

# VVGNLI CASE STUDIES SERIES

Second Edition



V.V. GIRI NATIONAL LABOUR INSTITUTE



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## **From the Director General**

Organising Training Programmes and Workshops/Webinars on various facets of Labour and Employment is one of the major mandates of the V V Giri National Labour Institute. The Institute's training programmes cater to the training needs of different stakeholders viz. government functionaries concerned with labour, labour administrators, members of the trade unions and employers organisations, human resource and industrial relation managers, members of the civil society organisations, and researchers/academia.

The Institute adopts a trans-disciplinary approach in its training activities and uses a rich portfolio of methods in order to make the training interventions effective.

Case studies forms an integral part of the VVGNI training methodology. It is well acknowledged that case studies constitute one of the most effective methods to enhance the learning and training outcomes and also to sharpen the skills of the trainees for problem solving and responding effectively to the challenges of change in the field.

The Institute also attempts to create a synergy between research, another major mandate of the Institute, and training activities by incorporating the research outputs as training inputs and feedback from training as triggers for research. Accordingly, the VVGNI faculty is involved in the preparation of case studies based on their research interests and domain expertise.

The institute had brought out the first edition of Case Studies Series in the year 2020. The present compendium is the Second Edition of the Case Studies Series which includes case studies and other interventions on some of the most important areas of labour and employment issues developed by the faculty members of the VVGNI.

I sincerely hope that these case studies/interventions would be handy during the practical discussions and experience sharing sessions thereby contributing to enriched and meaningful training experience.

**Dr. H. Srinivas**  
**Director General, VVGNI**

## **Impact of the Cyclones and other Disasters on Fishing Communities and Fisheries Livelihoods: The Case Study of Select States in India**

**Dr. Helen R. Sekar\***

### **BACKGROUND**

Fishery is the enterprise of raising or harvesting fish and other aquatic life. Capture fisheries and aquaculture contribute to economies at national and local level, to export earnings, and to food supplies and employment<sup>1</sup>. Over fifty per cent of the world marine catch that is used for direct human consumption is produced by millions of small scale/artisanal fishermen who are among the lowest socio-economic groups. They convert the living marine resource into products with use and ex-change value with their accumulated knowledge about fish, fish habits, waves, currents and stars. The fishing community across the globe have a tradition of learning by doing, handed down from generation to generation. The livelihood of those depending directly or indirectly on fisheries are impacted by the vagaries of weather. In addition to the severe cyclones and other natural disasters in the coastal areas, the disruption of economic activities due to COVID-19 pandemic disaster induced lockdown has adversely affected the livelihood of fishery workers across the globe.

### **OBJECTIVE OF THE STUDY**

In this pandemic disaster times, it has become imperative to make an attempt to understand livelihoods of different sections of population. The objective of this case study is to discuss the situation of fishers, fishery workers and fishing communities in India who are affected both by the natural disasters and by the pandemic disaster. The objective is also to locate their vulnerabilities in the wake of COVID-19 pandemic and the insecurities caused by the severe cyclonic storms and similar natural calamities in recent years, for suggesting measures for policy inputs and for evolving strategies to secure the livelihood.

### **SCOPE OF THE CASE STUDY**

The study focuses on the fishing communities in India in select states and their vulnerabilities and insecurities. Review of literature on the issue provides the situation of fishers particularly amidst COVID-19 pandemic disaster and the severe cyclonic storms in the recent years. Such a review and information gathered

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<sup>1</sup> Fisheries and aquaculture emergency response guidance (2014) Food and Agriculture Organization of the United Nations, Rome, p.14 <http://www.fao.org/3/i3432e/i3432e.pdf>

in person paved ways for suggesting measures for addressing the challenges. Recommendations for policy inputs and for evolving strategies to secure their livelihood also forms a part of this case study. Finally, the study in this first phase does not examine the legislative aspects.

## METHODOLOGY

The facts on which this case study is based were collected in during 2018 and 2021 by making visits to the coastal area of southern India, and also in the eastern coast of India and having extensive interactions in person. Ethnography through participatory observation helped me understand how different social groups of fishermen and fisherwomen conducted their everyday livelihoods. In-depth Unstructured interviews were conducted with fishermen and others from the fishing community when the local residents became familiar with my presence that ensured a flow in the dialogue regarding their livelihoods. Sequential visits helped me to follow the same groups of people and to observe different trajectories.



Conversations in person were carried out at different points of time in order to gain insights of fishing communities in and around Panaji in the State of Goa in the western coast of India; in Berhampore and Chilika lake, a brackish water lagoon, in State of Odisha in the eastern coast of India; Uvari, Tuticorin, Rameswaram, Tiruchendur and Kanyakumari in Tamil Nadu, in the southern coast of India. Information was also collected from various sources such as telephonic discussion with fishermen, reports of Fishery Departments of different coastal States, and other Government reports and from the secondary data source and literature.

## FISHING ECONOMY IN INDIA

The Indian fisheries sector encompasses a diverse range of resources and ranges from the Himalayas to the coastal plains and the Indian Ocean. The sector employs millions of people and is a source of livelihood for them. The fisheries biodiversity also includes diverse physical and biological components. Fisheries are a very crucial source of food, livelihood, nutrition and income in India. The sector gives livelihoods to almost 16 million fishers and fish farmers at the primary level and about twice the number along the value chain. Fisheries have now become a commercial enterprise and its share in the GDP has increased from 0.40% in 1950-51 to 1.03% in 2017-18. India is one of the leading exporters of seafood in the world.

It hence contributes to the foreign exchange also in a big way. Marine exports constitute about 5% of the total exports and about 19% of agricultural exports. The marine fisheries sector is dominated by the socio-economically backward artisanal and small-scale fishers whose lives are closely intertwined with the oceans and seas. However, 75 percent of the total marine fish production comes from the mechanized sector, 23 percent from the motorized sector and only 2 percent from the artisanal sector. Additionally, fish is a cheap and good source of animal protein and hence, a good option to reduce hunger and malnutrition.<sup>2</sup>

## FISHING IN INDIA

The Indian coastline can be delineated into 22 zones, based on the ecosystem structure and functions. Major forms of fisheries in India are Marine Fisheries, Freshwater or Inland Fishery, Estuarine Fisheries and Pearl Fisheries. The Indian sub-continent has productive waters both the marine water bodies and the inland water bodies. The marine water bodies are mainly used for capture fisheries. In the recent decades, the number of people involved in fishing and those who are depending on the industry has been growing faster than that in agriculture across the globe and mainly in the developing countries.

The inland fishery resources of India comprise of the rivers and canals, reservoirs, tanks and ponds, estuaries, brackish water lakes, backwaters, floodplain lakes, etc. and these inland water bodies are widely used for culture and capture fisheries. The Inland Fisheries of India are classified into Lacustrine Fisheries comprising Lakes and Reservoirs; Riverine Fisheries comprising Rivers and Streams; Estuarine Fisheries comprising Estuaries and Backwaters; Floodplain and Wetland Fisheries; Coldwater Fisheries; Ornamental Fisheries; Sport Fisheries; and Culture Fisheries which is Aquaculture.



The important and principal marine fish varieties caught in India include oil sardines, prawns, horse mackerel, soles, lactarius, shark karwar, ankola, kumta, honawar, bhatkal, majali, bingi, sardines, seer, sharks, indian salmon, bombay duck, white

<sup>2</sup> Fisheries and Fishing communities in India, <https://indianfisheries.icsf.net/en/page/613-Fishing%20Communities.html>



pomfret, black pomfret, jew fish, tunnies, grey mullet, mackerel, eel, shark pomfret, bhetti, topsi, hilsa, chanda, bhola, rock cod, phasa, ribbonfish, anchovies, grouper, cobia, tuna, shrimp, silver bellies, catfish, and soles. The important and principal Inland fisheries in India are prawns, barbus, clarius, mullet, etroplus and murels, bombay duck, pomfret, jew fish, indian salmon, tunnies, grey mullet, mackerel, eel, shark, labeorohita, labeocalbasu, labeogonius, mrigala, catla, minor carps, minnow, carps, catfish, hilsa, mahseer, trout, snakeheads, and feather backs.

Major forms of Fisheries in India contributes to food security and provides employment direct to those who are directly and indirectly dependent on the sector.<sup>3</sup> The Indian boat type ranges from the traditional catamarans, *masula* boats, plank-built boats, dug-out canoes, *machwas*, *dhonis* and the modern motorized fibre-glass boats, mechanized trawlers and gillnetters.

### FISH PRODUCTION SPREADS ACROSS DIFFERENT STATES OF INDIA

Fish products are one of the most highly traded food and feed commodities across the world. Fish has a highly desirable nutrient profile as it is a good source of quality animal protein, essential fatty acids, vitamins and minerals (FAO, 2012a). In India, Andhra Pradesh is the largest marine fish producing state along the east coast. Vishakhapatnam, Machilipatnam and Kakinada are the largest centres of fish production in this State. Kerala is the foremost fish producing state in India with over 250 villages studded along its 590 kilometres long coastline and having ten leading centres<sup>4</sup> of fish production. Gujarat has over 45 important fishing ports<sup>5</sup> and a large number of fishing villages studded along the coast. Fishing is common in almost every village along the coast and around the creeks of some of the rivers in Goa. Marmagao is the largest centre of fish production in Goa.

Odisha has a coast line of 480 km with six coastal districts. Marine fisheries of Odisha has an important role in the socio-economic development of the state. West Bengal has three coastal districts, namely, North 24-Pragana, South 24-Pragana and East Medinipur with a coastline of 158 km. With 59 marine fish landing centres, 76,981 fishermen households comprising of 3.8 lakh fisher folks who are mostly traditional fishermen (Marine Fisheries Census, 2010). West Bengal contributes about 6-8% of the total marine fish landings of India. The predominantly exploited resources are Bombay duck, anchovies, Hilsa, ribbon fishes, sciaenids, pomfrets, catfishes, flatfishes, penaeid and non-penaeid prawns<sup>6</sup>.

<sup>3</sup> <https://nfdb.gov.in/PDF/Fish%20%20Fisheries%20of%20India/1.Fish%20and%20Fisheries%20of%20India.pdf>

<sup>4</sup> Kochi, Thiruvananthapuram, Kollam, Kozhikode, Beypore, Azhikode, Ponnani, Kannur, Baliapatnam and Vizhinjam

<sup>5</sup> Kandla, Porbandar, Dwarka, Jafferabad and Umbergaon are the leading centres of fish production in Gujarat

<sup>6</sup> Raju, S S and Dash, Gyanaranjan and Ghosh, Shubhadeep and Dash, Swatipriyanka Sen and Narayanakumar, R (2020) Impact of Cyclone Amphan on marine fisheries of West Bengal. Marine Fisheries Information Service Technical & Extension Series No. 244, 2020, 244. pp. 30-31. ISSN ISSN 0254-380X <http://eprints.cmfri.org.in/14713/>

Tamil Nadu has a coastal length of 1076 kilometres which is 13% of the country's coast line, and a continental shelf of about 41,412 Sq. Kilometres. Enriched with Marine, Brackish water and Inland fishery resources amenable for capture and culture fisheries, Tamil Nadu is one of the leading states in marine fish production. Chennai is the largest centre of fish production in Tamil Nadu.



