record.
Wilfully refuses to furnish such information or furnishes false information or return or refuses to answer some information that is required to be furnished under this act.

13) If a person wilfully obstructs an inspector or refuses to produce any register or document demanded by the inspector or refuses to afford an inspector any reasonable facility for making the inspection shall be punishable with a fine which shall not be less than one thousand five hundred rupees but may extend to seven thousand five hundred rupees.

14) If any person is convicted again of an offence involving contravention of the same provision, then he shall be punishable with imprisonment for a term or with fine which shall not be less than three thousand seven hundred fifty rupees but may extend to twenty-two thousand five hundred rupees.

15) If any person fails or wilfully neglects to pay the wages by the date fixed by the authority, he shall be punishable with an additional fine which may extend to seven hundred fifty rupees for each day for which such neglect continues.

4.5.0	<p>Bonded Labour System (Abolition) Act, 1976 India is a country dealing with situational ironies, where on one hand, we provide a democratic status to the country with equality for all citizens but the reality is heart wrenching. There are still certain sections of the society that face discrimination and are engulfed in a vicious circle of unemployment and poverty coupled with illiteracy.</p> <p>Such economic and social inequalities lead to various deeply encapsulated ill-practices, one of which is extremely rampant, that is, bonded labour which affects the whole family structure where generations over generations are involved in the system.</p> <p>The practice which started centuries ago continues to plague Indian society till date. International Labour Organization claims that there were around 1.17 crores bonded labourers in 2014. Global slavery index says that nearly 8 million people are living in “modern slavery” in India in 2016.</p> <p>This article deals with the concept of bonded labour and the laws that abolish this practice. Further, this article discusses the possible causes of the continuance of this practice in India.</p> <p>What is bonded labour? Bonded labour is a form of slavery where a person and his successors are made to work for the creditor against lending of a loan, in case of failure to pay back, until the loan is repaid. The people engaged in the system are made to work hard at unreasonable wages. This system is commonly known as <i>BandhuaMazdoori</i>.</p> <p>The system is characterised by unfair practices where employers charge high interest on loans along with payment of short wages. Bonded labour has been associated with rural economies where peasants from economically disadvantaged communities are bound to work for the landlords who exploit them a lot.</p> <p>It is also found in urban pockets but at a lesser level in unorganized industries such as brick kilns, stone quarries, and coal mining etc. There is no defined time period for this arrangement. This agreement of indefinite bonded labour results into undeniable loss of freedom and curtailment of rights of the debtor.</p> <p>The provisions in law prohibiting the same are found in the form of various Acts and regulations. The main Act prohibiting bonded labour is Bonded Labour System (Abolition) Act, 1976 which is an extension of Article 23 (Fundamental Rights) of The Constitution of India prohibiting forced labour.</p> <p>Bonded Labour System (Abolition) Act, 1976 Bonded labour, after being institutionalised as a stringent system in Indian society for various centuries, was abolished in India by an Ordinance passed in 1975 which later became the Bonded Labour System (Abolition) Act in 1976. Before the formulation of the Act, the efforts to fight bonded labour were only at regional level with legislation Acts found in states like Bihar, Orissa, Madras and Rajasthan.</p>
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According to a report formulated by Commission of SC and SR, these legislations were a great failure and finally in 1975, a twenty point programme was promulgated to abolish the system of bonded labour which came into force in 1976. The Act anticipates freeing all bonded labourers, annulling their debts, finding rehabilitative measures and punishing the offenders

Salient features

The Act came into force on 25 October, 1975 and extends to whole of India and is implemented by respective states according to their discretion. It comprises of 10 sections.

It has been established with an objective to provide for the abolition of bonded labour system and prevent economic and physical exploitation of the weaker sections.

The Act has overriding effect and anything inconsistent with this Act does not have enforcing effect and shall be abolished.

According to Sections 4 and 5, bonded labour is strictly abolished and any custom or agreement related to the same has been made void and inoperative.

