

Chapter V

National Policy on Social Security of Labour in Organized Sector

5.1 Introduction

Labour has an essential job in amassed productivity and policy is required to help the conditions of laborers which make their top level input towards this goal. A nation, while drafting an arrangement, must be aware of its subtleties. The initial step towards drafting a policy is to identify the area of problem and then undertake a comprehensive analysis and address for the effective policy. At that point, the existing policies must be scrutinized to decide their deficiencies²²³. Simply after these steps have been attempted, a working strategy can be confined, which appropriately address to the particular issues raised by using best practices to overcome the issue that torment the current regulation. Finally those draft policy must be discharged for legitimate thoughts involving all stakeholders. A policy, so drafted, is considerably more prone to be viable. The primary responsibilities with regard to the Five Year Plans is to adopt a feasible way out which can help in realizing the commitment of the government towards nation building by way of adopting workable policies²²⁴.

India embarked on the economic change in the year 1990s designed to abridge the role of Government in production, doling out a more important role to domestic private and foreign sector in economic activity, and intensifying their integration with the world economy.²²⁵ Social security policy reforms have attracted increasing attention over the past decades in industrialized as well as developing countries alike. In the industrialized countries, these reforms have been mainly discussed against the background of a rapidly ageing population and hence, the fiscal sustainability of the pension systems mostly based on defined benefit principle. The share of population over 60 is projected to rise from 7.5 percent in 2000 to 10.3 per cent by 2020.²²⁶ With Industrialization, Urbanization and Privatization an increasing segment of new entrants to the workforce emerged i.e casual,

²²³ United Nation Environment Programme, UNEP'S New Way Forward: Environmental and Sustainable Development, Lin Seun ed , 1195, Pg.157

²²⁴ available at <http://www.economicdiscussion.net/labour/policy-labour/labour-policy-of-the-government-india-economics/29326> (last accessed on 18.8.2017 at 10.15 P.M)

²²⁵ Dr. Y.v. Reddy, *Reforming India's Financial Sector: Changing Dimension and Emerging Issues*, May 9, 2006, available at <https://rbi.org.in/scripts/BSSpeechesView.aspx?Id=281> (last Visited on 14/2/2017 at 11:10 A.M)

²²⁶ Ramgopal Agarwala, Nagesh Kumar and Michelle Ribound , *Reforms, labour Market and Social Security Policy in Indian India: An Introduction* (OUP India Publication, 2004)

contractual or self employed in the informal sector while neither of these categories of the workers is covered by social security that existed than.

With Liberalization, Privatization and Globalization securing a firm foothold and special economic zones (SEZ) being the order of the day, India has silently and imperceptibly shifted towards privatization. The result is a paradigm shift in terms & conditions of employment.

The social security legislations in India are inconsonance with the International standards and as per suggestions of International Labour Organization. However, social security legislations in India have been criticized for having vague policies towards social security. Further lack of effective implementation of the policies by the policy makers is another reason that has been criticized. Although the government has adopted many schemes, however, owing to lack of proper vision and a roadmap towards the implementation of such schemes the result has not yielded any positive outcome. The working group of labour policy²²⁷ established by the planning commission had also highlighted that the various schemes on social security are such that cannot yield effective results for reason that there is lack of through planning on the part of the policy makers.²²⁸ Thus, unless and until all the major factors that impede the proper implementation of the social security schemes needs to be properly examined. The first step in this regard can be unification and harmonization of labour laws.

The era of the liberalization, privatization and globalization of the Indian economy in the last one and half decades have displayed unparalleled challenges to the policy maker in government, industry and service sector to contend in the global market, with competitive edge requiring the industry to enhance its productivity and quality of products This objective cannot be achieved unless and until the workers are highly satisfied in their workplace. Welfare facilities which impact on industrial relation has turned out to be essential to discover what improvement or progresses are made to upgrade their working capacity in an organized sector.

²²⁷ Government of India, Report of working group for the 11th five year plan (2007-2012) under the chairmanship of Prof B.L. Mugekar.

²²⁸As a matter of fact, there is no policy on social security; no plan for social security and Five year plans are practically silent about this important aspect, though the Indian constitution visualizes a regime of a social security in a welfare state such as India.

There are no comprehensive social security laws and policies or no such things as one umbrella coverage for all workers and they should be more proficient need to be more efficient to cover entire working class.

Labour welfare is one of the major aspects of the national programmes towards bettering the dominant part of workforce and tricking a life hit and work environment of direct solace for the class of population.

The expression "welfare" is exceptionally adaptable and in addition for reaching. It incorporates welfare of labour as well as his family members. The Government has made various rules, regulations and Acts for the improvement of workers life.²²⁹

However, the Government has made these Acts for the improvement of condition of workers. Several schemes have been developed in India through enactments and policies to provide Social Security to workers in the organized as well as the unorganized sector but the execution of Labour Welfare and security schemes is not satisfactory. Numerous provisions and the Sections of the Act are conflicting and do not provide clear meaning of the Act.

Therefore, it is extremely fundamental to reconsider and reformulate legislation after every five years. The only committees were appointed to review the policy depending upon the existing condition of the workforce and make recommendations but those recommendations are not appropriately adopted. Hence this chapter tries to analyze the National Policy on social security in organized sector.

5.2 Historical aspect of Labour Policy

George Santyana, philoshoper, poet and cultural critic, has magnificently mentioned, "Those who cannot remember the past are condemned to repeat it", and "Only the dead have seen the end of war"²³⁰.

India has a long and illustrious history with reference to the labour policy that incorporates the facets of trade unionism, collective bargaining, and the liberalization.

²²⁹ The Government has made legislation for the betterment of labours life in organized sector such as The Factories Act 1948, The Payment of Wages Act 1936, The Employees State Insurance Act 1948, The Industrial Employment Act (Standing Orders) 1946, The Employees Compensation Act 1923, , The Employees' Provident Fund & Miscellaneous Provision Act, 1952, The Employees Provident Funds Family Pension Fund and Deposit-linked Insurance Fund Act, 1952. The Government has made the following Act for the betterment of labours life in an unorganized sector: The Payment of Gratuity Act, 1972, The Minimum Wages Act 1948, The Unorganized Sector Worker's Social Security Act, 2008, National Rural Employment Guarantee Act, 2005.

There is an elegant interconnection among government and trade unionism in India. India moon-faced the experiment of choosing between free collective bargaining and socialist dialogue and India decided on the latter. As a nation, India was for socialism and therefore, the labour soon embraced it, however, the certain issue still persisted in terms of the conflict between the requirement and aspirations of work against India as a country. The issues with organized labour that seems to be maintained until these days is that it is a very minuscule part of the entire labour, besides it is fragmented in a bunch of unions; the normal AITUC was fragmented into AITUC, INTUC, HMS and UTUC between 1947-49²³¹. Post-independence, India had to face increasing productivity and achieve self-sufficiency; against this back-drop strife would result in impediments in achieving this goal. Hence, the stress on state-controlled bargaining to avoid strikes or lock outs is most extent doable. This system had limitations in terms of staggering delays and therefore, the behaviour of aggrieved parties in the service²³². Keeping in mind the assorted short comings and conditions of the labour the government did represent two national labour commissions. This report would be that specialize in the comparatively additional important recommendations of the report of the two national commissions of labour and then the liberalization and its effects.

The primary national labour commission started in 1966 under the chairmanship of Justice Gajendragadkar, submitted their report in 1969. The commission noted the distinct shift from agricultural employment to different sectors and this shift to urbanization had thrown up challenges of providing adequate housing, transport, civic amenities and proper distribution of the gains/resources. They moreover noted the existence of labour legislations sans sufficient social control that imposed sanctions like appointment of welfare officers. Among other things, they furthermore noted the matter of employment for 'children of the soil' and provision of employment for those whose lands were espoused to for development. The second national commission on labour was started under the chairmanship of Ravindra Varma in 1999, that submitted their report in 2002. Among other things they observed the decision for rationalization of labour legislations, provisions for flexibility, to come up with a unified legislation for minimum protection of the workers employed in unorganized sector. One amongst the noteworthy

²³⁰ Lonesome Lozer, available at <https://lonesomelozer.wordpress.com/tag/those-who-cannot-remember-the-past-are-condemned-to-repeat-it-george-santayana/> (visited on October, 29, 2017)

²³¹ Oscar A. Ornati, "Problems of Indian Trade Unionism", the ANNALS of the American Academy of Political and Social Science, March 1, 1957

²³² *Ibid*

recommendation strengthens to create the establishment of collective bargaining in India by creating facilities for union recognition.

In addition to the India's opposition to the International Labour Organization convention on the right to strike, the philosophical shift within the framework of the conviction of judiciary that was rather more protecting the labour in the pre-liberalization era delivered some important landmark judgments post liberalization associated with the contract labour, the right to strike that has laden the interests of the workers and trade unions normally. The Supreme Court of India has reaffirmed the independence of the executive in case of privatization, been crucial for the workers right to protest/strike, obligatory restraints on public protests, validated the usage of the contentious Essential Services Maintenance Act and also reversing earlier judgments on creating the contract labour permanent²³³

5.3 Salient Features of Labour Legislation:

Before dealing into the policy of the government for the improvement of the workforce it is important to lay down the salient features of the labour legislation as through this features the policy is framed accordingly by the Government of India. Salient features Labour legislation is based on certain fundamental principles such as:-

- a) Social Equity²³⁴
- b) Social Justice²³⁵
- c) National Economy²³⁶ and
- d) International Uniformity.²³⁷

Proper and effective laws can be very useful towards safeguarding the interest of the workers. Unless and until the laws are proper and effectively implemented the workers will be subjected to exploitation as per the whims of his employer. The Labour policy is being formulated as per the directives enumerated under Part IV of the

²³³ Girish Balasubramanian; Manoranjan Dhal, 'Industrial Relations Situation in India: A Report'; Japan Labor Issues, vol.1, no.3, November- December 2017.

²³⁴ Social equity is a concept that applies concerns of justice and fairness to social policy i.e equal access to health care, equal opportunities for employment etc.