## **SOCIO-CULTURAL STRUCTURES AND TRADITIONAL PRACTICES**

Fishing, a caste-bound occupation in India, goes back to several centuries. The country has skilled fishermen and they carry out fishing on a full-time basis. Depending on where they carry out fishing, marine fishing or fishing in inland waters, where they inhabit, the fishing communities have their distinct social, cultural governance structures and traditional practices. Most of the people who are involved in fishing are not related to the mainstream agrarian and allied system of occupation. In each maritime State at least two or more caste groups are exclusively involved in fishing and they generally stay within a zone of 20-fathoms in depth.

The fishers are not homogenous but belong to different fishing communities and caste groups. Some of the important fishing castes include Pattinavars, Mukkuvars, and Paravas of Tamil Nadu; Vadabaliyas, Jalaris, Pattapu, and Palles of Andhra Pradesh; Jalaris, Vadabaliyas, Kaibartas, Khandayats, and Rajbhansis of Odisha; Kaibartas of West Bengal; Kharvas, Kolis and Macchiyaras of Gujarat; Kolis of Maharashtra; Mogaveeras of Karnataka; Mukkuvar, Anjootty, Dheevera, and Pooislan of Kerala<sup>7</sup>. The fishing villages generally have single-caste populations and each fishing village usually has a community Centre. Given the unity among different castes, there is extensive marriage networks along the coast.

## **FISHING COMMUNITY INSTITUTIONS**

Most of the fishing communities have setup their own community institutions which are mostly organized along caste, kinship or religious lines. These Institutions play

<sup>7</sup> Fishing Communities, <https://indianfisheries.icsf.net/en/page/613-Fishing%20Communities.html>

an important role in locating existing marine resources; ensuring equitable access to resources by way of regulating and allocating resource use; evolving modes of extracting resources; and providing some form of social insurance. In some cases, they pose special conditions on its application of 'territorial rights' in village waters. These community institutions administer common property resources and also organize collective fishing for common purposes. They are responsible for settling disputes and resolving conflicts among the fishermen including the conflicts over the right of control of fishing territories. The money for collective expenditure and to meet the financial needs generally comes from individual fishermen who contribute certain percentage of each day's catch, as collectively agreed upon.<sup>8</sup> The right to collect this money is generally auctioned to the highest bidder. The Fishermen are required to ask permission from the community leader in certain cases for example, co-opting a mechanized boat. Very often the trawler fishermen ignore the directives of traditional authority with impunity, even if they caused damage to fishing gears and to fish stocks. Responding to new demands on the international market, the local seafood traders, approach the fishing villages with special offers. At times they were willing to provide fishermen with small hoop nets with the condition that these fishermen are to sell their catches to these seafood traders to a pre-agreed price, irrespective of the existing market rate. Fishermen agree with the expectation of achieving reasonably good returns. Most of the fishermen groups object to such practices.



### FULL-TIME FISHING OPERATIONS

Traditionally, the fishing is done by the fishermen with a lot of cooperation. Fishing villages organize introduction of a range of fishing methods from time to time. Most of the fishermen carry out fishing on a full-time basis and the fishing operations regularly take them into the waters. Longer trips into the waters are not unusual. They carry water and food with them when they go for fishing because which sometimes last for days or for weeks together in the sea. They generally

<sup>8</sup> <https://nfdb.gov.in/PDF/Fish%20&%20Fisheries%20of%20India/1.Fish%20and%20Fisheries%20of%20India.pdf>



target mackerel, sardines, and anchovies<sup>9</sup> pomfret, cuttlefish, and other species that are used as human food that move up the coast in certain seasons. In the recent years shrimp, prawns, lobsters, and other crustaceans have become the biggest money-maker. The fisherman get excited when they detect these varieties. Higher effort sometime attains low returns and vice-versa. Bad luck is a common idiomatic expression used by fishermen when, despite their efforts, good weather and adequate gear, they catch less than other fishermen who exert the same effort with similar gear. The same effort by different fishermen do not necessarily yield uniform catch. The catch is shared among them.

### **FISH-CATCH SHARING SYSTEM**

Fish-catch Sharing System keeps changing periodically and from state to state. There is a prevalent system of share of the fish catch between the fisherman, boat and net. As a general rule, equal shares are given for the catchers, nets, and boats. The boat owner gets a share for the boat and the net owner also gets a share for his net besides their shares as catchers. If all the fishermen in the group equally share nets, only the boat owner gets one additional share.

In the state-managed systems, fish catching traditionally has been on the basis of rights to communities of fishermen settled near the water body and in some cases rights are conferred even on individual fishers. The formation of cooperatives can also be seen in the state-managed systems which either conduct annual auction to contractors or give their own fixed rates to fishermen. The fisheries department monitors the fish harvesting to control over exploitation<sup>10</sup>. Annual contract for fishing is done based on tenders with highest royalty. For leasing, priority is for cooperatives @ maximum water spread x fixed rate per unit of territory for a fixed number of years. In some places the department issues monthly license to fishermen of different cooperatives. In some other places the Fisheries Department either lease to state Fisheries Corporation based on royalty or share basis, licensing to fishermen on monthly/yearly basis or issue free permit to members of cooperatives and charges royalty on some fixed rate.

### **FISHERY INCOME BETWEEN MECHANIZED AND NON-MECHANIZED SECTORS: THE CASE OF CHILIKA IN ODISHA**

The difference in fishery income between mechanized and non-mechanized sectors is highly significant with the income inequalities more skewed in the mechanized sector in general and the trawler units of the mechanized sector in particular. The traditional fishermen of Chilika are more exploited and indebted. They belong to different major sub-castes: (i) *khatia*, (ii) *keuta*, (iii) *kandara*, (iv) *tiara*

<sup>9</sup> An anchovy is a small, common forage fish of the family Engraulidae. Most species are found in marine waters, but several will enter brackish water, and some are restricted to fresh water

<sup>10</sup> Sinha, D.K., Major Fish Production Centers in India, <https://www.yourarticlelibrary.com/agriculture/9-major-fish-production-centers-in-india/42314>

(v) *kartia*, (vi) *nolia* and (vii) Bengali refugees. Most of the fishermen belong to *keuta* and *kandara* sub-castes. The *keutas* or *kaibartas* are fishermen by caste. Very insignificant number of other fishermen like 'gokha' and 'niari' also live in Chilika area. The *Khandayats* are usually engaged in shrimp culture. The fishermen use mainly boats, nets and traps to capture fish. They use various types of boats and nets as per their requirements and they mostly use 'Jana', 'dian', 'uthapani', 'bahani', methods of fishing with the use of traps such as 'baza' and 'dhaudi'. In Chilika, the non-fishermen capture fish for self-consumption by use of 'poluha', 'khainchi' and 'banasi' (angling).

### Impact of the Cyclones and other Disasters in Coastal Areas on Fishing Communities and Fisheries Livelihoods

Living and working close to water bodies or the sea shore, fishing communities have relatively high levels of exposure to natural hazards such as tropical storms, extreme weather and storm surges, as well as drought and flooding, that lead to disaster situations. Very often the natural disasters impact them on a scale that is beyond their normal capacity to cope with. Their normal functioning gets disrupted when there are casualties, damage to property, and inaccessibility to marine resources. The households in the fishing villages are generally dependent on fisheries for subsistence and livelihoods. Loss of and/or damage to fishing infrastructure, boats and engines, fishing gears and post-fishing equipment severely affects their means of livelihood. In recent decades some of the most dramatic natural hazards have been geological in origin. The impacts of massive earthquakes and the catastrophic tsunami generated by those quakes have been linked to hydrology. In both of these cases, fishing communities in coastal areas were among the groups most affected. The traditional fishermen, hailing from Canacona, Mormugao, Bardez and Pernem, adversely affected by the cyclone Tauktae. They had reported loss of livelihood because of the damage caused to their temporary storage huts and loss of gill nets, fishing gears, fishing vessels.<sup>11</sup>



<sup>11</sup> Fishermen reimbursed for cyclone losses, Times of India, May 31, 2021, 05:30 IST [http://timesofindia.indiatimes.com/articleshow/83099150.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppsthttps://timesofindia.indiatimes.com/city/goa/fishermen-reimbursed-for-cyclone-losses/articleshow/83099150.cms](http://timesofindia.indiatimes.com/articleshow/83099150.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppsthttps://timesofindia.indiatimes.com/city/goa/fishermen-reimbursed-for-cyclone-losses/articleshow/83099150.cms)

COVID-19 induced lockdowns and cyclones affect the fishing days. As the country was reeling through a second wave of the coronavirus pandemic with the official death toll rising over lakhs, the Cyclone Tauktae, one of the strongest storms due to formation of depression in the Arabian Sea near Lakshadweep, and the “longest travelling cyclone”, barrelled its way across the west coast of India in the month of May 2021. The huge storm of surges of nearly three metres impacted the coastal districts of Tamil Nadu, Kerala, Karnataka, Goa, Maharashtra and Gujarat as it intensified into an extremely severe cyclonic storm till it made landfall on the evening of 17<sup>th</sup> May 2021 between Porbandar and Mahuva in Gujarat. There have also been reports of the storm surges destroying fishing boats that were docked at the harbours. The high tide and the powerful wind crashed the parked boats into one another and they were splintered, shattered into pieces. It was reported that the cyclone took at least 91 lives, damaged thousands of houses, fishing boats with nets, fishing equipment and fishery infrastructure in Kerala, Karnataka, Goa, Maharashtra, Gujarat and throughout the west coast. Kiran Koli, a fisherman based in Madh Island, Northern Mumbai, while describing the impact of the Cyclone Tauktae, said “Nothing left”. It is reported that the fishing communities are still reeling from the destruction caused by the Cyclone Tauktae<sup>12</sup>.

Cyclones and storm surges are frequently occurring natural calamities also in the State of West Bengal. The super cyclonic storm, Amphan caused wide spread damage on 20<sup>th</sup> May, 2020. Altogether, 6911 fishermen of South 24-Parganas, and East Medinipur, the two coastal districts of West Bengal were affected. It was reported that in South 24-Parganas 549, crafts and in East Medinipur 344 crafts were partially damaged. In South 24-Parganas 7,254 houses and in East Medinipur 934 houses were damaged during the cyclone. Storms are a threat to fishermen's safety, productivity, assets and jobs and to the health of people who rely on fisheries for their livelihood. Changing storminess have serious consequences for vulnerable coastal communities. In the wake of impending cyclonic storm, fishermen in the coastal region are usually put on high alert to secure their assets like boats and fishing nets along the shore and not to venture into the sea. Due to ban on marine fishing during the time of the storm their livelihood is affected. However, due to economic compulsions in order to fend for the basic day to day needs of their families, flouting the norms some fishermen venture into the sea on traditional crafts, during the impending storms.