Every labourer is free from his liability to pay debt and is discharged of all his obligations to render bonded labour. No person can institute any proceeding in any court to recovery of debt. No creditor can accept payment against extinguished debt.

If the creditor took any property under the system, the same has to be restored to the possessor from whom it was seized. Property of the bonded labourer to be freed from mortgage, etc.

Every bonded labour who has been detained under the system has to be released.

Under Section 10 of the Act, the state government have been conferred with powers to impose duty on magistrate of the district to ensure the enforcement of the Act. The Act provides for an institutional mechanism in the form of Vigilance Committees which guide the District Magistrate.

The Supreme Court too, in the case of *Neerja Chaudhury v. State of Madhya Pradesh*, observed that bonded labourers must be identified and released and suitably rehabilitated.

Progress under the Act

Success

The Act has freed a lot of people from the clutches of this draconian system which is exploitative in nature.

The Act has helped to lift and improve the economic condition of people who were burdened with the loans and unfair practices by creditor.

The Act has led to successful integration of rescued labourers back into mainstream society, and helped them in relocation.

Failure

Bonded labour continues to be a significant problem in India due to poor implementation of Acts and policies.

The district-level Vigilance Committees do not take their duties seriously enough and there are various lacunas in their functioning.

There is lack of required awareness among people especially in rural areas who are still entrapped in this vicious system.

The rescue and rehabilitation of workers is not very effective due to lack of adequate services and facilities.

The Act does not take into consideration children and their rights.

	<p>Critical Analysis</p> <p>Merely making laws is not enough; they have to be sufficiently enforced. Bonded labour is violative of basic human rights of labourers, which as a system need to be tackled and eliminated vigorously and efficaciously.</p> <p>Though a lot of progress has been made under the Act, there has to be more vigilance to eradicate the system from Indian society. The loopholes and negligence present have to be completely removed.</p> <p>Moreover measures have to be taken to improve the implementation of the Bonded Labour Abolition Act. Further, bonded labour cases should be tackled in fast track courts and justice should be provided to the labourers.</p> <p>Conclusion</p> <p>Bonded labour in India is a result of social and economic factors. In spite of the fact that enactments were confined and established assurances in form of constitutional provisions are allowed against this draconian framework, it can be only helpful when there is a powerful implementation of the laws, end of class based partialities and open mindfulness. Till the point a law doesn't instil its presence at the lowest levels of society, it is regarded to be insufficient, in spite of having got statutory acknowledgment.</p> <p>Henceforth reformative and preventive methodology ought to be followed. This can be done by keeping a well maintained record of bonded labourers and taking necessary steps to eliminate the system right from the grass-root levels. This system should be severely condemned and punished. Proper implementation of rules and regulations could do wonders and make Indian society completely free of such oppressive systems.</p>
4.6.0	<p>THE TRADE UNION ACT, 1926</p> <p>Section 2: Definition:</p> <p>Appropriate government has been defined in relation to the object of a trade union act. Appropriate government is state government or central government.</p> <p>Executive: means the body which manages the affair of a trade union. It should be responsible for managing the affair of the trade union.</p> <p>Office Bearers: includes any member of the executive of the trade union.</p> <p>Prescribed: means prescribed by regulations made under the trade union act.</p> <p>Registered Office: Office of a trade union which is registered the under trade union act as the head office of such trade union.</p> <p>Registered Trade Union: Trade union registered under trade union act.</p> <p>Registrar: As provided under sec.2 (1) Registrar of trade union appointed by the appropriate government under sec.3.</p> <ul style="list-style-type: none"> • Trade Dispute: any dispute: • Between employer and worker. • Between workmen and workmen. • Between employers and employers. • Trade Union: Section 2(h) defines which can be analysed into:

- Any combination whether temporary or permanent.
- The combination formed for the purpose of:
- Regulation relation between:
- Workmen and employer.
- Workmen and workmen.
- Employers and employers.
- Imposing restrictive condition of any trade or business:
- Any agreement between parties to business.
- Any agreement between employer to employment.
- Any agreement in consideration of the sale of goods.