²³⁵ Another principle on which the labour legislation is enacted is based on the social justice. Social Justice means equal distribution of wealth, opportunities and privilege within society.

²³⁶ The national economy is an essential for implementing labour legislation in the country. Thus general economic situation of the nation must given top priority for enacting welfare measures.

Constitution. The aim is to realize the constitutional goals of achieving justice: social, economic and political.

The economy growth of the country not only leads to increase the production but combat social evils such as poverty, unemployment etc. Thus Seventh Plan recommended utilization of available human resources for development. Thus this can be achieved only through proper policy plan and implementation.²³⁸ The following table 1.1 shows the existing social security schemes in India.

Table. 1.1
Current social security schemes in India

FUND SOURCE	EXAMPLES	ELIGIBILITY
Taxpayer Funded	IGNOPS, AABY, IGNDPS, NFBS, RSBY	Select category of BPL
Health related, taxpayer funded	Government health schemes	All citizen
Employer (Legislation based)	Maternity benefit, gratuity, Employee Compensation	Organized sector
Fund (Employer + Employee)-under law	EPF, EPS, EDLI, ESI Schemes	Organized Sector
Cess Based	Beedi worker welfare schemes	Concerned workers
Voluntary	PMJJSY, PMSBY	Those who opt
State/ local bodies/ ministries	Old age pension, disabled pension, Bunkar Bima	Selected beneficiaries

²³⁷ International uniformity is another principle on which labour laws are based.

²³⁸ Also see <http://www.economicdiscussion.net/labour/policy-labour/labour-policy-of-the-government>

5.4 Development of Labour Policy in Five Year Plan

The planned economic development in India began in 1951 with the First Five Year Plan(1951-56) and till date India have Twelfth Five Year Plan (2012-2017). The Five Year Plans are centralized and integrated national economic programs.

The First Five Year Plan²³⁹, with regard to labour problems circled around two objective; one to works towards the welfare of the working class and second towards the growth of the nation with emphasis on rights of the workers.²⁴⁰ The plan focused on agriculture, power and transport and price stability. It was a successful plan as the objectives of rehabilitation of refugee, food self sufficiency and control of prices were more or less achieved, with this aim the government launched a schemes i.e Community Development Programme (CDP) in 1952 for overall development of rural areas and people participation.

The Second Five Year Plan²⁴¹ focused on rapid industrialization, heavy and basic industries. The industrial policy 1956 was based on the establishment of a socialistic pattern of society as the goal of economic policy. The Government aim was to make a relation between the increases in wages with increase in production. The Second Plan explicitly provided that income more than the minimum wage ought to be viewed with the results. Thus, keeping this into consideration the Minimum Wages Act was enacted in 1948 in order to enable fixing and revision of wages for certain categories of employment. However, the authorities were conscious of various loopholes in the said Act. Besides this enactment significant steps were adopted by the government: the first one is workers' participation in management and Joint management councils²⁴² which were started for experimental purpose. The second one was a Scheme for workers' education²⁴³.

²³⁹ First Five Year Plan (1951-1956) was launched in 1951 which mainly focused in development of the primary sector. It was based on the Harrod-Domar model with few modifications.

²⁴⁰ Such as workers' right to form association, organization and collective bargaining etc.

²⁴¹ The Second Five Year Plan (1956-61) simple aggregative Harrod Domar Growth Model was again used for overall projections and the strategy of resource allocation to broad sector as agriculture & Industry was based on two & four sector prepared by Prof. P.C. Mahalanobis. Plan is also called Mahalanobis Plan.

²⁴² The Council through mutual consultation settles disputes between employers and workers and brings harmonious relationship between them.

²⁴³ The scheme includes training of teacher and administration. Through this scheme government aims to help the worker to gain self-confidence through which they increase their ability to take advantage of protection available to them labour laws.

Based on the experience of the first two plan agriculture was given top priority to support the exports and industry. Under the Third Five Year Plan, labour policy was planned to render immediate and long term need of a planned economy. The Third Five Year Plan²⁴⁴ aim was to make India a ‘self-reliant’ and ‘self generating’ economy. It has been stated in the Third Five Year Plan that due to the development of industrial sector it necessitated the formulation of sound labour policies to safeguard the interest of the workers.²⁴⁵ Thus, the government in their endeavor constituted many committees towards formulation of effective labour policies. In this regard the Trade unions²⁴⁶ were acknowledged as a vital branch of the industries and a significant group contributing towards the economy of the country. Besides this the Third Plan had assigned a commission to examine the issues dealing with bonus claims and accordingly to formulate policies with regard to the same. Beside this the during this plan the Intensive Agriculture Development Programme (IADP) to provide loan for seeds and fertilizer to farmers were launched in amid the year 1960-61. Intensive Agriculture Area programme²⁴⁷ (IAAP) to develop social harvest in agriculture area was launched during 1964-65. Along with this scheme Credit Authorization Scheme (CAS)²⁴⁸, High yielding variety programme (HYVP)²⁴⁹ and Green Revolution²⁵⁰ was launched by the Government of India during 1961-1966. The Third Plan highlights that irrespective of having a scheme on subsidized housing for the workers the scheme proved to be a failure. Thus, the plan proposed to adopt a new policy in order to provide decent housing facilities for the industrial workers as early as possible.

The first two years of plan saw record production. The last three years did not measure up due to poor monsoon. Implementation of Family Planning Prorammes was

²⁴⁴ Government of India, Third Five Year Plan (1961-66), Planning Commission.

²⁴⁵ *Ibid*

²⁴⁶ According to the Code of Discipline, a trade union should be recognized in an establishment with at least 15 per cent of the workers enrolled as members for a continuous period of six months. In the case of several unions, the union with the largest membership will be recognized. Once a union is recognized he shall represent the worker for a period of two years.

²⁴⁷ The core aim of the IAAP was that “much greater emphasis should be given to the development of scientific and progressive agriculture in an intensive manner in the area which has high production potential”. The idea was to cover at least 20% of the cultivated area of the country. The emphasis was on the import crops such as Wheat, Rice, Millets, Cotton, Sugarcane, Potato, Pulses etc. IAAP paved the way for Green Revolution in the country.

²⁴⁸ Under CAS all commercial banks had to obtain prior approval or authorization of the RBI before granting a loan of Rs 1. Crore or more to a single borrower. It was launched in 1965 and was withdrawn in 1989.

²⁴⁹ The High Yielding Variety Programme was launched in 1996-67 with an objective to attain self sufficiency in food by 1960- 71. The main aim of the programme was to increase the productivity of food grains by adopting latest varieties of inputs of crops.

²⁵⁰ The Green revolution was launched to increase the productivity. However, It was confined to wheat production.

the major target of the Fourth Five Year Plan²⁵¹. The Government under this plan launched Rural Electrification Corporation to provide electricity in rural areas in 1969, Scheme of Discriminatory Interest Rate²⁵² in 1972, Accelerated Rural Water Supply Programme (ARWSP)²⁵³, Drought Prone Area Programme (DPAP) in 1973²⁵⁴, Crash Scheme for Rural Employment (CSRE)²⁵⁵ and Marginal Farmer and Agriculture Labor Agency (MFALA)²⁵⁶. In the backdrop of economic crises arising out of run-away inflation fuelled by hike in oil prices and failure of the Government takeover of the wholesale trade in wheat the Fifth Five Year Plan was prepared and launched by D.P.Dhar. It proposed to achieve two main objectives such as 'removal of poverty (Garibi Hatao)' and 'attainment of self reliance' under this Five Year Plan the Government of India launched Small Farmer Development Scheme (SFDS)²⁵⁷, Command Area Development Programme (CADP)²⁵⁸, Twenty Point Programme²⁵⁹; National Institute of

²⁵¹ Government of India, Fourth Five Year Plan (1969-74), Planning Commission.

²⁵² This scheme provides loan to the weaker section of the society at a concessional interest rate of 4 %.

²⁵³ The Government of India introduced ARWSP in 1972 to assist the States and Union Territories in order to accelerate the pace of coverage of drinking water supply.

²⁵⁴ The basic objective of the programme is to minimize the adverse effect of drought on production of crops and livestock. The programme also aims to promote overall economic development and improving the socio-economic conditions of the resource poor and advantaged sections inhabiting the programme areas.

²⁵⁵ The Crash Scheme for Rural Employment (CSRE) spanned from 1971-72 to 1973- 74. This scheme aimed at employment generation in all the districts through the execution of labour intensive projects and creation of durable assets in consonance with the local development plans.

²⁵⁶ MFALA was launched in 1973 to provide technical & financial assistance to marginal farmer.

²⁵⁷ Small Farmer Development Scheme (SFDS) was launched in 1974 to provide technical & Financial assistance to marginal farmer

²⁵⁸ The Command Area Development programme was launched in 1975 to narrow the gap between irrigation potential created and actually utilized in major and medium irrigation scheme

²⁵⁹ The Twenty Point Programme was initially launched by Prime Minister Indira Gandhi in 1975 and was subsequently restructured in 1982 and again in 1986. With the introduction of new policies and programmes it has been finally restructured in 2006 and it has been in operation at present. The Programmes and schemes under TPP- 2006 are in harmony with the priorities contained in the National Common Minimum Programme, the Millennium Development Goals of the United Nations and SAARC Social Charter. The restructured Programme, called TPP-2006 was approved by the Cabinet on 5th October, 2006 and operated w.e.f 1.4.2007. the objective of this scheme is to eradicate poverty and to improve the quality of life of the poor and the underprivileged population of the country

Rural Development²⁶⁰; Desert Development Programme²⁶¹ Food for Work Programme²⁶²; Antyodaya Yojana²⁶³ and Training Rural Youth for Self Employment TRYSEM²⁶⁴.

