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# A Critical Analyses on Social Security Schemes to Unorganised Workers in India and its Legal Implications with special reference to Tamilnadu

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## ABSTRACT

*This paper study about the Social Security Schemes implemented by the Union Government and Tamil Nadu Government for the welfare of the Unorganized workers. This Paper Emphasis the need of Merging and Unifying the Union Government and State Government Welfare Schemes for the Social Protection and Social Assistance of the unorganized workers within Single Umbrella. This Paper also analyses the Various Union Government Schemes for unorganized workers availed in different Channels and Social Security Schemes availed by the Tamil Nadu Government to different Categories of the unorganized workers and discussing about the problems in Implementation of the Schemes.*

## I. INTRODUCTION

*“In the happiness of the subjects lies the happiness of the king; In the welfare of the subjects is the welfare of the king; Not his personal desires and ambitions, but what is desirable and beneficial to the subjects, that is desirable and beneficial for the king.”*

– Arthashastra (1.19.34)

The term “unorganized worker” has been defined under the Unorganized Workers' Social Security Act, 2008, as a home based worker, self-employed worker or a wage worker in the unorganized sector and includes a worker in the organized sector who is not covered by any of the Acts mentioned in Schedule-II of Act i.e. the Employee's Compensation Act, 1923 (3 of 1923), the Industrial Disputes Act, 1947 (14 of 1947), the Employees' State Insurance Act, 1948 (34 of 1948), the Employees Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), the Maternity Benefit Act, 1961 (53 of 1961) and the Payment of Gratuity Act, 1972 (39 of 1972). In India, 93% of the Labour market is from the Unorganised sector, only 7% of the

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Labour is belonging to organized sector for whom existing benefits of Employees State Insurance, Provident Fund, Gratuity has been applied. Organized sector concerns their life has been Socially protected by the amicable legislations, but the scenario is entirely different for Unorganised sectors. Labour force from the Unorganised sector concern plays an important role in Indian Economy. Social Security as the Fundamental Rights of the Unorganised sector was the questionable mark to the Unorganised worker. Social security in its two folded dimensions as Social Protection and Social Insurance protecting the life of the workers of Unorganised sector. In National Context, Article 41 of the Indian Constitution mandates States to Formulate policy regarding the Social Assistance in certain cases.

In International Context, the ILO Social Security Minimum Standard Convention, 1952 mandates the Minimum Social Security Coverage worldwide which Influenced the Nation States to enact Suitable Laws. In India concern the Union Government has passed the Unorganised Sector Social Security Act only on the year of 2008 after the 61 years of Indian Independence to protect the larger sector of the working classes of Unorganised Sector. Prior to 2008, there is only few legislative frameworks in India framed by Union Government in order to protect the life of working classes of Unorganised sector.

Social security and social insurance being an Entry No.23 of Part-VII of Concurrent List of the Indian Constitution both the Central and State Governments are Competent to enact legislation in the subject of Social Security to the Unorganised sector.

In this Context the Union Government has passed certain Legislations to protect the Social Security of the Unorganised sector and introduced certain schemes for the welfare of Unorganised Workers through the Labour Ministry. Such Schemes can be classified into two Categories.

Social Security Schemes specified in Social Security Legislations Such as National Family Benefits Schemes, Janani Suraksha Yojana (JSY), Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Handloom Weavers Comprehensive Welfare Scheme (HWCWS) and Handicraft Artisans Comprehensive Welfare Scheme (HACWS), National Scheme for Welfare of Fishermen and Aam Admi Bima Yojana (AABY). Another categories of Social Security Schemes which not specified in the Social Security Legislations such as Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) to ensure old age protection for Unorganised Workers, National Pension Scheme for Traders and Self Employed Persons, Atal Pension Yojna (APY), Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), Pradhan Mantri Suraksha Bima Yojana (PMSBY), particularly for Agricultural workers Pradhan Mantri Kisan Man Dhan Yojana (PM-

KMY), and Pradhan Mantri Kisan Samman Nidhi (PM-KISAN). These programs have been implemented through the Common Services Centre by the Union government across the nations and also through Financial Inclusions with Banking Sectors.

In this Context the State Governments has passed suitable legislations to give Social Protection to Unorganised sector. In Tamil Nadu particularly the Tamil Nadu Manual Workers Welfare Act was passed in the year 1982 and the Tamil Nadu Manual Workers Welfare rules was construed in 1986.

The Tamil Nadu Government framed separate Scheme for Construction Workers in 1994. The Tamil Nadu Manual Workers Welfare Board established in the year 1999 for the welfare of manual workers engaged in other categories of employments. In 2004, the Government amalgamated all the 9 boards with Tamil Nadu Manual Workers Welfare Board, while Tamil Nadu Construction Workers Welfare Board was continued separately.

In 2006, the amalgamated boards are separated, and additional Welfare Boards are created during 2006-11. Now in Tamil Nadu under Labour Department, 18 Unorganised Welfare Board has been constituted and in which the Construction workers welfare Board has been Separately Functioning.