Case:- Society v/s London Theatres of Varieties.

Registration of Trade Unions:

Section 3: Appointment of Registrars:

The appropriate government shall appoint a person to be the registrar of trade union for each state.

Section 4: Mode of Registration:

A trade union may be a registered, unregistered or a recognised trade union. There is a basic distinction between these different trade union. The members of a recognised and registered trade union enjoy such benefit as the member of the unregistered trade union do not.

Section 5: Application of Registration:

The application should be sent to the registrar in which at least seven members must be subscribed names to the rules of Trade Union.

Accompanied statement of following particular:

Names, occupation and address of members.

Name, address of its head office.

Titles, name, age, occupation of office bearers.

A general statement of assets and liabilities of trade union prepared in the prescribed form.

Section 6: Provision to be contained in the Rules of Trade Union:

The executive is constituted in accordance with the provision of trade union act.

The rules are:

Name of Trade Unions.

Objects.

Purposes of the general fund in the trade union.

Maintenance of list of members.

Admission of an ordinary member.

Payment of minimum subscription by members.

The condition under which member shall entitle to any benefit.

The manner in which the rules shall be amended.

The manner in which executive and office bearers shall be affected and

Duration, not more than 3 years.

Safe Custody.

The manner in which trade union may be dissolved.

Case: Bokagen Cement Corporation Workmen Union v/s Cement Corporation of India Limited.

Section 7: Power to call for further particulars and to require alteration of name.

Section 8: Registration:

The registrar will register the trade union if he is satisfied that the trade union has complied with all the requirements of trade union activities in regard to registration.

Section 9: Certificate of Registration:

The registrar on registering a trade union shall issue a certificate of registration in the prescribed form.

Section 9A: Minimum requirement about membership of trade union:

A registered union of workmen shall at all times continue to have not less than ten per cent of one hundred of the workmen whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected as its members.

Section 10: Cancellation of Registration:

The registrar can exercise his power in the following cases:

Application to be verified in a prescribed manner.

Registrar is satisfied that the certificate is obtained fraud or mistake.

Where the trade union has ceased to exist.

Allowed any rule to continue in force which is inconsistent with provisions.

Section 10 registrar satisfied that a workman ceases to have a number of members, the registration can be cancelled.

Section 11: Appeals:

A limited right of appeal from the decision of registrar is granted by section 11 of the trade union act. Any person aggrieved by the refusal of the registrar, a trade union or by withdrawal or cancellation of a certificate of registration has the right of appeal.

Section 12: Registered Office:

All communication notice to a registered trade union may be addressed to its registered office. Notice of any change in the address of head office shall be given within 14 days of the change in writing, the change shall be recorded in section 8.

Section 13: Incorporation of registered Trade Union:

It becomes a body corporate by the name under which is registered.

It gets perpetual succession and a common seal.

Can acquire and hold movable and immovable property.

Can contract through an agent.

Can sue and be sued in its registered name.

Rights and Liabilities of Trade Union:-

Rights	Liabilities
Right to represent	Cannot use funds other than under section 15
Right to collect the fee	Enforceability of agreement- (sec.19)
Become corporate body- (sec.13)	The proportion of office bearers- (sec.22)
Create fund- (sec.16)	Returns- (sec.28)
Immunity from the criminal conspiracy- (sec.17)	
Immunity from civil suites- (sec.18)	
Right to inspect books- (sec.20)	
Right to obtain membership- (sec.21)	
Right to change the name- (sec.23)	
Right to amalgamation- (sec.24)	
Right to dissolve- (sec.27)	

Recognition:

It was incorporated in chapter III-A (from sec.28-A to sec. 28-I). But these provisions have not been put into operation so far and have thus remained a dead letter on the statute of book.

Section 28 (A): Deals with 'Appropriate Government'.

