

UNORGANIZED WORKERS SECURITY POLICY – A LEGAL STUDY

Umesalma¹, Ajit K Bijjal² & Sudheendra Rao L N³

¹LL.B 3 Years Student, B.M.S. College of Law, Bull Temple Road, Basavanagudi, Bangalore, Karnataka, India

²Assistant Professor, SVM VVSS Institute of Management Studies, Ilkal, Bagalkot District, North Karnataka, India

²Research Scholar, Srinivas University, Mangalore, Karnataka, India

³Director, MBA Department, SVM VVSS Institute of Management Studies, Ilkal, Bagalkot District, North Karnataka, India

ABSTRACT

Wherever we go, we can see some sort of work which is not regularly seen or the repetition of work with different kinds of people or the same person who will not come to perform the same duty every day. It means different people are working in an organization which does not maintain the muster rolls, they are termed as unorganized workers.. There are several types of the unorganized sector we can see daily in many regions may range from temple priests to cobblers we come across more than 33 types. Workers who earn their bread on daily basis otherwise have to suffer from fasting. These sector workers are extremely poor in general.

Corona Virus Diseases has spread in the country in the year 2019 September and identified in Kerala followed by Karnataka. The Central Government has declared lockdown from 24 March 2020, Tuesday after an initial trial on 22 March 2020, Sunday. The work was stopped totally and the workers from the unorganized sector have no shelter and no work what they have to do in the crisis period no food materials many people have died because of starvation and not of COVID-19. The State Government in Karnataka has taken certain measures to protect the interest of the unorganized sector workers by covering insurance policy, minimum wages for daily, priority for school going children of the unorganized sector workers.

Board has created to enrol as a member to identify the members and their address whether they are from the same state or a neighbouring state. Monetary benefits to be given to the concerned person without leaving any workers. And to provide shelters under “Ashraya Scheme” and “Prime Minister Awas Yojana Schemes” etc. one needs pure air, pure water, hygienic food, cloth and shelter further security and biological needs in the order to be followed. At present, the workers are deprived of an opportunity from the above points and hence government has come forward to protect the interests of the employees in this sector.

KEYWORDS: Introduction - Security - Employees Definition - Sara Devi - Sharanya Mathaji - Merriam Webster Dictionary- Wikipedia -National Commission for Enterprises on Unorganized Sector (NCEUS) Report - Conditions of Migrant Workers-The Acts related to this article - The Industrial Disputes Act, 1947-The Factories Act, 1948 -The Workmen's Compensation Act, 1923 - The Maternity Benefit Act, 1961- The Employees State Insurance Corporation (ESIC) Act, 1948,The Payment of Gratuity Act, 1972 - The Provident Funds Act, 1925- Unorganised Workers Social Security Act, 2008

Article History

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INTRODUCTION

Man needs basic necessities such as good air for breathing full of oxygen, pure potable drinking water with minerals, and hygienic food for maintaining good health. To cover the body needs cloth, afterward to protect from the environmental threats needs shelter. Further, we need security and biological needs as a social factor. These factors have an impact on every human being irrespective of poor or rich. The Indian economy is very poor the Gross Domestic Product (GDP) is comedown drastically especially during the period of the COVID-19 pandemic. Information Technology employees and staff have started to function from home. Manufacturing Industry has to stop totally and they could not perform any type of work as there are several factors that they cannot operate from their house. There are other categories of employees or workers which they belong to the unorganized sector which have to list piles of more than 33.

During the period of COVID-19 pandemic period lockdown declared by the government, these unorganized sector workers could not get any support from the state government or the central government since they have not enrolled in any sectors as a member and government unable to trace their identities and address to extend helping hand. Hence government has decided to form the board for each sector to enable certain category people can enrol as a member of the board, they will get the monetary benefit and other benefits to get ready to face a similar type of situations in the coming years which is anticipating in advance. The unorganized sector workers have lost their job. Even though the government has ordered to pay their salary, they could not get it for reasons beyond their reach. Workers have suffered without food ingredients, no transportation have to move towards their native places by walk as they could not get any alternatives.

DEFINITION OF EMPLOYEE

Merriam Webster Dictionary

"One employed by another usually for wages or salary and in a position below the executive level".

