

7.1 The Government has provided the social security cover to most of the workers in the organized sector through the Employees Provident Fund Organization (EPFO) and Employees State Insurance Corporation (ESIC) within the legal framework. However, no such social security cover has been provided to the workers in the unorganized sector who constitute 93% of the total work force. The concept of Labour Welfare Fund was, therefore, evolved in order to extend a measure of social assistance to workers in the unorganized sector. Towards this end, separate legislations have been enacted by Parliament to set up five Welfare Funds to be administered by Ministry of Labour & Employment to provide housing, medical care, educational and recreational facilities to workers employed in beedi industry, certain non-coal mines, and cine workers.

7.2 The scheme of Welfare Funds is outside the framework of specific employer and employee relationship in as much as the resources are raised by the Government on a non-contributory basis and delivery of welfare services affected without linkage to individual worker's contribution. Welfare funds, which follow a sectoral approach, are in addition to a large number of various other poverty alleviation and employment generation programmes, which follow a regional approach and for which most of these workers are eligible.

## LABOUR WELFARE FUNDS

7.3 The Ministry of Labour & Employment is administering five Welfare Funds for beedi, cine and certain categories of non-coal mine workers. The Funds have been set up under the following Acts of Parliament for the welfare of these workers:-

- The Mica Mines Labour Welfare Fund Act, 1946;
- The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972;(LSDM)

- The Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund Act, 1976;(IOMC)
- The Beedi Workers' Welfare Fund Act, 1976; and
- The Cine Workers' Welfare Fund Act, 1981.

7.4 The Acts enable the Central Government to meet the expenditure incurred in connection with measures and facilities which are necessary or expedient to promote the welfare of such workers. In order to give effect to the objectives laid down in the above Acts, various welfare schemes have been formulated and are under operation in the fields of Health, Social Security, Education, Housing, Recreation and Water Supply.

7.5 Reputed and Recognized private hospitals have been identified to provide specialized treatment to the mine/beedi/cine workers in respect of heart, kidney and cancer diseases on credit basis to enable the beneficiaries to get the costly treatment without paying anything in advance to the hospitals. Welfare Commissioners under the Labour Welfare Organization have been delegated powers for reimbursement of medical claims upto Rs.2.00 lakh. The amount of monetary compensation for family welfare operation (vasectomy / tubectomy) has been raised from Rs.200/- to Rs.500/-. Financial assistance for purchase of spectacle has been enhanced from Rs.150/- to Rs.300/-. Financial assistance has also been enhanced for the following activities:-

- Celebrations of the three National Festival - from Rs.1000/- to Rs.2500/-
- Organizing and celebrating social events (7 functions) from Rs.7000/- to Rs.14000/- i.e. Rs.2000/- per celebration.

7.6 The Revised Integrated Housing Scheme, 2005 (RIHS, 2005) was intended to relieve, to some extent, the housing shortage mainly among the BEEDI WORKERS. Welfare Commissioners of respec-

tive Regions had earlier been supervising and monitoring erstwhile Integrated Housing Schemes of this Ministry, which was modified w.e.f. 25th May, 2005, wherein, powers were delegated to the State Governments for the purpose of implementation, monitoring and supervision. An Evaluation Committee was constituted in June, 2006 to review this arrangement. On the basis of recommendation of the Committee, it was concluded that major objectives have not been achieved. Consequently, with the concurrence of the Union Finance Ministry (Department of Expenditure), it was decided, that for the purpose of execution, supervision and effective monitoring / control of this Scheme also, the implementing agency will be the Director General Labour Welfare, Ministry of Labour & Employment through the Welfare Commissioner of the region concerned. The concerned Welfare Commissioner would identify the eligible Beedi Workers, collect and scrutinize their applications, and send the proposal, along with details of eligible workers in the prescribed checklists, to the Director General Labour Welfare (DGLW), Ministry of Labour & Employment, Government of India, New Delhi for grant of administrative approval for uniform central subsidy of Rs.40,000/- per tenement per worker for construction of a house by an Individual Beedi Worker and/or by the Co-operative Society for construction of Group Housing Colony for workers and from the State Governments concerned for proposal received under the Economically Weaker Section (EWS) for construction of houses for Beedi Workers. The amended scheme, effective from 1st April, 2007, has been approved by the Ministry of Finance and is termed as Revised Integrated Housing Scheme, 2007 (RIHS-2007). The benefits of the scheme would also be available to the Non-coal Mine Workers engaged in the Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines (IOMC) and Limestone Ore Mines, Dolomite Ore Mines (LSDM) and Mica Ore Mines, under their respective Workers Welfare Funds.