A rapid assessment by the Central Institute of Fisheries Technology (CIFT) in the wake of the devastating floods that ravaged Kerala in the year 2018 has pegged the loss in the livelihood of fishermen at over 100 crores. Fishermen reported the loss of labour days, wages and reduction in fish catch during the floods<sup>13</sup>

<sup>12</sup> Maharashtra industry minister assures rehabilitation of fishers who suffered losses due to Cyclone Tauktae, 6 July 2021, <https://en.gaonconnection.com/maharashtra-fishing-community-losses-kiran-koli-cyclone-tauktae-damage-boats/>

<sup>13</sup> Changes in fish catch patterns in Kerala post floods, livelihood losses pegged at Rs 93.72 cr: CIFT study, The Indian express, July 16, 2021, <https://indianexpress.com/article/india/kerala-floods-fishermen-marine-sector-livelihood-losses-5386594/>

## ECONOMIC CONDITION AND INDEBTEDNESS

The average income of the fishermen households is significantly lower than that of non-fishermen households. There is a ban on fishing during the period April-May and October-November and can be termed these months as lean period. The traditional fishermen struggle to meet the needs of their family during the lean seasons. Compelled by such circumstances they seek money from informal Credit Agents/Commission Agents to meet their urgent needs. Agents advance all the money required on condition that the catch is sold to them. The fishermen practically lose his liberty to sell his fish to anyone else. These Commission Agents are usually the fishermen with sound socio-economic and background and they play a major role in the economic life of an overwhelming proportion of the traditional fishermen particularly those of Chilika Lake. The Commission Agents do not charge any interest on the money advanced to the fishermen or on items supplied on credit but elicit much more than the interest rate on the credit advanced in a number of ways. The indebted fishermen are compelled to sell all their catch to the commission agents only and that to at a price usually much below the market price prevailing in the local market<sup>14</sup>. They also take extra on the weight of fish of fish/shrimp per kilogram. Thus the commission agent is a necessary evil for the traditional fishermen particularly in villages who capture fish by 'bahani' (net fishing), in the deep Chilika through boat and net and in villages which are far away from the shores. Most of the Commission Agents own Motorized Boats which facilitates their easy and speedy movement in the waters and these boats are used to trace indebted fishermen.

## IMPACT OF COVID PANDEMIC

The cramped living conditions on board the boats constitute a Covid-19 hazard. There is no way of practicing social distancing on the boats. Even if they get down, they will have to live in the temporary shelters erected on the coast (by fisher-folk), which are already occupied by other workers.

During pandemic-induced lockdown last year, industry sources say, around 1 lakh migrant workers were stranded in fishing boats and at harbours in Maharashtra alone. According to the National Fishworkers Forum (NFF), a national federation of state-level unions representing small and traditional fish workers, there was at least two deaths on board such boats from the Veraval harbour in Gujarat, one of them allegedly died because of starving<sup>15</sup>.

Confined to their boats, which are designed as places of work and not residence, the workers were stranded in over-crowded and cramped harbours. There had been

<sup>14</sup> Sinha, D.K. , *ibid*, <https://www.yourarticlelibrary.com/agriculture/9-major-fish-production-centers-in-india/42314>

<sup>15</sup> Jha, Vaibhav, & Kateshiya, Gopal B., Gujarat: Disruptions in labour and trading - fishing industry comes to halt, Indian Express, 16 July 2021, <https://indianexpress.com/article/cities/ahmedabad/gujarat-vadodara-trading-fishing-industry-coronavirus-6331643/>

an absence in the state's extension of services which led to tremendous hardships and ultimately the deaths of the workers. There were reports of inadequate food supplies, poor hygiene and sanitation facilities, and the non-payment of wages on board the boats.

India's mechanized marine fishing fleet, which provides for 80% of the country's annual fish landings, is crewed and operated overwhelmingly by migrant workers. Working in different waged relations, from catch-shares to daily-wages, these workers undertake a circular migration, which is predominantly from Central and East India to harbours on the West coast. Since there is no official census on the number of workers in this sector, it is hard to estimate just how many workers are stranded under the lockdown.

Another casualty of this series of onslaughts have been the women who make their living off selling fish. The livelihood of over 1.6 crore fishermen and fish workers have been hampered by the Covid-19 lockdown in the country, but the impact has been worst for women, who form half the fishing community and have to manage their household alongside selling fish, a task largely performed by fisherwomen.

### **LACK OF PROTECTIVE LEGISLATION FOR FISHERY WORKERS**

Fishery workers are not protected under any existing labour laws. In case of termination of service or non-payment of wages, they are not in a position to seek legal recourse. Fishery workers are not protected under any minimum wage legislations. Wages might fall to a very low level in absence of minimum wage. Fishery workers don't have any access to any social security instruments. There are serious incidents of abuse in some fisheries and fishing vessels, which amount to forced labour and human trafficking. Even though there are 1.6 crores fishers in India, existing labour laws don't apply to them. Gaps in legislation and enforcement are exploited by unscrupulous intermediaries and fishing vessel operators. Illegal fishing and the increasing use of workers from various states mean that more migrant workers are finding their way to the fishing industry. Poor training, inadequate access to complaints mechanisms and a lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking.<sup>16</sup>

ILO's convention No. C188 pertaining to Work in Fishing Convention, 2007 (No. 188) talks about general conditions of work at fisheries. This Convention was adopted in 2007 to set standards to protect workers in the fishing sector. It will come into effect when it is ratified by a minimum of 10 ILO member states (including eight coastal nations). The Convention aims to ensure that fishers: Have improved occupational safety and health and medical care at sea, and that sick or injured fishers receive care. India is yet to ratify this convention.

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<sup>16</sup> Sarkar, K. and Sekar, H.R., (2021) "Vulnerabilities and Insecurities of Fishing and Fisheries dependent Communities' Livelihoods exposed by Disasters" (Unpublished Article)



## DRAFT NATIONAL FISHERIES POLICY, 2020

The Central Government has come up with a Draft National Fisheries Policy 2020<sup>17</sup>. Presently this policy is being discussed in policy circles. The policy seems to be export-oriented, production-driven and based on capital investments. This might lead to small fishers being denied to their rights of access to commons. It could also be potentially harmful to the environment in the long run. The policy does not talk about women, classes and castes associated with the fisheries sector in India. Most of the fishers are from the marginalized communities and they are also not a homogenous group. This has not been adequately addressed in the draft policy.

A string of recent reports indicate that forced labour and human trafficking in the fisheries sector are a severe problem. These reports suggest that fishers, many of them migrant workers, are vulnerable to severe forms of human rights abuse on board fishing vessels<sup>18</sup>. Migrant workers in particular are vulnerable to being deceived and coerced by brokers and recruitment agencies and forced to work on board vessels under the threat of force or by means of debt bondage. Fishers are forced to work for long hours at very low pay, and the work is intense, hazardous and difficult. Capture fisheries have one of the highest occupational fatality rates in the world. Lack of training, inadequate language skills, and lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking.

## THE ILO RESPONSE

In response to the growing concern of forced labour and human trafficking in the fishing sector, ILO is developing a 5 year, holistic, multifaceted and integrated programme “Global Action Programme against forced labour and trafficking of fishers at sea”(GAPfish)<sup>19</sup>. The programme aims to become a cross-cutting global initiative that will have regional and national impacts to promote and protect fishers’ human and labour rights. It has policy prescriptions that include development of sustainable solutions to prevent human and labour rights abuses of fishers in recruitment and transit states;

## CONCLUSIONS

Fishery workers frequently suffer because of natural calamities. Fishing contributes significantly to national economy. Fishing is a labour intensive activity. Fishery

<sup>17</sup> National Fisheries Policy, 2020 Sixth Draft for Consideration, 30 December 2020 <http://dof.gov.in/sites/default/files/2021-01/english.pdf>

<sup>18</sup> Pandey, Samyak., The Print, 23 April, 2020, Fishing industry suffers another blow as workers are stranded on boats, debt is piling up, <https://theprint.in/india/fishing-industry-suffers-another-blow-as-workers-are-stranded-on-boats-debt-is-piling-up/406989/>

<sup>19</sup> Forced labour and human trafficking in fisheries, ILO, <https://www.ilo.org/global/topics/forced-labour/policy-areas/fisheries/lang-en/index.htm>

workers belong to marginalized sections of the society. A significant number of fishery workers are women and migrant. They mostly lost livelihood during the pandemic induced lockdown. Climatic change necessitates frequent cyclones and severe storms. As a result, fishery workers loose both life as well as livelihood. However, fishery workers do not have access to labour laws. They lack social security instruments. India is yet to sign Convention C188 which talks about the rights of fishery workers. A draft policy on fishery 2020 is available in public domain. It basically talks about the making improvements in fishery production and export. The issue of plight of fishery workers was not addressed adequately in the draft policy. It is high time fishery workers' access to labour laws and social security instruments is addressed at the earliest. In this regard ILO policy guidelines are very useful and the same be applied in India.

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## **Socio-economic Empowerment of People by Civil Society: A Case Study of Murshidabad Zilla Peoples Educational Welfare Society\***

**Dr. Sanjay Upadhyaya\*\***

### **INTRODUCTION**

Civil society plays an important role in the process of people's upliftment. The same may be in the form of educational development, economic empowerment and participation of the people in different spheres of social and economic lives. Civil society activities being voluntary in nature, its members devote their efforts and resources in a comparatively more creative and fruitful manner. The civil society works on the philosophy and principles of creating a harmonious and inter dependant social relationship. This has been very clearly articulated by Morris (1955), while observing that the opportunity of leading a full life depends not only on a prosperous society and on a just distribution of its resources. Though work and politics are of central importance, they form only a part of what makes life worth living. (Kulkarni 1969)

There are many activities which the state cannot perform at its own/alone. It requires the co-operation and participation inter-alia from the people as well. Here comes the role of civil societies which play both the complementary and supplementary role. (UNDP) Participation is important key and pre-requisite for "Participation can be seen as a process of empowerment of the deprived and the excluded. This view is based on the recognition of differences in political and economic power among different social groups and classes. Participation in this sense necessitates creation of organisations of the poor which are democratic, independent and self-reliant" (Ghai, 1990).

In India, civil societies have been playing an important role in different fields such as: education, skill, economic development and health etc. The government has also been extending its support by way of providing financial assistance to civil societies. There are a large number of civil societies in the country which are engaged in different tasks for building socio-economic strength of the country in general and people in particular especially those belonging to different vulnerable and marginalised sections of the society.

The present case study which relates to Musrshidabad Zilla Peoples Educational Welfare Society (A society registered under West Bengal Societies Registration Act,

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\* This case study has been prepared after having detailed discussions with Mr. Samsul Alam, Secretary, Murshidabad Zilla Peoples Education Welfare Society, who has been a participant in the training programmes on various themes conducted by V. V. Giri National Labour Institute, NOIDA

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1961), amply illustrates the point that a dedicated civil society can do commendable job of empowering people in terms of their development, especially the vulnerable sections of the workers.