The Sixth Five year plan focused on increase in national income, modernization of technology, ensuring continuous decrease in poverty and unemployment.²⁶⁵ During this Sixth Five Year Plan the Government launched NREP²⁶⁶ which also continued in the Seventh Five Year Plan as an important component of anti-poverty strategy. For the first time a chapter on women and development appeared in the Sixth Five Year Plan (1980-85), it was felt that there should exist a separate schemes which motivate the women to come together and engage themselves in the economic activity, thus DWCRA²⁶⁷ was launched, Rural Landless Employment Guarantee Programme²⁶⁸, in order to aware the farmer to use the improved instruments of agriculture Farmer Agriculture Service Centers (FASCs) was set up in 1983--1984 during this plan year. Along with the above National Fund for Rural Development²⁶⁹ was also launched during this plan.

²⁶⁰ National Institute of Rural Development and Panchayati Raj (NIRDPR) is an Indian institute for research in rural development launched in the year 1977. it aims to provide Training, investigations and advisory for rural development

²⁶¹ Desert Development Programme (DDP) was launched in the year 1977-78. The basic object of the programme is to minimize the adverse effect of drought and control desertification through rejuvenation of natural resource base of the identified desert areas. The programme strives to achieve ecological balance in the long run. The programme also aims at promoting overall economic development and improving the socio-economic conditions of the resource poor and disadvantaged sections inhabiting the programme areas.

²⁶² Food for Work Programme was launched in the Year 1077-78 to provide food grains to labour. However this programme was harshly criticized by the Planning Commission and the Comptroller and Auditor General of India. Presently the Food for Work is one and the same as the part of MGNREGA Act which guarantees the 'Right to Work' and ensure minimum 100 days work for the rural poor as a livelihood security.

²⁶³ It is a scheme of Rajasthan, providing economic assistance to poorest families.

²⁶⁴ TRYSEM was launched in 1979 as a separate national scheme for training rural youth for self employment. Huge backlog of unemployment among the rural youth was the reason for the launch. Forty youth, both men and women were to be selected in each block and trained in both skill development and entrepreneurship to enable them to become self employed.

²⁶⁵ The labour policy adopted in the Sixth Plan was oriented towards establishment of harmonious relations between employers and workers, to accelerate the rate of industrial development and to create expanding opportunities for employment, to raise the living standard of workers in general and the weaker section in particular.

²⁶⁶ The National Raural employment Programme replaced the food for work Programme. It was launched in October, 1980 and became a regular plan programme from April 1981 with a view to significantly increase employment opportunities in rural areas. This was viewed as the major step towards poverty alleviations.

²⁶⁷ DWRCRA was launched in September 1982 with an object to improve the socio-economic, heath , and educational status of rural women by providing financial assistance and crating employment opportunities for them to become self-reliant and raise their standard of living. The target group of DWRCRA is the same as that under IRDP, i.e . the families living below the poverty lines.

²⁶⁸ RLEGP was launched on august 15, 1983 with the object of a) Improving and expanding employment opportunities for the rural landless with a view to providing guarantee of employment to at least one member of every landless household up to 100 days in a year and b) creating durable assets for strengthening the infrastructure s as to meet the growing requirements of the rural economy.

²⁶⁹ NFRD was set up in 1984 to mobiles fund from individual, corporate and non-corporate bodies for undertaking rural development activities. The Fund accrued were to be utilized for implementing projects in the field of rural development. Since the contribution to the NFRD was too small to get tangible result, the Government approved the winding of the NFRD. No contribution in the NFRD was received beyond April 2004The funds available under NFRD

However, the Seventh Five Year Plan was very successful it aimed at accelerating food grain production, raising productivity and increasing employment opportunities with focus on 'Food' work & productivity'. Numerous schemes was adopted during this Seventh Five Year Plan (1985-90) such as Comprehensive Crop Insurance Scheme²⁷⁰; Council for Advancement of People's Action & Rural Technology (CAPART)²⁷¹; Self Employment Programme for the Urban Poor (SEPUP)²⁷²; National Drinking Water Mission (NDWM)²⁷³; Service Area Account²⁷⁴; Jawahar Rozgar Yojana²⁷⁵ (JRY); Agriculture & Rural Debt Relief Scheme (ARDRS)²⁷⁶; Scheme for Urban Micro Enterprise (SUME)²⁷⁷; and Scheme of Housing and Shelter Up-gradation (SHASU)²⁷⁸.

The major objective of the Eighth Five Year Plan²⁷⁹ is to create employment, check population growth, and overall human development such as Primary health facilities, Drinking Water & Vaccination in all villages, Growth and diversification of agricultural activities etc. In the Eighth Five Year Plan the Government announced the new Industrial Policy whereby it de-licensed most industries, reduced import tariffs, opened door for foreign direct investment, introduced a market determined exchange rate system. The plan was launched with twin objectives of alleviation of poverty and unemployment. This plan period saw launching of many flagship programmes such as National Renewal

was transferred to CAPART for taking up well-identified project fitting the basic objectives of NFRD over a period of 2 years

²⁷⁰ In the event of failure of crop due to natural calamities a comprehensive Crop Insurance Scheme provide financial assistance to the farmer. It was introduced in 1985. The participation in the scheme was voluntary and the states were free to opt for the scheme. All framers who availed crop loans from Commercial Banks, regional Banks and Cooperative Banks for growing wheat, paddy, maize, pulses and oilseeds were eligible for coverage under the scheme. CCIS remained under implementation till 1999.to enlarge the coverage in terms of farmers (loanee and non-loanee both), more crops and more risk, 'National Agriculture Insurance Scheme (NAIS)- Rashtriya Krishi Bima Yojana) was introduced in 1999-2000

²⁷¹ CAPART was constituted in 1986 and since its inception has initiated various programmes in rural development directly through NGOs in every State and large number of districts in the country, CAPART was formed by amalgamating two agencies the ' Council for Advancement of Rural Technology' (CART and People's Action for Development India (PADI). CAPART is an autonomous body registered under the Societies Registration Act, 1860 and is functioning under the aegis of Ministry of Rural development, Government of India.

²⁷² SEPUP was set up in 1986 to promote self employment through credit and subsidy.

²⁷³ NDWM was launched in 1986. It was renamed as Rajiv Gandhi National Drinking Water Mission in 1991.

²⁷⁴ Service Area Account was launched in 1988 for rural credit.

²⁷⁵ JRY was launched in April 1, 1989 by merging National Rural Employment Program (NREP) and Rural Landless Employment Guarantee Programme (RLEGP), it was a consolidation of the previous programme and it was largest National Employment Program of India. Yojan was implementing on rural scale. Since April 1, 1999 this Yojan was replaced by Jawahar Gram Samridhi Yojna. Later from September 25, 2001, Jawhar Gram Samridhi Yojan was merged with Sampoorna Grameen Rozgar Yojan.

²⁷⁶ This scheme exempt Bank loan upto 10000 for rural artisan and weavers

²⁷⁷ SUME was launched in 1990 to assist urban small enterprise.

²⁷⁸ SHASU was launched in 1990 to provide employment by shelter up-gradation.

²⁷⁹ Eighth Plan (1992-1997).

Fund²⁸⁰; Employment Assurance Scheme (EAS)²⁸¹; Member of Parliament Local Area Development Scheme (MPLADs)²⁸²; Scheme for Infrastructural Development in Mega Cities (SIDMC)²⁸³; District Rural Development Agency (DRDA)²⁸⁴; Mahila Samridhi Yojna²⁸⁵; Child labour Eradication Schemes²⁸⁶; Prime Minister Integrated Urban Poverty Eradication Programme (PMUPEP)²⁸⁷; Mid day Meal Scheme²⁸⁸; Group Life Insurance Scheme for Rural Areas²⁸⁹; National Social Assistance Programme²⁹⁰; Ganga Kalyan Yojna²⁹¹; Kastoorba Gandhi Education Scheme²⁹²; and Swaran Jayanto Shahari Rojgar Yojna²⁹³.

The Ninth Five Year Plan²⁹⁴ focused on “Growth with Social Justice & equality”. The Plan recognizes the integral link between rapid economic growth and the quality of life of the mass of the people. It also recognizes the need to combine high growth policies with the pursuit of our ultimate objective of improving policies which are pro-poor and are aimed at the correction of historical inequalities.

The Ninth Plan was motivated towards attainment of below mentioned goals in the area of labour policy:

²⁸⁰ The Government of India had announced to establish a NRF as a part of the slew measures announced in the New Industrial Policy of 1991. The Fund was later established in February, 1992 for a period of 10 years. The main objective of the Fund was to provide a social safety net to the workers who are likely to be affected by technological up-gradation and modernization in the Indian Industry.

²⁸¹ EAS was introduced w.e. f 2nd October, 1993 in the rural areas of 1778 blocks of 261 districts in which the Revamped Public Distribution System was in Operation (RPDS). The primary objective of this scheme is to provide gainful employment during lean agricultural season in manual work to all able bodied adults in rural areas who are in need and desirous of work, but cannot find it.

²⁸² MPLADS is a scheme formulated by Government of India on 23 December 1993 that enables the member of Parliament to recommend developmental work in their constituencies with an emphasis on creating durable community assets based on locally felt needs

²⁸³ This scheme provide project for water supply, sewage, drainage, urban transportation, land development and improvement slums in metro cities.

²⁸⁴ Through this scheme a financial assistance is provided to rural people by district level authority.

²⁸⁵ This scheme encourages rural women to deposit in post office scheme.

²⁸⁶ This is the major scheme for the rehabilitation and eradication of the Child labour. A major programme was launched on 15 the August 1994 for rehabilitating child labour working in hazardous occupation. At present the scheme is operational in 266 districts in 20 States around 3.39 lakhs children through 7311 schools.

²⁸⁷ This scheme was launched to eradicate urban poverty.

²⁸⁸ The Mid day Meal Scheme is a school meal programme of the Government of India designed to better the nutritional standing of school-age children nationwide, the programme supplies free lunches on working days for children in primary and upper primary classes in government, government aided, local body, Education Guarantee Scheme and alternate innovative education centers.

²⁸⁹ This scheme provides insurance in rural area for low premium.

²⁹⁰ This scheme was launched to assist BPL people

²⁹¹ This scheme provides financial assistance to farmers for exploring ground water resources.

²⁹² This scheme was launched to establish girl's school in low female literary areas.

