

A SOCIAL JUSTICE ASPECTS OF INFORMED SECTOR WORKER IN INDIA- A STUDY

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INTRODUCTION

The informal workers play a vital role in society, so they need special attention. Most socially and economically deprived sections of the society are engaged in informal economic activities. The government realised the vital role performed by informal sector in the economy. Therefore, many legislations and schemes are initiated by the government for the benefits and also ensure social justice informal workers. Further various social security measures provided by industrial units to their employees in the form of pension, provident fund and gratuity. Non-statutory benefits also provided to workers such as medical facilities, food, canteens etc. These benefits help in motivating the workers for their active contribution in the prosperity of the industry and when the workers are fully satisfied with the conditions of service, then they give their best efforts for the growth of the society.

MEANING OF INFORMED SECTOR

According to the report of the National Commission on Labour in 1969. 'informed sector worker' are other groups of workers who are not covered under the definition and can organise in pursuit of a common goal due to force such as:

- Casual nature of employment.
- Ignorance and illiteracy.
- Establishment of small size with the low capital invested per person employed.
- Scattered nature of establishments.
- Muscular strength of the employer operating either singly or in combination.

National Commission also gives some categories of workers, which can be categorised as informal workers, which are the following:

- Contract-based worker and it also includes workers engaged in the construction work.
- Informal(casual) labour.
- Labour engaged in small industry.

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- Handloom/ power worm workers.
- Beedi and cigar workers.
- Employed in shops and commercial establishments.
- Sweepers and scavengers.
- Workers in teaberries.
- Tribal labour.
- Other unprotected labour.

According to the Unorganized Workers Social Security Act, 2008 “Unorganized sector means an enterprise which is engaged in the production or sale of the food or in providing services of any kind owned by individuals or self-employed workers and where the number of worker working is less than 10 in number.” Informal Workers: “informal workers” means as follows.

- A home-based worker.
- Self-employed worker.
- Nature of employment, contract, casual and bonded labour wage worker in the informal sector.²

PROBLEMS OF INFORMAL SECTOR WORKER IN INDIA

Problems faced by the workers As being the weaker section of the society they face many challenges. They are as follows.

1. Low wages
2. No Knowledge about Work Hazardous and Occupational Safety
3. Maximum workers are living in deplorable conditions
4. Extended Hours of Work
5. No Knowledge About the Trade Union or Labour Union
6. High Level of insecurity is common-
7. Seasonal Employment-
8. Women and children are unprotected and get meagre wages
9. Harassment issues at the workplace for women-

²<https://blog.ipleaders.in/unorganised-sector-rights-protection> accessed on 18th June 2022 at 3:16pm

10. Vulnerable Labour Groups:-The study group on the construction of the **First National Commission on Labour as well Second National Commission (2002)** observed that on quarries, brick-kilns as well as in big construction sites a system of bondage exists and get extended from one generation to the next through labour.

11. Insecurity due to natural disasters

12.

SOCIAL SECURITY SCHEMES AND SOCIAL JUSTICE

Social security is essential for the welfare and provides certainty to the workers. Social security measures have manifold benefits in promoting the workers, increasing the production level of industry and develop the feeling of surety among the workers. It was also helpful for eradicating poverty to some extent. Social security is a fundamental human right. The workers in the organised sector are covered under social security legislation like employees Provident Funds, **Miscellaneous Provisions Act, 1952 and Employees State Insurance Act, 1948**. The working groups of Planning Commission constituted subgroups in its first meeting to discuss the issues. Taking the benefits of subgroups the working groups have formulated its recommendations. It is hoped that these recommendations would be useful for the formulation of the twelfth five-year plan.

Informal Social Security Act, 2008

In the era of liberalisation, globalisation, and privatisation the country has been a drastic change in the business environment and nature of employment. These changes created many issues in social security measures. In this regard, the issue of social security to the growing sector of informal workers draws more attention in emerging India. The government enacted much social security legislation for the welfare of informal workers also formulated many schemes. Informal **Workers Social Security Act 2008** is one of the significant activities which is exclusively for the protection of informal workers. The mechanism under the Act provides a three-tier system for the implementation of the law.

- National social security board
- State social security board
- Workers facilitation centres

Social security schemes

Subsection 1 of Section 3 of the Act states that Union Government and State Government shall formulate schemes from time to time covering health and maternity relief, old age protection, life and disability and another benefit which may be notified by the central government

- PradhanMantriShram Yogi Maan-dhan
- PradhanMantriRojgarProtsahanYojana
- AamAdmiBimaYojana
- PanditDeendayalUpadhyayShramevJayateKaryakram
- AtalBeemitVyaktiKalyanYojana
- RashtriyaSwasthyaBimaYojana
- Grants to NGOs for welfare of Child and Women Labour
- Swavalamban
- Central Sector Scheme for Rehabilitation of Bonded Labourer-2016
- This topic provides information about Central Sector Scheme for Rehabilitation of Bonded Labourer-2016.
- Revised Integrated Housing Scheme for workers
- This provides information about the revised integrated housing scheme for workers.