Section 28 (B): Make provision for appointment, constitution, powers and procedures of Labour courts.

Section 28 (C): Recognition by agreement:

Shall record the memorandum in a register in the prescribed manner.

Such an agreement may be revoked by either party.

While such an agreement is in force, the trade union shall in relation to the employer with whom the agreement is made.

Section 28 (D): Condition for recognition by order of a Labour Court:

All its ordinary members are workmen employed in the same industry.

Workmen employed by an employer in the industry.

Its rule does not provide for the exclusion from membership.

	<p>Rules provide for the procedure for declaring strikes. Meeting of its executive held in every 6 months. It is a registered trade union and it has complied with all the provision of trade union act.</p> <p>Section 28 (E): Application to and grant of recognition by Labour Court: Where applied for recognition has failed to obtain within a period of three-month such application may apply to labour court for recognition by that employer. A single application may be made:</p> <p>By more than one employer. By an association of employer. The Labour Court may call for further information. Investigate whether the trade union fulfils the condition of recognition. If the Labour Court is satisfied, it shall make an order directing such recognition. Every order shall be forwarded to the appropriate government.</p> <p>Section 28 (F): Rights of Recognized Trade Union: Shall entitled to negotiate with employers in respect of matter connected with the employment or non-employment. Shall be construed as requiring as the employer to send replies to letter on or grant interviews regarding matters. Any dispute between the employer and executive shall be referred to the Registrar whose decision shall be final. Shall be entitled to display notice of the trade union in any premises.</p> <p>Section 28 (G): Withdrawal of Recognition: The <u>Labor</u> Court for withdrawal of the recognition on any of the following: Committed any unfair practice, within three months to the date of application. Failed to submit any returned referred in Sec.28J. Ceased to be representative of the workmen referred in clause (b) Sec.28D. Serve notice in the prescribed manner on the trade union to show cause why its recognition should not be withdrawn. Labour Court is satisfied that the trade union is no longer fit to be recognised, it shall make an order declaring that the recognition of trade union has been withdrawn, and forward as a copy to the appropriate government.</p> <p>Section 28 (H): Application for fresh Recognition: On the expiry of not less than 6 months from date of withdrawal, then may again apply for recognition.</p> <p>Section 28 (I): recognised trade union to submit prescribed returns: Shall submit to the registrar at the prescribed time and in the prescribed manner such returns.</p>
4.7.0	<p><u>Contract Labour (Regulation and Abolition) Act, 1970</u></p> <p>The Contract Labour (Regulation and Abolition) Act, 1970 is an act to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances.</p>

- The act extends to the **whole of India**.
- It came into force on **10th February 1971**.

Important points

1) The Act applies to every **establishment** in which **twenty or more workmen** are employed as contract labour.

- This act applies to every **contractor** who employees **twenty or more workmen**.

2) The act is **not applicable to the establishments**, in which the work is **intermittent or casual in nature**.

- The appropriate government shall consult the **Central Board or a State Board** to **decide the nature of the work** and its decision shall be final.

3) The **work performed** in an establishment is **not considered as intermittent** in nature:

- If the **work is performed** for more than **one hundred and twenty days** in the preceding twelve months.
- If the work is performed for **more than sixty days in a year**, in the case of **seasonal establishments**.

4) Section 2(b) of the act defines **contract labour**. As per this section, when a workman is hired in connection with the work of an establishment through a contractor, with or without the knowledge of the principal employer, he shall be considered to be employed as contract labour.

5) **Establishment** (Section 2(e)) refers to the following:

- Any office or department of the government or local authority.
- Any place where any industry, trade, business, manufacture, or occupation is carried on.

6) The **Central Advisory Contract Labour Board (The Central Board)** constituted by the central government shall assist it in the matters that are related to the administration of this act.

