CHAPTER I

INTRODUCTION

1.1 Unorganized Workers

Unorganized labour has a long history of its existence. Unorganized labour system is a universal phenomenon and has its origin in socio-economic structure in all ancient civilizations. This category of labour represents a major part of labour market, which is known as unorganized or informal sector. This sector broadly corresponds to the household sector which includes private unincorporated enterprise. So it can be said that a worker who is working informal or in unorganized sector, may be called as an unorganized worker. The unorganized workers are characterized in these terms i.e. low educational level, poor financial status, possessing low-end skills, inferior working conditions and having low bargaining capacity due to lack of the organizational skills and legal protection. These workers get low wages or if they are self-employed, their income is usually very low. It may be in self employment, in casual wage employment and in regular wage employment. Presence of unorganized workers are everywhere in urban as well as in rural areas. However despite being a huge labour force the unorganized workers remained undefined in the exact form before and after Independence in India, till the enactment of the Unorganized Workers’ Social Security Act, 2008. Though the codification of labour in India
initiated when Royal Commission on Labour\(^1\) was constituted in 1929 by the British India Government to enquire into and to report on the existing conditions of labour in industrial undertakings and plantations, on the health, efficiency and standards of livings of the workers, and on the relations between employers and employees, and to make recommendations for the welfare of labours. However the Royal Commission confined its study to industrial, plantations and mines labours and made recommendations\(^2\) only for the labours who were working in these sectors. The workers in the household, agriculture, and rural labour setup were not included in the ambit of this Commission’s study. Then within two decades after the report of Royal Commission, the Government appointed another Labour Investigation Committee\(^3\) to investigate the risk due to insecurity, need of labours, housing and factories conditions, and to collect data relating to wages, earnings and social conditions of labour particularly about industrial labour in India. The objectives of

---

1 This Commission was appointed to enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers, and on the relations between employers and employed, and to make recommendations. This Commission is popularly known as Whitley Commission.

2 The recommendations made by the Commission were the exclusion of jobbers from the engagement and dismissal of labour, appointment of labour officer, definite periods of leave with wages and job security, weekly limit of hours for perennial factories (54 hours in week and 10 hours in a day), the minimum rate for overtime, minimum wages, maternity benefits (4 weeks before and 4 weeks after delivery), reasonable sanitation and crèches provisions in industrial establishments and collieries, repeal of Workmen’s Breach of Contract Act and Employers and Workmen(Dispute) Act, 1860, and extension of Workmen’s Compensation Act to cover completely organized industry.

3 The Labour Investigation Committee was appointed by the Government of India on 12 February 1944.
the Central Government were to provide a policy of social security for organized labour on the basis of the report of this Committee. Thus the Labour Investigation Committee was also constituted only for organized labour. The unorganized labour was kept outside the sphere of the term of references of the Committee. After Independence i.e. 15th August 1947 India emerged as a Sovereign, Socialist and Democratic Country and adopted its own Constitution. The labour class of this country saw a new ray of hope under the Constitution of India. In the light of Constitution of India various legislations have been enacted for the welfare of labour class. But these legislations miserably failed to cover the entire class of workers. Then the Government felt a need to constitute a Commission on labour to access the socio-economic and working conditions of labours and to suggest the plan for the uplift of the labour class. So the Government of India in 1966 constituted the National Commission on Labour under the Chairmanship of P.B. Gajendragadkar. This Commission in its report however characterized the term unorganized workers by which one can differentiate between organized and unorganized workers. According to this Commission unorganized workers are those who have not been able to organized in pursuit of a common objective because of constraints, such as (a) casual nature of employment, (b) ignorance and illiteracy, (c) small size of establishments with low capital investment per person

---

4 This Commission was constituted by the resolution of Ministry of Labour, Employment and Rehabilitation, vide no. 36/14/66-1&e dated 24th December 1966, New Delhi. This Commission submitted its report to Government in 1969. This Commission is also known as the first National Commission on Labour.
employed, (d) scattered nature of establishments, (e) superior strength of employer operating singly or in combination. This Commission has a synoptic view on the matter of social security for labour whether organized or unorganized, protected or unprotected. The Commission believes that no one should be taken in isolation from the trends of development in the system as a whole. But unfortunately nothing was recommended by this Commission for the welfare of unorganized workers. The only recommendation was made to formulate suitable ameliorative measures for welfare of the unorganized workers. However it is equally true that in India, a major chunk of labour force is employed in the unorganized sector. The Unorganized or informal sector plays a major role in Indian economy. More than ninety percent of work force and about fifty percent of National Product is accounted for by informal economy. A high proportion of socially and economically underprivileged sections of the society are concentrated in the informal economic activities.\textsuperscript{5} As per the statistics of the National Sample Survey Organization\textsuperscript{6} total workforce in India is about four hundred and thirty million. Out of this, about twenty eight million i.e. seven percent are in the organized sector. The balance three hundred and seventy two million workers comprising ninety-three percent of the total workforces are in the unorganized sector. Due to the continue apathy of the Government towards this unprivileged section of labour not much more was done on the matter of