²⁹³ JSRY came into effect on 1st December 1997. The scheme strives to provide gainful employment to the urban unemployment and under employed poor, through encouraging the setting up of self- employment ventures or provision of wage employment.

²⁹⁴ Government of India, Ninth five Year Plan (1997-2002), Planning Commission.

- i. Primacy to agriculture and rural development with a view to generating adequate productive employment and eradication of poverty;
- ii. Accelerating the growth rate of the economy with stable prices;
- iii. Ensuring food and nutritional security for all, particularly the vulnerable sections of society;
- iv. Providing the basic minimum services of safe drinking water, primary health care facilities, universal primary education, shelter, and connectivity to all in a time bound manner;
- v. Containing the growth rate of population;
- vi. Ensuring environmental sustainability of the development process through social mobilization and participation of people at all levels;
- vii. Empowerment of women and socially disadvantaged groups such as Scheduled Castes, Scheduled Tribes and Other Backward Classes, as these groups are important contributors towards the economic development of the nation. Promoting and developing people's participatory institutions like Panchayati Raj institutions, cooperatives and self-help groups;
- viii. Strengthening efforts to build self-reliance.

There is no denying the fact that there was a boost in the Indian economy owing to the reformed policy. There was a rise in the growth rate from 5.8% in the Seventh Plan (1985 to 1990) to 6.8% in the Eighth Plan. And yet there are many dimensions in which performance has lagged behind expectations. Faster growth has not reduced poverty as much as it should have, nor has it created the number of high quality jobs we need to satisfy the aspirations of our increasingly educated youths. Growth has not been as regionally balanced as it should have been. The deficiencies in social development indicators have also continued and our low level of social development is a major concern.

The Eighth Plan had identified peoples' initiative and participation as a key element in the process of development, particularly in improving the effectiveness of development outlays which has been declining over the years. It had also recognized that the role of the Government should be to facilitate the process of peoples' involvement by creating right types of institutional infrastructure, particularly in rural areas. The progress on this front has not been entirely satisfactory principally due to the fact that the other tiers of the

Government were not fully integrated into the development strategy. The process of social mobilization and development of peoples' initiatives cannot be achieved without the active support and involvement of the political system at all levels. The Panchayat Raj bodies in rural areas and Nagar Palikas in urban areas will have to be directly involved in the development process. People's involvement via their elected representatives will be realized through genuine democratic decentralization.

The Government of India during Ninth Five Year Plan have adopted programme such as Bhaya Shree Bal Kalyan Policy for the up-liftmen of female chlds; Annapurna Yojna²⁹⁵; Swaran Jayanto Gram Swarojgar Yojana²⁹⁶; Jawahar Gram Samridhi Yojan²⁹⁷; Jan Shree Bima Yojna²⁹⁸; Pradhan Mantri Gramodaya Yojana²⁹⁹; Antyodaya Anna Yojna³⁰⁰; Pradhna Mantri Gram Sadak Yojna³⁰¹.

During the Tenth Five Year Plan it was felt that the present infrastructure for improving labour productivity and for ensuring the welfare of workers covers only a very small segment of the labour force. Thus the main object of the Tenth Five Year Plan³⁰² is to increase the coverage of the labour market institutions. The essential condition for this is the provision of gainful employment to the entire labour force

However, certain recent trends make the attainment of these objectives a more challenging task. The growth of population in the working age group is at a substantially higher pace than that of the average population. Agriculture used to provide employment to a major part of the workforce.

However, the number of workers deployed in agriculture activities has not increased in recent years and it has even declined in certain parts of the country. The pace of growth of jobs in the organized sector has slowed down primarily because number of jobs in the public sector (which has a three-fourth share in organized sector jobs) has reduced and employment elasticity in the private sector has decreased significantly.

²⁹⁵ Through this scheme 10 kg of food grains is given to elderly people.

²⁹⁶ This scheme provides self employment in rural areas.

²⁹⁷ This scheme was launched for village infrastructure.

²⁹⁸ This scheme provides food security to poor.

²⁹⁹ It provides basis needs of rural people.

³⁰⁰ It provides food security to poor.

³⁰¹ Through this scheme all villages are connected with nearest pukka road.

³⁰² Government of India, Tenth Five Year Plan (2002-2007), Planning Commission.

The economic policy in general and labour policy in particular, must facilitate the opening up of new employment avenues. In agriculture and related sectors, there is need to create more employment opportunities in horticulture, animal husbandry, poultry, and development of watersheds. However, the non-agricultural sectors of the economy will have to absorb the bulk of the increase in labour force. The labour sector has to focus at those kinds of establishments where much of the labour finds work. However, during this plan year the Government of India launched Universal Health Insurance Scheme³⁰³; Vande Mataram Scheme (VMS)³⁰⁴; National Food for work Programme³⁰⁵; Kastoorba Gandhi Balika Vidyalaya³⁰⁶; Janani Suraksha Yojana³⁰⁷; Bharat Nirman³⁰⁸; National Rural Health Mission³⁰⁹; Rajeev Gandhi Grameen Vidyuti Karan Yojna³¹⁰; Jawahar Lal Nehru National Urban Renewal Mission (JNNURM)³¹¹ and National Rural Employment Guarantee Schemes (NREGS);

The Eleventh Five Year Plan³¹² aimed “Towards Faster & More Inclusive Growth”, placing highest priority on education. India will believably march ahead to join the front ranks of the great nations of the world overcoming the challenges of ensuring that everyone has an access to education and skill building in their activity.

The Eleventh Plan provides an opportunity to restructure policies to achieve a new vision of growth that will be much broader based and inclusive, bringing about a faster

³⁰³ UHIS was launched by the Government of India on 14th July 2003. In addition the Rashtriya Swasthya Bima Yojana (RSBY) was rolled out from 1st April 2008 by the Government to provide the health insurance coverage for BPL families.. The schemes also have been extended to the Unorganized sector workers such as MNREGA workers, street vendor, beedi & domestic workers etc.

³⁰⁴ This scheme aimed at checking spiraling maternity, mortality rate in country. This scheme envisages provision of free out-patient department services, including antenatal check-up of all pregnant women and family planning counseling to new mothers regularly by the government and private doctors at their facilities on the 9th of every month.

³⁰⁵ NFWP was launched by minister of rural development; central government on November 14, 2004 in 150 of the most backward districts of India with the objective of generating supplementary wage employment.

³⁰⁶ KGBV is a residential girls’ secondary school run by the Government of India for the weaker section in India.

³⁰⁷ JSY was launched on 12 April 2005 which aims to decrease the neo-natal and maternal deaths happening in the country by promoting institutional delivery of baby. This is a safe mother-hood intervention under the NRHM.

³⁰⁸ It is an Indian business plan for creating and augmenting basic rural infrastructure. It comprises project on irrigation, roads (Pradhan Mantri Gram Sadak Yojana), housing (Indira Awaas Yojana), water supply (National Rural Drinking Water Programme), electrification (Rajiv Gandhi Grameen Vidyutikaran Yojana) and telecommunication connectivity.

³⁰⁹ NHM was launched by the Government in 2013 subsuming the National Rural Health Mission and National Urban Health Mission. It was further extended in March 2018 to continue till march 2020.

³¹⁰ RGGVY is implementing in Indian states mostly to provide benefits to households below the “poverty line” through a free connection but chargeable consumption of power. The main object of the scheme are i) electrifying all villages and habitations as per new definition. ii) providing access to electricity to all rural household.iii) providing electricity connection to Below Poverty line families free of charges.

³¹¹ JNNURM is a scheme to improve the infrastructure in the urban areas and thereby improving the quality of life.

³¹² Eleventh Plan (2007-2012)

reduction in poverty and helping bridge the divides that is currently the focus of so much attention.

The first steps in this direction were initiated in the middle of the Tenth Plan based on NCMP adopted by the Government. These steps must be further strengthened and consolidated into a strategy for the Eleventh Plan.

Governments at different levels ensured that the improved levels of health and education are in fact implemented to determine the growth potential in the longer term.

The Eleventh Five Year plan mainly focused their concerned to the primitive tribal groups, adolescent girls, children in the age group 0 to 3 and others who do not have strong lobbies to ensure that their rights are guaranteed. Whereas the private sectors, including farming, small scale enterprises and the corporate sector, had a critical role to play in achieving the objective of faster and more inclusive growth.

Under the Eleventh Five Year Plan Government of India launched a scheme such as Rashtriya Swasthya Bima Yojna³¹³; and Aam Aadmi Bima Yojna³¹⁴.Rajiv Awas Yojna.³¹⁵

The objective of the Eleventh Five Year Plan was faster and inclusive growth and the initiatives taken in the Eleventh Plan period have resulted in substantial progress towards both objectives.

Reducing poverty is a key element in our inclusive growth strategy and there is some progress in that regard. This plan period saw launching of many flagship programmes such as MGNREGA, Pradhan Mantri Awaas Yojana- Gramin (PMAY-G)³¹⁶,

³¹³ This scheme aims to provide health insurance coverage to the unorganized sector workers belonging to the BPL category and their family member shall be beneficiaries under this scheme.

³¹⁴ This scheme came into effect on 1st January 2013.

³¹⁵ This scheme was launched to make India slum free in 5 Years. The main objectives of the scheme is to improve and provide housing, basic civic infrastructure and social amenities in intervened slums. Enabling reforms to address some of the causes leading to creation of slums.

³¹⁶ Pradhan Mantri Awaas Yojana-Gramin aims at providing a pucca house, with basic amenities, to all homeless households living in Kutcha and dilapidated house, by 2022.the immediate object is to cover 1.00 crore household living in Kutcha house/ dilapidated house in three years from 2016-17 to 2018-19. The minimum size of the house has been increased to 25 sq.mt (from 20 sq.mt) with a hygienic cooking space. The unit assistance has been increased from Rs.70,000 to Rs. 1.20 lakh in plain and from 75,000 to Rs 1.30 in hilly states, difficult area and IAP district. The beneficiary is entitled to 90.95 person day of unskilled labour from MGNREGS. The assistance for construction of toilet shall be leveraged through convergence with SBM-G, MGNREGS or any other dedicated the source of funding. Convergence for piped drinking water, electricity connection, LPG gas connection etc. different Government programmes are also to be attempted.