7) The composition of the Central Board is as follows:

- A Chairman to be appointed by the central government.
- The Chief Labour Commissioner (Central), ex-officio.
- The central government shall nominate such a number of members **not exceeding seventeen but not less than eleven** to represent the Government, the Railways, the coal industry, the mining industry, the contractors, the workmen, and any other interests considered by the central government.
- The number of members nominated to represent the workmen **shall not be less than** the number of members nominated to represent the principal employers and the contractors.

8) The composition of the State Board is as follows:

- A Chairman to be appointed by the state government.
- The Labour Commissioner, ex officio, or any other officer nominated by the state government in his absence.
- The state shall nominate such a number of members, **not exceeding eleven but not less than nine**, to represent the Government, the industry, the contractors, the workmen,

and any other interests considered by the state government.

- The number of members nominated to represent the workmen **shall not be less than** the number of members nominated to represent the principal employers and the contractors.

9) Section 16 of the act is regarding canteens. As per this section, one or more canteens shall be provided by the contractor for contract labour in every establishment:

- To which this act is applicable.
- In which the work requires contract labour for a specific period.
- In which **contract labour numbering one hundred or more** are employed by a contractor.

10) The contractor shall provide the following to contract labour in every establishment to which the act applies:

- Drinking water at convenient places.
- Sufficient number of latrines and urinals.
- Washing facilities.
- First-aid facilities.

11) If any amenity required to be provided under this act for the benefit of the contract labour, is not provided by the contractor within the time prescribed, then such amenity shall be provided by the **principal employer**.

- The **expenses shall be recovered by the principal employer from the contractor** either by **deduction** from any payable amount or as a **debt payable** by the contractor.

12) The **contractor** shall be responsible for the **payment of wages** before the expiry of the prescribed period.

- A **representative to certify** the amounts paid as wages by the contractor shall be **nominated by the principal employer** to be present at the time of **disbursement of wages by the contractor**.
- If the **contractor fails** to make payment of wages within the prescribed period or **makes a short payment**, then the **principal employer** is responsible for the payment of wages or unpaid balance due and **shall be recovered** from the contractor.

13) Any person who does the following shall be punishable with a **maximum imprisonment of three months** or with a **maximum fine of one thousand rupees**, or with both and in the case of a continuing contravention, with a maximum **additional fine of one hundred rupees** for every day during the continuation of such contravention:

- Contravening **any provision** of the act.
- Contravening any rules made thereunder **prohibiting, restricting, or regulating the employment of contract labour**.
- Contravening any **condition of a license** granted under this act.

14) If any person **contravenes any provision** under this act and if there is **no penalty stated**, then **he shall be punished with a maximum imprisonment of three months** or with a maximum fine of **one thousand rupees** or with both.

4.8.0 **Equal Remuneration Act, 1976**

The Equal Remuneration Act, 1976 is an act to provide **equal remuneration to men** and women and to prevent **gender discrimination against women** in matters related to employment.

- The act extends to the **whole of India**.
- It came into force on 8th March 1976.
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Equal Remuneration Act 1976: Important points

1) **Section 2(g)** of the act defines **remuneration**. It includes **basic wage or salary** and additional emoluments.

2) **Same work or work of a similar nature (Section 2(h))** refers to the work that requires some skill, effort, and responsibility under similar working conditions by a man or a woman.

3) **Section 4** states that it is the duty of the employer to **pay equal remuneration to men and women workers** for the same work or work of a similar nature. As per this section:

- **No employer shall pay less remuneration** or reduce the rate of remuneration of the workers of opposite gender performing the same work or work of similar nature.
- **Before the commencement of this act**, if the rates of remuneration for men and women workers for the same work or work of similar nature are different only on the grounds of gender, **then the highest of such rates** shall be the rate of remuneration.

4) **Section 5** states that there shall be **no discrimination while recruiting men and women workers**.

5) The appropriate government shall constitute one or more **Advisory Committees (Section 6)** to increase employment opportunities for women.

- The total membership **shall not be less than ten persons**, to be nominated by the appropriate government of which **one-half shall be women**.
- The advisory committee shall take the nature of work, working hours, the suitability of women for employment, provision for part-time employment and other relevant factors into consideration while tendering its advice.