social security. Therefore the Government decided to setup another Commission on labour which is known as the Second National Commission on Labour (2002). This Commission adopted the same approach on the definition of unorganized worker, but recommended for umbrella legislation for the social security to unorganized workers. In order to provide the social security to unorganized workers on the recommendation of this commission, the Parliament enacted the legislation namely the Unorganised Worker’s Social Security Act, 2008. This Act provides a definition of unorganized worker. According to this Act unorganized worker means a home based workers, 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 mentioned in Schedule II to this Act. This Act also define the home based worker, self employed worker or a wage worker in a separate definitions. It is the first legislation of India that brought the unorganized worker on statute book.

1.2 Categories of Unorganized Workers

The Ministry of Labour & Employment in India has categorised the unorganised labour force in four groups in terms of occupation, nature of employment, especially distressed categories and service categories. Similarly the National Commissions on Labour (1969) and National Commissions on Labour (2002) have also described the various categories of unorganized workers.

7 Section 2(m), UWSSA, 2008.
1. In terms of occupation- Small and marginal farmers, landless agricultural labourers, sharecroppers, fishermen, those engaged in animal husbandry, beedi rolling, labeling 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. In terms of Nature of Employment- Attached agricultural labourers, bonded labourers, migrant workers, contract and casual labourers come under this category.

3. In terms of especially distressed categories- Toddy tappers, Scavengers, Carriers of head loads, Drivers of animal driven vehicles, Loaders and unloaded vehicles come under this category.

4. In terms of Service categories- Midwives, Domestic workers, Fishermen and women, Barbers, Vegetable and fruit vendors, News paper vendors etc. belong to this category.

In addition to these four categories, there is another large section of unorganized labour it includes such as Cobblers, Hamals, Handicraft artisans, Handloom weavers, Lady Tailors, Physically handicapped self employed persons, Rickshaw pullers, Auto drivers, Sericulture workers, Carpenters, Tannery workers, Power loom workers and Urban poor.

**1.3 Social Security for Unorganized Workers**

From the first dawning of history, man faced serious physical dangers from wild animals, from the cold, from famine and drought and from his fellow man. Over the many centuries, the frequency and severity of these threats to
physical security have been lessened, and in instances virtually eliminated, as man has developed mentally and spiritually. In the earliest days of civilization, man attempted to achieve security completely by his own efforts. Soon family banded together for both productive and protective efforts. This growth continued until there were villages, town, city, provinces, and nations. Gradually the state started to become the protector of its subjects in all risks and dangers. With reasonable assurance of physical security, there is still the problem of security against various risk of stoppage of earning. Again, the primary responsibility rests with the individual, but modern society and forms of Government have prescribed certain responsibilities in this direction on the part of Employer and Governments. The individual responsibility for providing his economic security may be termed as “private individual provisions”. Cooperative arrangements involving the individual and his employer may be termed ‘group provisions’. The combination of private individual provisions and group provisions may be termed “private sector provisions.” Finally programs established by Governments may be termed “social security”. Thus the concept of social security has been very old one and it was coined for the first time when the United States Social Security Act, 1935 was enacted and later it was adopted by New Zealand in the year 1938. After that this concept received worldwide attention. Various institutions defined this concept in numerous ways.

Encyclopedia America says that in fact social security is very wide term and today it has acquired a global character. The concept is usually employed to constitute specific
Government programmes designated primarily to prevent want by assuming the families the basic measures of subsistence\(^8\).

The British interpretation of the term ‘social security’ is that ‘the main purpose of any plan for social security is insurance against interruption and destruction of earning power and for special expenditure arising at birth, marriage or death\(^9\).

William Beveridge\(^10\) define social security in these words, ‘the security of an income to take place of the earnings when they are interrupted by unemployment, sickness or accident, to provide for retirement through age, to provide against loss of support by the death of another person, and to meet exceptional expenditure such as those connected with birth, death and marriage.