These Welfare Boards implement the Unorganised Workers Social Security Schemes through the appointment of Assistant Commissioner of Labour (Social Security Schemes) for every district to Scrutinize and Superintendence the functions on behalf of Welfare Boards.

## **II. INTERNATIONAL STANDARDS ON SOCIAL SECURITY FOR UNORGANISED WORKERS**

The International Labour Organization's Social Security Standards in the form of the Conventions and Recommendations are very special features. ILO's Instruments set out the minimum standards of protection to guide the development of benefit schemes and national social security systems, based on good practices from all regions of the world.

They are therefore based on the principle that there is no single model for social security, and their need for universal coverage of the population and of social risks through adequate benefit levels. They also set out guidance on the design, financing, implementation, governance and evaluation of social security schemes and systems, in accordance with a rights-based approach. In a globalizing world, in which individuals are exposed to ever greater economic risks, it is clear that a significant national policy of social protection can contribute to attenuating the many negative effects of crises.

The Committee on Economic, Social and Cultural Rights' (CESCR) pointed out that the right of Social Security was influenced Strongly by the Social Security Instruments adopted by International Labour Organization. ILO has progressively developed Substantial Concept of the right to social security since the adoption of its constitution and laid foundations for separate branches of international law, namely International Social Security Law. The Features of ILO Standards on Social Security were described as follows: -

### **ILO CONVENTIONS**

#### **1. Social Security (Minimum Standards) Convention, 1952 (No. 102)**

A key reference for the development of social security systems, Convention No. 102 is the flagship of the up-to-date social security Conventions since it is deemed to embody the internationally accepted definition of the very principle of social security.

It sets out, into a single, comprehensive and legally binding instrument, the minimum standards for each of the nine classical branches of social security such as medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, survivors' benefit and places them under the principles for good and sustainable governance.<sup>3</sup>

#### **2. Equality of Treatment (Social Security) Convention, 1962 (No. 118)**

Equality of Treatment Convention addresses the issue of the social security of migrant workers in a global manner. It covers the nine branches of social security and provides that, for each branch accepted under the Convention, a ratifying State undertakes to grant equality of treatment to nationals of other ratifying States and their dependents with its own nationals including refugees and stateless people, if specifically accepted within its territory.

#### **3. Maintenance of Social Security Rights Convention, 1982 (No. 157)**

Maintenance of Social Security Convention Specifically address the issue of the maintenance of social security rights of migrant workers and complement Equality of Treatment Convention focusing on equality of treatment and exportability.

Unlike Convention No.118 however, which allows State Parties to choose one or more out of the nine branches, Convention No. 157 applies to all branches regardless of the type of scheme: general and special, contributory and non-contributory, as well as schemes consisting of obligations imposed on employers by legislation.

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<sup>3</sup> Compilation of international labour Conventions and Recommendations/International Labour Office. Geneva: ILO, 2015 ISBN 978-92-2-127590-9 (print)

#### 4. Employment Injury Benefits Convention, 1964 (No. 121)

The contingency covered by Employment Injury benefits Convention includes: a morbid condition, incapacity for work, invalidity or a loss of faculty due to an industrial accident or a prescribed occupational disease, and the loss of support because of the death of the breadwinner following employment injury.

The national list of employment-related diseases must comprise at least the diseases enumerated in Schedule I to the Convention. Convention No. 121 envisages that all employees, including apprentices in the public and private sectors, and in cooperatives, are to be protected. The Convention further lays down three types of benefits: medical care, cash benefits in the event of incapacity for work and loss of earning capacity (invalidity), and cash benefits in the event of the death of the breadwinner.<sup>4</sup>

#### 5. Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

Reflecting the trend to find all three long-term benefits Like invalidity, old-age and survivors' benefits in a single national pension system, Convention No. 128 regroups these three branches into one instrument and extends coverage to all employees, including apprentices, or not less than 75 per cent of the whole economically active population, or all residents whose means during them contingency do not exceed certain limits.

#### 6. Medical Care and Sickness Benefits Convention, 1969 (No. 130)

The Medical Care and Sickness Benefits Convention covers both the contingency of medical care benefits and cash sickness benefit reflecting the trend to establish comprehensive health insurance systems. All employees, including apprentices, or at least 75 per cent of the whole economically active population, or all residents whose means do not exceed certain limits should be covered for both contingencies. In relation to medical care, wives and children of employees should also be covered. Convention No. 130 further extends the medical care required under Convention No. 102 to dental care and medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopedic appliances.

#### 7. Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168).

The main aim of the Employment Promotion Convention is twofold: the protection of unemployed persons through the provision of benefits in the form of periodical payments and through the promotion of employment. The system of protection against unemployment should therefore be such to encourage employers from offering, and workers from seeking, productive

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<sup>4</sup> Ibid Pg.11

employment.