**Musrshidabad Zilla Peoples Educational Welfare Society:** The society was set up in 1999 by a group of dedicated individuals with the zeal and enthusiasm of uplifting the people, especially socio-economically vulnerable sections of workers like: beedi workers, the weavers, fish workers, transport workers, construction workers and agricultural labourers etc. Further, the society designed its activities in such a way that it also focused its attention to the problems of widows, senior citizens, differently abled people and the unemployed youth in the area.

**Key Objectives of the Society:**

- To acquire, establish, stand, aid, run or manage schools, set up libraries, maternity homes, crèches and health clinics for the benefit of the common people with permission of the competent authority;
- To publish or help in publishing useful literature, papers, magazines, community newspapers, books etc.;
- To establish institutions for cultural development and for promoting games and sports both in-door and out-door;
- To organise welfare activities, even blood donation camps, eye camps and medical relief camps etc.;
- To establish coaching centres for poor and brilliant students.

In addition to these objectives, there are a number of other objectives focusing on different aspects of people's development including conducting research, seminars, workshops etc. on different issues.

**Location of the Society and Initiation of its Activities:** The headquarters of the society is located at Khargram Block of District Murshidabad, West Bengal. Khargram is a semi-rural area surrounded by villages. The Society's office is located in a building in Khargram market and is easily accessible from different villages as the Khargram market is well connected by road network. The society was set up by a group of dedicated young people. The idea behind setting up the organisation was to cater to the educational needs of the disadvantaged children of beedi workers, weavers, rickshaw pullers, fish workers and agricultural labourers etc. In order to carry out this task, the society headed by Mr. Samsul Alam and the Society's dozens of dedicated volunteers established many schools in different villages in Murshidabad district. These schools helped many children to get admission to formal schools. Almost all the schools were run by 'volunteer teachers' and the majority of the teachers were women.

**Creation of Awareness:** In addition to carrying out educational activities, gradually the society also started focusing its attention towards generation of awareness among

different sections of workers about their rights and duties, social security schemes of the central and the state government and various development programmes meant for them. The society focused most of its activities on marginalised and depressed groups of workers like: the beedi workers, construction workers, weavers, fish workers, and transport workers etc.

**Beedi Workers:** Murshidabad district has a large concentration of beedi workers. The overwhelming majority of these workers are women. Till recently, the Government of India was implementing the Beedi Workers Welfare Fund Act and under the fund several schemes were operated. These schemes included:

1. Educational assistance;
2. Health assistance;
3. House building grants;
4. Recreation facilities, and
5. Group insurance

The society helped a large number of beedi workers in availing benefits under difference schemes mentioned above. The society has also made efforts towards creating awareness among beedi workers about the importance of sending their children to schools, adoption of small family norm and also the need for protecting themselves from various kinds of health hazards while rolling beedis. The society has also created awareness among the beedi workers about the need to take other alternative activities given the declining consumption of beedis by the people. Due to endeavours of the society, a large number of students received educational assistance, many beedi workers availed house building grants and also medical assistance from the Welfare Board of the Government of India.

**Construction Workers:** The Building and Other Construction Workers (Regulation of Employment the Conditions of Service) Act, 1996 provides for collection of cess and from cess collected different kinds of welfare assistance schemes are implemented. The Murshidabad Zilla Educational Welfare Society took up the task of creating awareness among the construction workers about these schemes and helped the West Bengal Labour Department in identifying and registering the eligible workers. Over the years the organisation has helped around 2500 construction workers in availing the benefit of various schemes run out of the cess collected under the Building and Other Construction Workers Welfare Cess Act, 1996.

**Weavers:** Murshidabad district has a large number of weavers. (Tantis as they are locally known) Because of globalisation their products in both local and international market faced stiff competition resulting in the decline of weaving activities. The weavers are mostly indebted and work under the contractors/sub-contractors. Due to the wide spread prevalence of the contractual system, the

weavers like the beedi workers are placed in disadvantaged situation. The society has been making constant efforts to ameliorate their condition by extending its co-operation.

**Transport Workers:** The Society has been organising transport workers and also helping them in availing the various benefits from different schemes of both the central and state government.

**Social Security:** One of the most commendable work done by the society over the years has been bringing benefit of different schemes of the government. The society has developed an effective mechanism for making available the benefits of various social security schemes to the eligible beneficiaries. It has set up social security committees in many villages. Through these committees, the society endeavours to organise the beneficiaries, keeps records of eligible beneficiaries, help filling up application forms etc. Through these efforts, the various social security schemes have been very successfully implemented by the society. These schemes are:

1. State Assisted Scheme of Provident Fund for Unorganised Workers (now integrated with other schemes)\*\*
2. Jan Shree Bima Yojana (now integrated into Jiwan Jyoti BimaYojna)
3. Indira Gandhi Old Age Pension Scheme
4. Indira Gandhi Disabled Persons Pension Scheme
5. Indira Gandhi Widow Pension Schemes

In addition to these schemes the Society on its own also has taken steps to mobilise resources both financial and material to provide assistance to the people in need and still the society have been extending its support.

**Networking:** The society has developed a network with other NGOs and trade unions in different parts of West Bengal. Its members actively participate in training programmes conducted by institutions like V.V. Giri National Labour Institute, Dattopant Thengdi National Board for Workers' Education (formerly known as CBWE), National Institute of Public Cooperation and Child Development (NIPCCD) and other government organisations. The knowledge gained during these training programme is shared with others. The society has been helping a large number of rural workers in availing employment under the Mahatma Gandhi National Rural Employment Guarantee Scheme. The society has also formed a union of MGNREGA workers and got the same duly registered.

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\*\* Samajik Suraksha Yojana (Social Security Scheme): Five schemes integrated and converged to make a single comprehensive scheme named Samajik Suraksha Yojana, 2017: (i) State Assisted Scheme of Provident Fund for Unorganised Workers,(SASPFUW), (ii) West Bengal Unorganised Sector Workers' Health Security Scheme, (WBUSWHSS), (iii) Social Security Scheme for Construction Workers, (BOCWA), (iv) West Bengal Transport Workers Social Security Scheme, (WBTWSSS), (v) West Bengal Bidi Workers' Welfare Scheme, (WBBWWS)

**Library:** The Society has also set up a library of its own. Books and magazines on different subject areas such as labour laws, labour movement, behavioural science and literature are being maintained in the library.

**Formation of Self-help Groups:** The Society has also played a pioneer role in the district in terms of forming a large number of self-help groups. Presently, these self-help group are receiving financial assistance from banks for setting up micro-enterprises in many villages in the districts.

**Major Outcome:** The organisation which started its journey only 20 years ago from district Murshidabad has expanded the scope of its activities in around 7 districts including Midnapore East, Midnapore West, North 24 Parganas, South 24 Parganas, Birbhum, Murshidabad, Nadia with an approximate membership of around 50,000 members and volunteers, primarily youth and females engaged in various social service activities. The major focus of the activities of the organisation has been extending help to beedi workers, construction workers, people of the old age and differently abled people by way of helping them in filling up the required forms fulfilment of various formalities for the purpose of availing the benefits of various central and state government schemes and programmes targeted for these marginalised categories. Some of the major achievements of the organisation are as follows:-

- As per the claim of the organisation, during the last 20 years it has helped in disbursement around Rs.10 crores to the eligible beneficiaries under the BOCW Act by way of helping them in the direct benefit transfer (DBT) under the various schemes run of the Welfare Fund under the Building and Other Construction Workers Act, 1996.
- The organisation has helped around 2000 old and aged persons and 500 persons with physical disability in availing the old age pension and the handicap pension by way of helping them in processing their forms for this purpose with the help of its dedicated and committed volunteers.
- It has also helped in formation of around 2000 Self Help Groups and also availing the loan from banks for starting various sorts of activities such as poultry farm, hatchery and other agricultural activities.
- The organisation has the practice of providing free food once in a week to needy people as per its resources.
- It has helped around 5000 unemployed workers in availing employment under the employment guarantee scheme which is the part of Mahatma Gandhi National Rural Employment Guarantee Act, 2005.
- It has organised around 250 camps so far for the purpose of spreading awareness among the people in the area about various welfare and social security schemes of the central and state governments, held camps and also a number of relief camps during the current phase of COVID-19 in the recent past.



The organisation has developed a very good rapport with the functionaries of various central and state departments dealing with social and labour aspects which helps it in conducting its activities in a smooth manner and delivering benefits to the eligible.

## **FUTURE PLAN**

**Old Age Home:** The society is planning to set up an Old Age Home in the Khargram Block, as a considerable number of senior citizens in the area are in need of such facility.

**English Speaking Course Centre:** The society is planning to start and run a course for basic English learning, especially speaking of English as a large number of people from the area migrate to different parts of the country as well as abroad. The Centre will help such people in acquiring basic vocabulary for communication.

**Book Bank:** The society also has the plan to open a Book Bank for helping the needy students.

**Clothes Bank:** The society also proposes to set up Clothes Bank for the needy. For this purpose, it collects clothes and other items for distribution among the needy people.

**Health Centre:** The society also proposes to establish a Basic Health Care Centre of its own for providing primary health care assistance to the people.

**Challenges:** The journey of the organisation over the period of more than 2 decades has not been a smooth and steady. There have been many ups and downs. While the organisation has many milestones and achievements to its credit, it has faced a large number of challenges and there have also been many hurdles. The first and foremost constraint is the crunch of resources required for conducting various activities and the expansion those activities. The next challenge has been the imputation of political motive whenever the volunteers the organisation approach the people in order to help them in availing the benefits of various schemes and programmes. With the onset of the COVID-19 the challenges of the organisation have further got aggravated in proportion to the miseries and hardships being faced, especially view of the constraint in term of personal contact.

**Conclusion:** The above is the brief description of activities carried out by the society. This case study clearly demonstrates the fact that civil societies if properly nurtured and guided can play a catalytic role in the process of development and people's empowerment by training people and delivering knowledge and information. The Murshidabad Zilla Peoples Educational Welfare Society set up almost two decades ago has proved that if research and training institutions run by the central and state governments in the country hold their hand, such organisations can play a dynamic role in the process of people's empowerment in general and the deprived and marginalised sections of the workers in particular.

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## Employee's Compensation Act: A Case Study

Dr. Shashi Bala\*

### INTRODUCTION

The Workmen's Compensation Act, 1923 is a pre Independence Act. Its name was amended as 'Employee's Compensation Act, 1923' (hereinafter called ECA) vide the Workmen's Compensation (Amendment) Act, 2009. Under the Common Law of England, the death of a person did not create a *cause of action for damages* in Law of Torts. This was based on the maxim "*actio personal is moriturcum persona*" i.e. 'cause of action has vanished with the death of a person', in other words, any *right of action which the deceased person might have had, as the result of that injury leading to his death, died with him*. Then came, the Fatal Accidents Act, 1846 (also known as 'Lord Campbell's Act') in Britain and Fatal Accident Act, 1855 in India, these gave legal rights to the families and the dependants of the deceased person to claim damages for the wrongful act, which resulted in the death of a person. This Act was not limited to the industrial jurisprudence only but also extended to the Torts. Under the Act, the wrongful act by which the death was caused was termed "actionable wrong". The action contemplated under the Act was an action for the benefit of the wife and children of the deceased. This Act had only four Sections and is still in statute books. These enactment succeeded in removing the protective umbrella of "*actio personal is moriturcum persona*" as was then available to the employer.