National Commission on Labour envisages that the member of a community shall be protected by collective action against social risks, causing undue hardship and privation to individuals, whose private resources can seldom be adequate to meet them\(^11\).

In India social security provisions for protection in the form of employment security, economic security, medical & sickness benefit, maternity benefit, pension, life insurance, are the long felt needs of the unorganized labour, where the workers, at large, neither have access to these benefits nor

\(^8\) *Encyclopedia Americana*, vol.25, p.86.
\(^9\) *Encyclopedia Britannica*, vol.20, p.839.
\(^10\) William Henry Beveridge, was an economist who helped the Britain after Second World War for Welfare State Policies and Institutions through his *Social Insurance and Allied Services* (1942).
have the statutory backing for their enforcement. Generally, social security is understood as any kind of security or collective measures designed to ensure the members of the society to meet their basic needs and to protect against contingencies, enabling them to maintain a decent standard of living. According to the various conventions and recommendations of International Labour Organization, social security is needed in case of contingencies like un-employment\textsuperscript{12}, medical care\textsuperscript{13}, maternity\textsuperscript{14}, maintenance of children\textsuperscript{15}, old age, invalidity and survival,\textsuperscript{16} and occupational health\textsuperscript{17}, etc. The vision for social security encompasses not merely poverty alleviation but also enhancement of quality of life, thus creating a hedge against social and economic uncertainty. According to Amartya Sen and Jean Dreze\textsuperscript{18} “the basic idea of social security is to

\begin{itemize}
  \item \textsuperscript{12} ILO Convention No.02, Unemployment Convention, 1919.
  \item \textsuperscript{13} ILO Convention No.102, Part II, Social Security (Minimum Standards) Convention, 1952.
  \item \textsuperscript{14} ILO Convention No.03, Maternity Protection Convention 1919 and Part VIII of ILO Convention No.102, Social Security (Minimum Standards) Convention, 1952.
  \item \textsuperscript{15} ILO Convention No.102, Part VII, Social Security (Minimum Standards) Convention, 1952.
  \item \textsuperscript{16} ILO Convention No.128, Invalidity, Old Age and Survivors’ Benefits Convention, 1967.
  \item \textsuperscript{17} ILO Convention No.155, Occupational Safety and Health Convention, 1981.
  \item \textsuperscript{18} Amartya Sen is an Indian economist who was awarded the 1998 Nobel Prize in Economic\& Sciences for his contributions to welfare economics and social choice theory and for his interest in the problems of society’s poorest members. Sen is best known for his work on the causes of famine, which led to the development of practical solutions for preventing or limiting the effects of real or perceived shortages of food. Jean Dreze (born 1959) is a Belgian-born Indian. He is the economist who has been influential in the economic policy making of his country. His work in India includes issues like hunger, famine, gender inequality, child health and education, and the NREGA. He has conceptualized and drafted the first version of the NREGA. He is living in India since 1979 and became an Indian citizen in 2002. He is the co-author with Amartya Sen of ‘Hunger and Public Action’.
\end{itemize}
use social means to prevent deprivation and vulnerability to deprivation”. Social Security is increasingly viewed as an integral part of the development process because it helps to create a more positive attitude to the challenge of globalization and the consequent structural and technological changes. It envisages that the employees shall be protected against all types of social risks that may cause undue hardships to them in fulfilling their basic needs. The workers do not have enough financial resources to face such risks arising due to sickness, accidents, old age, diseases, unemployment, etc. and also do not have alternative source of livelihood to help them in the period of adversity. Hence, it becomes the obligation of the State to help the workers by providing them the social safety cover.

1.4 Constitutional Ideology for Social Protection

Indian Constitution contains all the ingredients obliging the State to move towards the realization of socio-economic rights in its preamble. The preamble expresses the ideology of the Constitution and states that India being a Sovereign, Socialist, Secular, and Democratic Republic is committed to secure to all its citizen; justice social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity, and to promote among them all fraternity assuring the dignity of individual and the unity of Nation. Thus all the welfare and social legislations drive their strength from the Constitution. Fundamental Rights under Indian Constitution prohibit human trafficking, forced
labour,\textsuperscript{19} child labour in hazardous industries\textsuperscript{20} and they recognize the right to form associations or unions\textsuperscript{21}, and the right of children to education\textsuperscript{22}. Further the “Directive Principles” of the Constitution lay down directions and goalposts for the achievement of economic rights, although they are not justiciable,\textsuperscript{23} but are as important as the fundamental rights of individual.\textsuperscript{24} These are however to be followed by the Government in making laws. The Directive Principles call for the State to provide for adequate means of livelihood\textsuperscript{25} within the limits of its economic capacity and development. The State is also under an obligation to make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want\textsuperscript{26}. Directive Principles also cast a duty upon the State to make provisions for the ingredients of decent work in terms of conditions of employment\textsuperscript{27} and a living wage.\textsuperscript{28} It will be the primary duty of State to raise the level of nutrition and the standard of living of its people and will improve public health\textsuperscript{29}. Thus the philosophy of the Constitution is the major source from which all social enactments drive their strength. So in order to maintain the constitutional mandate on social