6) Officers not below the rank of a **Labour Officer** shall be appointed by the appropriate government to:

- **Hear and decide the complaints** regarding the contravention of any provision of this act.
- Decide the **claims arising out of non-payment of wages** at equal rates to men and women workers for the same work or work of a similar nature.

7) If any **employer or worker** aggrieved by any order, he/ she may appeal to such **authority** specified by the appropriate government within **thirty days** from the date of the order.

8) **Inspectors** shall be appointed by the appropriate government to investigate whether the provisions of this act are being followed by the employers or not. Every inspector shall within the local limits of his jurisdiction:

- Shall **enter any building, factory, premises** or vessel with assistance.
- Shall **examine documents** relating to the muster-roll or other documents relating to the

	<p>employment of workers.</p> <ul style="list-style-type: none"> • Shall take evidence of any person to ascertain whether the provisions of this act are being compiled or not. • Shall examine the employer, his agent or any other person found in charge of the establishment. • Shall make copies of any register or document related to the establishment under this act. • Shall require any person to produce any register or document or any information. <p>9) After the commencement of this act, if any employer fails to follow the following shall be punishable with a maximum imprisonment of one month or with a maximum fine of ten thousand rupees or with both:</p> <ul style="list-style-type: none"> • Fails to maintain any register or other document in relation to workers. • Fails to produce any register, muster-roll or other document relating to the workers. • Refuses to give any evidence or any information. • Prevents his agent, servant or any other person in charge of the establishment or any worker, from giving evidence. <p>10) After the commencement of this act, if any employer does the following shall be punishable with fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but may extend to one year or with both for the first offence and with imprisonment which may extend to two years for the second and subsequent offences:</p> <ul style="list-style-type: none"> • Pays at unequal rates to men and women workers, for the same work or work of a similar nature. • Makes any discrimination between men and women workers in contravention of the provisions of this Act. • Fails to follow any direction made by the appropriate government. <p>11) If any person being required to produce any register or any other document to an inspector omits or refuses to produce or to give any information, then he shall be punishable with a maximum fine of five hundred rupees.</p>
4.9.0	<p>Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979</p> <p>Key provisions of the Act:</p> <ol style="list-style-type: none"> 1. The Act seeks to regulate the employment of inter-State migrants and their conditions of service. 2. It envisages a system of registration of such establishments. 3. The principal employer is prohibited from employing inter-State workmen without a certificate of registration from the relevant authority. 4. The law also lays down that every contractor who recruits workmen from one State for deployment in another State should obtain a licence to do so. 5. Contractors are bound by certain conditions. These include committing them to providing terms and conditions of the agreement or any other arrangement on

the basis of which they recruit workers.

Applicability of the law:

1. It is applicable to every establishment that employs five or more migrant workmen from other States; or if it had employed five or more such workmen on any day in the preceding 12 months.
2. It is also applicable to contractors who employed a similar number of inter-State workmen.
3. The Act would apply regardless of whether the five or more workmen were in addition to others employed in the establishment or by the contractors.

Beneficial provisions for inter-State migrants:

1. Registration of establishments employing inter-State workers creates **a system of accountability** and acts as **the first layer of formalising the utilisation of their labour**.
2. It **helps the government keep track of the number of workers employed and provides a legal basis for regulating their conditions of service**.
3. The wage rates, holidays, hours of work and other conditions of service of an inter-State migrant workman shall be the same as those extended to other workmen in the same establishment, if the nature of their work is similar.

Attempts to reform:

As part of the present regime's efforts towards consolidating and reforming labour law, a Bill has been introduced in Parliament called **the Occupational Safety, Health and Working Conditions Code, 2019**. The proposed code seeks to merge 13 labour laws into a single piece of legislation. The Inter-State Migrant Workmen Act, 1979, is one of them.