7.7 Under the amended scheme, the worker contribution of Rs.5,000/- would be deposited only after the administrative approval granted by this Ministry and not at the time of submitting the application. The 1st installment of Rs.20,000/-, as advance subsidy, would be released only after receipt of worker's contribution. The other terms & conditions in the scheme would remain unchanged, except that the subsidy would be released by the Director General Labour Welfare (DGLW) on 50:50 basis, in two installments to (a) Welfare Commissioner of region concerned in case of construction of a house by the worker individually or by the Cooperative Society for construction of houses under Group Housing Scheme (GHS); and (b) to the State Government concerned for construction of houses under Economically Weaker Section (EWS) component of the scheme. The 1st installment of subsidy of Rs.20,000/- per tenement, as advance subsidy, would be released by the DGLW at the time of grant of administrative approval for the purpose of construction of the house till the roof level. The balance of 50%, i.e. 2nd Installment of Rs.20,000/- of the total subsidy would be disbursed when 50% progress, i.e. construction reaching on roof level is reported to the DGLW for the purpose of completion of construction in all respects. Details of houses sanctioned during last three years under the Revised Integrated Housing Scheme (RIHS) are as under:

<b>Financial Year</b>	<b>No. of houses sanctioned</b>
<b>2005-06</b>	<b>10,862</b>
<b>2006-07</b>	<b>18,750</b>
<b>2007-08 (upto 16.11.2007)</b>	<b>10,675</b>

7.8 In addition, under the Type I and Type-II Housing Schemes for mine workers, mine managements are granted subsidy at the rate of Rs.40,000/- and Rs.50,000/- respectively per dwelling units or 75% of the actual cost of construction, per tenement,

whichever is less. During the last year 2006-07, 20 Nos. of houses (Type-I), 30 Nos. of houses (Type-II) under IOMC and 08 Nos. of houses (Type-II) under LSDM have been sanctioned.

7.9 Welfare activities of beedi workers are met from the Cess collections under Beedi Workers Welfare Fund (BWWF) @ Rs.5 per 1000 beedi. The rate of Cess on beedi has been increased from Rs.2 to Rs.5 per 1000 beedi during last two years.

7.10 The Labour Welfare Organization which administers these Funds is headed by a Director General (Labour Welfare) / Joint Secretary. He is assisted by the Welfare Commissioner (Headquarters) of Director rank, who supervises nine Regional Welfare Commissioners for the purpose of administration of these Funds in the States. The jurisdiction of each Welfare Commissioner has been shown in the **Table 7.1**.

### **ADVISORY COMMITTEES AND THEIR MEETINGS**

7.11 To advise the Central Government on matters related to administration of the above Funds, tripartite Central Advisory Committees have been set up under the respective Welfare Fund Acts. These Committees are headed by a Chairman nominated by Union Labour and Employment Minister. The Central Advisory Committees on Beedi Workers Welfare Fund and Cine Workers Welfare Fund have 21 members, 7 each from Central Government, Employers' Organisations, and Employees' Organisations respectively and Central Advisory Committee on Iron Ore, Manganese Ore and Chrome Ore Mines Labour Welfare Fund and Limestone & Dolomite Mines Labour Welfare Fund have 18 members, 6 each from Central Government, Employers' Organisations, and Employees' Organisations respectively excluding the Chairman and Secretary.

7.12 The meetings of Central Advisory Committee on the Beedi Workers Welfare Fund; Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund and Limestone & Dolomite Mines Labour Welfare Fund were held on 07.06.2007, 27.09.2007 and 10.10.2007 respectively.

### **LEVY OF CESS**

7.13 The Labour Welfare Funds are financed out of the proceeds of cess levied under respective Cess/Fund Acts on manufactured beedis, feature films, export of mica, consumption of limestone & dolomite and consumption and export of iron ore, manganese ore & chrome ore as per the rates given below:-

- Beedi Workers Welfare Cess Act, 1976 provides for levy of cess by way of excise duty on manufactured beedis from Re.1/- to Rs.5/- per thousand manufactured beedis. This is presently Rs 5/- per thousand manufactured beedis w.e.f. 1st April, 2006.
- The Cine Workers Welfare Cess Act, 1981 provides for duty of cess, at such rate not being less than one thousand rupees and not exceeding twenty thousand rupees, on every feature film submitted to the Chairman, Central Board of Film Certification. This is Rs.20,000/- per feature film of Hindi and English and for regional films it is Rs.10,000/- per film w.e.f. 20.04.2001.
- The Iron Ore, Manganese Ore & Chrome Ore Mines Labour Welfare Cess Act, 1976 provides for levy and collection of cess on Iron Ore, Manganese Ore & Chrome Ore between paise 50 to Re.1/-, Re.1/- to Rs.6/- and Rs.3/- to Rs.6/- respectively. The rate of cess is Re.1/- per MT on Iron Ore. The rate of cess is Rs 4/- per MT on Manganese Ore and Rs 6/- per MT on Chrome Ore w.e.f. 11.09.2001.
- The Limestone and Mines Labour Welfare Fund Act, 1972 provides for the levy and collection of cess on Limestone and Dolomite as a duty of excise at such rate not exceeding one

rupee per metric tone of limestone & dolomite. The rate of cess on Limestone and Dolomite is Re.1/- w.e.f. 27.12.2000.

mica exported as duty of Customs not exceeding 6.25% ad valorem. This is 4.5% ad-valorem on export w.e.f. 01.11.1990.