National Social Assistance Programme (NSAP)³¹⁷, Pradhan Mantri Gram Sadak Yojana (PMGSY)³¹⁸, The National Rural Health Mission (NRHM)³¹⁹, Integrated Child Development Services (ICDS) Scheme³²⁰, Mid Day Meal (MDM)³²¹, Sarva Shiksha Abhiyan³²², JNNURM³²³, Accelerated Irrigation Benefit Programme (AIBP)³²⁴ and Other

³¹⁷ The National Social Assistance Programme (NSAP) represent a significant step towards the fulfillment of ideas enshrined in Article 41 of the Constitution of India. this policy aims to provide social assistance to the poor who are unable to meet the basic need of life. NSAP at present, of Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Indira Gandhi National Widow Pension Scheme (IGNWPS), Indira Gandhi National Disability Pension Scheme (IGNDPS), National Family Benefit Scheme (NFBS) and Annapurna.

³¹⁸ The primary objective of the Pradhan Mantri Gram Sadak Yojana (PMGSY) is to provide Connectivity, by way of an All-weather Road (with necessary culverts and cross drainage structures, which is operate throughout the year), to the eligible unconnected Habitations in the rural areas with a population of 500 persons and above in plain areas. In respect of the Hill states (North –East, Sikkim, Himachal Pradesh, Jammu & Kashmir and Uttarakhand), the Desert Areas (as identified in the Desert Development Programme), the tribal (Schedule V) areas and selected Tribal and backward Districts(as identified by the Ministry of Home Affairs and Planning Commission) the objective would be to connect eligible unconnected Habitations with a population of 250 persons and above.

³¹⁹ The National Rural Health Mission (NRHM) ensure effective healthcare to individual, household, community and so on. Despite considerable gains in health status over the past few decades challenges still remain. There has been a progressive decline in budgetary allocation for public health in the country from 1.3% of GDP in 1990 to 0.9 % in 1999. Rising inequities are another area of concern.

³²⁰ The Integrated Child Development Services (ICDS) Scheme is one of the flagship programme of the Government of India launched on 2nd October, 1975. It is one of the world largest and unique programmes for early childhood care and development. The object of the scheme are to improve the nutritional and health status of children in the age group of 0-6 years; to lay the foundation for proper psychological, physical and social development of the child; to reduce the incidence of mortality, morbidity, malnutrition and school dropout; to achieve effective co-ordination of policy and implementation amongst the various departments to promote child development; and to enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education.

³²¹ Mid Day Meal in schools has had a long history in India. In 1925, a Mid Day Meal programme was introduced for disadvantaged children in Madras Municipal Corporation. By the mid 1980s three states viz Gujarat, Kerela and Tamil Nadu and the UT of Pondicherry had universalized a coked Mid Day Meal Programme with their own resources for Children studying at the primary stage by 1990-91 the number of states implementing the Mid Day Meal programme with their own resources on a universal or a large scale had increased to twelve states.

With a view to enhancing enrollment, retention and attendance and simultaneously improving nutritional levels among children, the National Programme of Nutritional Support to primary Education (NP-NSPE) was launched as a centrally Sponsored Scheme on 15th August 1995, initially in 2408 blocks in the country. by the year 1997-98 the NP-NSPE was introduced in all blocks of the country. From the year 2009 onwards balanced and nutritious diet to children of upper primary group increased the quantity of pulses from 25 to 30 Grams, vegetables from 65-75 grams and decreased the quantity of oil and fat from 10 grams to 7.5 grams.

³²² Sarva Shiksha Abhiyan (SSA) is an government programme which aimed at the universalization of elementary education “ in a time bound manner”, as mandated by the 86th Amendment to the Constitution of India making free and compulsory education to children between the ages of 6 to 14 a fundamental right. SSA started on 2002 and has been operational since 200-2001. The SSA focuses mainly on access to education, social and gender equity and quality of education imparted to the children.

³²³ Jawaharlal Nehru National Urban Renewal Mission (JNNURM) was launched in 2005 as the first flagship scheme of this Ministry. JNNURM implemented by MOHUPA has two components e.g Basic Services for Urban poor (BSUP) and integrated housing and slum Development Programme (IHSDP) which aimed at integrated development of slums through projects for providing shelters, basic services and other related civic amenities with a view to providing utilities to the urban poor.

³²⁴ The Accelerated Irrigation Benefits Programme (AIBP) was launched during 1996- 1997 to give loan assistance to the states to help them complete some of the incomplete major/ medium irrigation projects which were at an advanced stage of completion and to create additional irrigation potential in the country. The surface Irrigation Schemes of north-Eastern states, Hilly States of Sikkim, Uttaranchal, Jammu and Kashmir, Himachal Pradesh and Koraput, Bolangir and Kalandhi districts of Orrissa have also been provided Central Loan assistance (CLA) under this programme since 1999-2000.

water resources programme, Rajiv Gandhi Gramin Viduyati Karan Yojana (RGGVY)³²⁵, Rajiv Gandhi Drinking Water (Rural Drinking Water)³²⁶- NRDWP. Total Sanitation Campaign (TSC)³²⁷, Rashtriya Krishi Vikas Yojana³²⁸ Accelerated Irrigation Benefit Programme (AIBP) and Other water resources programme, Rajiv Gandhi Gramin Viduyati Karan Yojana (RGGVY), Rajiv Gandhi Drinking Water (Rural Drinking Water)- NRDWP and Total Sanitation Campaign (TSC), Rashtriya Krishi Vikas Yojana.

Some of the major national policy are discussed in detailed such as national Policy for the Empowerment of women, child labour policy, The National Rural Employment Guarantee Act, 2005 etc.

5.5 New Developments in Labour Legislation

Industrial peace, increasing productivity and providing adequate protection to the workers were the changes that were designed as an effective labour policy. In order to settle disputes between the employers and employee conciliation of disputes and adjudication through tribunals has been attempted and this is now regarded as the most effective measures to settle disputes between them as it time consuming, less expensive than the regular court procedure. This structure proved to be a great success to reduce conflicts between the employers and the employees and to safeguard the protection of the

³²⁵ Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) was launched by the Government of India for creation of rural Electricity Infrastructure & Household Electrification, in April 2005 for providing access to electricity to rural households. The states of Delhi, Goa and union Territories of Andaman & Nicobar Islands, Chandigarh, Dadar & Nagar Haveli, Daman & Diu and Pondicherry have not participated in RGGVY Programme as they had achieved 100% electrification of Villages. In remaining 27 states, RGGVY Projects for 579 districts have been sanctioned as on 2012 see Government of India, Press Information Bureau, Ministry of Power dated 14.05.2012

³²⁶ The Accelerated Rural Water Supply Programme (ARWSP) was introduced in 1972-73 by the Government of India to assist the states and Union Territories to accelerate the pace of coverage of drinking water supply. The programme was given a missionary approach with the launch of the Technology Mission of Drinking Water and Related Water Management, also called the National Drinking Water Mission (NDWM) in 1986. The NDWM was renamed as the Rajiv Gandhi National Drinking Water Mission (RGNDWM) in 1991.

³²⁷ Rural Sanitation came into focus in the Government of India in the World Water Decade of 1980s. The Central Rural Sanitation Programme was started in 1986 to provide sanitation facilities in rural areas. It was a supply driven, highly subsidy and infrastructure oriented programme. The main objective of the schemes are to bring about an improvement in the general quality of life in the rural areas; to accelerate sanitation coverage in rural areas; generate felt demand for sanitation facilities through awareness creation and health education; cover school/Anganwadi's in rural areas with sanitation facilities and promote hygiene education and sanitary habits among students; encourage cost effective and appropriate technologies in sanitation; Eliminate open defecation to minimize risk of contamination of drinking water sources and food; convert dry latrines to pour flush latrines, and eliminate manual scavenging practice, wherever in existence in rural areas.

³²⁸ Concerned by the slow growth in the Agriculture and allied sectors, this scheme was launched in August 2007 as a part of the 11th Five Year Plan by the Government of India. It seeks to achieve 4% annual growth in agriculture through development of Agriculture and its allied sectors. The objectives of the programme is to incentivize the states that increase their investment in Agriculture and allied sectors; to provide flexibility and autonomy to the States in planning and executing programmes for agriculture; to ensure the preparation of Agriculture Plans for the districts

workers. However, it also resulted in huge cases being filed. Nevertheless, negotiations, conciliation and voluntary arbitration acted as a facilitator towards rise of trade unions that proved to be useful for the betterment of the workers.

i. National Policy for the Empowerment of Women 2001

The principle of gender equality³²⁹ that is enshrined in the Indian Constitution in its preamble, Fundamental Rights and directive Principles has provided the State with a mandate to adopt measures of positive discrimination in favor of women. It is evident from the above discussion on Five Year Plan that from the Fifth Five Year Plan (1974-78) onwards there has been a shift in the approach to women's issues from welfare to development, and commitment of the Ninth Five Year Plan and other Sector Policies relating to empowerment of Women. Indian laws, development policies, plans and programmes have aimed at women's advancement in different spheres through the decades since independence. One of the more recent initiatives of the State for the empowerment of women is the *National Policy for the Empowerment of Women 2001*.

The National Commission for Women was set up in 1990 in order to safeguard the rights of the women. The women participation in decision making at local level are provided through reservation of seats in the local bodies of Panchayat and Municipalities for women through 73rd and 74th Amendments (1993) in the constitution of India

The Policy recognizes that there continues to exist a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand and the ground reality of the status of women in India, on the other. The Policy also refer to the analysis made by the study in the Report of the Committee on the Status of Women in India, "Towards Equality", 1974, the National Perspective Plan for Women 1988-2000 and the Shramshakti Report 1988

The Policy focuses on poverty eradication, mobilization of poor women along with necessary support measures to enhance their capabilities. In order to enhance women's access to credit for consumption and production, the Policy envisages the establishment of new, and strengthening of existing micro-credit mechanisms and micro-finance institutions.

and states; to achieve the goal of reducing the yield gaps in important crops; to maximize returns to the farmers; to address the agriculture and allied sectors in an integrated manner.