#### 8. Maternity Protection Convention, 2000 (No. 183)

Maternity Protection Convention makes all employed women, including those in a typical form of dependent work, should be covered for pregnancy, childbirth and their consequences. People protected should be entitled to maternity benefits for a minimum period of 14 weeks (including six weeks of compulsory leave after childbirth) at not less than two-thirds of their previous earnings. The medical benefits provided to protected people must include prenatal, childbirth and post-natal care. Convention No. 183 also lays down the right to work breaks for breastfeeding, as well as provisions relating to health protection, employment protection and non-discrimination.

### **RECOMMENDATIONS**

#### 1. Income Security Recommendation, 1944 (No. 67) and Medical Care Recommendation, 1944 (No. 69)

Recommendations No. 67 and 69 are at the origin of the development of social security in ILO instruments and can be considered the blueprint for comprehensive social security systems. Together, they establish a comprehensive system of income security and medical care protection for each of the nine classical branches of social security in addition to general neediness called “general want” in 1944 with the objective of relieving want and preventing destitution.

#### 2. Social Protection Floors Recommendation, 2012 (No. 202)

Recommendation No. 202 is the first international instrument to offer guidance to countries to close social security gaps and progressively achieve universal protection through the establishment and maintenance of comprehensive social security systems.

To this aim, the Recommendation calls for (1) the implementation, as a priority, of social protection floors (SPF) as a fundamental element of national social security systems and as a starting point for countries that do not have a minimum level of social protection; and (2) the extension of social security with a view to progressively ensure higher levels of social security to as many people as possible according to national economic and fiscal capacity and as guided by ILO’s other social security standards.

#### 3. Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

This Recommendation recognizes the lack of protection of workers in the informal economy and provides guidance for improving their protection and facilitating transitions to the formal economy. It also includes guidance on the extension of social security coverage to workers in

the informal economy and its role in facilitating transitions to the formal economy.<sup>5</sup>

### **III. NATIONAL STANDARDS ON SOCIAL SECURITY FOR UNORGANISED WORKERS**

In India particularly for past 61 years from independence to the 2008 there is no special Legislation covering most of the Unorganised workers but at the first instances the Central Government brought an act called Unorganised Workers Social Security Act, 2008. Subsequently the Central Government brought the rules called Unorganised workers Social Security rules, 2009.

The provisions regarding Establishment of National Board and State Welfare Boards and Framing of appropriate Social Security Schemes by the Central Government and State Government, Funding of Schemes by Central and State Governments and Registration of Unorganised workers and Workers Facilitation Centers are the Core Concepts discussed under the Unorganised Social Security Act, 2008.

The Provisions regarding the Appointment of Members of the and the conduct of the Meeting of the Board and finally about the manner of filing application for registrations are discussed in the rules Contemplated by the Central Government namely the Unorganised workers Social Security Rules, 2009.<sup>6</sup>

Then another Landmark Legislation which made platform for the Unorganised Building and Construction workers are Building and other Construction workers (Regulations of employment and Conditions of Service) Act, 1996 which provides the Separate registration process for Building and Construction workers and Constitution of State welfare Boards. Another unique act which provides the sources for beneficial schemes are Building and other Construction Workers Welfare Act, 1996 which mandates the Collection and Levy of Cess by Local Authorities for disbursing welfare schemes.

The New Code on Social Security, 2020 introduced certain changes and reforms regarding provisions and implementation of the Social Security Schemes for Unorganised workers compared to earlier legislation. Some notable Changes brought in New Code are Discussed in below table:

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<sup>5</sup> Ibid.11

<sup>6</sup> [https://www.indiacode.nic.in/handle/123456789/2100?view\\_type=browse&sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2100?view_type=browse&sam_handle=123456789/1362)



| S. No | New Code   | Earlier  |
|-------|--|--|
| 1.    | Appropriate government provide toll free call centre for helpline or facilitation centres for unorganised, gig and platform workers. Section.112 | No such provisions exist   |
| 2.    | Inclusion of Aadhar Card by Unorganised is Mandatory for availing Social Security benefits   | No such provisions exist   |
| 3.    | The State Government “shall” frame and notify, from time to time, suitable welfare schemes for unorganised workers.                              | In the old Act, the State Government from time to time, “may” form suitable welfare Schemes. |
| 4.    | The Central Government may frame and notify, from time to time, suitable social security schemes for gig workers and platform workers.           | No such provisions exist.  |

### **UNION SPONSORED SOCIAL SECURITY SCHEMES FOR UNORGANISED WORKERS**

Social Security Schemes for Unorganised workers by the Union Governments have been implemented through the different Channels by different Ministries of the Government. Some of the Schemes are Contributory in Nature with Union and State Contribution and by Beneficiary contributions, and some other Schemes are Non-Contributory Schemes wholly funded by Union or State Contributions .