\textsuperscript{19} Article 23, \textit{Constitution of India}.
\textsuperscript{20} Article 24, \textit{Constitution of India}.
\textsuperscript{21} Article 19(1) (c), \textit{Constitution of India}.
\textsuperscript{22} Article 21-a, \textit{Constitution of India}.
\textsuperscript{23} Article 37, \textit{Constitution of India}.
\textsuperscript{24} \textit{Kesavananda Bharti v State of Kerala}, (1973) 4 SCC 225,877.
\textsuperscript{25} Article 39, \textit{Constitution of India}.
\textsuperscript{26} Article 41, \textit{Constitution of India}.
\textsuperscript{27} Articles 42, \textit{Constitution of India}.
\textsuperscript{28} Articles 43, \textit{Constitution of India}.
\textsuperscript{29} Article 47, \textit{Constitution of India}.
justice and labour welfare, a plethora of social protection legislations have been enacted, both at the Central and State levels, which cater to different segments of the population. Thus, the provisions for social security have occupied a very important place in India. India being a welfare State has the prime responsibility to provide social security to its entire workforce. Since Independence, many social security legislations are in operation, in India, these are: The Employee's Compensation Act, 1923, The Employees’ State Insurance Act, 1948, The Employees’ Provident Funds and Miscellaneous Provisions Act, 1952, The Maternity Benefit Act, 1961, and The Payment of Gratuity Act, 1972. But all these laws govern the workers who are working in the organized sector only. In so far as the unorganized workers is concerned, who generate nearly 65 percent of the national income, have remained uncovered by any meaningful social security legislation.

Considering the gap regarding the level of social security between the organized and unorganized workers and on the recommendations\(^ {30} \) of the Second National Commission on Labour, Parliament passed an Act with the aim to provide social security to unorganized workers in 2008. This Act is known as Unorganized Worker’s Social Security Act, 2008. It is the first legislation of its kind that directly concerns to the unorganized workers in the matter of social security. In the present study the researcher’s focus is on the analysis and

\(^ {30} \) The Second National Commission on Labour (2002) suggested in its report that unorganized sector workers are highly underprivileged, exploited and neglected. So there should be an umbrella legislation providing social security to unorganized workers.
evaluation of the provisions of Act in order to know whether this Act provides social security for the unorganized workers who were still exploited and deprived of their social as well as legal rights. The Act is also examined to know whether the social security schemes which are mentioned in the Act provide adequate social security to all unorganized workers. All these questions are tried to be answered in the present study.

1.5 Objective of Research

The workers, who fall under the category of unorganized workers, are deprived of social security measures. However their counterparts who work in organized sector enjoy the social security. In the lack of social security the worker of unorganized sector is vulnerable to exploitation and leading a miserable life from centuries. After independence, certain constitutional and legal provisions were made in India providing social security to these workers. But the unorganized workers are still untouched from these benefits. Moving ahead on the issue, to provide the social security for unorganized workers Parliament enacted the Unorganized Workers’ Social Security Act, 2008. The objective of present study is:

1. To analyse and evaluate the social security provisions relating to unorganized workers contained in The Unorganized Workers’ Social Security Act, 2008.
2. To examine and evaluate the social security schemes for unorganized workers provided under the Act.
3. To analyse and evaluate the enforcement, redressal and implementation mechanism under the Act.
4. To evaluate and examine other statutory provisions providing social security to unorganized workers.
5. To analyse and evaluate the impediments, loopholes/lacunas in the implementations of the Act.