Sara Devi

Defines an employee as "One who accepts to do a certain job for monetary benefits" in the book titled "Relationship Between Employee And Employer" published and printed in France at SARA Publishing House, 1stEdition on 28 Sep 2016, Page No. 2, 8 & 9.

Sharanya Mathaji

Defines an employee as "The owner hires to complete the task through certain skilled manpower for some financial compensation" in her manuscript titled "Achieve The Required Task Financial Benefits Security Provisions" which is published and printed at Prasant Tarafdar Printers West Bengal 1stEdition, 1 April 2008, Page No. 1 &4.

The Industrial Disputes Act, 1947

Workmen under The Industrial Disputes Act, 1947 are defined as employees who have been engaged to do manual, unskilled, skilled, technical work but excludes people who are employed in a managerial or administrative capacity and employed in supervisory capacity if their wages exceed Rs. 10,000.00 per month.

The Factories Act, 1948 Section 2 (I)

Defines "Worker as a person employed directly or by or through any agency including a contractor with or without the knowledge of the principal employer whether for remuneration or not, in any manufacturing process, or in cleaning any

part of the machinery or premises used for a manufacturing process or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process but does not include any member of the armed forces of the union".

National Commission for Enterprises on Unorganized Sector (NCEUS)

In Indian context defines in the report on conditions of work and promotion of livelihoods in the unorganized sector as “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 under 10 workers” with salient features of characteristic are easily enter, least quantity of transaction family ownership, uncertainty in legal matters, non-availability of new technological skills and using machines but only workers interest operation with minimum expenditures based methods, flexible pricing, less sophisticated packing, absence of a brand name unavailability of good storage facilities and an effective distribution network, inadequate access to government schemes, finance and government aid, lower, entry barriers for employees, a higher proportion of migrants with a lower rate of compensation.

Employees of enterprises belonging to the unroasted sector have lower job security and poorer chances of growth and no leave or paid holidays. The workers are not protected in case of illegal practice of law made by the owners.

National Commission for Enterprises on Unorganized Sector (NCEUS) obtained another report in the year 2005 and found that there are 458 Million workers employed in India, out of which 435150000 unorganized workers are contributing the Gross Domestic Product (GDP) almost ranges for 50.6%.

The Indian economy is characterized by the existence of the vast majority of informal or unorganized labour employment. As per a survey carried out by the National Sample Survey Organization (NSSO) in 2009-2010 the total employment in the country was 46.5 Crores comprising around 2.8 Crores by baring unorganized sector and 437000000 people accounts from the unorganized sector. Out of these workers in the unorganized sector, there are 24.6 Crores workers employed in the agricultural sector, about 4.4 Crores in constructions work, and remaining in manufacturing and service.

Categories of Unorganized Labour Force

The Ministry of Labour, Government of India has categorized the unorganized labour force under four groups depending on the occupation, nature of employment, especially distressed categories, and service categories.

Under Terms of Occupation

Small and Marginal Farmers, Landless Agricultural labourers, Plantation labourers, Sharecroppers, Fishermen, those engaged in Animal Husbandry, Beedi Rolling, Labelling and Packaging, Building and Construction workers, Leather workers, Weavers, Artisans, Salt workers, Workers in Kilns and Stone Quarries, Workers in Sawmills, Oil Mills, etc. come under this category.

Under Terms of Nature of Employment

Attached Agricultural labourers, Bonded labourers, Migrant workers, Contract and Casual labourers come under this category.

Under Terms of Especially Distressed Category

Toddy Tappers, Scavengers, Carriers of Head Loads, Drivers of the animal-driven vehicle, Loaders, and Unloaders come under this category.

Under Terms of Service Category

Midwives, Domestic workers, Fishermen and Women Barbers, Vegetable and Fruit vendors, Newspaper vendors, etc., belong to this category.