The Unorganised Workers Social Security Act, 2008 Specify the Schemes in Schedule–I which is implemented by the Union Government and there are some other Non-Scheduled Social Security Schemes for Unorganised worker implemented by the Union Government through Labour and Employment Ministry and New E- Shram Portal had been created to access those Schemes. The Unorganised Workers’ Social Security Act, 2008 specified certain Schemes in the Schedule –I as proof of Government’s commitment to formulate new schemes.

### **Indira Gandhi National Old Age Pension Scheme**

This scheme provides security for elderly citizens above 60 years of age and belonging to below poverty line category are eligible for a monthly pension under this scheme. The government of India provides Rs.200 per month to the old, aged people having above age 60 Upto 79 and

providing Rs. 500 per Month for people above 79 ages while many State Governments also contribute varying amounts. Benefits are Disbursed through Nationalized Banks and Postal office Saving Account.

Now this Scheme is implemented as part of the National Social Assistance Program and Pension Processing System. This Scheme is implemented by the Union Ministry of Rural Development.<sup>7</sup>

### **National Family Benefit Scheme**

Under this scheme a Below Poverty Line household is entitled to lump sum amount of money on the death of primary bread winner aged between 18 and 64 years. The amount of assistance is Rs. 10.000/-. Breadwinner is defined as either a male or female adult on whose income family subsistence is dependent. This Scheme is implemented by the Union Ministry of Rural Development. The family benefit is paid to the surviving member of the household of the deceased poor, who after local inquiry, is found to be the head of the household. Now this Scheme is implemented as part of the National Social Assistance Program and Pension Processing System. This Scheme is implemented by the Union Ministry of Rural Development.

### **Janani Suraksha Yojana**

Janani Suraksha Yojana (JSY) is a safe motherhood intervention under the National Health Mission. It is being implemented with the objective of reducing maternal and neonatal mortality by promoting institutional delivery among poor pregnant women with special focus on Low performing states.

JSY is a centrally sponsored scheme, which integrates cash assistance with delivery and post-delivery care. The Yojana has identified Accredited Social Health Activist (ASHA) as an effective link between the government and pregnant women. This scheme is implemented by the Ministry of Health and Family Welfare.<sup>8</sup>

### **Handloom Weavers' Comprehensive Welfare Scheme**

There are two components in this scheme, and they are one is the Health Insurance Scheme (HIS) gave various healthcare facilities for all the weavers. This component follows the Rashtriya Swasthya Bima Yojana (RSBY) pattern. Then another component gave Insurance cover for natural death, accidental death, complete disability, and partial disability. Converged Mahatma Gandhi Bunkar Bima Yojana (MGBBY), Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY) schemes create a social

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<sup>7</sup> <https://nsap.nic.in/>

<sup>8</sup> <http://www.nhm.gov.in/index1.php?lang=1&level=3&sublinkid=841&lid=309>

security system.

PMJJBY provides life insurance, and PMSBY provides accidental insurance for accidental death or disability. By converging all the insurance schemes into one scheme, the weavers in the age group of 18 to 50 will be covered for life, accident and disability under PMJJBY and PMSBY. The age group of 51 to 59 who were enrolled under MGBBY scheme will be covered under the Converged MGBBY scheme. This Scheme is implemented by the Union Ministry of Textiles.<sup>9</sup>

### **Handicraft Artisans' Comprehensive Welfare Scheme**

This scheme has been envisaged to address the needs of artisans who lack proper care on their welfare. This scheme is also like Handloom Weavers' Comprehensive Welfare Scheme, but it covers the handicraft artisan and three family members including spouse. It covers all handicraft artisans, but the rate of premium is different for different categories.

The welfare scheme comprises of the following Yojana namely Rajiv Gandhi Shilpi Swasthya Bima Yojana (RGSSBY) for providing health Facilities and Bima Yojana for Handicrafts Artisans (Aam Admi Bima Yojana) (AABY) for providing Life insurance Scheme. This scheme is implemented by the Union Ministry of Textiles.

### **Pension to Master Craft Persons**

The beneficiaries of this scheme are limited only to the recipients of national awards, merit certificates and state awards in handicrafts. The people whose annual income is less than Rs.15000 and who do not have any financial assistance from any other source are eligible under the scheme. The Central Government provides Pension of Rs.1000 per month through the field offices of the Development Commissioners of Handicrafts. This scheme is implemented by the Union Ministry of Textiles.<sup>10</sup>

### **National Scheme for Welfare of Fishermen and Training and Extension**

The 'National Scheme of Welfare of Fishermen' envisaging to provide financial assistance to fishers for construction of house, community hall for recreation and common working place and installation of tube-wells for drinking water and assistance during lean period through saving cum relief component was in operation till the terminal year of the 9th Plan. This welfare scheme has been continued during the 10th Plan. The Scheme had three Components Development of Model Fishermen Villages, Group Accident Insurance for Active Fishermen

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<sup>9</sup> Government of India, Ministry of Textiles, Scheme of Office of the Development Commissioner (Handicrafts), (New Delhi: Office of the Development Commissioner (Handicrafts), p.3

<sup>10</sup> Ibid.17

and Saving-cum-Relief. Further, during the fishing ban period a sum of Rs.900 per fisher is paid for 3 months.