³²⁹ Article 14, 15, 15 (3), 16, 39 (a), 39 (b), 39 (c) and 42 of the *Constitution of India*.

It recognizes the new challenges posed by the gender impact of Globalization. It acknowledges that benefits of the growing global economy have been evenly distributed, leading to wider economic disparities, the feminization of poverty, increased gender inequality through often deteriorating working conditions and unsafe working environment especially in the informal economy and rural areas.

ii. Child Labour Policy

Children are a valuable asset for any society. They constitute a vast portion of our populace. As per 2017 revision of the world Population Prospects, the persons below the age of 14 years account for 28.6% (male 190,0754,426/ female 172,799,553) of the total population.³³⁰

The Child's natural place is at school and the playground. However many children are unfortunately denied these basic development opportunities in childhood. Due to poverty, irregular income streams for the family, ignorance, lack of access to social security, education, health facilities, food security etc they are unfortunately denied the basic development opportunities in childhood. ILO has observed that child labour can compromise the productive capacity of workers during adulthood and thereby constrain both national economic growth and efforts to reduce poverty³³¹.

Recognizing that child labour is the outcome of multiple causes and has multiple dimensions, Government of India enacted legislation.e Child labour (Prohibition and Regulation) Act 1986 and prepared the National Policy on Child labour 1987 to tackle the problem with a multi-pronged approach. The important pillars of the national policy on the elimination of child labour have been as under:

- a. Legislative Action Plan--**Strict and effective enforcement of legal provisions relating to child labour under various laws.
- b. Convergence of government developmental programmes –** Focus on converging various developmental initiatives to alleviate poverty, provide access to social security, health and education, economic and social empowerment of the child workers and their families.

³³⁰ International Institute for Population Sciences, National family Health Survey (NFHS) IV, Ministry of Health and Family, Government of India(2016)

³³¹ ILO, World report on Child Labour, International labour Organization (2013)

- c. **Project based plan of action** – Implementation of National Child Labour Project Scheme (NCLPS) in the areas of high concentration of child labour.
- iii. **The National Rural Employment Guarantee Act, 2005**

The new employment guarantee Act provides indispensable lifelines to the millions of poor in the rural areas of the country. National Rural Employment Guarantee Act, 2005 is the first Social Security measures in respect to right to work which guarantee every one member of the rural household 100 days of wage employment in a year who are willing to do unskilled manual work.³³²

The Centre has taken responsibility to provide financial assistance to the scheme and the States have to implement it. The minimum wages as applicable in various States under the Minimum Wages Act, 1948 would apply to the programmes. However, the Centre would ensure a minimum rate of not less than Rs. 69 a day in every State, where it was lower.³³³

The minimum wages offered for manual work in the each State varied from Rs. 100 to Rs. 200. The Act also provides for unemployment allowance if the job, under the scheme, is not provided within a specified period. The UPA government has already made available about Rs. 10,000 crores for implementation of the scheme in the current financial year.³³⁴

Under this Act within the household entitlement, all adult members of a rural household have the right to demand employment. In order to avail benefit under this Act one has to register for rural household for Wage Employment and obtain a Job Card upon submitting an applicant to the concerned Gram Panchayat or the Programme Officer. Women will get priority to the extent that one-third of person who are given employment are women who have asked for work.

³³² Dr.Manmohan Singh said this legislation will give bargaining power to the poorest of the poor and help those belonging to the scheduled castes, Scheduled tribes, landless class and women. Village panchayats would play a pivotal role in the implementation of the National Employment Guarantee Scheme and money would not be a constraint in accomplishing the commitments made by the UPA Govt in this regard. One third of the proposed jobs would be reserved for women. Also see <https://pingpdf.com/pdf-employee-and-employment-injury-under-the-employees-statei.html>

³³³ E.C Thomas, Job Guarantee for the Rural Poor, *Employment Newspaper*, 15-21 October, 2005

³³⁴ *Ibid*

In spite of the existence of these beneficial laws, the benefits and facilities prescribed under these laws are denied to them in most cases. It can be said that more than 90% of our workforce does not enjoy the minimum protection and security that they need. This is a situation which should shame all those who talk of care and commitment to the rights and welfare of labour, as well as all those who bear responsibility for ensuring the rights and welfare of the people in the society.³³⁵

iv. Life Insurance Corporation of India

During the year 1956, the Life Insurance Provision Ordinance was promulgated whereby the management and control of life insurance business in India was vested in the Central government. The main purpose of this corporation is to provide protection to a family in the event of premature death of its bread winner. Further, life Insurance Policies, combine the element of savings for old age with family protection. Some of the savings-linked insurance plans of the Life Insurance Corporation are discussed below.

By and large, Life Insurance Corporation is helping the people by mobilizing their small savings through its savings-linked insurance plans. These plans are provided on group as well as individual basis. The corporation offers its group savings-linked insurance scheme to employer employee groups. Premiums are generally contributed by the employees concerned, which are deducted from their monthly salaries. The premium has two components risk and savings.³³⁶ The accumulated savings are paid on retirement whereas in case of death before retirement, insurance sum is payable together with the accumulated savings. The other form of scheme is savings linked insurance plans for individuals known as endowment type plans where the sum assured is payable at maturity or earlier death.³³⁷ Another important concept under Life Insurance Corporation is pension plans for individuals.³³⁸

³³⁵ *Ibid.*

³³⁶ Risk part provides insurance cover and saving part accumulates at an attractive rate of 10 % per year

³³⁷ In some cases, the sum assured payable on death and maturity may be different. For instance, in the case of *Jeevan Mitra Policy*, the sum payable on death is double, whereas in case of *Double Endowment Policy*, the sum payable at maturity is double. In case of *Money Back Policy*, maturing benefits are paid in installments during the term of the policy by way of survival benefits in addition to the life cover. These are also some plans, which suit to the special circumstances of the individuals. For instance, *Bhavishya Jeevan Plan* is a specially designed endowments plan for professionals who have a limited span of high income. Similarly, *Jeevan Griha Plan* which is available in double and triple cover may be suitable for those who obtain housing loan and need a collateral security for ensuring repayment of loan in the event of their premature death.

³³⁸ Under this scheme, New Jeevan Dhara Plan is a deferred annuity plan where the individual builds up a fund during deferral period by way of regular premium or a single premium. The annuity vests when the deferral period is over and then the policy holder would have option for various types of annuity such as payable for life, payable for

Recently, Prime Minister of India announced a special insurance plan for agricultural workers in India i.e Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY)³³⁹ under which each worker has to contribute a rupee per day and the government will contribute the remaining amount.

Group Superannuation Scheme of the LIC guarantees, regular post retirement income. Under this scheme, the corporation offers funding of pension benefits. These schemes are broadly of two types-Defined Contribution Scheme and Defined Benefit Scheme³⁴⁰. Majority of schemes introduced in India are Defined Contribution type. In general, superannuation schemes provide an option to the members at retirement to commute a part of their pension for lump sum. The option is also given to choose type of annuity. The corporation provides many types of annuities such as payable for life, payable for a certain period and for life thereafter, joint life, and last survivor with full or part reversion of pension to the spouse and so on.

During the year 1988, the corporation introduced a special annuity plan known as Annuity payable for life with return of capital on death. Generally, this is also offered as an optional pension by superannuation funds and is very popular as the member gets pension so long as he survives and on his death the family gets lump sum equal to the capital sum invested for purchase of annuity.

certain period and so on. *New Jeevan Akshay Plan* is an immediate annuity is available. The Jeevan Surksha Plan offered to the individual is specially designed pension plan. This plan is available in three types- with life cover, without life cover and endowment. Under the life cover policies if death of policy holder occurs during deferment period at least 50 % of the target pension is paid to the spouse during his/her life time. Among other options stated in case of the *New Jeevan Dhara Plan*, an additional option is available in case of Jeevan Suraksha i.e., full pension is paid to the principal annuitant and on his death spouse gets percent pension so long as he/she survives. The option for commutation of pension up to percent is also available. Under endowment type *Jeevan Suraksha Plan*, if death of annuitant occurs during the term of policy, the spouse would have option for 25 percent commutation and balance of the sum assured is utilized to pay pension to the spouse. On maturity of the policy the annuitant would have option as available under other types of the plan. Under this plan, the policy holders will get income tax rebate.

³³⁹ PMJJBY is a one year life insurance scheme, renewable from year to year, offering coverage for death. The cover under this scheme is for death only and hence benefit will accrue only to the nominee. The cover period is 1st June of each year to 31st May of subsequent year.

³⁴⁰ The pension benefits schemes are broadly of two types of defined contribution schemes and Defined Benefit Scheme. Under Defined Contribution Scheme a defined level of contribution is made by the employer, which is accumulated till the retirement of each employee. Under the Defined Benefit Scheme, benefits are fixed in advance and generally depend on a formula based on service and terminal salary.

v. General Insurance Corporation of India

Since 1972 onwards General Insurance Corporation of India is in operation with four operating companies³⁴¹. This Corporation has introduced few important Social Security schemes. Personal Accident Insurance/Social Security Scheme is one such scheme³⁴². Under this scheme, they need not pay any insurance premium to the corporation. The entire premium of the scheme is borne by the Government of India.

Hut Insurance Scheme for Poor Families in Rural India is one such other scheme³⁴³. The scheme provides relief to the poor families in rural areas when their huts and belongings are destroyed by fire.

Another such scheme is Medical Insurance Scheme³⁴⁴. This is a contributory scheme and the premiums will be based on the age of the person and the total amount to which he/she is willing to take policy. This scheme provides medical benefits to the people without any age restriction and also covers the children above three years. .

Cancer Insurance Scheme is a collaborative scheme provided jointly by the New India Assurance Company Limited and Indian Cancer Society and covers only the members of the Cancer Society³⁴⁵.