With the passage of time and the ever-increasing awareness of the labour class and passing of the Factories Act in 1885, the need was felt to have a separate law governing compensation to the injured employee or his dependants in case of his death. **In England, the Workmen's Compensation Act was passed in 1897.** Initially the Act applied to a limited number of occupations and later in 1906 this Act had general application. In India, the WCA (now ECA) was passed in 1923 i.e. three years before the Indian Trade Unions Act, 1926. **The ECA does not have general application in India so far.** As per the Preamble, this Act applies to certain classes of employments and the employees discharging specified jobs even in those employments. The employer's liability to pay compensation is limited only in cases of certain employments and also to specified categories of persons and in certain circumstances. The Preamble of the Act reads as under:

### PREAMBLE AND OBJECTS OF THE ACT

*"An Act to provide for payment by certain classes of employers to their employees of compensation for injury by accident."*

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Acknowledge the support of Prof. Sunil Bakshi in developing these case studies

## OBJECTS OF EMPLOYEE'S COMPENSATION ACT, 1923

1. The ECA is a welfare legislation and it provides for speedier, simpler cheaper and more efficient machinery for the *determination and payment of compensation to the workmen*. A gist of various judgments on the objects of the WCA (now ECA) opines that the ECA being a welfare legislation should be given a liberal interpretation. The Judicial and quasi-judicial officers, therefore, should not insist on technicalities and procedures so rigidly, so as to deprive the employees of the advantages and benefits of this beneficial legislation. Act was enacted with the object of realization that Legislation was necessary for the achievement of the ideals of "**Social Security**" of the workmen employed in the industry and to protect the workmen from hardships arising from accidents. **The Act assumed a greater importance after the Nation committed itself to the ideals incorporated in the Constitution of India particularly in the preamble for achieving socialistic society in the country.** The general approach of the authorities under the Act should, therefore, be ordinary to award compensations to the workman (now employees) who sustains **injuries arising out of and in the course of employment**.
2. In layman's language, the object of the ECA can be summed up as under: - i.e.
  - (a) To protect employees from hardship arising out of an injury caused during employment or his contracting of an occupational disease, which was attributed to his employment.
  - (b) To provide relief to the dependants in the event of the death of the breadwinner.
  - (c) To provide for a simpler, speedier and cheaper machinery for the determination and settlement of compensation
  - (d) To reduce the industrial accidents as the ECA is quasi-penal Act in nature. The liability to pay compensation solely rests on the employer. There is no financial contribution either by State or by the employer.

## WHERE DOES THE ACT APPLY?

U/s. 53 of the Employees' State Insurance Act, 1948 an insured person or his dependants under the Act cannot claim any compensation or damages under the Workmen's (now Employee's) Compensation Act, 1923. Though there is no such stipulation in the EC Act because the EC Act was passed in 1923 and ESI Act was passed in 1948. **Thus over 90% of the employees working in un-organised sector are covered under the EC Act as ESI Act is applicable in limited cities and has limited application. The EC Act nowhere specifically lays down the industries or the employments to which it will apply.** To understand it, one has to take assistance of definition of employee u/s 2(1)(dd).

## METHODOLOGY

*Every employer shall immediately at the time of employment of an employee, inform the employee of his rights to compensation under this Act, in writing as well as through electronic means, in English or Hindi or in the official language of the area of employment, as may be understood by the employee.* Despite this It is essential to understand this important concern impacting the employees during their time of dependency . An attempt has been made to look into these matters through the case studies, collected through in-depth participatory approach during April-March 2021 with the resource persons and participants of various training programme coordinated.

## CASE 1

Kamla, resident of, Bihar, filed a complaint with the police authorities on 12.04.2020, that her husband, Suraj who was working at a Brick Kiln in Karnal, was missing, as he was not responding to her calls on his mobile phone. She further stated that she had spoken to her husband four days ago, on 08.04.2020, and he had stated that he would collect his salary and return to his village, so that he could help his brothers in harvesting the crop. As per Kamla, her husband should have reached home within two days, but neither had he returned, nor was he answering his phone. On enquiry by the police, she explained that her husband was working with one Brick Kiln at Karnal, and had been provided accommodation within the premises, along with few other labourers.

The police authorities, X District, contacted their counter-part in Karnal, Haryana, and asked them to investigate the matter. The police authorities, Karnal, sent their report, wherein it was stated that the labourer, Suraj , had been found dead in his shanty (Jhuggi) on the morning of 09.04.2020. His body had been sent for post mortem, where the cause of death was stated to be **“Asphyxia Due To Inhalation of Smoke”**. After the post mortem, the body was handed over to his cousin brother, who had found him dead, when he had gone to wake him up.

Kamla, along with her younger brother-in-law, reached Karnal, with great difficulty, due to the lockdown. On reaching Karnal, she approached the police authorities with the complaint that she feared that her husband may have been killed by the owner of the Brick Kiln, so that he would not have to pay the due wages for six months. She stated in her complaint that her husband only took bare essential amount from his monthly pay, and asked the owner to keep the balance safe with him, so that he could take it with him, when he went back home to his village.

The Karnal police investigated the matter and filed a Final Report that no foul play was suspected, as there were no injuries noted during the post mortem, and the cause of death was stated to be **“Asphyxia Due To Inhalation of Smoke”**.

With regards to the unpaid salary of the deceased workman, the owner handed over the amount of Rs. 61800/- to the widow, Kamla, and showed her the account

book (Bahi Khata) where her husband had withdrawn the balance amount over last six months.

Due to the death of the worker, and police involvement, a local union leader met the widow of the deceased and advised her to file a police case against the owner, for compensation, due to the accidental death of her husband. Heeding the Union Leader's advice, Kamla approached the police authorities, for the same. The superintendent of Police, Karnal District, informed her, that the matter had already been investigated by the police, and no involvement of the owner was found in the accidental death of her husband. He in turn advised her to file a case for compensation with the Labour Department.

As per the advice of the SP, Karnal, the widow of the deceased, filed a complaint before the Asst. Labour Commissioner, who seized the matter in a conciliation. However, the owner of the brick kiln categorically refused to pay any compensation, stating that he was not liable for the same, as the death occurred after working hours, and that too in his juggi. The ALC tried to bring about an agreement, but the conciliation ended on a FOC. The ALC submitted the FOC Report, recommending that the matter be taken up for adjudication. The ALC further advised Kamla (and the local Union Leader accompanying her) that they should file a case U/s 10 of the Employees Compensation Act.

## CASE 2

Cronika is famous for its consumer durable as well as non-durable products and its outlets are available all over India. It had advertised for appointment to the posts of Marketing Executives for its marketing set up. In response to the advertisement, large number of applications were received and after scrutiny of the same, candidates were called for written test, group discussion and personal interview. One of the candidates, Rohit was a Civil Engineer. In the selection process, the Selection Committee found that Rohit was not suitable to the post of Marketing Executive. However, the Selection Committee considered that Rohit being a Civil Engineer would be suitable for the position of Depot Supervisor, and therefore, enquired whether Rohit was prepared to work in any other capacity. He expressed his willingness to work in any other capacity. The Committee offered him a job as Depot Supervisor. Incidentally, it carried the same pay as that applicable to the advertised post.

Rohit accepted the appointment letter as Depot Supervisor without any reservation and he was posted to Ahmedabad Depot. Subsequently, Rohit realized that although his pay was the same as the Marketing Executive, it carried no incentives, as were paid to the marketing staff. He formally submitted a representation to the management enunciating his various grievances. Management took some time to decide where Rohit could be posted. Finally, it was decided that he should be posted at Delhi, to look after the construction of residential units of the company,

since he was a Civil Engineer. He was also offered an incentive package, linked to the timeliness of the construction project.

Rohit took charge of his new position, and started putting pressure on the labour to complete the project at a fast pace, so that he could earn maximum incentive. In order to complete the project before the deadline, he ignored some of the civil engineering principles, hammered into him at the engineering institute. As a result he got the construction of the upper floor started even before the ground floor roof had completely set and matured. A week into the upper floor construction, a mishap occurred. The roof of the ground floor collapsed at two places. As a result of the accident 7 labour got injured, 3 of them seriously, and 1 labour lost his life.

The Police and Labour Department both got involved. The NoK of the deceased labour filed an FIR U/s 304 IPC, against the company. Local Chapter of a national level union took up the case of the injured and deceased labour for compensation and medical expenses. During the inspection by the Labour Department, it also came to light that the Civil Supervisor (Rohit), had not provided some of the safety equipment like gloves, hard hats, etc. Two of the labourers were found to be 16 / 17 years old.

Rohit was arrested by the police, in connection with the FIR filed with them. After investigation they filed a Charge Sheet, under various sections of IPC against Siyaddin. The matter was sub judice. The company suspended Rohit, pending enquiry, and started taking steps for damage control.

## **Linking Skill Training Centres with Industry: Lessons from Karnataka German Multi Skill Development Centres**

**Dr. Otojit Kshetrimayum\***

### **INTRODUCTION**

As part of the its commitment to the public, mainly youth, Government of Karnataka embarked on the scheme of setting up state-of-the-art world-class Multi Skill Development Centres, across the state to enhance the skills of youth and make them employable. A Society for Karanataka German Multi Skill Development Centres (KGMSDC) was established in 2011 to achieve the ambitious goal. KGMSDC Society with the technical support of Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH - International Services (GIZ InS) has established five Karnataka German Technical Training Institutes (KGTTI) at Bengaluru, Kalaburagi (Gulbarga), Belagavi, Mangaluru and Hubballi respectively. KGMSDCs will generate high quality skilled manpower in close association with the industry, while operating with operational flexibility and striving financial self-sustainability. The vision is to develop KGMSDCs as world class training centers that offer specialized skills training programs in alignment with the Industry requirements in Karnataka and beyond.

Since its inception till March 2020, KGMSDCs have trained 29,294 students. 5424 are female trainees enrolled and trained across different centres of KGTTIs; 11,333 SC/ST beneficiaries provided free of cost training and support for placement and 3028 minority candidates have undergone training at KGTTI.