In case of partial disablement, the compensation payable is disability Rs.1,00,000 and Rs.2,00,000 is provided in case of death. This Scheme is implemented through the Union Ministry of Animal Husbandry and Fisheries.<sup>11</sup>

### **Janshree Bima Yojana**

The Government of India and the Life Insurance Corporation of India started the Janashree Bima Yojana back in 2000. They created this scheme to provide life insurance for both rural and urban people. Most importantly, this programme targets individuals who are below or marginally above the poverty line. At present, the scheme covers forty-five different Unorganised occupational groups.

It now encompasses two previously prevalent systems – the Social Security Group Insurance Scheme and Rural Group Life Insurance Scheme. Admi Bima Yojana (AABY) and Janashree Bima Yojana (JBY) are merged by the Central Government from 2013. The merged scheme is renamed “Aam Admi Bima Yojana”. This scheme is implemented by the Life Insurance Corporation of India wherein the beneficiary must pay premium of Rs.200 per annum for a cover of Rs.30,000, out of which 50% premium will be subsidized from the Social Security Fund. In case of death due to accident Rs.75,000, Rs.75,000 in case of permanent Total disability and Rs.37,500 in case of loss of one eye or one limb, in an accident is provided. The scheme is confined to members of land less unorganised workers in the rural households of the age group 18-59. It is implemented through the agency of Life Insurance Corporation of India under Union Ministry of Finance.<sup>12</sup>

### **Rashtriya Swasthya Bima Yojana**

The Rashtriya Swasthya Bima Yojana, the health insurance scheme for Below Poverty Line families was launched for the workers in the Unorganised sector in the FY 2007-08 and it became fully operational from 1st April 2008. It provides for IT-enabled and smart-card-based cashless healthy insurance, including maternity benefit cover up to Rs. 30,000/- per annum on a family floater basis to BPL families (a unit of five) and 11 occupational groups in the Unorganised sector.

The Rashtriya Swasthya Bima Yojna (RSBY) of the Labour and Employment Ministry had

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<sup>11</sup> <https://dahd.nic.in/related-links/centrally-sponsored-national-scheme-welfare-fishermen>

<sup>12</sup> Press Information Bureau Government of India, Ministry of Finance, 20-December-2012.

been implemented by the Ministry of Health and Family Welfare. In pursuance policy decision of the Government, the Labour and Employment Ministry is handing over the RSBY scheme to the Ministry of Health and Family Welfare with effect from 1st April 2015.<sup>13</sup>

### **Non Scheduled Social Security Schemes implemented by Union Government**

#### **Pradhan Mantri Shram Yogi Maan-Dhan Yojana (PM-SYM) (Old Age Protection)**

Pradhan Mantri Shram Yogi Maan-Dhan Yojana is Social Security Scheme Launched by the Ministry of Labour and Employment in the January 2019. PMSYM is the Voluntary and contributory pension schemes.

This Scheme is exclusively made for Unorganised Workers (working as street vendors, agriculture related work, construction site workers, workers in leather industries, handloom, midday meal, rickshaw or auto wheelers, rag picking, carpenters, fisherman's etc. Monthly contribution ranges from Rs.55 to Rs.200 depending upon the entry age of the beneficiary.

Under these schemes, 50% monthly contribution is payable by the beneficiary and equal-marketing contribution is paid by the Union Government. Total beneficiaries enrolled under the PMSYM Scheme as on 30.06.2021 are around 45.01 lakh.<sup>14</sup>

#### **National Pension Scheme for Traders and the Self-employed Persons (NPS)**

National Pension Scheme for Traders and the Self- Employed Persons is Social Security Scheme Launched by the Ministry of Labour and Employment in the January 2019. NPS for Traders and the self-employed persons are the Voluntary and contributory pension schemes based upon beneficiary and Union Scheme Contributions. The scheme is meant for old age protection and social security of retail traders/ shopkeepers and self-employed people whose annual turnover is not exceeding Rs. 1.5 crore. These retail traders/ shopkeepers and self-employed people are mostly working as shop owners, retail traders, rice mill owners, oil mill owners, workshop owners, commission agents, brokers of real estate, owners of small hotels, restaurants and other Laghu Vyaparis.

