

**WORKER'S LIFE, WORK AND DECENCY :
NEEDED REGULATORY MEASURES
IN INDIA**

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Labour market is not homogenous. It is broadly segmented into unorganised and organised, wage earners and self-employed, skilled, semi-skilled and unskilled and so on. Every regulation relating to social security and working conditions has different meaning and implication for every segment. For many segments, still there is no such regulation which is protecting/providing decency and is related to regulate working conditions. The life of a worker is also not homogenous, throughout his living, at different stages of life. The perception, understanding and need of the things change and vary at different periods of life such as adolescence, youth, and old age. The meaning of social security is not the same throughout the life of a worker. In the same way, the perception pertaining to decency undergoes a change during the life cycle of a worker. For him decency has a different meaning at different levels of age. At the young age, it is something else than what it may be during the old age. It means the social security and decency are not only significant for a worker but also have a different meaning at different levels of living during the life of a worker. For any regulation, which can become a source of employment promotion, it

is very important that it should fulfill its purpose. From this point of view, there is every need to evaluate different legislations/rules/acts in regard to social security and decency of unorganised workers. What kind of regulation is required for that section/segment of workers for whom there is no regulation in existence? This paper deals with the brief evaluation of regulations for social security and decency of unorganised workers in India. This is discussed in Part-I. The importance of these regulations for the informal/unorganised workers is discussed in the context of difference stages of life of a worker in Part-II. The third part deals with the problems of unorganised workers in context of their life. The last part includes the conclusion and suggestions for policy making.

Part-I

To start with, the unorganised workers need to be defined. The definition accepted by the UN Economic and Social Council (ECOSOL) denotes the term 'informal sector' : (a) all private unincorporated enterprises (informal enterprises) or households engaged in the production and sale of goods or services, and (b) enterprises with employment size below a pre-determined threshold (SNA 1993). The term 'informal workers (or employment) is defined

to include persons whose employment relationship is, in law or practice, not subject to labour legislation, social protection and certain employment benefits. Combining the two, the International Labour Organization has coined the term 'informal economy' (ILO 2002).

In India, the term used to denote the informal sector is 'unorganised sector' and informal workers are referred to as 'unorganised' workers (NCEUS, 2006). Similarly, informal employment is denoted as unorganised employment in India. The term informal economy is used to refer informal/unorganised sector and informal/unorganised workers conjointly. The National Commission For Enterprises in the Unorganised Sector (NCEUS) adopted the following definition for unorganised/informal sector.

“All unincorporated private enterprises owned by individuals or households engaged in the production and sale of goods and services and operated on a proprietary or partnership basis and employing less than 10 persons”. This definition is applied for both agriculture and non-agriculture sector. On the basis of this, in Indian rural areas the landless agricultural labourers, small and marginal farmers, share croppers, persons engaged in animal husbandary and fishery, forest workers, toddy tapers, workers in

agro-processing and food processing and artisans such as weavers, blacksmiths, carpenters and goldsmiths generally constitute the unorganised/informal sector. In the urban areas, it mainly comprises of manual labourers in construction, carpentry, trade and transport and small and tiny manufacturing enterprises as well as persons who work as street vendors and hawkers, head-load workers, garment makers, and rickshaw pullers, among others.

On the basis of these definitions, it is estimated that during 1999-2000 in India 300.75 millions are rural unorganised workers and 96.01 millions are urban unorganised workers. In total 396.76 millions are unorganised workers in India (NSS 55th round, 1999-2000). In 2004-05, 97.6 per cent of total agricultural workers were unorganised and among them 64.8 per cent were self-employed. In the non-agricultural sector, the proportion of unorganised workers was 62.8 per cent (MCEOS, 2007).

In regard to unorganised employment the following definition is adopted by NCEUS : Unorganised workers are all those who are working in the unorganised sector defined earlier and the workers in the formal sector without any employment security and social security by the employer’.

Based on this, 362.08 million workers were employed in unorganised employment and 336.29 million in informal category. Thus, 91.3 per cent of the total employment was in the category of informal employment of around 362 million workers, of which, nearly 26 million were accounted for by the organised/formal sector (NCEUS 2006, p. 8).