India being mainly an agrarian country its population mostly lives in rural areas and is engaged in a wide variety of agriculture based operations. In this sector an individual works as long as his/her physical ability permits and as soon as his/her physical ability weakens he/she will retire from doing physical labour. For such retirees there is no guaranteed pension, except old age pension offered by the state governments. Thus,

³⁴¹ Such as National Insurance Company Limited, New India Assurance Company Limited, Oriental Insurance Company Limited, and United India Insurance Company Limited. Also see <http://www.icsi.in/Study%20Material%20Professional/NewSyllabus/ElectiveSubjects/IL%202526P.pdf>

³⁴² This scheme aimed at poor families. This scheme covers all the people in the age group of 18- 60 years whose total family income from all source do not exceed Rs 7,200/-

³⁴³ Under this scheme the hut dwellers need not pay any premium to the corporation, the entire premium cost is borne by the Government of India. The family whose annual income does not exceed Rs 48000/- is covered under this scheme. In the event of loss due to fire, the insurance company will pay Rs. 1,000/- for the hut and Rs 500/- for the belonging.

³⁴⁴ This scheme is popularly known as Mediclaim, which was introduced in the year 1986.

³⁴⁵ The annual premium under this policy is Rs 100/- and is payable along with Rs.100/- per year by way of membership fee. The maximum limit for medical expense covered is Rs 50,000/- in aggregate, which includes medical expenses for diagnosis and treatment.

the Old Age Pension is aimed mostly for the elderly people residing in Rural India.³⁴⁶ The pension provided under this scheme varies from state to state and this mainly depends on the allocation of budget under the Welfare Activities of the state.

5.6 SCHEMES RELATED TO MATERNITY BENEFITS BY CENTRAL GOVERNMENT

1. Indira Gandhi Matritva Sahyog Yojana (IGMSY)

Indira Gandhi Matritva Sahyog Yojana (IGMSY) which seeks to address the issues regarding the woman's compulsions to work right up to the last stage of pregnancy and resumption of work soon after child birth. Therefore, it is a mitigating measure to provide part compensation of wage loss as maternity benefit to women during pregnancy and lactation period.

The basic objective of the proposed scheme IGMSY is to improve the health and nutrition status of pregnant and lactating women and infants by:

- Encouraging the women to follow (optimal) IYCF practices including early and exclusive breast feeding for the first six months;
- Contributing to better enabling environment by providing cash incentives for improving the health of pregnant and nursing mothers;
- Promoting appropriate practices, care and service utilisation and safe delivery and lactation.

2. Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers

Rajiv Gandhi National Crèche Scheme was implemented on 1st January 2006 for children of working women from families earning up to Rs. 12000 per month. This scheme is implemented by three governmental bodies i.e. the Central Social Welfare Board, Indian Council for Child Welfare and *Bhartiya Adim Jati Sevak Sangh*. There is a provision for collecting user charges of Rs. 20/- per month from BPL families and Rs. 60/- from other families.

³⁴⁶ In this scheme, the elderly destitute are eligible to receive a moderate pension amount of Rs 30 to Rs. 100/- per month. Here the destitute is generally defined as one over the age of 60 years and above, without any source of income and who has no kin to support.

To meet the growing need for more crèches, the National Crèche Fund, set up in 1993–94, made assistance available to voluntary organisations/mahila mandals (women’s groups) through interest earned from the corpus fund to convert existing AWCs (preschool centres) into AWC-cum-crèche centres. Thus the scheme still requires substantial expansion if it is to serve its purpose. State governments/Union Territory administrations do not play a role in the existing crèche and day-care schemes run by the MWCD. As a result, there is no possibility of involving local community-based organizations and self-help groups, other large national NGOs, trade unions or workers’ boards such as the Building Workers’ Association.

5.7 Other Central Schemes

a. Krishi Shramik Samajik Suraksha Yojana

It was launched in July, 2001 for giving Social Security benefits to agricultural labourers on hire in the age group of 18 to 60 years.³⁴⁷ This Social Security scheme provides life-cum-accident insurance, money back and superannuation benefits. In the event that this scheme is extend to cover about 200 million agricultural workers, the government exchequer need to contribute Rs. 400 million per day. That amount to Rs.14, 600 crores per year.³⁴⁸

b. Shiksha Sahayog Yojana

It provides for educational allowance of Rs. 100 per month to the children of parents living below the poverty line for their education from the 9th to 12th standard.³⁴⁹

c. Jawahar Gram Samridhi Yojana

This scheme was launched streamlining and restructuring the earlier Jawahar Rozgar Yojana. The primary objective of this is infrastructure including assets. It will also help create assets to enable the rural poor to increase opportunities for sustained development. The cost of the programme is shared between Central and the State

³⁴⁷ B.P. Tyagi, Labour Economics and Social Welfare, 739 (Jai Prakash Nath & Co. 9th Edition, 2004).

³⁴⁸ Government of India, Report of the Second National Commission on Labour, Planning Commission (Vol-I part I-2002) p.686.

³⁴⁹ *Supra*

Governments in the ratio of 75:25. In case of Union Territories the total funding would be done by the centre.³⁵⁰

d. Swarnjayanti Gram Swarozgar Yojana (SGSY)

This scheme is the outcome of the programme amalgamation viz., Integrated Rural Development Programme (IRDP), Development of Women and Children in Rural Areas (DWCRA), Training of Rural Youth for Self-Employment (TRYSEM), Million Wells Schemes (MES) etc. into a single self-employment programme launched on 1st April, 1999. It aims at promoting micro-enterprises and helps the rural poor into Self Help Groups (SHG)³⁵¹. The scheme is also being implemented as a Centrally Sponsored Scheme on a cost sharing ratio of 75:25 between the Centre and the State as that of Jawahr Gram Samridhi Yojana.³⁵²

e. Rajiv Gandhi Shramik Yojana³⁵³

Under this scheme, insured workers who lose their jobs after having contributed to the ESI scheme for five years or more shall be entitled to an ‘unemployment allowance’ in cash. The Government has announced this ambitious scheme to provide Social Security to its million employees, and their families insured under the Employees State Insurance Corporation.³⁵⁴ They receive medical care from ESI dispensaries and hospitals. This medical benefit will extend to 30 million family members of ESIC workers.³⁵⁵

The ESIC proposes to meet the expenditure of the scheme out of its existing resources. It is “highly labour friendly” scheme that was launched to provide for a situation where any industrial units and other establishment were closed down for a variety of reasons. During such period of unemployment and till they were able to find alternative employment the economic and social condition of workers and their families

³⁵⁰ B.P.Tyagi, Labour Economics and Social Welfare (Jai Prakash Nath & Co. 9th Edition, 2004).

³⁵¹ This scheme cover all aspects of self employment like organization of rural poor into SHG and their capacity building, training, planning of activity, infrastructure development, financial assistance through bank credit and subsidy and marketing support etc.

³⁵² *Supra*

³⁵³ Rajiv Gandhi Shramik Yojana was launched on first April 2005.this was for the first time that an unemployment related benefit scheme was launched in the country.

³⁵⁴ Social Security to labour, The Hindustan Times, March 18, 2005.

³⁵⁵ *ibid*

became highly vulnerable. The scheme had been floated to provide a sort of a safety net for such workers, the labour minister said.³⁵⁶

Recognizing the importance of health in the process of economic and social development and improving the quality of life of people, the National Rural Health Mission was launched in 2005³⁵⁷. The Plan of Action includes increasing public expenditure on health, reducing regional imbalance in health infrastructure, optimization of health manpower, community participation, operating Community Health Centres, decentralization and district management of health programmes, induction of management and financial personnel into district health system in each block of the country.³⁵⁸

The scheme is basically a strategy for integrating the on-going vertical programmes of Health and Family Welfare. It adopts a sector-wide approach and aims at systematic reforms to enable efficiency in health service delivery. It also subsumes key national programmes like Reproductive and Child Health-II Project, the National Disease Control Programmes and the Integrated Disease Surveillance Project. It also enable the mainstreaming of AYUSH-Ayurvedic, Yoga, Unani, Siddha and Homeopathy system of health.

While decentralized village and district level health planning and management, appointment of female Accredited Social Health Activities (ASHA) to facilitate access to health services are finally at the doorstep of every village household is expected to transform the health status of the village society and the Nation needs the attention for the policy maker to meet the sole object of the scheme.³⁵⁹

f. Pradhan Mantri Jan Dhan Yojana (PMJDY)

Pradhan Mantri Jan Dhan Yojana aims to transform the traditional banking system in India and it is appropriate for everyone, particularly for the poor who are not financially sound. This schemes provides accidental insurance facility which cover up to one lakh rupees and that too without any charge. The account holder will also get a Rupay

³⁵⁶ *Ibid*

³⁵⁷ The National Rural health Mission adopts a synergic approach of good health viz. nutrition, sanitation, hygiene and a safe drinking water. The goal of the mission is to improve the availability of quality healthcare to people especially for those residing in rural areas, the poor and vulnerable section of the society i.e women and children.

³⁵⁸ V Mohan Rao, " Quality Haelthcare for Rural Poor", Employment News Paper, 11-17 June, 2005.

³⁵⁹ *Ibid*

debit card, which can be used for cash withdrawal or for making any purchases. This scheme offers various basic services.³⁶⁰

As per the data issued by the finance ministry, the scheme had opened 31.45 crore accounts with over Rs 80,000 crores in deposits as of April 2018.³⁶¹

Any person opening account under Pradhan Mantri Jan Dhan Yojana is entitled to a number of benefits which are stated below-

1. This account can be simply opened with zero balance, which is one of the main highlight of this scheme.
2. The account holder is entitled to take a loan up to Rs 5000 after six months from opening the account. The loan amount might seem insignificant but let me tell you that this scheme is mostly meant for people below the poverty line, who's struggling hard to meet the bare basic need.
3. It allows the account holder to enjoy the mobile banking services to check their account balance and transfer funds using their cell phone.
4. This scheme entitles the account holder with an accidental insurance cover upto Rs 1,00,000 without even paying a single premium.
5. The account holder will receive a RuPay debit card which is accepted at all ATMs and most PoS machines in the country.³⁶²

g. Atal Pension Yojana (APY)

Atal Pension Yojana was introduced to help the low-income group of society. It provides pension benefits with a minimum contribution per month in case of demise of the contributor, the nominee can claim for pension. This scheme is targeted to the unorganised sector such as maid driver, security guard³⁶³ In order to avail this benefit the individuals must be between 18 to 40 years of age³⁶⁴

³⁶⁰ Like a Savings and Account deposit, Pension, Remittances etc. suitable for the weaker sections of the society in term of economic. Anyone who is an Indian citizen (above 10 year of age), who do not even have a bank account can open the account with zero balance.