- Mica Mines Labour Welfare Fund Act, 1946, provides for levy and collection of cess on all

7.14 Achievements of Welfare Funds in brief, are given in **Table-7.2**.

**Table 7.1**

<b>WELFARE COMMISSIONERS AND THEIR JURISDICTION</b>		
<b>Sl. No.</b>	<b>Name of Region</b>	<b>States Covered</b>
1	Welfare Commissioner, Allahabad	Uttar Pradesh, Himachal Pradesh, Punjab, Jammu & Kashmir and Uttaranchal
2	Welfare Commissioner, Bangalore	Karnataka & Kerala
3	Welfare Commissioner, Ajmer	Gujarat, Rajasthan & Haryana
4	Welfare Commissioner, Bhubaneshwar	Orissa
5	Welfare Commissioner, Kolkata	West Bengal, Assam, Tripura & Meghalaya
6	Welfare Commissioner, Hyderabad	Tamil Nadu & Andhra Pradesh
7	Welfare Commissioner, Jabalpur	Madhya Pradesh and Chhattisgarh
8	Welfare Commissioner, Karma	Bihar and Jharkhand
9	Welfare Commissioner, Nagpur	Maharashtra & Goa

**Table 7.2**

<b>WELFARE FUNDS COLLECTION AND EXPENDITURE (Rupees in crore)</b>		
	<b>2006-07</b>	<b>2007-08 (Upto October, 2007)</b>
Utilization of Welfare Funds	<b>153.06</b>	<b>107.55</b>
Cess collection	<b>163.75</b>	<b>132.26</b>
Expenditure on health care facilities	<b>42.34</b>	<b>26.73</b>
Assistance sanctioned for housing	<b>57.46</b>	<b>9.77</b>
Expenditure on educational assistance	<b>47.13</b>	<b>66.84</b>
Expenditure on recreational facilities	<b>0.66</b>	<b>0.38</b>

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8.1 The term 'unorganised labour' has been defined as those workers who have not been able to organize themselves in pursuit of their common interests due to certain constraints, like, casual nature of employment, ignorance and illiteracy, small and scattered size of establishments, etc.

8.2 As per the survey carried out by the National Sample Survey Organisation in the year 2004-05, the total employment in both organized and unorganised sector in the country was of the order of 45.9 crore. Out of this, about 2.6 crore were in the organised sector and the balance 43.3 crore in the unorganised sector. Out of 43.3 crore workers in the unorganised sector, 26.9 crore workers were employed in agriculture sector, 2.6 crore in construction, and remaining were in manufacturing activities, trade and transport, communication & services. The workers in unorganised sector fall in various categories but a large number of them are home based workers which are engaged in occupations like beedi rolling, agarbatti making, papad making, tailoring, jary and embroidery work.

8.3 The unorganised sector workers suffer from cycles of excessive seasonality of employment, no formal employer-employee relationship and lack of social security protection. Several legislations like the Workmen's Compensation Act, 1923; the Minimum Wages Act, 1948; the Maternity Benefit Act, 1961; the Contract Labour (Abolition and Prohibition) Act, 1970; Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996; and the Building and Other Construction Workers Welfare (Cess) Act, 1996 etc. are directly or indirectly applicable to the workers in the unorganised sector also.

8.4 The Ministry of Labour is also operating Welfare Funds for some specific categories of workers in the unorganised sector like beedi workers, cine Workers and certain non-coal mine workers. The funds are used to provide various kinds of welfare activities to the workers in the field of health

care, housing, education assistance for children, water supply etc

8.5 The Government has launched Group Insurance Schemes, like, Janshree Bima Yojana for people living below or marginally above the poverty line, which also include the workers in the unorganised sector. There are some employment oriented schemes like Swarnjayanti Gram Swarajgar Yojana, Pradhanmantri Gram Sadak Yojana, Sampurna Gramin Rojgar Yojana, National Rural Employment Guarantee scheme etc..

### COMPREHENSIVE LEGISLATION FOR WORKERS IN THE UNORGANIZED SECTOR

8.6 The Government attaches high priority to the welfare of the workforce in the country. The National Common Minimum Programme (NCMP) states that:

**"The UPA Government is firmly committed to ensure the welfare and well-being of all workers, particularly those in the unorganized sector who constitute 93% of our workforce. Social security, health insurance and other schemes for such workers like weavers, handloom workers, fishermen and fisherwomen, toddy tappers, leather workers, plantation labour, beedi workers, etc. will be expanded."**

8.7 In keeping with the commitment of the Government towards unorganised sector workers, the "Unorganised Sector Workers' Social Security Bill, 2007" has been introduced in the Rajya Sabha on 10th September 2007. This Bill was referred to Parliamentary Standing Committee on Labour for examination. The Committee submitted its report on 03.12.2007.

8.8 Apart from the above, a Health Insurance Scheme namely, the 'Rashtriya Swasthya Bima Yojana' for Below Poverty Line (BPL) families in Unorganised Sector has been formally launched on 1st October, 2007 and preparatory phase has com-

menced. The scheme will become operational from 1st April, 2008 with benefits accruing to the target group. The unorganized sector worker and his family (unit of five) will be covered under the scheme. The total sum insured would be Rs.30,000/- per family per annum on a family floater basis.