It may be concluded that in the Indian labour market more than 90 per cent workers are in the category of informal/unorganised employment.

From the point of social security and decency, two types of schemes/programmes are in existence : (i) The protective social security of workers in the informal economy, and (ii) The promotional social security programmes such as the Integrated Child Development Scheme (ICDS), the Targeted Public Distribution System, the Mid-day Meal Scheme, the Indira Awas Yojana etc.

Recently, the right based NREG was implemented throughout India. Still there is no comprehensive national social security policy for all the workers. Besides, the majority of formal workers can avail the social security in the form of provident fund, gratuity, health cover, compensation and so on. The informal workers are

generally deprived of these social security benefits. Whatever is available to informal workers that is in the form of welfare funds and not as a right. Only 5 to 6 per cent of the workers in the informal economy are covered under these welfare schemes (NCEUS-2006, p. 11).

To provide social security, which ultimately results in decency to the workers in informal sector, is quite logical and rational. Besides the legislative measures like the Minimum Wages Act, 1948, the Workmen's Compensation Act 1923, the Maternity Benefit Act 1961, the Bonded Labour System (Abolition) Act 1976, the Contract Labour (Regulation and Abolition) Act 1920, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 are in existence but these have very little meaning for the unorganized workers in the absence of strong implementation machinery and political will. Moreover, these remedies are not coming as a matter of right. That is why, the NCEUS recommended a proposal to enact a comprehensive legislation for the welfare of the workers in the unorganised sector.

Part-II

The decency in working and life of a worker is related to economic conditions, social security and asset base of the individual and the family of the worker. As it is clear that the earnings of the majority of informal workers in India are not sufficient enough to maintain their security to live with decency. Even the security to live, most of the time, remains in danger. At the very outset, for the majority of informal workers the social security is essential for living. However, it does not guarantee decency. The secure living from the point of view of economic conditions is one of the main concerns of every labour/worker. The most important factor in this regard is job security. This is not a question to be raised in the case of informal workers due to its irrelevance. For them, the social security becomes more important in the absence of job security. In case the contribution in the production and development of society is considered then the role of informal workers is much more in quantitative terms. When the informal workers are contributing in the development and production like formal workers then why are they not getting the share of production as social security in the same manner as formal workers? The workers employed permanently in the

government and semi-government departments get the social security in the form of house rent, provident fund, medical facility and pension. The argument put forward generally is that they are producing goods and services. In the same way, the informal workers are producing goods and services but they are deprived of the kind of social security available to the formal workers in formal sector.

The evidence from different data makes it clear that the nature of social security desired for the child labour, young workers and old workers is not uniform. The child workers do not understand the significance and meaning of social security. There is no meaning of decency for them. They are the most unprivileged and humiliated lot. For them the social security and decency are mere dreams. It is clear that the child workers can not be formal workers. At young age, informal workers are generally in the search of secure jobs. In case there is no social security (except job security) then to be informal workers generally prefer job security. It means at the young age, for informal workers, the social security is not the one which is perceived by the policy makers. Further, if the informal workers are not able to get secure job then they are more concerned about their daily/weekly/monthly earnings. At

that stage of life they scan through their future years and have dreams in regard to living. In India, at the young age, the social security is normally not perceived by the informal workers as it should be. At this stage, for a large number of workers, decency has no meaning rather they are struggling for living and not for decency.

With the passage of time and advancement of age, for the majority of the informal sector workers the economic and social concerns become serious and worrisome. They are unable to accumulate assets, wealth and savings on account of their meagre earnings. In case of any emergency, that may be economic, physical and social, their very survival comes under threat. With ageing, the majority of informal workers are becoming socially more and more unsecure. They have the feeling and perception of social security. They feel the need for pension, health security, housing and so on. At the age of 50 years and more, the perception and need of social security is totally different in comparison to the age of 20s or 30s. With the increase in the age after 55 years, the work availability for the majority of informal workers declines which threatens the mere survival of a worker and his family. It is more true in the case of agricultural workers.