Table 1

Sl. No.	Category Type	Workers Covered
1	Occupation	<ol style="list-style-type: none"> 1. Small & Marginal Farmers 2. Landless Agricultural Labourers 3. Plantation Labourers 4. Sharecroppers 5. Fishermen 6. Those engaged in Animal Husbandry 7. Beedi Rolling 8. Labelling and Packaging 9. Building and Construction Workers 10. Leatherworkers 11. Weavers 12. Artisans 13. Salt Workers 14. Workers in Kilns and Stone Quarries 15. Workers in Sawmills 16. Oil Mills
2	Nature of Employment	<ol style="list-style-type: none"> 1. Attached Agricultural Labourers 2. Bonded Labourers 3. Migrant Workers 4. Contract 5. Casual Labourers
3	Specially Distressed	<ol style="list-style-type: none"> 1. Toddy Tappers 2. Scavengers 3. Carriers of Head Loads 4. Drivers of animal-driven vehicle 5. Loaders and Unloaders
4	Service	<ol style="list-style-type: none"> 1. Midwives 2. Domestic Workers 3. Fishermen and Women 4. Barbers 5. Vegetable and Fruit vendors 6. Newspaper vendors

Data Source: The Ministry of Labour and Employment

Welfare Measures for the Unorganized Sector

The Ministry of Labour and Employment to ensure the welfare of workers in the unorganized sector which inter-alia, includes weavers, Handloom Workers, Fishermen and Fisherwomen, Toddy Tappers, Leather Workers, Plantation Labourers, Beedi workers has enacted the "Unorganised Workers Social Security Act, 2008" The National Social Security Board emerged with the provisions of the constitution which shall recommend the formulation of social security schemes viz.,

- Life and Disability Cover
- Health
- Maternity Benefits
- Old age protection and other benefits

It may be determined by the government, for the unorganised workers. The Ministry of Law and Justice commissioned the National Social Security Board as per the provisions laid down in the Indian Constitution, the Government of India in The Gazette of India (Registered No. DL – (N)04/0007/2003-08 extraordinary part II Section 1 published by the authority under serial No 42, New Delhi, Wednesday, 31 December 2008, PAUSA 10, 1930. An additional page commissioned to this part to enable to file as a separate compilation. The Act of parliament has received the president's accord on December 30, 2008, and hereby published for the general information. The Unorganised Workers' Social Security Act, 2008 the act is recorded as No 33 of 2008 and it is enacted in the 59th year of the Republic of India.

Policies & Acts

- The Unorganised Workers' Social Security Act, 2008
- The Unorganised Workers' Social Security Rules 2009

Social Security Schemes for Unorganised Sector Workers

- Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM)
- Indira Gandhi National Old Age Pension Scheme(IGNOAPS)
- National Family Benefit SCHEME (NFBS)
- Janani Suraksha Yojana (JSY)
- Handloom Weavers Comprehensive Welfare Scheme (HWCWS)
- Handicrafts Artisans Comprehensive Welfare Scheme
- Pension to Master Craft Person
- National Scheme of Welfare of Fisherman, Training and Extension
- Janashree Bima Yojana (JBY)
- Aam Aadmi Bima Yojana (AABY)
- Rashtriya Swasthya Bima Yojana (RSBY)

In Karnataka State, the following boards constituted based on the Central Government guidelines Section 2 (J) and sub Section 1 of Section 6.

- The Temple Priests
- Tailors
- Goldsmith

- Blacksmith
- Silversmith
- Mechanics
- Automobile Shop Repairers
- Mandakini Cloth Workers
- Workers of Cloth Industry
- Cloth Shops
- Cookers in Hotels
- Cookers in Household
- Bajantris
- Home Workers
- Laundry Workers
- Savitha Samaj Employees
- Hamala's
- Pottery Workers (Kumbara)
- Kammara
- Transport workers either in Lorry, Taxi, Auto, Bus, in a private or public limited company
- Farm-Field Workers (Thota)
- Krishi karmikas (Plantation Labourers)
- Woodworkers Carpenters
- Mine Industry Workers
- Contract Employees to work in Thota
- Street Vegetable Seller Employees
- Flower Seller Employees
- Push Vehicle Seller Employees
- Weavers
- Street Seller of Cloths
- Cloths workers working in shops
- Cobblers

At present, the above 32 categories have identified to establish the Boards for Unorganized Sector Employees.