8.9 With a view to providing death and disability cover to rural landless households between age 18-59 years, the 'Aam Aadmi Bima Yojana' has also been launched on 2nd October, 2007. Under the scheme, the head of the family or one earning member in the family will be insured. The Central Government will bear 50% of the premium of Rs.200/- per year per person and the remaining 50% of the premium will be borne by State Government. The benefits under the scheme include Rs.30,000 in case of natural death; Rs.75,000 in case of death due to accident or total permanent disability (loss to two eyes or two limbs or loss of one eye and one limb in accident) In case of partial permanent disability (loss of one eye or one limb in an accident), the insurance cover would be Rs.37,500/-. The Scheme also envisages an add-on benefit of providing scholarship upto a maximum of two children of beneficiary studying in 9th to 12th Standard at the rate of Rs.300/- per quarter per child. The scheme is intended to cover 1.5 crore rural landless households. A separate fund of Rs.500 crore is also being created for the purpose of providing scholarship to children of beneficiaries.

8.10 Similarly, the National Old Age Pension Scheme (Indira Gandhi National Old Age Pension Scheme) has been expanded to cover all BPL citizens above the age of 65 years with effect from 19.11.2007.

## **THE BUILDING AND OTHER CONSTRUCTION WORKERS**

8.11 The construction workers constitute one of the largest categories of workers in the unorganized sector. According to the Sample Survey conducted

by NSSO in 2004-2005, about 2.57 crore workers are employed in the construction activities. The Government has enacted the following two legislations for the construction workers: -

- **The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.**
- **The Building and Other Construction Workers' Welfare Cess, Act, 1996;**

Further, the Building and Other Construction Workers (RECS) Central Rules, 1998 have been notified on 19.11.1998.

8.12 The Act is applicable to every establishment, which employs 10 or more workers in any building or other construction work, and to the projects cost of which is more than Rs.10 lakh. There is also provision of constitution of Central and the State Advisory Committees to advise the appropriate Governments on matters arising out of administration of the law besides constitution of Welfare Boards by the State Governments and registration of beneficiaries under the Fund and provision for their identity cards etc. These legislations provide for regulating the employment and conditions of service, safety and health and welfare measures for the construction workers by setting up a Welfare Fund at the State level to be financed by contribution made by beneficiaries, levy of cess on all construction works at rates between 1 to 2% of the construction cost incurred by an employer (the Government has notified the cess @ 1%). The Fund is to be used for providing financial assistance to the families of beneficiaries in case of accident, old age pension, housing loans, payment of insurance premia, children's education, medical and maternity benefits, etc.

8.13 So far, 18 State Governments have constituted State Welfare Boards. The Government of Tamil Nadu has been implementing its own Act. Other States are still in the process of adoption and implementation of these Acts.

## **SPECIAL GROUP**

8.14 In pursuance of the directions given by the Prime Minister's Office, a Special Group under the Chairmanship of Secretary (L&E) with the representatives of DGFASLI, Ministries of Railways and Urban Development, etc. was constituted in September, 2004 to review and monitor the implementation, inter-alia, of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The Group has held ten regional meetings with the representatives of State Governments / Union Territories in various States.

## **MIGRANT WORKERS AND THE INTER-STATE MIGRANT WORKMEN**

8.15 According to the 2001 Census, 314.54 million persons have changed their place of residence within the country and out of this, 29.90 million or 9% have left their place for work. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted to protect the rights and safeguard the interest, of migrant workers.

8.16 The Act is intended to regulate the employment of inter-state migrant workmen and to provide their conditions of service. It applies to every establishment, and the contractor, who employ five or more inter-state migrant workmen. The Act has provision for issue of Pass-Book to every inter-state migrant workmen with full details, payment of displacement allowance equivalent to 50% of monthly wages or

Rs.75/- which ever is higher, payment of journey allowance including payment of wage during of the period of journey, suitable residential accommodation, medical facilities and protective clothing, payment of wages, equal pay for equal work irrespective of sex etc.

8.17 The main responsibility for enforcement of the provision of the Act lies with the Central and the State Governments / Union Territories in the establishment falling in the Central and State Sphere respectively.

8.18 The problem of migration is sought to be checked through a multi dimensional course of action through rural development, provision of improved infrastructural facilities, equitable dispersal of resources to remove regional disparities, employment generation, land reforms, increased literacy, financial assistance etc. In order to generate better employment opportunities at State level, the Government have launched a number of schemes like Swarnjayanti Gram Swarozgar Yojna (SGSY), Pradhan Mantri Gram Sadak Yojana (PMGSY), Sampurna Gramin Rozgar Yojana (SGRY), National Food For Work Programme (NFFWP), Indra Awas Yojna (IAY), Integrated Wastelands Development Programme (IWDP), Desert Drought Prone Areas Programme (DPAP), Development Programme (DDP) etc. Further, the Government have recently enacted the National Rural Employment Guarantee Act to provide 100 days guaranteed employment to rural households.

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9.1 The Bonded Labour System stands abolished throughout the country with effect from 25th October, 1975 with the enactment of Bonded Labour System (Abolition) Act, 1976. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. It made the practice of bondage a cognizable offence punishable by law.