One of the important objectives of the National Skill Development Policy, formulated by the Ministry of Labour and Employment in 2009 is to address the skill shortages and skill mismatches in the country by focusing on market driven skills in partnership with the industry. The National Policy on Skill Development and Entrepreneurship, 2015 under the Ministry of Skill Development and Entrepreneurship supersedes the policy of 2009 to meet the challenge of skilling at scale with speed, standard (quality) and sustainability. The vision of the Policy is “to create an ecosystem of empowerment by skilling on a large Scale at speed with high standards and to promote a culture of innovation based entrepreneurship which can generate wealth and employment so as to ensure sustainable livelihoods for all citizens in the country”.<sup>1</sup>

The Government of Karnataka’s policy on skill development aims at empowering its people through improved skills and training and makes them employable for the world market. This realization borne out of the fact that the formal technical

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\* Fellow, V.V. Giri National Labour Institute

<sup>1</sup> National Policy on Skill Development and Entrepreneurship, 2015 was formally unveiled by the Prime Minister of India on 15 July, 2015.



education and training system due to their inherent weaknesses produce trainees with immense deficiencies in desired occupational competencies. The major weakness of the formal education and training are: dilapidated/ neglected training facilities, high student-trainer ratio, lack of competent trainers with little knowledge of modern technological innovations and training methodology and most importantly course and curriculum are not in accordance to market requirements.

Under the above scenario, the Government of India established model Multi Skills Development Centres (MSDC) as centres of international excellence, offering advance technology training courses sustainably to benefit people and industry. The scheme was started as a Centrally Sponsored Scheme (CSS) and is being implemented as a pilot scheme in Bangalore and Gulbarga in Karnataka. The duration of the scheme was for four years (2011-2015) and the funding is equally shared (50:50) between Government of India (GoI) and Government of Karnataka (GoK). Based on the success of the model MSDC, it has been planned to replicate the scheme in other states as well. It was expected that the both the MSDC's will be self-sustainable from fourth year onwards by meeting all operational costs from the income generated. MSDC has been registered as "Karnataka-German Technical Training Institute (KGTII)" to create a brand of "Karnataka-German". Now, it has its centres at Bengaluru, Gulbarga (Kalaburagi), Belagavi, Mangaluru and Hubballi. Currently, it provides training in seven skill sectors: Information technology, Embedded technology, Industrial automation, Electrical technology, Automotive technology, Construction technology and Welding technology.

## CONCEPT OF MSDC

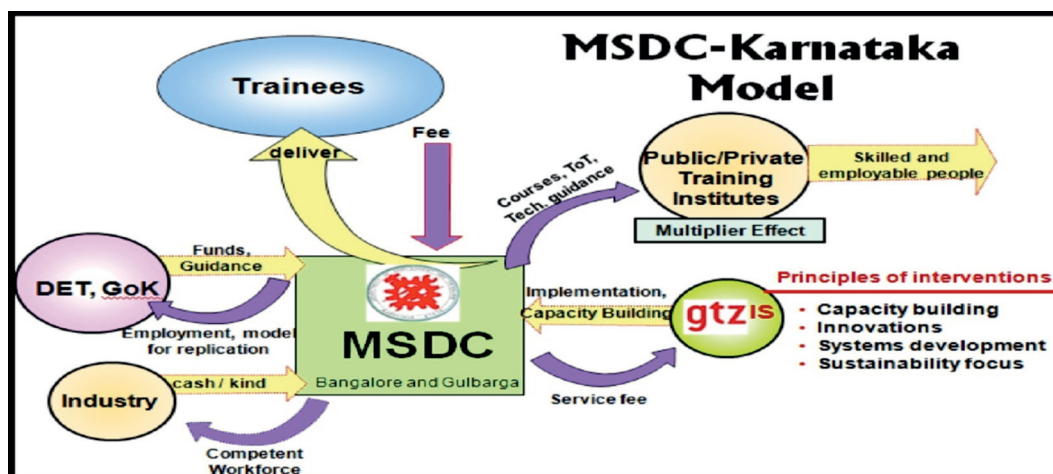
The main concept behind MSDCs in Bangalore and Gulbarga is to develop them as international level training institutions offering an array of long and short duration courses in advance areas of technology. The Department of Employment and Training (DET), Government of Karnataka is the owner of the MSDCs. DET is recommended to form a Special Purpose Vehicle (SPV) to set up and manage the two MSDCs at Bangalore and Gulbarga and also has the mandate to establish appropriate governance structures for their operational autonomy. The GIZ IS have been assigned with the responsibility to hand hold each MSDC for four years and provide expert support in building capacities and systems.

## FEATURES OF MSDC

The silent features of the MSDC are (i) setting up of world class advanced technology training institutes in Bangalore and Gulbarga, set up on German standards, systems and technological competence, (ii) offering high-tech-oriented technical training in combination with technical services, incubation, blended learning and consultancy; (iii) fixed long term (1-3 Years duration) courses and flexible market-driven short courses (less than 3 months) in the domain of modern technology as

complementary measures (iv) strong interface with industry to secure relevant employment for the trainees, (v) supporting and hand holding other vocational training institutes' development and up-gradation for enhanced outreach and impact, (vi) integrated concern for the disadvantaged groups and female trainees, (vii) stand-alone solution (not attempting reform of formal training system, but a showcase success story for other agencies to replicate in the state). The detail model of MSDC, Karnataka is given in Chart 1.1.

Chart 1.1: MSDC-Karnataka Model



## STRATEGY FOR MSDCS

MSDC's are created to work as an autonomous body, free to design the courses, develop appropriate training methodology and follow the international systems. MSDC's are vested with full financial, administrative and academic autonomy to respond quickly and flexibly to changing market requirements, thereby ensuring demand oriented service delivery. The Government takes the role of a provider and facilitator. The training programs offered are in the nature of fixed long duration courses and short duration modular courses complementing each other. The MSDCs maintain close and active linkages with the industries especially for curricula development, performance assessment and apprenticeships (Chart 1.2). The course curricula are designed based on German Competence Based Training (CBT) model. Trainers have the requisite qualification and working experience in the field/industry and offered decent salaries and performance linked incentives. Training in instructional methodology, assessment and evaluation processes are organised with the help of German experts (Chart 1.3). Assessment and evaluation systems are held to ensure that each trainee acquires the competency as per the curriculum. The focus is on the individual trainee and to ensure that he/she acquires the skills and competence as per the requirement of the industry in the region. Attempts are made for joint certification of courses with German organisation. Focuses are also given to ensure optimum utilisation of the facilities



such as building, training labs and workshop. It is expected that the knowledge and capacities developed in the two model MSDCs will be shared with several skills training institutes, thereby positively impacting skills training and employment.

Chart 1.2: MSDC-Industry Interface

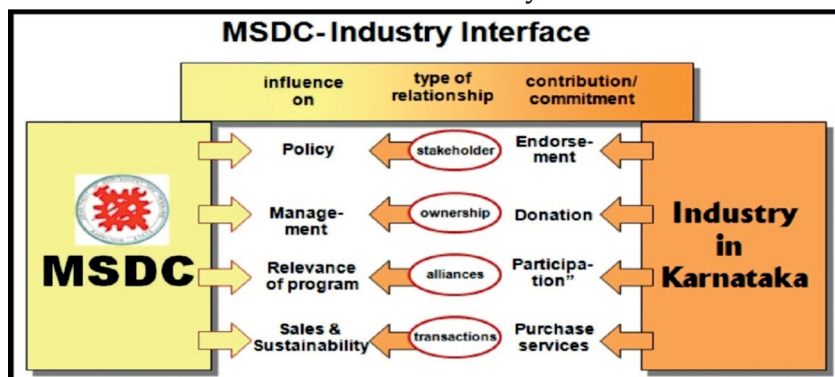
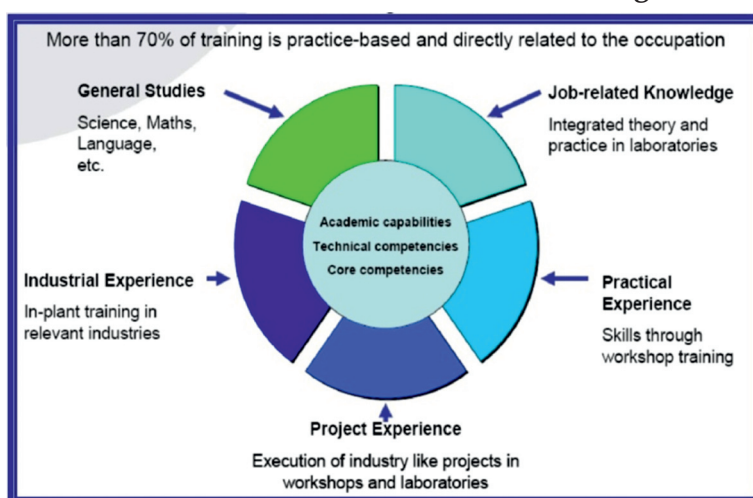


Chart 1.3 Course Contents of Training



## OBJECTIVE OF THE STUDY

The broad objective of the study is to examine the performance/impact and benefits accrued to the beneficiaries of the two MSDCs at Bengaluru and Gulbarga and to highlight the potential of replicating such centres in other states.

## SCOPE OF THE STUDY

The study focuses on some key areas which affect implementation of the scheme. It covers the following:

- Achievement of the objectives of the scheme, and
- Benefits accrued to the beneficiaries in terms of competence, employment, salaries, etc.

## METHODOLOGY

The evaluation of the scheme was undertaken by examining the detailed project proposal and making a visit to both the MSDC/KGTTI centres (MSDC or KGTTI is used interchangeably in this study) at Bangalore and Gulbarga. Data were collected from primary and secondary data source. The field visit was made to the two centres and five industries. Interaction and discussions with the Joint Secretary, MSDC; Director, Joint Director; GIZ IS officials; trainers and students; and officials from industries were held during the visit. Questionnaires were developed for various stakeholders i.e., the ongoing trainees, passed out trainees and trainers for the assessment. Visits were also made to the construction sites of the new campuses at Gulbarga and Bangalore.

Data were collected from 114 and 130 ongoing trainees from Bangalore and Gulbarga centres respectively. Out of this, 100 were selected from each centre based on the questionnaires filled with complete details. Feedback from 54 and 51 passed out trainees from Bangalore and Gulbarga centres respectively were collected. Data were also collected from 12 and 14 trainers from Gulbarga and Bangalore respectively to assess the performance of the institute and trainees.

The Evaluation Tools that were used in the study were questionnaires, interviews/interactions, performance/feedback summary records, feedback from both MSDC centres and industries. The performance assessment of MSDCs was done by examining the following:

- i) Achievement of objectives of the scheme and
- ii) Assessment of trainers
- iii) Feedback taken from the companies
- iv) Information provided by MSDCs and their trainees

### Objectives of the Scheme

- To set a world class advanced technological training institute on German/international standards, systems and technological competence.
- To train persons in high tech discipline and run courses on international standards in close collaboration with industry for ITI passed out, diploma and degree engineer.

### Comparison of the Objectives of the MSDC scheme and other Schemes of Directorate General of Training (DGT)

Various schemes for training under the DGT are as follows:

- Craftsmen Training Scheme (CTS)
- Advanced Vocational Training Scheme (AVTS)

- Apprenticeship Training Scheme (ATS)
- Skill Development Initiative Scheme (SDIS)
- Special Coaching Scheme for Scheduled Castes/Scheduled Tribes
- Vocational Rehabilitation Centers
- Women Training

It is observed that there is no overlapping of objectives of MSDC scheme with other schemes of DGET. Advanced Technology Vocational Training courses offered from the two KGTTIs in Bangalore and Gulbarga are not currently offered in the existing ITI/ITCs or any other schemes of DGET covering various job seekers/student groups from 8th Pass to Engineering level. Courses offered from the two KGTTIs will show the way for modernization and up-gradation of the existing ITI/ITCs. These courses are unique in nature and will have an opportunity for the candidates to move forward vertically to obtain Diploma/Degree. However, it shall be flexible in operation and the management shall take decision as and when required to introduce new courses and new tie ups with Industry.