There are some other General Social Security Schemes which provide Life Coverage health policy and Accident claim policies which are availed by the Union Finance Ministry to the Citizens and marginalized groups of people and protecting the interest of Unorganised workers also. Enrolment on the Scheme is made through the Common Service Centres, with their network of 3.50 lakh Centres across the country. In addition, eligible persons can also selfenroll

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<sup>13</sup> <http://www.rsby.gov.in/>

<sup>14</sup> 25<sup>th</sup> Report by Lok Sabha Standing Committee on Labour, August 2021

through visiting the portal [www.maandhan.in](http://www.maandhan.in). Total beneficiaries enrolled as on 30.06.2021 are around 43,916 beneficiaries only<sup>15</sup>

### **CREATION OF E-SHRAM PORTAL**

E- SHRAM portal was launched on August 26, 2021 by Ministry of Labour & Employment had developed for creating a National Database of Unorganised Workers (NDUW) which will be seeded with Aadhaar to create a national database for unorganised workers including those working in construction, agriculture and other types of industries and services with the main objective of providing them social security and other benefits. E- SHRAM was centralized database of all Unorganised workers and integrating all Social Security Schemes meant for Unorganised Workers being administered by Ministry of Labor and Employment and subsequently those run by other ministries such as Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM), Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), Pradhan Mantri Suraksha Bima Yojana (PMSBY), Pradhan Mantri Jan Arogya Yojana (PMJAY), etc.

It is the first-ever national database of Unorganised workers worker aged between 16- 59, is eligible to register on the E-Shram portal covering migrant workers, gig workers, platform workers, agricultural workers, MGNREGA workers, Fishermen, Milkmen, ASHA workers, Anganwadi workers, Street Vendors, Domestic workers, Rickshaw pullers and other workers engaged in similar other occupations in the unorganised sector. This portal plays an vital role in ascertaining the National Database for Migrant workers and providing benefits to them.

### **REGISTRATION IN E-SHRAM**

Online Registration in E-Shram portal can be individually made by the workers and through the [www.eshram.gov.in](http://www.eshram.gov.in) and also through the Common Service Centers and State Seva Kentras.(SSK's).

Registration on E- Shram portal is Free. Umag Android application created for registration purpose. Workers are not required to pay any charges to any registering entity. The Unorganised worker will not be charged as the registration is Free. On successful registration you would print the E-shram card and give it to the worker. A 12-digit Universal Account Number is uniquely assigned to each unorganised worker after registration on E-Shram portal. UAN number will be a permanent number i.e., once assigned, it will remain unchanged for the worker's lifetime. The current capacity of e-Shram portal is at 2 Lakh registrations per hour.<sup>16</sup>

After registering, the individual will get Accidental Insurance Coverage through the Pradhan

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<sup>15</sup> Ibid.P.19

<sup>16</sup> [www.eshram.gov.in](http://www.eshram.gov.in)

Mantri Suraksha Bima Yojana (PMSBY), If a worker is registered on the e-SHRAM portal and meets with an accident, he/she will be eligible for accident insurance of Rs Two lakhs on death or permanent disability and Rs One lakh on partial disability as the government is always committed for the welfare of the workers.

E- shram introduced National help Desk: 14434 in all official languages and also grievance in Portal also registered in grievance [www.gms.eshram.gov.in](http://www.gms.eshram.gov.in).<sup>17</sup> As per Dashboard of E-Shram Portal from 24.08.2021 to 19.09.2022, totally 28,26,88,946 workers were registered in E-Shram portal and got Registration Identity Card. As per available data female workers at 52.9 percentage got registered more compared than male workers at 47.1 percentage. A little over 74 per cent of unorganised workers have registered on the E-Shram portal in the one year since its launch.

As many as 281.5 million workers were issued E-Shram cards as of August 24. While there are different estimates of Unorganised workers in the country, the labour ministry pegs the number at 380 million. Almost 30 per cent or 82.9 million of the registrations were from the most populous state in the country, Uttar Pradesh. This was followed by Bihar at 28.4 million, West Bengal at 25.6 million, and Madhya Pradesh at 16.5 million. Over half of the registered workers at 147.3 million are engaged in agriculture, with domestic and household workers at a distant second at 27.7 million, accounting for 9.8 per cent of total registrations.<sup>18</sup>

#### **IV. SOCIAL SECURITY SCHEMES FOR UNORGANISED WORKERS IN TAMIL NADU**

The Tamil Nadu Government enacted The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982, to regulate the employment and conditions of work and to provide social security to manual workers engaged in 69 employments included in the Schedule to the Act. Tamil Nadu is a pioneer in implementing welfare schemes for unorganised workers.

Tamil Nadu Construction Workers Welfare Board was established in 1994, for the welfare of manual workers engaged in construction industry and same had been complying the provisions of Building and Construction Workers Act, 1996 and Tamil Nadu Building and Construction Workers Rules, 2006.<sup>19</sup>

The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 and the schemes enacted therein provide social security schemes and welfare assistances

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<sup>17</sup> [www.gms.eshram.gov.in](http://www.gms.eshram.gov.in).