9.2 The Act is being implemented by the State Governments concerned. Salient features of the Act are given below:

- On commencement of this Act, the bonded labour system stood abolished and every bonded labourer stood freed and discharged free from any obligation to render bonded labour.
- Any custom, agreement or other instrument by virtue of which a person was required to render any service as bonded labour was rendered void.
- Liability to repay bonded debt was deemed to have been extinguished.
- Property of the bonded labourer was freed from mortgage etc.
- Freed bonded labourer was not to be evicted from homesteads or other residential premises which he was occupying as part of consideration for the bonded labour.
- District Magistrates have been entrusted with certain duties and responsibilities for implementing the provisions of this Act.
- Vigilance committees are required to be constituted at district and sub-divisional levels.
- Offences for contravention of provisions of the Act are punishable with imprisonment for a term, which may extend to three years and also with fines, which may extend to two thousand rupees.

- Powers of Judicial Magistrates are required to be conferred on Executive Magistrates for trial of offences under this Act. Offences under this Act could be tried summarily.
- Every offence under the Act is cognizable and bailable.

## **CENTRALLY SPONSORED PLAN SCHEME FOR REHABILITATION OF BONDED LABOUR**

9.3 With a view to supplement the efforts of the State Governments; a Centrally Sponsored Plan Scheme for rehabilitation of bonded labour was launched by this Ministry in May, 1978. Under the Scheme, State Governments are provided Central assistance on matching grants (50:50) basis for the rehabilitation of bonded labour. The said Plan Scheme has been drastically modified in May 2000 to provide for 100% assistance for conducting district wise surveys for identification of bonded labour, awareness generation activities, and evaluatory studies. The Rehabilitation grant has also been raised from Rs.10,000/-per identified bonded labour to Rs.20,000/-per identified bonded labour. Further, in the case of Seven (7) North-Eastern States, 100% rehabilitation grant is provided in case they fail to provide their matching contribution.

9.4 Besides, the State Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes, such as, Swarnajayanti Gram Swaraj Yojana (SJGSRY), Special Component Plan for Scheduled Castes, Tribal Sub-Plan etc. Accordingly, the rehabilitation package provided by the concerned State Governments for the freed bonded labourers includes the following major components:

- Allotment of house-site and agricultural land;
- Land development;
- Provision of low cost dwelling units;
- Animal husbandry, dairy, poultry, piggery etc.;

- Training for acquiring new skills; developing existing skills;
- Wage employment, enforcement of minimum wages etc.;
- Collection and processing of minor forest products;
- Supply of essential commodities under targeted public distribution system;
- Education for children; and
- Protection of civil rights

9.5 Details of bonded labourers identified / released and rehabilitated up to 31.10.2007, as reported by the respective State Governments and the Central assistance released so far under the above-mentioned Centrally Sponsored Scheme are given in the **Table 9.1**

9.6 Further, an amount of Rs.495.00 lakh has been released up to 31.03.2007 to the State Governments of Arunachal Pradesh, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tami Nadu, Uttar Pradesh and Uttaranchal for conducting survey of Bonded Labour, evaluatory studies and awareness generation upto 31.03.2007.

### **SPECIAL GROUP**

9.7 A Special Group in pursuance of PMO constituted under the Chairmanship of the Secretary

(Labour and Employment) with the representatives of Director General, Factory Advice Service and Labour Institute (DGFASLI), Ministries of Railways and Urban Development has, inter-alia, reviewed the implementation of the Bonded Labour System (Abolition) Act, 1976 by holding ten region-wise meetings with the representatives of the State Governments / Union Territories in various States.

### **ROLE OF THE NATIONAL HUMAN RIGHTS COMMISSION**

9.8 The Apex Court in its order dated 11.11.1997 in PUCL Vs. State of Tamil Nadu & Others has directed that the National Human Rights Commission (NHRC) to be involved in the supervision of the issues relating to bonded labour. In pursuance to the above order, a Central Action Group has been constituted in the NHRC. This group, with the collaboration of the Ministry of Labour & Employment, is holding sensitization workshop on bonded labour at State Headquarters to sensitize the District Magistrates and other functionaries dealing with identification, release and rehabilitation of bonded labour. During the year 2005-06, four such sensitization workshops have been organized.

9.9. The **Table 9.2** shows that as a result of concerted efforts made by the Government through various anti-poverty programmes, awareness, sensitization, etc. the incidence of bonded labour reported from States has witnessed a downward trend.

Table -9.1						
Number of Bonded labourers identified, released and rehabilitated under the Centrally Sponsored Scheme up to 31.03.2007 and during 2007-2008 (31.10.2007)						
Name of the State	Number of Bonded labourers				Central assistance provided (Rs.in lakh) upto 31.03.2007	Central assistance provided During 2007-2008 upto 31.10.2007 (Rs. in lakh)
	Identified and Released Upto 31.03.2007	Identified and Released During 2007-2008 upto 31.10.2007	Rehabilitated Upto 31.03.2007	Rehabilitated during 2007-08 upto 31.10.2007		
Andhra Pradesh	37,988	-	31,534	-	850.00	-
Bihar	13,792	-	12,974	-	403.38	-
Karnataka	63,437	-	57,185	-	1578.18	-
Madhya Pradesh	13,125	-	12,200	-	164.49	-
Orissa	50,029	-	46,901	-	903.34	-
Rajasthan	7,488	-	6,331	-	72.42	-
Tamil Nadu	65,573	-	65,573	-	1661.94	-
Maharashtra	1,404	-	1,325	-	10.10	-
Uttar Pradesh	28,489	-	28,489	-	603.72	-
Kerala	823	-	710	-	15.56	-
Haryana	582	-	80	-	4.03	-
Gujarat	64	-	64	-	1.01	-
Arunachal Pradesh	3526	-	2,992	-	568.48	-
Chhattisgarh	124	-	124	-	12.40	-
Punjab	69	-	69	-	6.90	-
Uttaranchal	5	-	5	-	0.50	-
Jharkhand	196	-	196	-	19.60	-
West Bengal	125	88	125	88	6.21	8.80
<b>TOTAL</b>	<b>2,86,839</b>	<b>88</b>	<b>2,66,877</b>	<b>88</b>	<b>6882.26</b>	<b>8.80</b>

