

SURFEIT OF WELFARISM

A shocking duality defines Indian society. India is integrated but it is not one. It is now even more divided and even more at risk of disintegration than when people embarked hopefully on a new journey six decades ago. But India according to the privileged is a different world of course. And the privileged never get tired of expressing their concerns about the plight of the non-privileged and under privileged in their 'republic of lasting peace and social justice'. They think they have devised a unique system of parliamentary democracy where everybody has the right to enjoy surfeit of social welfarism. So they enact laws, rather pro-people laws to keep the flag of welfarism flying. Whether one more bill seeking social justice and security for the unorganised sector could change the lot of millions toiling in most hazardous and low-paying jobs is anybody's guess. But they think if could. The all important Bill—the Unorganised Sector Workers Social Security Bill 2007—is now in the Upper House for discussion. It may further extend its coverage to areas of health, insurance and pension to nearly 30 crore toilers mostly self-employed or working in units employing less than 10 employees. In essence it is a refined version of poverty alleviation scheme as it would incorporate common man insurance scheme (*aam admi bima yojana*), old-age pension for people below poverty line and all that. There are so many poverty alleviation programmes in force and yet the below poverty line scandal hits the hardness every now and then. And in all fairness the poor are multiplying and multiplying defeating all 'pious' resolutions from the privileged.

Not that there is no law to protect unorganised workers in some sectors. Contractual Labour Practice is on the rise, notwithstanding the existence of Contract Labour (Abolition and Regulation) Act that bans such unfair labour practice in perennial nature of job. When everybody is cheering about outsourcing, no law can really prevent the prevalence of contractual practice.

At a time when the most protected segment of workforce in the organised sector feels insecure because of blatant violations of labour laws by the employers, domestic and foreign, it is ludicrous to talk of extending social security to the unorganised sectors employees through legal measures. In most labour intensive areas like dock, social security does not exist despite the existence of age-old tripartite mechanism in the form of semi-autonomous Board. The British introduced this novel device to lessen the statutory obligations of employers while legally keeping a large number of workers in perpetual insecurity. It is likely that the new Bill will make provisions to create dozens of advisory boards which in turn will bureaucratise the entire system to defeat the very purpose of the Bill.

The Left's opposition to the new Bill is too clever by half. They want a separate bill for agricultural workers as if a new separate law for farm labour will ensure right to livelihood for thousands of development victims, not to speak of fair wage and basic wage-related benefits for farm labourers who do not come under the purview of 'workers' as defined in the industry though agriculture these days is viewed by more and more people as another wing of industry.

Almost all states have their own minimum wages legislations i.e. minimum security measures for the unorganised, and yet nowhere agricultural wage labourers get their legitimate dues for one reason or another. Also the very structure of minimum wages involves a lot of distortions as middle peasants cannot afford stipulated minimum wages,

particularly in irrigated areas. As a result minimum wages are determined in most cases by seasonal demand variations. Passing Act is one thing and its implementation is quite another. Reviewing of such acts does seldom take place. No doubt 100 days job guarantee in rural areas has added some muscle to the concept of minimum wages. But the project having so many political twists with the Centre doling out funds while the states executing the schemes, is yet to take off in its entirety. And like so many poverty alleviation schemes, this 100-day-job card too is aimed at arresting rural unrest and pacifying the unorganised.

Not that organised sector workers are getting their legitimate social security benefits even after retirement. The jute industry is a classic example of how employers, including government employers, have been violating laws for decades by not paying gratuity to the retired workers and defaulting in depositing provident fund money to the authorities. Law is there and it is useless, albeit all central trade unions are stakeholders in the industry.

Office employees, particularly in the banking and insurance sectors, government administrative departments and defence establishments—may derive some comfort from the existing mandatory social security schemes and for vast majority of toilers social security is a myth. Nobody is secure.

But the plight of the unorganised sector workers has been compounded in recent years because of *lessiez faire* atmosphere prevailing in the industry. The unorganised can bargain only by getting organised and demanding their legitimate share. The problem is no political party is serious enough to address the problem of the unorganised. The Right is not interested in organising them, the Left sees no valid reason in wasting time by trying to organise the unorganised and the Far Left is yet to think over how to mobilise the unorganised.

Despite what they are saying—or not saying—about the Bill, from unorganised labour's point of view, there is not much to cheer about. □