1.6 Justification of the Study

Unorganized workers constitute a huge labor force in India. They come from low strata of society. They suffer 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 unorganised sector. In rural areas, the unorganized labour force is highly stratified on caste and community considerations. Unorganized workers 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. The unorganized workers do not receive sufficient attention from Government on the matter of social security. in view of the above, it is evidently clear that this segment of labour is less discussed and very few has been done for these workers in relation to social security even after the enactment of the Unorganised Workers’ Social Security Act, 2008. Therefore the researcher has decided to analyse and evaluate the Act in a detailed manner to know the adequacy, efficacy, implementation and impediments of the provisions of the Act.
1.7 Research Methodology

The researcher has followed the doctrinal method of research for the purpose of present study. Doctrinal research, of course, involves analytical, evaluative and critical study of the Unorganized Workers’ Social Security Act, 2008. The tools which are to be used in the research are Policy Frame Work, Judicial Decisions, Constitutional Provisions, International Conventions, Treaties on Labour Welfare and Human Rights, Reports of National Labour Commissions and other statutory provisions related to the social security of the unorganized workers. The descriptive and analytical methods of writing have been adopted. All research is the gathering of evidence or information for ascertaining an assumption or verifying some hypothesis. Research is a series which adds in the old, new suggestions and recommendations. Research is therefore an enquiry for the verification of a fresh theory or supplementing prevailing theories by new knowledge. No research can be purely new, as even original discoveries are an extension of the search already undertaken. A researcher is thus unavoidably burdened with the heritage of information already collected in his area of work. Endless desire to research impels the researcher to find new perspective in the present study.

1.8 Schemes of Study

The study is divided into five chapters. The first Chapter is introductory and general in nature. It deals with the meaning of unorganised workers, concept of social security, and objectives and methodology of the study. Light is also thrown on the various kind of literature which has been used as a research tool for the present study under the heading
‘review of literature’. The second Chapter deals with the meanings given by various institutions to the unorganized workers. Various classifications of unorganized workers those have been taken into account by various Commissions and Committees reports are discussed in detail in this chapter. In addition to it, an attempt has been made by researcher to study the historical back ground of the unorganized workers in perspectives of social security. The third chapter of present study depicts the concept of social security defined by various institutions at national and international levels. Further in this chapter the legal provisions that have been made for providing social security to unorganised workers are discussed. The fourth chapter deals with core study of research topic as the Unorganized Workers’ Social Security Act has been analysed and evaluated in depth to find out the efficacy and relevancy of the provisions of the Act in regard to the social security of unorganized workers. In fifth and last chapter conclusion has been drawn from the research study and some suggestions are incorporated for the better implementation of the Act.

1.9 Review of Literature

In order to understand the above raised questions properly, it will be proper to review the existing literature relating to the topic of the study. In the context of the present study, it is important to take cognizance of studies, related to research. So for the purpose of present study the following literature has been reviewed in detail.
(A) Commissions’ reports

(i) Report of the Royal Commission on Labour, 1929

From the beginning of history in India labour class was neglected and deprived of social and welfare measures. It was the first time when the idea of welfare for labour class was placed on Government agenda. The then British India Government constituted the Royal Commission on Labour in 1929 to enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers, and on the relations between employers and employed, and to make recommendations. The study by this Commission was made in detail on the recruitment, migration, and employment and working hours in factories as well as working conditions in factories, mines and railways. The issues regarding health and welfare of the industrial worker, plantations workers, housing of the industrial worker, workmen's compensation, industrial disputes, and wages in plantations industry was also in the ambit of the study of this Commission. At that time the concept of social security to unorganized worker was not developed. So the entire focus of the study of this Commission was on industrial labour. This Commission suggested and recommended for various provisions which were not only beneficial to organized workers but were equally beneficial to unorganized workers at that
time. The Commission recommended the exclusion of jobbers\(^{31}\) (from the engagement and dismissal of labour) and appointment of labour officer in industrial establishment. Further the Commission advocated for the definite periods of leave with wages and job security, weekly limit of hours for perennial factories (54 hours in week and 10 hours in a day) the minimum rate for overtime, minimum wages, maternity benefits (4 week before and 4 week after delivery), reasonable sanitation and crèches provisions in industrial establishments and collieries, repeal of Workmen’s Breach of Contract Act and Employers and Workmen(Dispute) Act, 1860, and extension of Workmen’s Compensation Act to cover completely organized industry. Thus the Commission thrown the light on various problems of labour and suggested the ways to encounter these problems.