Table 9.2	
Year	Incidence of Bonded Labour reported
1997-1998	6000
1998-1999	5960
1999-2000	8195
2000-2001	5256
2001-2002	3929
2002-2003	2198
2003-2004	2465
2004-2005	866
2005-2006	397
2006-2007	197
2007-2008 (upto 31.10.2007)	88



10.1 In India, contract labour generally refers to workers engaged by a contractor for the user enterprises. It is a significant and growing form of employment. These workers are millions in number and are engaged mainly in agricultural operations, plantation, construction industry, ports & docks, oil fields, factories, railways, shipping, airlines, road transport etc.

10.2 The Contract Labour (Regulation and Abolition) Act, 1970 was enacted to protect and safeguard the interests of these workers. It applies to every establishment/ contractor in which 20 or more workmen are employed. It also applies to establishments of the Government and local authorities as well.

10.3 The Central Government has jurisdiction over establishments like Railways, Banks, mines etc. and the State Governments have jurisdiction over units located in that state.

10.4 The Advisory Boards of the Central Government and the State Governments comprising representatives of Government, employers and workers advise the respective Governments on matters arising out of the administration of the Act, as are referred to them, particularly on the question of abolition of contract labour system in establishments.

10.5. The Central Advisory Contract Labour Board is a statutory body, tripartite in constitution and quasi-judicial in nature. Its re-constitution is under process. Four meetings of the Board were held during the period under report and the last (70th) meeting was held on 16th October, 2007 at New Delhi.

10.6 Based on the recommendations of the Board, the Central Government has prohibited employment of contract labour in the establishment of Food Corporation of India in the depots of Kaktur, Nellore (AP) and Ratnagiri (Maharashtra) in the jobs of loading, unloading, stacking destacking, restacking, standardization, weighment, sweeping and cleaning.

10.7. Every establishment and contractor, to whom the Act applies, has to register itself/obtain a license for execution of contract work. The interests of contract workers are protected in terms of wages, hours of work, welfare, health and social security. The amenities to be provided to contract labour include canteen, rest rooms, first aid facilities and other basic necessities at the work place such as drinking water etc. The liability to ensure payment of wages and other benefits is primarily that of the contractor, and, in case of default, that of the principal employer.

10.8. Exemption from applicability of the provisions of the Act or the rules made thereunder is granted to an establishment or contractor in case of emergency.

10.9 In the Central sphere, the Central Industrial Relations Machinery (CIRM) headed by Chief Labour Commissioner (Central) and his officers have been entrusted with the responsibility of enforcing the provisions of the Act and the rules made thereunder. A Statement indicating enforcement action taken is given in the **Table 10.1**.

**Table. 10.1****ENFORCEMENT OF CONTRACT LABOUR  
(REGULATION AND ABOLITION) ACT, 1970**

<b>Sl. No.</b>	<b>Item</b>	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-07</b>
<b>1.</b>	<b>Number of Registration Certificates issued to principal employers.</b>	<b>590</b>	<b>747</b>	<b>752</b>
<b>2.</b>	<b>Number of Licenses issued to contractors</b>	<b>7277</b>	<b>7317</b>	<b>9280</b>
<b>3.</b>	<b>Number of Inspections conducted.</b>	<b>4540</b>	<b>5759</b>	<b>5365</b>
<b>4.</b>	<b>Number of Irregularities detected.</b>	<b>59301</b>	<b>60206</b>	<b>77422</b>
<b>5.</b>	<b>Number of prosecutions launched.</b>	<b>3356</b>	<b>2991</b>	<b>2648</b>
<b>6.</b>	<b>Number of convictions.</b>	<b>2018</b>	<b>1017</b>	<b>887</b>
<b>7.</b>	<b>Number of contract labourers covered by licenses.</b>	<b>968792</b>	<b>983707</b>	<b>1001947</b>
<b>8.</b>	<b>Number of Licenses revoked / cancelled.</b>	<b>6601</b>	<b>7632</b>	<b>8186</b>
<b>9.</b>	<b>Number of registration certificates revoked.</b>	<b>08</b>	<b>211</b>	<b>51</b>

## PROFILE OF WOMEN WORKERS

11.1 Women form an integral part of the Indian workforce. According to the information provided by the Registrar General of India, the work participation rate for women was 25.63 per cent in 2001. This is an improvement from 22.27 per cent in 1991 and 19.67 per cent in 1981. The two important aspects that require mention are that while there has been an improvement in the work participation rate of women, it continues to be substantially less in comparison to the work participation rate of men. In 2001, the work participation rate for women in rural areas was 30.79 per cent as compared to 11.88 per cent in the urban areas. In the rural areas, women are mainly involved as cultivators and agricultural labourers. In the urban areas, almost 80 per cent of the women workers are working in the unorganized sectors such as household industries, petty trades and services, buildings and construction.