Concerns and criticisms surrounding the new code:

1. Activists fear that specific safeguards given to migrant workers may be lost as a result of the consolidation in the new code.
2. The attempt to consolidate laws relating to occupational safety, health and working conditions means that **many separate laws concerning various kinds of workers and labourers will have to be repealed**.
3. Regarding inter-State migrant workers, the Act includes them in the definition of **'contract labour'**.
4. At the same time, **an inter-State migrant worker is also separately defined as a person recruited either by an employer or a contractor for an establishment situated in another State**.

Need of the hour:

Even though the Code seeks to preserve many of the protections and rights given to inter-State workers, trade unions feel that it is always better to have a separate enactment. The unprecedented distress and misery faced by migrant workers due to the current lockdown has drawn attention to a beneficial legislation dedicated to their

	welfare.
5.0.0	Social Work in the Unorganized Sector
5.1.0	<p>Skills required practice in the unorganized sector</p> <p><u>National Policy on Skill Development</u></p> <p>Skills and knowledge are the driving forces of economic growth and social development for any country. Countries with higher and better levels of skills adjust more effectively to the challenges and opportunities of world of work. Potentially, the target group for skill development comprises all those in the labour force, including those entering the labour market for the first time (12.8 million annually), those employed in the organized sector (26.0 million) and those working in the unorganized sector (433 million) in 2004-05. The current capacity of the skill development programs is 3.1 million. India has set a target of skilling 500 million people by 2022.</p> <p>Mission The policy envisions the establishment of a National Skill Development Initiative with the following mission:</p> <ul style="list-style-type: none"> • National Skill Development Initiative will empower all individuals through improved skills, knowledge, nationally and internationally recognized qualifications to gain access to decent employment and ensure India’s competitiveness in the global market. <p>Aims The aim of skill development in the country is to support achieving rapid and inclusive growth through:</p> <ul style="list-style-type: none"> • Enhancing individuals’ employability (wage/ self-employment) and ability to adapt to changing technologies and labor market demands. • Improving productivity and living standards of the people. • Strengthening competitiveness of the country. • Attracting investment in skill development. <p>Objectives of the policy The objectives of the national policy on skill development are to:</p> <ul style="list-style-type: none"> • Create opportunities for all to acquire skills throughout life, and especially for youth, women and disadvantaged groups. • Promote commitment by all stakeholders to own skill development initiatives. • Develop a high - quality skilled workforce/entrepreneur relevant to current and emerging employment market needs. • Enable the establishment of flexible delivery mechanisms that respond to the characteristics of a wide range of needs of stakeholders. • Enable effective coordination between different ministries, the Centre and the States and public and private providers <p>Scope of the Policy The coverage of the National Policy on Skill Development includes the following:</p> <ul style="list-style-type: none"> • Institution – based skill development including ITIs/ITCs/vocational schools/technical schools/ polytechnics/ professional colleges, etc.