Before 1947, India was a police State and had a *laissez faire* approach on the matters of labour welfare. But after the Independence, India became a socialist and democratic State. An obligation was imposed on State by the Constitution under

\(^{31}\) The jobbers were known in different parts of India by different names, such as sardar, mukaddam or maistry, and almost ubiquitous in the Indian factory system. Jobbers were considered as intermediary between employer and employee. There were a close connection between jobbers and bribery. The temptations of the jobbers’ position were manifold. The worker’s security was not, to some extent, in the hands of a jobber; in a number of factories the latter had in practice the power to engage and to dismiss a worker. In many cases a smaller regular payment was to be made out of each month’s wages to jobber. In other cases workers had to supply the jobber with drink or other periodical offerings in kind. The jobber himself had at times to subsidize the head jobber.
the provisions of Fundamental Rights and Directive Principle of State Policy for the welfare of labour. Keeping in the view the Government of India appointed a National Commission on Labour on 24th December 1966, to review changes in conditions of labour since independence and to report on existing conditions of labour and to review the existing legislative and other provisions intended to protect the interests of labour. The another duty assigned to the Commission was to assess the working of existing legal provisions for labour welfare and to advise how far these provisions serve to implement the Directive Principle of State Policy in the Constitution on matters and the national objectives of establishing a socialist society and achieving a planned economic development. The Commission was also under an obligation to suggest the measure for improving conditions of rural labour and other categories of unorganized labour, and to study and report, particular on the levels of workers’ earnings, the provisions relating to wages, the need for fixation of minimum wages including a national minimum wage, including the standard of living and the health, efficiency, safety, welfare, housing, training and education of workers. The existing arrangements for administration of labour welfare both at the Centre and in the States were also in the ambit of study of the Commission.

The Commission in its study depicts that over the past years, the trend towards stabilization of industrial labour has strengthened. A worker today is far more urban in taste and
outlook than his predecessor. The idyllic notion of a "village
nexus" has receded to the background. A vast majority of the
workers in cities is committed to factory employment. In older
industries a second or even third generation of workers has
emerged. A self-generating working class with its roots in the
industrial environment in which a worker is born and bred is
growing in strength. The industrial worker of today has
acquired a dignity not known to his predecessor. He has now a
personality of his own. He shares the benefits, albeit meager,
which a welfare State with a vast population and inadequate
resources can at present offer. A worker is now conscious that
education is essential for improved earnings. He is even keener
about the education of his children and their future. The role
of political parties and trade unions in making workers aware
about their surroundings has been significant. The handling of
labour-management relations is getting increasingly
professionalized, though such professional handling by itself is
not adequate. Disputes between employers and workers have
been taking a legalistic turn, mainly because of the emphasis
on adjudication through industrial tribunals and courts. The
Commission considers that statutory provisions about safety
and safety equipment are adequate only effective enforcement
is needed. On the matter of social security the report of
Commission states that all workmen, including supervisors
employed in the occupations covered under the Workmen's
Compensation Act, 1923 should be eligible for compensation
for work injury, wage limit for eligibility should be removed.
Further it delivers its opinion that a scheme of Central Fund for Workmen's Compensation should be evolved. The fund should be controlled by the Employees' State Insurance Corporation. Periodic cash payments may be made to injured workers and their dependents by the Corporation through its local offices in the same way as payments are made at present for various benefits under the ESI Scheme. Medical care to injured workers should be provided by the Corporation. A similar arrangement in respect of mines should be made by the Welfare Commissioners who control various welfare funds for coal, mica and iron ore mines. On the matter of social security the Commission recommends that the aim of Government should be to work gradually towards a comprehensive social security plan by pooling all the social security collections into a single fund from which different agencies can draw upon for disbursing benefits according to needs. In so far as the question of social security to unorganized workers is concerned the Commission on this matter advocated stricter regulations of contract work and recommended the formulation of suitable ameliorative measures for unorganized workers. It is suggested by the Commission that there should be better regulations for the working conditions of casual labours, beginning should be made in this direction in all undertakings, public and private, through periodic review and consultations among representatives of Government, employers and workers. It recommends that if employment is discontinued for a short period and the worker is re-employed,
this short period should not be treated as a break in service. After a stipulated period of service a casual worker who completes such period should be allowed for the same benefits which a regular worker enjoys. The general direction of policy should be towards abolition of contract labour in due course. The Commission successfully categorized the unorganized workers. However the Commission could not provide the exclusive definition of unorganized workers. In nutshell, on the review of the Commission’s report it can be said that much has been done for organized labour but very few for unorganized labour.