11.2 In so far as the organized sector is concerned, in March 2005, women workers constituted 19 per cent of the total organized sector employment in the country, as compared to 18.7 per cent in the previous year. As on 31st March, 2005, there were about 50.16 lakh women workers employed in the organized sector (Public and Private Sector). Of this, nearly 28.52 lakh were employed in community, social and personnel services sector. Plantations and factories were other important employers of women.

## WOMEN'S ACCESS TO EDUCATION AND SKILLS / VOCATIONAL TRAINING

11.3 Within the framework of democracy, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. In this endeavor DGET, being the nodal agency, looking after Vocational Training in country takes care of providing training to women.

11.4 To take special care for the vocational training of women a Vocational Training Programme for

women was launched in the Ministry of Labour in 1977 and a separate Women's Training Cell was formed under DGE&T. This cell is responsible for designing & pursuing long term policies related to Women's Vocational training in the country. Revision of curricula of various trades is also taken up from time to time to meet the training needs of the industry.

11.5 As a part of the programme, in the Central sector, the Institutional Network includes 11 Institutes, providing training facilities exclusively for women in skills having high wage-employment and self-employment potential. The institutes set up under the Women's Occupational Training Directorate are : National Vocational Training Institute (NVTI) for Women, NOIDA and Regional Vocational Training Institutes (RVTI) for Women at Mumbai, Bangalore, Thiruvananthapuram, Hisar, Calcutta, Tura, Allahabad, Indore, Vadodara and Jaipur

11.6 The National/Regional Vocational Training Institutes for Women are only women exclusive Institutes, which provide facilities for advanced skill and post-advanced training for women who have passed 10th or 12th standard and meet the specified eligibility conditions for various courses. Besides the regular courses, these institutes also organize need based short term/ad-hoc courses, Short term courses in preparation/use of Audio-Visual aids for general women groups-housewives, students and school drop-outs and Training Programmes in Pedagogy for ITI instructors. NVTI/RVTIs have trained about 55460 trainees since inception in various training courses and about 3754 seats offered in various training courses.

11.7 In the State Sector, Vocational Training facilities exclusively for women at Craftsmen level (Basic courses) are provided through a network of Women Industrial Training Institutes (WITIs) / Women wings in general ITIs under the administrative control of the State Governments. The details on number of WITIs/wings etc. & the training seats

sanctioned is collected from the respective State Governments and compiled by the Women's Training Directorate at DGE&T. There are about 1152 Women ITIs and Women Wings in general ITIs (264 Govt. Women ITIs and 95 Private Women ITIs, 685 Women Training Wings in Government ITIs and 108 Women Training Wings in Private ITIs) having a total of 49,336 Training seats.

11.8 Besides this, the Indian Institute of Workers Education, Mumbai has established a separate cell on "Women and Child Labour" and evolved advance training programmes for women activists who are members of the Central Trade Unions Organizations and are involved in the upliftment and welfare of women and child labour in the country. From 1992-93 to October, 2007, 1297 women activists were trained in the various training programmes conducted by the Women and Child Labour Cell of the Institute.

#### **ASSISTANCE TO WOMEN JOB SEEKERS**

11.9 The Employment Exchanges take special care to cater to the job needs of women registered with them. During January-December, 2006 they placed 31300 women in various employments.

#### **PROTECTION OF THE INTEREST OF WOMEN WORKERS**

11.10 The Government has taken several steps for creating a congenial work environment for women workers. A number of protective provisions have

been incorporated in the various labour laws. These are elaborated in **Box-11.1**.

11.11 Besides this, a separate Cell for Women Labour was set up in this Ministry in 1975. The intention was to focus attention on the condition of working women and bring about an improvement therein. The Cell has the following functions:

- Formulation and coordination of policies and programmes for the female labour force within the framework of national manpower and economic policies.
- Maintaining liaison with other Government agencies to secure effective implementation of the programmes in respect of women workers.
- Monitoring the implementation of the Equal Remuneration Act, 1976.
- Setting up of an Advisory Committee under the Equal Remuneration Act, 1976.
- Giving grants-in-aid to Non-Governmental Organisations/ Voluntary Organisations to formulate and execute action oriented projects for women workers.

11.12 In recent years, the Ministry has been actively involved in creating awareness among women workers especially in respect of their legal rights and duties. This is being done in cooperation with Non-Governmental Organizations/Voluntary Organizations.