<sup>18</sup> Ibid. Pg.No.22

<sup>19</sup> The Building and Other Constructions Workers Welfare Act, 1996- An Bare Act..

to the Unorganised Workers, engaged in the 54 (Construction) + 69 (Manual) categories of employments specified in the schedule appended to the Act.<sup>20</sup>

### **WELFARE BOARDS**

The Tamil Nadu Manual Workers Welfare Board established in the year 1999 for the welfare of manual workers engaged in other categories of employments. In 2004, the Government amalgamated all the 9 boards with Tamil Nadu Manual Workers Welfare Board, while Tamil Nadu Construction Workers Welfare Board was continued separately. In 2006, the amalgamated boards are separated and additional Welfare Boards are created during 2006-11. The Tamil Nadu Government have so far established 18 Unorganised Workers Welfare Boards under the Department of Labour as listed below :

1. Tamil Nadu Manual Workers Welfare Board.
2. Tamil Nadu Washer men Welfare Board.
3. Tamil Nadu Hair Dressers Welfare Board.
4. Tamil Nadu Tailoring Workers Welfare Board.
5. Tamil Nadu Handicraft Workers Welfare Board.
6. Tamil Nadu Palm Tree Workers Welfare Board.
7. Tamil Nadu Handlooms and Handlooms Silk Weaving Welfare Board.
8. Tamil Nadu Footwear, Leather Goods Manufactory and Tannery Workers Welfare Board.
9. Tamil Nadu Artists Welfare Board.
10. Tamil Nadu Goldsmiths Welfare Board.
11. Tamil Nadu Pottery Workers Welfare Board.
12. Tamil Nadu Domestic Workers Welfare Board.
13. Tamil Nadu Power loom Weaving workers Welfare Board.
14. Tamil Nadu Street Vending and Shops and Establishments Workers Welfare Board.
15. Tamil Nadu Cooking Food Workers Welfare Board.
16. Tamil Nadu Unorganised Drivers Welfare Board.

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<sup>20</sup> The Unorganised Workers Social Security Act, 2008 – An Bare Act.,



17. Tamil Nadu Construction Workers Welfare Board.

18. Tamil Nadu Fire and Match Workers Welfare Board

### **FUNCTIONS OF UNORGANISED WORKERS WELFARE BOARDS**

At the District Level, District Labour Officer (Social Security Scheme) formed w.e.f.01.11.2008 and now renamed as Assistant Commissioners of Labour (Social Security Scheme) administers the functions of the Boards such as Registration, Renewal and Disbursement of Welfare Scheme Assistance to the Unorganised Workers. The Head Office and District Assistant Commissioner of Labour (Social Security Scheme) offices of the Unorganised welfare boards have been computerized for speedy compliance of claim applications.

The Online registration process was initiated from 19.06.2020 and from 20.07.2020 onwards identity cards have been issued to the registered workers through Online Platform. The online renewal and claim applications received from 26.08.2020 are verified by ACL (SSS) concerned.

The District Monitoring Committee headed by the District Collector monitors the timely disbursal of benefits to the members. In order to mitigate the sufferings of manual workers while receiving scheme assistance, the disbursement of welfare scheme assistances are directly transferred to the bank accounts of the beneficiaries/Unorganised workers through Electronic Clearance System (ECS) mode with greater transparency.<sup>21</sup>

### **ENCHANCEMENT OF WELFARE SCHEME**

During the demand for grants 2021-2022 on the floor of Legislative Assembly, on 04.09.2021. The Hon'ble Minister for Labour Welfare and Skill Development Department has announced introduction /enhancement of the Welfare Scheme Assistances to the registered workers of Tamil Nadu Construction Workers Welfare Board, Tamil Nadu Manual Workers Social Security & Welfare Board and 16 other Welfare Boards on 04.09.2021.

Recently Tamil Nadu Government had Launched housing Schemes for Unorganised Construction Workers through the G.O.No.7 of Labour and Employment Department dated 10.01.2022 had introduced Housing Schemes for Construction workers and implementation process is in progress.

Again the Scheme for Providing Subsidy to the registered Unorganised women Drivers Worker in Tamil Nadu Unorganised Drivers and Automobile Workshop Workers Welfare Board also

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<sup>21</sup> <https://tnuwwb.tn.gov.in/>

introduced by Tamil Nadu Government.<sup>22</sup>

### **SOURCE OF FUNDS**

The Tamil Nadu Construction Workers Welfare Board receives contribution of cess at the rate of 1% of the total estimated cost of the building or the construction work proposed to be constructed. The contribution of Rs.764.02 crore has been received as cess during the year 2021-22. (01.04.2021 to 31.03.2022)<sup>23</sup>

The Tamil Nadu Unorganised Drivers and Automobile Workshop Workers Welfare Board receives the additional tax collected for every commercial motor transport carrying passengers or goods on roads at the rate of 1% under the Tamil Nadu Motor Vehicle Taxation Act, 1974. An amount of Rs.7.57 Crore had been received as additional tax from 01.04.2021 to 31.03.2022.

The Tamil Nadu Manual Workers Social Security and Welfare Board and other 15 Welfare Boards receive Government Grants for implementing welfare schemes. The Government of Tamil Nadu have sanctioned a grant of amount Rs.138.59 crore from 01.04.2021 to 31.03.2022. The Labour department of Tamil Nadu Government had from the date of its inception to 31.03.2022 had registered 19.43 Lakhs of the Construction Workers and disbursed an amount of 1017.09 Crores through Construction welfare Board. In case of Drivers and Automobile workers registered 1.46 Lakhs workers and disbursed to the tune of 57.64 Crores through Driver and Automobile Workers Welfare Board.