(iii) Report of the National Commission on Labour, 2002

In order to meet the challenges facing the Indian workforce, the Central Government appointed the National Commission on Labour (2002). The resolution of the Government of India that announced the appointment of the Commission set two tasks before it firstly, to suggest rationalisation of existing laws relating to labour in the organised sector and secondly to suggest an umbrella legislation for ensuring a minimum level of protection to the workers in the unorganised sector. The Commission’s report shows that on the matter of categorization and definition of the unorganized workers, it has adopted the same approach as the previous Commission had. However the Commission also could not provide the exclusive definition of unorganized workers. It outlined the pros and cons on social security for the unorganized workers. The Commission takes into account the
need to ensure a minimum level of protection and welfare to labour, to improve the effectiveness of measures relating to social security, safety at work place and occupational health hazards, to pay special attention to the problems of women workers, minimum wages, evolving a healthy relation between wages and productivity, and to improve the efficiency of the basic institutional framework which is necessary to ensure the protection and welfare of labour. Therefore the Commission recommended the minimum level of labour protection and welfare measures. In the opinion of Commission, protection includes protection of the ability to meet the essential requirements of life and a minimum standard and quality of life, as well as protection of the rights that are essential to protect one’s bargaining power and social status. The absence of bargaining power will pave the way to a life of deprivation, distress sale of one’s work power, violation of human dignity, and exploitation. However the Commission was required to enquire into and define what constitutes the ‘minimum level’ of labour protection and welfare measures. But unfortunately, like the previous Commissions this was also unable to define the degree of protection explicitly for unorganized workers. However a tremendous work of listing of all the employments and occupations that fall in the unorganised sector has been done by this Commission.

National Statistics Commission have also been studied. These reports highlights on the occupational characteristics, economic and social profile of the unorganized workers. In addition to it the importance and role of the unorganized workers in Indian economy has also been studied. The review of this literature helped the researcher to understand the concept of the unorganized workers and social security in a broader and proper sense.

(v) Various reports of the working Groups on social security and applicability of existing Labour Laws prepared by the Planning Commission of India have also been studied.

(B) Books

(i) *Labour Movement in India: Documents 1850-1890*, Volume- I

(ii) *Labour Movement in India: Documents 1891-1917*, Volume- II

(iii) *Labour Movement in India: Documents 1918-1920*, Volume- III

A series of the above documents published by Indian Council of Historical Research have been studied by researcher. The study of these documents explores the conditions of labour classes in India during British regime. It portrayed the picture of working class, its struggles, organization and the emerging class consciousness during that period. This study contained the evidence when the Indian labourer was turned into an industrial worker as a result of
industrial revolution. According to these documents the revolution in India was much too small to be compared with the industrial revolution of England. A miserable picture of labour was depicted by these documents. No Engels had written on the conditions of working class in India. The Factory Commission of 1885 wrote about the evidence it collected. The Commission on the ginning and pressing factories of Khandesh stated ‘the same set of hands, men and women, worked day and night for eight consecutive days. Those who went away for the night returned at three in the morning to make sure of being in time when the doors opened at 4 a.m. and for 18 hours’ work, from 4a.m. to 10 p.m. when the hands were absolutely tired out new hands were entertained. Those who were working these excessive hours frequently died. It was a sad tale of great want on one side and cruel cupidity on the other.

(iv) Robert J. Myers, *SOCIAL SECURITY* (1975). The author highlights the concept of social security giving a thorough factual description of various social insurance and allied programs operating in United States.

(v) Meenakshi Gupta, *Labour Welfare and Social Security in Unorganised Sector* (2007). The study of this book enlightened the concept of social security in a broad spectrum. The author of this book presumed that social security is a basic need of all people regardless of employment in which they work and live. It is an important form of social protection. It should be begun
with birth and should continue till death. In modern era social security is the *sine qua non* of the economic system and important tool to strike at the root of poverty, unemployment and disease.

(vi) Dr. U.N. SHUKLA & Dr. SANJAY TIWARI, *Social Security Schemes in India* (2012). The writers express their views on social security in broader sense. The study of this book reveals that social security is multi-dimensional in its contents and in the present day society it includes within its ambit and scopes the aspects of socio-economic justice done to the members of the society. The researcher has got very valuable information on promotional and protective social welfare measures for labour particularly for unorganized labours.

(vii) ABDUL MAJID, *Legal Protection to Unorganized Labour* (2000). The author has attempted to define the meaning of unorganized labour system which is in existence in one form or other in Indian society. The study of this book also throws the light on the historical evolution of unorganized labour system. This study makes researcher to able to understand the status of unorganized labours in ancient society.