### EMPLOYMENT OF WOMEN – PROTECTIVE LEGAL PROVISIONS

Sl.No.	Name of Enactment	Protective Provisions
01.	The Beedi & Cigar workers (Conditions of Employment) Act, 1966.	Provision of crèches for the benefit of women workers in the industrial premises wherein more than fifty female employees are ordinarily employed.
02.	The Plantation Labour Act, 1951.	Provision of crèches in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or where the number of children of women workers (including women workers employed by any contractor) is twenty or more.  Women workers are provided time off for feeding children.
03.	The Contract Labour (Regulation & Abolition) Act, 1970	Provision of crèches where twenty or more women are ordinarily employed as contract labour.  Female contract labour to be employed by any contractor between 6.00 A.M. and 7.00 P.M. with the exception of mid-wives and nurses in hospitals and dispensaries.
04.	The Inter State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979	Provision of crèches for the benefit of women workers in establishments wherein twenty or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for three months or more.
05.	The Factories Act, 1948	Provision of crèches in every factory wherein more than thirty women workers are ordinarily employed.
06.	The Mines Act, 1952	Employment in mines below ground prohibited and in any mine above ground except between the hours of 6 am and 7 pm however no employment of women between 10 pm and 5 am is permitted. Further, women employed aboveground shall have rest period not less than eleven hours. Provision of separate toilets and washing facilities for women workers.

07.	The Maternity Benefit Act, 1961	<p>Maternity benefits to be provided on completion of 80 days working.</p> <p>Not required to work during six weeks immediately following the day of delivery or miscarriage. No work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of foetus or which may cause miscarriage or is likely to affect health to be given for a period of six months immediately preceding the period of one week before delivery. On medical certificate, advance maternity benefit to be allowed.</p> <p>Rs.250.00 as Medical bonus to be given when no prenatal confinement and post natal care is provided free of charge</p>
08.	The Equal Remuneration Act, 1976	<p>Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act.</p> <p>No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.</p>
09.	The Employee's State Insurance (General) Regulation, 1950	<p>Claim for maternity benefit becomes due on the date medical certificate is issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.</p> <p>Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.</p>
10.	The Beedi Workers Welfare Fund Act, 1976	<p>Appointment of women member in the Advisory and Central Advisory Committee is mandatory under the Acts at Sl.Nos.10-13.</p> <p>Representation of a women member on Building and other Construction Worker Welfare Boards.</p> <p>Provisions for maternity benefit to female beneficiaries of the Welfare Fund.</p> <p>Provision for crèches where more than 50 female construction workers are ordinarily employed.</p>
11.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976.	
12.	The Lime Stone and Dolomite Mines Labour Welfare Fund Act, 1972	
13.	The Mica Mines Labour Welfare Fund Act, 1946.	
14.	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.	
15.	The Industrial Employment (Standing Orders) Act, 1946.	<p>Provision regarding safeguards against sexual harassment of women workers at their work places..</p>

## **EQUAL REMUNERATION**

11.13 The ILO Convention No.100 of 1951 relating to equal remuneration for men and women was ratified by the Government of India in the year 1958. To give effect to the Constitutional provisions and also to ensure the enforcement of ILO Convention No. 100, the Equal Remuneration Ordinance was promulgated in the year 1975. The Equal Remuneration Act, 1976, subsequently replaced the above Ordinance.

11.14 States/Union Territories have appointed competent authorities under the Equal Remuneration Act, 1976 and have also set up Advisory Committees under the Act. The situation regarding enforcement of the provisions of Equal Remuneration Act is regularly monitored by the Ministry and the Central Advisory Committee. Annual returns are called for by the special cell from the State Governments in order to monitor implementation of the Act. The State Governments/Union Territories are being advised from time to time to ensure more rigorous enforcement of the Act so as to improve the condition of women workers.

11.15 The following social welfare organizations have been recognized, under the Equal Remuneration Act, 1976, for the purpose of filing complaints in courts against employers for violation of the provisions of the Act:

- The Centre for Women's Development Studies, New Delhi.
- The Self-Employed Women's Association, Ahmedabad.
- The Working Women's Forum (India), Chennai.
- The Institute of Social Studies Trust, New Delhi.

## **CHILD CARE CENTRES**

11.16 Statutory provisions have been made in certain Labour laws for organizing child care centers for the benefit of women workers. The Factories Act, 1948, the Beedi & Cigar Workers (Conditions of Employment) Act, 1966, and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 provide

for establishment of crèches for the benefit of women workers. The Plantation Labour Act, 1951, provides that the women workers be provided time-off for feeding children.

## **SUPREME COURT GUIDELINES ON SEXUAL HARASSMENT OF WOMEN WORKERS**

11.17 The Hon'ble Supreme Court of India, in the case of writ petition No.666-70 of 1992 filed by Vishaka & Others vs State of Rajasthan & Others laid down certain guidelines for the prevention of sexual harassment of women employees in their work places. A number of initiatives have been taken to give effect to the guidelines. All Central Ministries/Departments, State Governments / Union Territories and Central Public Sector Undertakings have been informed of the provisions contained in the judgment. They have been asked to implement the guidelines laid down in the said judgment. The Conduct Rule applicable to the officers of the Central Government and the All India Services has since been amended to give effect to the guidelines. The Industrial Employment (Standing Orders) Act, 1946 has also been amended to make the guidelines applicable to the employees in the Private Sector.

## **FUTURE STRATEGY**

11.18 In this period of economic liberalization and globalization, the quality of women's employment will depend upon several factors. The foremost among these are access to education and opportunities for skill development. The solution lies in creating awareness among women about their legal rights and duties and by providing them adequate opportunities to upgrade their skill levels. The emphasis should be on effective enforcement of the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976. Proper enforcement of these Acts will create an enabling environment for women workers. Besides these protective measures, policies, which encourage education, skill development, and training among women, also need to be given priority.