	<ul style="list-style-type: none"> • Learning initiatives of sectoral skill development organized by different ministries/departments. • Formal and informal apprenticeships and other types of training by enterprises • Training for self - employment/entrepreneurial development • Adult learning, retraining of retired or retiring employees and lifelong learning • Non - formal training including training by civil society organizations • E -learning, web - based learning and distance learning. <p>National Skill Development Corporation</p> <p>The National Skill Development Corporation is a non - profit company under the Companies Act 1956 with an appropriate governance structure. The head of the Corporation is a person of eminence/reputed professional in the field of Skill Development. The Corporation would constitute Sector Skills Councils with following functions:</p> <ul style="list-style-type: none"> • Identification of skill development needs including preparing a catalogue of types of skills, range and depth of skills to facilitate individuals to choose from them. • Development of a sector skill development plan and maintain skill inventory. • Determining skills/competency standards and qualifications. • Standardization of affiliation and accreditation process. • Participation in Affiliation, accreditation, examination and certification. • Plan and execute Training of Trainers. • Promotion of academies of excellence. • Establishment of a well-structured sector specific Labor Market Information System (LMIS) to assist planning and delivery of training
5.2.0	<p>Methods and principles of organizing the unorganized</p> <p>The Ten Guiding Principles</p> <ol style="list-style-type: none"> 1. A Union is built on its members. The strength, understanding and unity of the membership can determine the union's course and its advancements. The members who work, who make up the union and pay its dues can best determine their own destiny. If the facts are honestly presented to the members in the ranks, they will best judge what should be done and how it should be done. In brief, it is the membership of the union which is the best judge of its own welfare; not the officers, not the employers, not the politicians and the fair weather friends of labor. Above all, this approach is based on the conviction that given the truth and an opportunity to determine their own course of action, the rank and file in 99 cases out of 100 will take the right path in their own interests and in the interests of all the people. 2. Labor unity is at all times the key for a successful economic advancement. Anything that detracts from labor unity hurts all labor. Any group of workers which decides to put itself above other workers through craft unionism or through cozy deals at the expense of others will in the long run gain but little and inevitably will lose both its substance and its friends. No matter how difficult the going, a union must fight in every possible way to advance the principle of labor unity.

3. Workers are indivisible. There can be no discrimination because of race, color, creed, national origin, religious or political belief, sex, gender preference, or sexual orientation. Any division among the workers can help no one but the employers. Discrimination of worker against worker is suicide. Discrimination is a weapon of the boss. Its entire history is proof that it has served no other purpose than to pit worker against worker to their own destruction.
4. “To help any worker in distress” must be a daily guide in the life of every trade union and its individual members. Labor solidarity means just that. Unions have to accept the fact that the solidarity of labor stands above all else, including even the so-called sanctity of the contract. We cannot adopt for ourselves the policies of union leaders who insist that because they have a contract, their members are compelled to perform work even behind a picket line. Every picket line must be respected as though it were our own.
5. Any union, if it is to fulfill its appointed task, must put aside all internal differences and issues to combine for the common cause of advancing the welfare of the membership. No union can successfully fulfill its purpose in life if it allows itself to be distracted by any issue which causes division in its ranks and undermines the unity which all labor must have in the face of the employer.
6. The days are long gone when a union can consider dealing with single employers. The powerful financial interests of the country are bound together in every conceivable type of united organization to promote their own welfare and to resist the demands of labor. Labor can no more win with the ancient weapons of taking on a single employer in industry any more than it can hope to win through the worn-out dream of withholding its skill until an employer sues for peace. The employers of this country are part of a well-organized, carefully coordinated, effective fighting machine. They can be met only on equal terms, which require industry-wide bargaining and the most extensive economic strength of organized labor.
7. Just as water flows to its lowest level, so do wages if the bulk of the workers are left unorganized. The day of craft unionism – the aristocracy of labor – was over when mass production methods were introduced. To organize the unorganized must be a cardinal principle of any union worth its salt; and to accomplish this is not merely in the interest of the unorganized, it is for the benefit of the organized as well.
8. The basic aspiration and desires of the workers throughout the world are the same. Workers are workers the world over. International solidarity, particularly to maritime workers, is essential to their protection and a guarantee of reserve economic power in times of strife.
9. A new type of unionism is called for which does not confine its ambitions and demands only to wages. Conditions of work, security of employment and adequate provisions for the workers and their families in times of need are of equal, if not greater importance, than the hourly wage.
10. Jurisdictional warfare and jurisdictional raiding must be outlawed by labor itself. Nothing

can do as much damage to the ranks of labor and to the principle of labor unity and solidarity as jurisdictional bickering and raiding among unions. Both public support and strike victories and jeopardized by jurisdictional warfare. This code for rank and file unionism is implemented by the membership's participation in organization, negotiations, strike machinery, contract enforcement and every other aspect of union life. Thus, its discipline springs out of participation, conviction and the right of the membership to decide its own course of action. The above principles and steps to implement them, and an informed and alert membership make the union what it is.