(viii) A.M. Sarma, *Aspects of Labour Welfare and Social Security* (2014). The author highlights the new dimensions on the concept of social welfare in this book. In his view labour welfare may be viewed as a total concept, as a social concept and as a relative concept. The social concept is
desirable state of existence involving the physical, mental, moral and emotional well being. These four elements together constitute the structure of welfare, on which its totality is based. The social concept of welfare implies the welfare of man, his family and his community. Further the author talks about the theories by which social welfare concept can be enforced. These theories are:

(a) Police Theory: this is based on the contention that a minimum standard of welfare is necessary for laborers. Here the assumption is that without policing, that is without compulsion, employers do not provide even minimum facility for workers. Hence the State has to intervene to provide minimum standard of welfare to the working class.

(b) Religious theory: this is based on the concept that man is essentially ‘a religious animal’. Even today, many act of man are related to religious sentiments and beliefs. These religious feelings sometimes prompt an employer to take up welfare activities in the expectation of future emancipation either in this life or after it.

(c) Philanthropic theory: this theory is based on man’s love for mankind. In Greek ‘philos’ means loving and ‘anthropes’ means man. So the philanthropic means ‘loving mankind’. Man is believed to have an
instinctive urge by which he strives to remove the suffering of others and promote their well-being.

(d) Trusteeship theory: this is also called the paternalistic theory of labour welfare, according to which the industrialist or employer holds the total industrial estate, properties, and profits accruing from them in a trust. In other words, the employer should hold the industrial assets for himself, for the benefit of his workers and also for society.

(e) Placating Theory: this theory is based on the fact that labour groups are becoming demanding and militant, and are more conscious of their rights and privileges than ever before. Their demand for higher wages and better standards of living cannot be ignored. According to this theory timely and periodical acts of labour welfare can appease the workers.

(ix) V.N. Shukla’s *CONSTITUTION OF INDIA* (2008). It becomes necessary for present study to look at the bedrock of beliefs on which the concept of social security is based. For the purpose of present study various books on Constitution of India and Constituent Assembly Debates have been reviewed. The entire study of the constitutional provisions on social security reveals that the Constitution, under which India works, reflects the universal aspiration of Indian people to live in a society that is free, democratic, equalitarian, and non-exploitative. India is described as a Sovereign, Secular, Democratic and Socialist Republic State. India believes in
a regime of Fundamental Rights and adult franchise, a Government that is responsible to freely and democratically elected representatives of the people, a non-partisan bureaucracy, and an independent judiciary that can uphold Fundamental Rights and processes, and the checks and balances prescribed by the Constitution.

(C) **International Labour Organization**

ILO has played a significant role in promoting International Labour Standards. The ILO has formulated International Labour Standards at various conferences. In 1944, the conference of Philadelphia adopted the Declaration of Philadelphia, which restated the fundamental aims and purposes of the ILO. Several acronyms have been used to describe labour standards such as fair labour standards, minimum labour standards, basic or core labour standards etc. Several factors have also been attributed to non-observance of labour standards such as unfair trade and labour practice, state of underdevelopment, absence of workplace co-operation and so on. There are eight core conventions which are called fundamental or human rights. These are as:

(i) Forced Labour Convention, (Convention No. 29)

(ii) Abolition of Forced Labour, (Convention No. 105)

(iii) Equal Remuneration, (Convention No.100)

(iv) Discrimination (Employment Occupation), (Convention No.111)

(v) Freedom of Association and Protection of Right to Organized (Convention No 87)

(vi) Right to Organize and Collective Bargaining (Convention No.98)
(vii) Minimum Age (Convention No.138)
(viii) Worst Form of Child Labour (Convention No. 182)

These Conventions are also known as social clause, labour clause, social concerns etc. These are the instruments in the hands of ILO in to improve the living and working conditions of working class in the third world. The ILO provides for tripartite arrangements between employers, workers and State to legislate and execute the international labour standards in the member countries. The International Labour Standards protect workers in various sectors. They include freedom of association, equal pay for equal work, safe working conditions, abolition of forced labour and sex based discrimination, employment protection, provision of social security, protection of migrant workers, elimination of sexual harassment of women workers and others. These International Labour Standards were formulated and few of them were amended by the International Labour Organization with a view to protect the material and moral interests of the workers. India being a founder member of the ILO upholds all the fundamental principles envisaged in the eight core international labour standards through its Constitution. Out of the eight core labour Conventions, India has ratified four, they are (i) Forced Labour Convention, (ii) Equal Remuneration Convention, (iii) Abolition of Forced Labour Convention and (iv) Discrimination (Employment Occupation), Convention. The study of International Labour Organization’s Publications, Conventions and Recommendations has enriched the present research work.