Finally through the Unorganised Welfare Board the 17.30 Lakhs workers are registered and an beneficial amount to the tune of Rs.1210.90 Crores had been disbursed to the beneficiaries by the Unorganised Welfare Board.

### **V. CONCLUSION AND SUGGESTION**

It is evident from above analyses of Various Social Security Schemes on the Unorganised Workers that there Should need for Some Legislative Changes in the existing Social Security Schemes for Unorganised workers and there should be need for Unique Registration process

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<sup>22</sup> <https://labour.tn.gov.in/>

<sup>23</sup> [https://labour.tn.gov.in/pdf/policy-note-lwsd\\_e\\_pn\\_2021\\_22\\_0.pdf](https://labour.tn.gov.in/pdf/policy-note-lwsd_e_pn_2021_22_0.pdf)

for Unorganised workers for Availing benefits in both the Union governments and State Governments to Social Security Schemes.

It is suggested that there should be need for Bifurcated of District Labour Officer (Social Security Schemes) into two posts for Supervise the Social Security Schemes availed by Tamil Nadu Government through the Unorganised Workers Welfare Boards. There should be Separate District level officer to Supervise the Schemes availed by Tamil Nadu Construction Workers Welfare Board and another District Level Officer to Supervise the Schemes availed by the Tamil Nadu Manual Workers Welfare Board and 15 Other Welfare Boards.

The Taluk Level Subordinate officers in cadre of Deputy Inspector of Labour Should be appointed to Supervise the Unique Registration and Renewal of Unorganised Workers for Social Security Schemes with Respective Welfare Boards and to avail Social Security Schemes provided by the Union Government. It is suggested that there should be need for establishment of Social Security Claim Tribunal to decide Claim issues and disputes regarding the realization of benefits.

The Unorganised Workers even though registered on the Social Security availed by the Union Government and State Governments getting difficulties on delay in assessing the benefits and still majority of workers are not at all deriving the benefits of the fruitful of Social Security Schemes. The Rights of the Unorganised Workers Should be Mandated by Stringent Legal provisions in India. The Tamil Nadu state government may extend the time of Renewal for 10 years for the registered employee's membership. The registered membership card had not been renewed in larger amount due to lack of awareness of the employee about the renewal and also negligence in part of the employee. The Tamil Nadu government should strength the provisions to abolish the agents or brokers who corrupt the employee who get beneficial in this scheme. .

## **FINDINGS**

1. The Union and State government had made greater emphasis towards the welfare of the Labour through framing of Various Labour welfare scheme.
2. Lack of Awareness among the employees about the functioning of this Unorganised labour welfare board in social security scheme in implementing the scheme and Various Union Government Schemes.
3. Corruption is prevailing from top to bottom in the executive bureaucracy and also in registered trade union while executing the Labour Beneficial schemes.

4. Lack of responsibility in the part of employee to apply for the claims during the beneficial period and renew the registered card in prescribed period.
5. Some shorts of administrative difficulties are felt by the administrators while executing this scheme.
6. The claimed and sanctioned amount cannot disbursed in speedy and quicker time.

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**VI. BIBLIOGRAPHY**

1. M.P. Oliver, Ockert Dupper, Avinash Govindjee, *The Role of Standards in Labour and Social Security Law: International and National Perspectives*, (Jude Limited, 28-Oct-2014).
2. S.N. Tripathy, *Unorganised Women Labour in India*, (Discovery Publishing House, 01-Jan-1996)
3. P. Balamurugan, Assistant Professor, Tamil Nadu Dr.Ambedkar Law University, *Doctrinal Research on Social security for workers in Unorganised sector with special reference to women workers problems and perspectives*.
4. *Defending Informal Workers Welfare Rights: Trade Union Struggle in Tamil Nadu* by Kalpana ,IIT, Madras, *Global Labour Journal*, 2019, 10(3), Page 215.
5. Babu P. Ramesh, Anoop Satpathy, V.V. Giri, *Social Security for Unorganised Sector Workers in India: A Critical Appraisal*, (National Labour Institute, 2010).
6. Dr. S. Mookiah., Mr. S. Kumar, *In Problems and Prospects of Unorganised Workers in Tamil Nadu* published in (ISSN-2349-5162), *Journal of Emerging Technologies and Innovative Research(JETIR)*
7. *The Manual Worker Welfare Social Security Scheme* , 2006 – published by Madras Law House, 2010.
8. *The Unorganised Workers Social Security Act, 2008 – An Bare Act*.
9. *The Building and Other Constructions Workers Welfare Act, 1996- An Bare Act*.
10. *The Building and Other Construction Workers Cess Act, 1996- An Bare Act*.

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