7.3.3 Labour laws and Construction Workers in Practice in Kolhapur City

We have seen that there are several labour laws, in India regarding the protection of interest of working community. After studying the various laws, it was seen that none of the laws or acts were into practice in the construction industry in field work undertaken in Kolhapur city.

The act regarding building and other construction workers (Regulation of employment and conditions of service) Act 1996 is mainly formed for the construction workers, and the act is applicable to state and central Government establishments. The Act also covers the private establishment or residential building construction work, yet none of the owner or contractor pays any compensation as per this act.

It was found in the field work made in Kolhapur city for this research work and workers asserted that except the nominal cost of accidents, no compensation is given by the owners of building or the contractor. Even in case of death, the relatives of workers had paid nominal amount. Many workers had put more than 90 days of work on a particular construction, yet she/he is not paid financial help. The contractors ignore such facts, because the workers are unaware of the provisions of the act.

As regards to the other laws such as minimum wages Act 1948, workers compensation Act 1926, maternity benefits Act, it was seen that no compensation is paid to any workers except their weekly wages. Though the second National Commission on Labour (2002) had made recommendations for the safety of such unorganized workers, yet its implementation is far away from the theory.
Therefore, one can suggest that the construction workers, either male or female should also be brought under such acts at least for the period of their work on particular site.

7.4 CONCLUSIONS

The foregoing analysis brings the conclusion that unorganized sector could not be defined and identified solely on the basis of the nature of work of the workers or in the basis of the number of employees in the undertaking and also not on the level of organisation.

The unorganised sector workers have not acquired a high profile, tested the benefits that can be gained from organisation, or deprived the advantageous flowing from high visibility. They are extremely poor, illiterate and exploited in many ways. They work for long hours and do variety of work and sometimes get few hours of undisturbed sleep. They are exposed to all the vagaries of climate and winter, such as scorching sun, heavy rain and chilly winter while at work. Workers are exposed to serious health hazards which affect their longevity.

In order to ensure, under and umbrella legislation, economic and social security to all unorganised sector workers and to mould them into a productive and secure workforce, an Act on unorganised sector workers employment and welfare is needed.

The unorganised sector Workers (Employment and Welfare) Bill, 2003 is the logical outcome of the Second National Labour Commission’s recommendations. An Act to consolidate and amend the laws relating to the regulation of employment and welfare of workers in the unorganized sector in India and to provide protection and social security to these workers.
The Bill, 2003 does nothing more than extending the existing laws which have never been implemented in real life till now. It does not deal with the regulation of employment of unorganised workers. There is no provision whatsoever for protection of jobs or for employment guarantee. Not only that it does not say anything about any uniform national floor level.

From the above stated matters it is clear that the development of social security in India is reasonably good for industrial employees specially to women workers. Finally, it is high time for bringing reforms in our outdated social security policies for unorganised sector. This will give sustainability to basic social security for all the unorganised sector and India would also be able to protect basic human rights of its citizens.

To have the social security at par with organised sector workers, the government must take the insurance scheme at the village level with low premium amount.

REFERENCES