ROLE OF INDIAN JUDICIARY TO ENSURE SOCIAL JUSTICE TO INFORMAL WORKER

Sometimes due to failure of proper implementation of legislations judiciary come forward for the protection of the rights of informal workers. Informal workers indeed remain outside the purview of social security measures Indian Judiciary played a pivotal role in the development of modern jurisprudence and made a significant contribution to the protection of interests of weaker section of society which could be reflected from several decisions. Judiciary also tried to extend the benefits of labour welfare measurements such as the Employees Compensation Act, Payment of Gratuity Act, Employees State Insurance Act, Employees Provident Fund etc. Judiciary has exclusive responsibility for the protection of interest of a weaker section of society. Through various judgments, the Supreme Court of India emphasised on Right to Livelihood as an inherent part of Right to Life.

In the case of *Rural Litigation and Entitlement Kendra, Dehradun v. Uttar Pradesh* The court stated that the right to life under Article 21 of the Constitution of India also includes the right to livelihood.

In the case of *People Union for Democratic Rights v. Union Of India* The court held that beggar is also a kind of forced labour and it is a violation of the right to live with dignity, respect and fundamental human rights. If any person is taking the service of any labour and does not pay the minimum wages, then it is a violation of Article 23 of the Constitution of India. In the case of *Sanjit Roy v State Of Rajasthan* It was held that payment of wages lower than the minimum wage to the person employed on famine relief work is violative of Article 23. Whenever Any labour or service is taken by the state from any person, who is affected by drought and scarcity condition the state cannot pay him less wage than the minimum wages on the ground that it is given help to them to meet famine situation. The state cannot take advantage of their helplessness.

In the case of *Deena vs Union of India* The court held that the labour work that is taken from the prisoners it without paying sufficient wages is considered forced labour, and it is an infringement of Article 23 of The Constitution. The prisoners have the right to claim the reasonable wages for their service rendered, and the court must enforce the claim of labourers.

In the case of *Bandhua Mukti Morcha v. Union Of India* The court held that whenever the public interest litigation is initiated alleging the practice of bonded labour, the government needs to accept it as the opportunities and to examine the issues or problem of labour and make efforts to eradicate the practice of bonded labour and protect the labours. Article 23 of the Constitution of India, which prohibits the practice of bonded labour protects and helps the labours to earn for their livelihood.

In the case of *Neeraja Chaudhary v. State of Madhya Pradesh*³ Justice Bhagwati held that it is not sufficient for the Government to find about the existence of bonded labour, but it is also

³1985 SCR (3) 16, 1983 SCR (1) 456. 1983 SCR (2) 271, WRIT PETITION (CRIMINAL) NO. 89 OF 2015, 1984 SCR (2) 67, (1984) 3 SCC 243

necessary that the labourers should be rehabilitated because if they are not rehabilitated, then they would be driven to despair, poverty and helplessness. Article 21 states that bonded labour should be identified and efforts need to be made by the Government to complete rehabilitation of the labourers. Directive Principles of State policy was enacted as the guidelines for the government. Under DPSP, the State Government needs to provide a basic human dignity to bonded labour and if it is not fulfilled, then it will result in the infringement of Article 21 of the Constitution.

S. No.	Name of the Scheme	Number of Beneficiaries
1	Indira Gandhi National Old Age Pension Scheme (as on 31.03.2015)	2,08,33,673
2	National Family Benefit Scheme (as on 31.03.2015)	1,75,592
3	Janani Suraksha Yojana (as on 31.03.2016)	1,04,16,164
4	Handloom Weavers' Comprehensive Welfare Scheme (Mahatma Gandhi Bunkar Bima Yojana) (as on 30.09.2016)	69,475
5	National Scheme for Welfare of Fishermen and Training and Extension (as on 31.03.2015)	52,34,799
6	Aam Admi Bima Yojana (as on 31.03.2016)	4,51,07,984
7	Rashtriya Swasthya Bima Yojana (as on 31.03.2015)	3,59,28,048
8	Atal Pension Yojana (as on 20.07.2016)	30,46,055

CONCLUSION

The Government of India took a step by enacted a legislation 'Unorganized Social Security Act, 2008' for providing underlying social security to the informal workers who work in an informal sector. In pursuance of this Act, the Government of India has implemented numerous schemes such as Aam Admi Bima Yojana(Life Insurance), old age pension scheme, Rashtriya Swasthya Bima Yojana (health insurance) etc. The Central Government, under the requisite section and the State Government under the specified section, have been empowered to make the rules for the smooth functioning.