The problems faced by the informal/unorganised workers are different at different stages of life. During the young age, before marriage, the problems are of different nature. Moreover, the prospectus of marriage are likely to be different in different situations. If the worker has the job security and is permanently employed then the social security achieved through employment provides additional social security through marriage and decency level enhances. And it has the consequential effect throughout the life of the worker. If worker is employed in the informal economy and have no social security then the chances to increase social security through marriage become bleak. As a result, the decency very often losses its meaning. In the case of informal workers without social security, the life at an advance age becomes more difficult and his/her contribution to the production and development is of no consequence due to non-availability of any social security in the form of pension, provident fund and health insurance. The social security, not decency, is a highly considerable aspect of life for the poor informal workers. This truth has high meaning at the advance stage of life.

Part-III

Majority of the informal workers are engaged more actively in economic activities upto the age of 50. This is true in the case of rural as well as urban areas. The samples were collected of informal workers engaged in diverse economic activities. First, a sample of 90 labourers was collected in August 2005 of the rural native Punjabi labourers commuting to the labour market of Sangrur city (a district of Punjab). Second, a sample of 100 labourers was taken in April and June 2006 of female domestic servants working in the city of Bathinda, a district of Punjab. Third, a sample of 324 migratory labourers was collected of 324 labourers during April to July 2006 from the districts of Ludhiana, Hoshiarpur and Faridkot of Punjab state.

From Table No. 1, it is clear that the majority of the commuters falls in the age group of 40 to 45 years. Out of 100, only 6 labourers are of more than 50 years of age. The active life for commuting to city labour market is between 30 to 50 years. After that age becomes a barrier in this case.

**Table 1 : Age-wise Distribution of Commuting Labourers to
Sangrur City**

Age in years	No. of Labourers	Percentage
15-20	2	2.22
20-25	1	1.11
25-30	7	7.78
30-35	16	17.78
35-40	11	12.22
40-45	36	40.00
45-50	11	12.22
50-55	4	4.44
55-60	2	2.22
All	90	100

Source : Field Survey, 2005

It means in the rural Punjab, labourers of more than 50 years of age are compelled to confine to the villages. For them the social security can not be the same which is for the labourers of less than 50 years. Even the labourers of less than 50 years of age commuting to Sangrur in search of work are informal workers and having no social security. They get no facility at the labour chowk.

They are not provided with drinking water, shed to save themselves from sun shine and rain, no facility for rest and no health facility. They do not get provident fund, health insurance and compensation in case of accident.

From Table No. 2, it is evident that generally the female domestic servants work only upto the age of 45 years. The females of more then 45 years are not able to do work as domestic servants. The requirement of social security gains becomes more significant when the worker is not able to do a particular work.

Table 2 : Female Domestic Servants According to Age in Bathinda City

Age	No. of Workers (%)
Less than 30 years	49
30-45 years	43
45-60 years	05
Above 60 years	03
Total	100

Source : Field Survey, 2006

Age of the worker is very important determinant of migration from one State to another. It is more important for agricultural workers who migrate at the inter-State level. Generally, the agriculture workers that migrate belong to the age group of 10 to 30 years (vide able No. 3). Due to social and cultural factors, the

social security and decency has altogether different meaning for the migratory labourers in comparison to local labourers. The risk involved in the migration demands different kind of social security. However, age is also an important factor. The labourers of more than 35 years of age do not migrate. Thus, their requirement of social security may arise from unemployment at native place.

**Table 3 : Distribution of Migratory Agricultural Labourers
According to Age**

District	Age (Years)							Mean Age
	<10	10-15	15-20	20-25	25-30	30-35	>35	
Ludhiana	5 (2.43)	49 (23.79)	97 (47.09)	31 (15.05)	12 (5.83)	7 (3.40)	5 (2.43)	18.40
Hoshiarpur	0 (0.00)	13 (16.25)	42 (52.50)	18 (22.50)	4 (5.00)	1 (1.25)	2 (2.50)	19.00
Faridkot	0 (0.00)	9 (23.68)	15 (39.47)	9 (23.68)	4 (10.53)	0 (0.00)	1 (2.63)	19.08
All	5 (1.54)	71 (21.91)	154 (47.53)	58 (17.90)	20 (6.17)	8 (2.47)	8 (2.47)	18.63

Source : Field Survey, 2006

Note : The figures given in parentheses represent percentage

In all the three cases cited above, the earnings of the workers and their family can not be a source of social security throughout the life of the worker (See Tables 4,5,6 and 7). Either these workers are not able to save from the meager earnings or if they save then by saving from earnings they can not create any permanent source

of income which can later on become the source of social security and decency.