The KGTTIs are independent and flexible in designing courses and awarding certificates. The KGTTIs are established as Government owned registered society with full operational autonomy, in order to respond quickly to the changing requirements of Industries.

## **ASSESSMENT OF ACHIEVEMENT OF OBJECTIVES OF THE SCHEME**

### **MSDC/KGTTI as a centre of international excellence**

Because of the training methodology, facility and the learning environment at KGTTI, Bangalore and Gulbarga makes the centres a centre of international excellence. KGTTI provides holistic training with right mix of knowledge, skill and attitude matching to present industry requirements. All its training programs are finalized based on industry needs. All the equipments are of international standard. Some of the courses have certifications offered by Industry partners like CISCO and FESTO wherein they have global acceptance. It has equipment procured from FESTO, CISCO, Volkswagen, Lucas Nulle which are international companies and involved in global training. The training layout is as per their international standard.

### **KGTTI as different from other institutes**

Some of the courses like CCNA, Welding, CNC, CAD/CAM are also being run by other training institutes mainly in Bangalore. Most of these private training institutes compromise on quality of training in terms of providing right equipment. These centres mainly use simulation softwares to demonstrate practical training.

This is rightly addressed in KGTTI by imparting practical Hands-On training. In 80:20 ratios, 80% practical training is provided and 20% necessary theory inputs are given. Also, KGTTI is having close cooperation with industry in offering the programs.

Equipments available in KGTTI of international standards and specifications in consonance with the industry

Most of the training programs being offered in KGTTI centres are in association/partnership with Industry. It has procured equipment (through open tender) from world's leading companies like FESTO (for Automation), CISCO (for Networking), Volkswagen (for Automotive), DMG Mori Seiki (for Manufacturing), Lucas Nulle (for Electrical) which are international companies and involved in global training.

### **Curriculum development for each course**

Firstly, GIZ IS has conducted survey in identification of trades being offered in each KGTTI centre. During the survey GIZ IS interacted with related Industry and Industry Chambers in identifying the manpower requirements and accordingly trades were selected. The curriculum being offered in KGTTI centres is designed by GIZ IS Short term experts (subject matter experts) in consultation with industry partners/other training providers. Subsequent modifications to all courses are done by each KGTTI as per ISO 9001: 2008 system procedures.

### **Admission process (commencement of batch) for short and long term courses**

All the short term training programs being offered are on first cum first served basis and as per the eligibility criteria set for each course. For the long term programs, selection process is through the admission test and ranking.

### **Instructional material**

The MSDC Centres are providing the most relevant courses as demanded by the industry through introduction of latest technology in the technical content as well as training methods. MSDC Centres adopted extensive use of multi-media content and innovative teaching aids to deliver the training. Course modules have significant inputs from industry partners and from the GIZ experts to train the students on the state-of-the-art global industrial technology. GIZ has also prepared course material and exercise books to provide for the trainees, and developed question bank/ exercises for assessment of the trainees. Since the training programmes are highly skill oriented, a large component of the programme emphasis is kept on practical training.

### **Assessment and evaluation system for trainees**

To determine how well a student has undergone training and also read the supporting training material, an online assessment examination is conducted for

each trainee at the end of the course. This gives an unbiased view of the trainee. Skill assessment test is also conducted for each trainee and asked to perform the job and then evaluated by looking at various parameters like time taken to write the program/conduct the experiment, accuracy and quality of work etc. Skill assessment test is conducted for all the trades being offered at KGTTI centres by varying the parameters like creating faults/defects and assessing the candidates in trouble shooting abilities.

ISO 9001:2008 standards have been put in place so that all the process starting from admission to training need assessment to conducting training, evaluation of performance of both trainers and trainees are done consistently across all the programs and centres so as to achieve same standard at all the centres.

### **Recruitment & Performance assessment/appraisal for trainers**

Recruitment Rules for appointing staff at various levels being prepared by GIZ IS was approved by the Governing Council and the same rules were followed so far in the recruitment process. However, suitable amendments will be incorporated to the document as and when need arises by obtaining approval from GC.

At the end of every year of operation each trainer/faculty is given performance appraisal form to be filled and submitted to the Director. The review is based on their key responsibility areas. Also importance is given for student feedback on each trainer. Faculty is asked to submit the report on a standard format. Based on the recommendations made by his supervisor and acceptance by the Director, confirmation and continuation of his services and other monetary benefits will be sanctioned. Again this process is governed by ISO9001:2008 system.

### **Nature and scope of institution/industry tie-ups (collaboration) with KGTTI**

With support and guidance from GIZ IS, MSDC Centres at Bangalore and Gulbarga established structured linkages with the industry for a cross fertilization of ideas and knowledge sharing. The linkage aims at improving the benefits from the training courses through continuous interaction and feedback, inputs for improvement in content, assessment standards etc. Industry is also participating actively in various technical aspects of the training courses, faculty development along with joint certification of the training program being offered for better acceptance and employability of the trainee. Industry inputs are also in the form of:

- Factory Visits: To enable the trainees to get a feel of the actual working environment
- Guest Lectures: By industry professionals, particularly for advanced level courses
  - a) MSDC centres partnered with CISCO (industry leader) in offering courses in Hardware and Networking, Routing and Switching and Network Security. CISCO provides course curriculum, online course content,

trainee assessment and Joint certification. CISCO also offers trainees to visit the CISCO establishment at Bangalore to give exposure on latest developments.

- b) MSDC Centre tied up with industry partner FESTO, Germany in offering various courses like Hydraulics, Pneumatics, Programmable logic controllers, Sensors and Robotics in Industrial Automation area. This linkage helps in continuously updating trainers in order to keep pace of the latest developments in the industry. To ensure quality standards of training imparted, a process of joint certification by FACT (FESTO Authorized and Certified Training Centre) is being adopted at MSDC Bangalore.
- c) MSDC Bangalore also tied up with German Car maker Volkswagen, in offering Service Technician and Service Advisor training programs. This association helps MSDC to train industry ready technicians and advisors in the Automobile sector. Volkswagen expressed interest in running long term programs in Autotronics area. The collaboration involves providing equipment, training of trainers and issue of joint certification.

### **Assessment of Feedback from the Companies**

Five companies at Bangalore namely, CISCO, FESTO, Volkswagen, DMG Mori Seiki and Lucas Nulle are closely associated and providing various services to KGTTI. All these five companies provide equipments to KGTTI. Three companies viz, CISCO, FESTO and Volkswagen are providing joint certification courses at KGTTI, Bangalore. 17 companies including KGTTI have provided placements to the passed-out trainees of KGTTI. All these companies are based in Bangalore.

### **Main Reason to Join the Course by Passed Out and Ongoing Trainees**

Maximum respondents from both the centres responded they have joined the course to improve their technical skills and practical exposure, to get good job opportunity in specific stream and to gain more knowledge. Some respondents from Gulbarga responded that they have joined the centre as part of their course in Central University of Karnataka. Some of them responded that they have joined the centres as more facilities were available than other institutions. Few of them responded that they have joined the centre to increase their employability prospects in the job market and also for upward mobility in their career.

### **Conclusion and Way Forward**

The objective of the study is to evaluate the performance/impact and analyse the physical and financial return of MSDCs and to provide policy suggestions for enhancing the effectiveness of the scheme. It is observed that there is no overlapping of objectives of MSDC scheme with other schemes of DGT. Advanced Technology Vocational Training courses offered from the two KGTTIs in Bangalore and Gulbarga are not currently offered in the existing ITI/ITCs or any other schemes



**Table 1: Feedback from Companies about KGTTI**

S No.	Description	Feedback
1	View about the training being provided at KGTTI	<ul style="list-style-type: none"> <li>• Excellent, the students can be straight away put on job;</li> <li>• It has been imparting training to students with latest technology in line with industrial employment;</li> <li>• It is useful and it takes care of the basic responsibilities.</li> </ul>
2	View about difference observed between students of KGTTI and other institutes working in the company in terms of technical skills and confidence level	<ul style="list-style-type: none"> <li>• Technical skills and competency of KGTTI students are very good.</li> <li>• KGTTI students are prepared to take on the job. Others, we have to train for final touch.</li> <li>• The students from KGTTI are having more practical knowledge compared to students from other institutes.</li> <li>• The students from KGTTI are aware of the basics and their confidence level is better compared to others.</li> </ul>
3	View about KGTTI being able to provide quality skilled manpower that is required by the industry	<ul style="list-style-type: none"> <li>• KGTTI definitely provides quality skilled manpower required by the industry.</li> </ul>
4	View about company's plan to recruit more students from KGTTI in future	<ul style="list-style-type: none"> <li>• The companies are ready to recruit the students from KGTTI as and when required.</li> </ul>
5	Any suggestions for improving the training standards at KGTTI	<ul style="list-style-type: none"> <li>• Course on Basic English Writing &amp; Communication Skills may be included in the curriculum.</li> </ul>

of DGT covering various job seekers/student groups from 8th Pass to Engineering level. Courses offered from the two KGTTIs will show the way for modernization and up-gradation of the existing ITI/ITCs. These courses are unique in nature and will have an opportunity for the candidates to move forward vertically to obtain Diploma/Degree. However, it shall be flexible in operation and the management shall take decision as and when required to introduce new courses and new tie ups with Industry.

The KGTTIs are independent and flexible in designing courses and awarding certificates. The KGTTIs are established as Government owned registered society with full operational autonomy, in order to respond quickly to the changing requirements of Industries. Considering this, MSDC could be considered as a model centre having technical support from international agency and direct coordination between the training institutes and the industry for vocational training and skill development at par with international standards.

It is a fact that with limited infrastructure and manpower, KGTTI is providing quality skill training to the trainees with adequate hands on exposure and providing skilled manpower to the industry. Maximum representation of backward classes, schedule castes, schedule tribes is the evidence of the fact that institute is providing opportunity to the disadvantaged groups. The comparative fee structure of some selected courses in KGTTI and other institutes has shown that it is significantly lower in all these courses at KGTTI with difference ranging from 33% to 177% for different courses. It, therefore, provides opportunity to financially weaker and disadvantaged sections of the society.

Tie ups with the international companies like Volkswagen, CISCO, FESTO is the evidence of international standard equipments used in training. Joint certification with the companies and support at various phases of implementation of the project by the GIZ professionals is the evidence of standard vocational training based on international standards. About 90% passed out and ongoing trainees reported the course content, methodology, delivery dimensions etc. is satisfactory and suggested to continue in future. Maximum passed out trainees reported that it is helpful in enhancing competence level, getting better employment, and resulting in increasing self-earning and more job opportunity. Trainers have also reported that they are satisfied with facilities and resources available at KGTTI. It can be concluded that MSDC has a positive impact on all the sections of society i.e. Industry, individual, family and society. Data also suggests that it has significantly improved the overall quality of life of the people who are associated with the centres.