This also Covers the Following 8 Laws to Make Provisions

- The Workmen's Compensation Act, 1923 (8 of 1923)
- The Unorganised Workers Social Security Act, 2008
- The Industrial Disputes Act, 1947 (14 of 1947)
- The Employees' State Insurance Act 1948 (34 of 1948)
- The Provident Funds Act, 1925 & Miscellaneous Provisions Act 1952 (19 of 1952)
- The Maternity Benefit Act, 1961 (53 of 1961)
- The Payment of Gratuity Act, 1972 (39 of 1972)
- The National Disaster Management Act, 2005

Functions of Unorganized Sector Boards

- Issue of smart cards
- Encourage children education
- Extending health insurance
- Relief funds to the family members of the decease due to disaster
- Free Bus pass facilities for the children of school/college going
- Financial support to the wedding of their children
- Introduction of pension scheme after age of 60 years

The government aims to give life protection for unorganized sector employees which commences from January 2021 for which 32 thirty-two Boards will be established. The government will support and stand for the above said types of unorganized sector employees and announces special budget provision for 2021 onwards to encourage the category this was announced by the labour minister Shri Arabella Shivaram Hebbar on Vijayavani Kannada Daily Dated 11.11.2020.

Budget Help

Government has the power to extend help to the newly formed boards to support overall functions and its activities by supporting financial help to the upliftment of the unorganized sectors accumulation of financial sources is the challenge to the government. However, it will manage easily to ensure the safety of the unorganized sector employees.

Data Collection of Unorganized Sector Employees

The government has initiated to collect the data of the unorganized sector employees for which they are using the methods adopted in Uttar Pradesh and any legal implication for the same. Unorganized sector employees will move from state to state and also from district to district depending on their comforts and to earn more money in a short period. From our district Bagalkot, the people will move to the neighbouring state of Goa from the farm industry to cut the sugar cane which

is to be supplied to the sugar industry manufacturers. Even though the data of all the employees is accounted for in the data collection without leaving anyone, to account to collect the data of all the migrant workers in an unorganized sector the state government is examining the system employed in the state of Uttar Pradesh along with the law and the state government is ready to change and amend the law accordingly if necessary.

Financial Resources

It is not easy to ask to raise the fund for the purpose to give protection and security to the employees of the unorganized sector and hence state government is planning to put Cess on Diesel, Petrol, and also collect funds from the employers where these employees are working. And it is not so easy to collect from the employees of the unorganized sector. Now the government is identifying new ways to collect the financial resources for the same.

Rudranna Harthi Kote has Viewed on this Subject Cited above is as Follows

Bonanza to the unorganized migrant workers from State Governments New Year Gift.

Already several lakhs of migrant workers are getting benefitted from the construction industry i.e. building contract employees the State Government as a New Year Gift have come forward to in extending the facilities of protection and giving security to the unorganized sector migrant workers.

These migrant workers have suffered a lot during the period of COVID-19 pandemic period and the government has to eradicate this problem permanently and not to repeat this type of problem once again in the lives of migrant workers and especially in an unorganized sector and hence the government has come forward with one step ahead in this regard by making use of the provisions made in the constitution.

The State Government in Karnataka also observing the neighbouring state's principles on the subject captioned above. And found that there are 24 Boards in 19 Boards in Kerala and Tamil Nadu respectively. State Government have been helping the migrant workers of the unorganized sector viz., building contracts welfare association board to the maximum extent and same is to be extended to other sectors also.

Details of Unorganized Sector Migrant Workers

At present, there are no data available about the migrant workers who are working in the unorganized sector. No census has been made so far for this sector earlier also. There are 32 types of unorganized sectors and workers have suffered a lot during the period of COVID-19 and to avoid the misuse of help and make to reach the extended help to this thyme of workers government has no data and it was very difficult to help the required and concerned and needy people who desire help with the data to whom to help.

The government has extended Rs. 5,000.00 each of the family members of the unorganized sector workers and who has registered as a disaster management benefits to protect the security of life.

CONCLUSIONS

During the period of COVID-19 Pandemic, all the citizens of the entire nation suffered. But many sufferers are migrant and unorganized sector workers. As per the provision made in the constitution and also on Unorganised Workers Social Security Act, 2008, the State Government in Karnataka has taken steps to form the boards and then enrolls the migrant workers to identify the address to make them get benefit from the schemes made in the Act. This is a good move for the

unorganized sector workers this leads to justice and equality as per the Ministry of Labour and Justice Government helped by providing financial assistance and but it has not reached the desired as data is not available.

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