³⁶¹ Time of India Newspaper Apr 22, 2018

³⁶² Debit card must use at least once in 45 days to get the benefit of Accidental Insurance cover.

³⁶³ Under this social security scheme for every contribution made to the pension funds, the Central Government would also contribute 50% of the total contribution or 1,000/- per annum whichever is lower, to each eligible

h. Pradhan Mantri Jeevan Jyoti Bima Yojana

This scheme will provide the benefit of Rs 2,00,000, which will be payable to the member's family in case of his/her death due to any reason. Through this scheme the government aims to increase the number of the beneficiaries.³⁶⁵

The main Objective of this schemes are

1. To provide social security and to increase the penetration of life insurance to the poor masses who are unable to avail the life insurance policies due to the high insurance premiums.
2. This scheme also helps in securing the financial future of the individual's family

Some of the key features under Pradhan Mantri Jeevan Jyoti Bima Yojana are stated below-

1. It's important to maintain a required balance as the payment of the premium will be deducted from the bank account of the subscriber.
2. The policy-holder needs to renew the policy every year in order to continue with the plan.
3. In case of the death of the individual, risk coverage of Rs 2,00,000 is to be provided. The life is covered irrespective of the reason of the death.
4. The subscriber has to provide the nominee name and also the relationship with the nominee.
5. The contribution made by the government towards this scheme is decided every year and it comes from the unclaimed money that has been lying idle in different public welfare funds.

subscriber account, for a period of 5 Years. But the subscriber has to contribute for a period of 20 years or more under this scheme.

³⁶⁴ For a monthly pension of Rs 1,000 an 18 year old will have to contribute 42 per month for 42 years while 40 years old will have to invest Rs 291 per month 20 years.

³⁶⁵ It was introduced in the 2015 budget by our finance minister, Arun Jaitley also see <https://blog.elearnmarkets.com/7-government-schemes-to-invest/>

i. Pradhan Mantri Suraksha Bima Yojana (PMSBY)

Apart from the above two social security scheme i.e Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and the Atal Pension Yojana (APY). PMSBY is another social security schemes that the government had announced in the 2015 Budget. Premium paid in this scheme is Rs. 12 per annum which will be directly auto-debited by the Bank from the subscribers savings account held with the Bank. Total risk coverage (sum-insured) under the scheme is Rs. 2 Lakh. The following table 2.1 explains the sum insured under the scheme in details:

	Table of Benefit	Sum Insured
i.	Death	Rs. 2 Lakh
ii.	Total and irrecoverable loss of both eyes or loss of use of both hands or feet or loss of sight of one eye and loss of use of one hand or one foot	Rs. 2 lakh
iii.	Total and irrecoverable loss of sight of one eye or loss of use of one hand or one foot	Rs. 1 Lakh
<ul style="list-style-type: none">• The total amount that can be claimed under the policy is INR 2 Lakh only		

5.7 Labour Law Reform in India

The Government desire to transform India into global market and manufacturing hub thus the Government of India initiated and launched a campaign titled *Make in India* to foster the growth of the manufacturing sector was launched on 24th September 2014. It has been almost four year that it has been launched. To state a movement government has proposed various plans out of which labour Reform in India is one of them in order to boost the economy of the nation.

Through this flagship campaign government intended to boost the domestic manufacturing industry and attract foreign investor to invest into the Indian economy and involvement of the labour is necessary in order to be competitive manufacturing unit . Their active involvement is necessary in making improvement in terms of quality, production and cash reduction. It is evident from the experience of China; Japan that shows it is workers who can make the incremental improvement who are much more

valuable than any major breakthrough in manufacturing technology. Subsequently, the Government of India through the “Make in India” renders that the practice of labour law or labour reform should allow this to occur, it means workers must be motivated. With the above view government proposed reform in factories Act, 1948, Apprentice Act, 1961 and labour Act, 1970. The wage code and the industrial relations code will club nearly 10 existing laws including factories Act, 1948 and the Industrial Disputes Act, 1947. The Government has sought to consolidate 44 central employment laws into 4 labour codes.

The flagship programme proposed the following five labour legislation reform

1. Payment of Bonus (Amendment) Bill 2015 to make more and more worker eligible for bonus and double bonus payouts.
2. Child Labour (Protection and Regulation) Amendment Bill 2012- bars children from hazardous occupation till the age of 18, but allow those under fourteen year of age to work in a family enterprise.
3. The Small Factories (Regulation of Employment and condition of service) Bill 2014- to exempt firms up to 40 employees from compliance with six major labour law.
4. Labour wage code Bill 2014

Labour Code on Industrial Relations Bill 2015 to replace three labour law including Industrial Disputes Act, 1947, Trade union act, 1926, Industrial employment Act, 1946.

Along with the above reform the following reform is initiated i.e.

- Greater women’s participation in the workforce will be facilitated by small Factories Bill, which will allow women to work at night shifts.
- Shops will be allowed to open round the clock under the shops and establishment (Amendment) Bill
- PMKVY (Pradhan Mantri Kaushal Vikas Yojana train 10 million people over the next four years.
- State to get Rs 7,000 Crore for skill development. Lesser wages for equal work is the violation of human dignity.

- Center rethinks to widen EPF coverage. Minimum wage linked unskilled non-agricultural workers on central public sector unit from 246 to 350 a days. Formation of a committee to look into extending benefit under the ESI Corporation Act to unorganized sector including agandwadi, mid-day meal and ASHA volunteer.
- **Enhancement of the gratuity ceiling:** The Payment of Gratuity Act, entitles employees who have been in continuous employment for a period of 5 years to gratuity at the rate of 15 days wages for every year of continuous service, capped at INR 10,00,000. However, The Payment of Gratuity (Amendment) Bill, the ceiling is likely to be enhanced from INR 10,00,000 to INR 20,00,000.

5.8 Conclusion:

The sole purpose of social security promulgated in India is to provide payment of wages, minimum wages, payment of the gratuity, payment of bonus have been established in India. However, today changing the way India works, more importantly changing the way labour were treated, the relationship between employers and employee. Labour Laws in India is existence for so long that it looks like natural i.e ‘they are given to you and you cannot temper to it’. Thus, **Workers need to be “protected”, “Respected”** is the call of an hour. The core issues that the situation that the workers are facing is threshold. So one should get rid of the threshold like 100(Plus), 200 (Plus), 300(Plus), through which the employer get tempted and try under thus dusk. Which will not upgraded and built human resource strength. In case of the Contract workers who are unaware of their future and unaware for how long will they be employees can never be motivated due to lack of social security. Though, Government of India has proposed the introduction of a National Employment Policy to address the growing rate of unemployment in India but it appears that this would be done by incentivizing employers to hire, by allowing relaxations in employment law compliances or bearing a part of the cost for social security payments.

The Supreme Court of India, in its landmark judgment observed that the right to privacy and the protection of sexual orientation lie at the core of the fundamental rights

guaranteed by Articles 14, 15 and 21 of the Indian Constitution.³⁶⁶ Further, the Supreme Court on January 8, 2018, stated that it would review its position on Section 377 of the Indian Penal Code, 1860³⁶⁷, i.e., the criminalization of sexual intercourse between consenting adults of the same sex. With respect to transgender persons, the Transgender Persons (Protection of Rights) Bill, 2016, inter alia, seeks to prohibit the discrimination of transgender persons in terms of employment, healthcare services and access to facilities.

Amendments to the Factories Act, 1948, have been in the pipeline for the past two years. The amendments are primarily aimed at allowing the state government to increase the number of overtime hours that employees can work and prescribe rules in relation to exemptions that could be given to various categories of employees. These measures would allow flexibility to State Governments to undertake initiatives to encourage the development of industries.

The Government has released a draft bill for the amendment of the law governing the engagement of contract labour in India – the Contract Labour (Regulation and Abolition) Act, 1970 (“CLRA”). The bill primarily intends to exclude workers who are regularly employed in the establishment of the contractor from the definition of the term ‘contract labour’ for the purposes of the CLRA.

Labour laws has opposite effect there are three desires that labour forces have and demanding for ages i.e desire to have salary/ wages on time, desire for job guarantee, desire for social security Guarantee. To conclude there is much talk about the motivation of the workers but they forget that the entire industry should work as a family i.e an “Industrial Family”.

Criticism that put forth was that the BMS demand for the review of the labour Laws and not the Reform. BMS president in one of his interview stated that they demand for the review of the labour laws and not the reform. In support of his statement he said that labour laws are protective law and there is some lacuna in the existing labour law. He further state that the punitive measures are too low that any time, anyone can violate e.g penalty of Rs 50, Rs 60, Rs 100. Due to which they don’t care of the law. He further

³⁶⁶ *Justice K.S Puttaswamy (RETD), And Anr v.s Union of India and Ors* (2017)10 SCC 1

³⁶⁷ *Navtej Singh Johar & Ors. v. Union of India thr. Secretary Ministry of Law and Justice, W. P. (Crl.) No. 76 of 2016* ([Supreme Court of India](#))

stressed that punitive measures need to be made strong. Until and unless the punitive measure and labour laws are made strong than only one will fear in violating the laws. Thus, reform means to redraft whole labour law which is a call of an hour.

However, the problem of limited coverage has become a matter of social security policy-maker, who recognizes that the exclusion of ordinary people from modern forms of social protection is undesirable. Further there is absence of comprehensive social security policies which can co-ordinate different schemes and ensure that their various objectives are complementary.