Table 4 : Earnings of the Households of Rural Native Punjabi Labourers Working in Sangrur City

Earnings (Rs.)	No. of Labourers	Percentage
Less than 1500	19	21.11
1500-2500	27	30
2500-3500	35	38.89
More then 3500	9	10
All	90	100

Source : Field Survey 2005

Table 5 : Distribution of Female Domestic Workers According to Monthly Wage Income

Monthly Income Group (Rs.)	No. of Menial Workers	Gross Income (Rs.)	Average Income (Rs.)
100-500	07	2723	389
501-1000	45	39735	883
1001-2000	44	65516	1489
2001-3000	04	9308	2327
Total	100	117282	1173

Source : Field Survey, 2006

Table 6 : Sources of Family Income Per Month of Female Domestic Servants

Source of Income (Rs.)	Total Amount of all HHs (Rs.)	%age	Average Income (Rs.)
Wage Income of domestic servants	117282	33.04	1173
Husband's Salary/Wages	147870	41.65	1479
Income from Children work	30140	08.49	301
Old age Pension	9570	02.70	96
Perquisites	50140	14.12	501
Total	355002	100.00	3550

Source : Field Survey, 2006

Table 7 : Annual Earnings of Migrant Agricultural Labour

District	Average Earnings (Rs./Annum)
Ludhiana	18087.50
Hoshiarpur	15147.60
Faridkot	16016.87
All	17118.75

Source : Field Survey, 2006

These workers are not doing single type of work during a day. Moreover, they are also not doing one type of work throughout their life. With this, the need and kind of social security may be different at different levels and for different types of work.

The risk involved in different type of works also varies. The courage to take risk is different at different stages of life. To monitor the changes in the work done by the workers throughout their life is necessary to provide social security. The changes in the type of work are more frequent in the case of informal/unorganised workers. For the purpose of social security and proper manpower planning, the changes in the nature of work should be monitored. With the technological development the mapping of the changes in the nature and place of work of a worker can be carried out. The working life of any worker can be mapped with latest technological instruments. From the time of birth an electronic record can be

generated that of an individual and it can be made legally mandatory to provide the information in regard to important parameters. Every person can be made legally bound to provide the information. From this, the data base can be generated which can provide information about nature of work, economic conditions, capabilities, migration, social requirements and health problems. This type of exercise has a great meaning for informal/unorganised workers. A proper record can be generated which can be used by the state as well as by the workers. It will help the workers to unite and bargain. Whereas the information will become a source of compelling the state to provide social security to the workers which may lead to decency. It will also help the government to have a proper manpower planning to generate employment. For this purpose, a full-fledged department in the labour ministry should be created through legislative enactment which have legal force. Its urgent requirement also emerged from the increasing diversity of work and flow of human beings from one place to another place. It has to be done sooner or later.

Part-IV

The Indian labour market has so many dimensions. The share of informal/unorganised sector is quite high. The contribution of this sector in production is very significant but the social security for the workers of this sector is almost nil. Either

there are no legal provisions for the social security of these workers or the provisions are only on paper. The promotional social security schemes are in existence, which are not having the same meaning and effect as the protective social security measures in the case of formal/organised workers. For an unemployed worker, job is more meaningful than the job security. The unemployed worker is ready to do work without job security. The job security is a great social security. With the passage of time the job security is declining. More and more casualisation and self-employment is coming out as a result. Presently, for informal/unorganised workers social security has no meaning. In India, decency is a mere dream for majority of the workers. More than 90 per cent workers do not have any social security. What to talk about decency.

For the informal/unorganised workers the change of work and change of place of work are becoming more and more important with the passage of time. For this purpose, the life of the worker should be mapped so that proper social security can be provided. It will also help in the manpower planning which will be helpful in creating the job opportunities.

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