As the country presently faces a dual challenge of paucity of highly trained workforce, as well as non-employability of large sections of the conventionally educated youth, who possess little or no job skills, MSDC could be considered as a model centre for vocational training and skill development at par with industry requirements and international standards. MSDC scheme could be extended and implemented as a model centre in other states of the country.

## **Dissemination of Knowledge, Sensitization on Labour and Development through Outreach and Advocacy Events: Cases of Three Special Events Participated by V.V. Giri National Labour Institute**

**Priyadarsan Amitav Khuntia\***

### **INTRODUCTION**

Dissemination of knowledge and relevant information to the target groups regarding various policies, programme & schemes are instrumental for attaining developmental goals. The gap between policy formulation and launching of programmes for the benefit of public in general and working mass in particular and its delivery need to be addressed in order to achieve development objectives. Advocacy and Outreach programmes could be one of the strategies to facilitate the process to attain desired outcomes. In this context V.V. Giri National Labour Institute's participation in such events makes significant contribution in spreading information and sensitizing about innovative methods of training, research and publications, government schemes and interventions for ensuring rights, enhancing capability and welfare of the people.

This Case Study discusses the experience, presents incidents and analyses the outcomes of three special events in the form of Exhibitions for dissemination of knowledge about various government initiatives, new products, services, innovations by different Ministries and Public Sector Institutions for the wellbeing and benefits of the public in general and students, youths, women and working mass in particular. The case study has been built around three special events and yet deeply interconnected. Delhi based Tarmeh Events was the Organizer of the three special events organized in different states on different time. The participants in the three events are mostly Central Government Ministries and Organisations and some state government organizations depending on the venue at respective states. The author of the case study being the Event Director of all the three events from V.V. Giri National Labour Institute as a participating organization from Ministry of Labour and Employment, Government of India tries to document the common features of the three events, memorable incidents and analyses the outcome of participation in such events.

### **EVENT-1**

**The Event Rise in Jammu & Kashmir** (November 01-03, 2018, Jammu)

V.V. Giri National Labour Institute participated in the Event "Rise in Jammu and Kashmir" (November 01-03, 2018) at Bhagwati Nagar Yatriniwas campus at Jammu organized by Tarmeh Events. All the activities of the institute namely; Research; Training & Education, Publication and also major initiatives of the Ministry of

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Labour and Employment and other Central Government Initiatives like Skill India, Mudra Yojana, Start up India and Stand up India etc. were exhibited and disseminated in the VVG NLI stall. The institute participated such kind of event for the first time and the author also participated in such event for the first time as Event Director where about forty government ministries and organizations participated. Ministry of Ayush, Ministry of Commerce, Geological Survey of India, Indian Council of Medical Research, Indian Space Research Organization (ISRO), Indian Agricultural Research Institute, G.B. Pant National Institute of Himalayan Environment and Sustainable Development, Department of Atomic Energy, National Institute of Biologicals, National Institute of Rock Mechanics, National Skill Development Corporation, Steel Authority of India Ltd were among the organizations participated along with some state government departments. Students from some schools also presented their projects on different themes.

About 15,000 students from school, colleges/universities, teachers/professors, general public visited the event. V.V. Giri National Labour Institute bagged the best stall (Information & Presentation) and 1<sup>st</sup> Runner Up (Second Best Stall) prize. As informed by the organizer the selection of the prize was on the basis of the feedback received from the visitors.

Shri Shamsheer Singh Manhans, Hon'ble M.P. Rajya Shabha inaugurated the event, visited the Exhibition hall and VVG NLI stall along with other dignitaries and appreciated the activities. While Mr. P. Amitav Khuntia, Associate Fellow of VVG NLI was the Event Director from VVG NLI, Dr. Helen R. Sekar, Senior Fellow, Mr. Rajesh Karn, Stenographer, VVG NLI, Ms. Malvika Upadhyay, Research Scholar & Ms. Waheeda Rahman, Media Person alumnae of VVG NLI were also present in the stall of VVG NLI to support the Event.

A child worker found near the Exhibition venue was sensitized about the repercussions and its long term impact on his psyche, life and livelihood. The Event Director coordinated the local officials and NGO to facilitate the boy to get enrolled in the school.

### Some Glimpses of the Event



*Shri Samser Samsher Singh Manhans, Hon'ble M.P Rajya Shabha and other dignitaries with the Event Director from VVG NLI*



*Group of School Students being Sensitized*

## **EVENT-2**

### **The Event Rise in Haryana (August 29-31, 2019, Hansi)**

The Institute participated in the Event “Rise in Haryana” during August 29-31, 2019) at Hansi organized by TARMEH Events. During the three days event visitors were made aware of all the activities of the institute namely; Research, Training & Education, Workshops and Seminars, Publications including sensitization on child labour, gender issues and future of work etc. Awareness and sensitization were conducted about major initiatives of the Ministry of Labour and Employment Government of India such as PENCIL Portal, National Career Service Portal, Pradhan Mantri Rozgar Protsahan Yojana (PMRPY), Maternity Benefit, Pradhan Mantri Shram Yogi Mandhan (PM-SYM), Initiatives of Employees State Insurance Corporation (ESIC) and Employees Provident Fund Organization (EPFO), other Legislative and Governance Initiatives of MoLE and also other central government initiatives like Child Line, DeenDayal Upadhyay Grameen Koushalya Yojana (DDU-GKY), Pradhan Mantri Koushal Vikash Yojana (PMKVY), MUDRA Yojana, Startup India and Stand up India, PM Kissan Samman Nidhi Yojana. About 15,000 students from schools, colleges, universities including teachers/professors, employees, workers, general public visited the event. About 30-40 Central Government Ministries, Institutes and Public Sector Undertakings like Ministry of Tourism, Indian Space Research Organizations (ISRO), Central Council for Research in Ayurvedic Sciences, Central Council for Research in Yoga and Naturopathy, National Medicinal Plant Board, Central Research Institute of Homeopathy, Central Council for Research in Unani Medicine (all from the Ministry of Ayush, Government of India), Indian Council of Medical Research (ICMR), Bhabha Atomic Research Centre, G.B. Pant Institute of Himalayan Environment and Development, National Research Development Corporation, National Innovation Foundation of India, Vigyan Prasar, Cane and Bamboo Technology Centre, North East Handloom and Handicraft Development Corporation, National Aluminium Company Ltd, National Hydro Power Corporation, Spices Board, Coir Board, Ministry of Agriculture (Government of Haryana) participated in the Event.

Members of Parliament, Vice Chancellors and Bureaucrats visited the event and also the VVG NLI Stall on different days and appreciated the activities. In the day one, that is 29<sup>th</sup> August 2019, the programme was inaugurated by Lt. General D.P. Vats (Retd.), Hon’ble MP Rajya Shabha in the presence of Ms. Sunita Duggal, Hon’ble M.P. Lok Shabha & Shri Dharamvir Singh Hon’ble M.P. of Lok Shabha. After inauguration dignitaries took a round of all the stalls in the Exhibition hall. VVG NLI stall was the last stall they visited. Generally the dignitaries and most of the visitors start with the stall of ISRO which was placed at the first from left and it ends with the VVG NLI stall which was placed at the first from the right of the exhibition hall. Many a times they get exhausted while reaching at VVG NLI stall, but with our sheer passion and sincere effort to connect all categories of visitors kept them attached to our stall. Shri Brijendra Singh, Hon’ble M.P. Lok



Shabha and Professor Gurdial Singh, Vice Chancellor, Lala Lajpat Rai University of Veterinary & Animal Sciences (LUVAS) visited the event in the second and third day respectively.

V.V. Giri National Labour Institute Became the Winner (1st Prize), ISRO became the 1<sup>st</sup> Runner up (Second Prize) and Ministry of Ayush bagged the Third Prize. As informed by the Organizer the selection of the award was on the basis of survey filled by the visitors.

Mr. P. Amitav Khuntia, Associate Fellow of VVGNNLI was the Event Director and Managed the VVGNNLI Stall and its activities. Mr. Rejesh Karn, Stenographer, VVGNNLI, Miss Ujwala Singh, Miss Anyat Gill, Research Scholars, Shri Rajeev Shukla and alumni of VVGNNLI training Courses were present on various days and supported the Event Director in the activities.

### Glimpses of the Event



### EVENT-3

#### The Event Rise in Uttar Pradesh (February 14-16, 2020, Ghaziabad)

V.V. Giri National Labour Institute bagged the 1st Runner up (Second Best Stall) award in the Event "Rise in Uttar Pradesh 2020" at HRIT Group of Institutions, Ghaziabad during February 14-16, 2020 organized by TARMESH Events. About 40 Central Government Ministries, National Institutes and PSUs like Geological Survey of India, Indian Council of Medical Research, CSIR, ISRO, Ministry of Tourism, Ministry of Science and Technology, Ministry of Information and Broadcasting, Ministry of Agriculture, G.B Pant Institute of Himalayan Environment and Development, National Institutes of Ministry of Ayush, National Sample Survey Organisation, UIDAI, North East Handloom and Handicraft Development Corporation Ltd, etc. participated in this event. Sri Santosh Kumar Gangwar, Hon'ble Minister of Labour and Employment, GOI inaugurated the Event and visited VVGNNLI stall with Dr. Anil Kumar Aggarwal, Hon'ble MP, Rajya Sabha, Ms. Asha Sharma, Mayor, and Ghaziabad. During the three days event visitors were made aware of the activities of the institute namely; Research, Training & Publication etc. including sanitization on gender and child labour



issues and solutions. Awareness and sensitization were conducted about major initiatives of the Ministry of Labour and Employment Government of India such as: Pencil Portal, National Career Service Portal, Santust Portal, PMRPY, Maternity Benefit, Pradhan Mantri Shram Yogi Mandhan (PM-SYM), Initiatives of ESIC and EPFO, Legislative and Governance Initiatives of MoLE like four Labour Codes and also other central government initiatives like Child Line, DDU-GKY, PMKVY, MUDRA Yojana, Startup India and Stand up India, PM Kissan Samman Nidhi Yojana. About 15,000 students from schools, colleges, universities and teachers/professors, employees, workers, general public visited the event.

Dr. Mahendra Nath Pandey, Hon'ble Minister of Skill Development & Entrepreneurship, Shri Santosh Kumar Gangwar, Hon'ble Minister of Labour & Employment (Independent Charge), Dr. Jitendra Singh, Hon'ble Union Minister of State (Ind Charge) for Development of North Eastern Region & MoS Prime Minister's Office, General V.K. Singh (Retd), Hon'ble Minister of State for Road Transport and Highways, Shri Anurag Shigh Thakur, Hon'ble Minister of Finance, Government of India graced as special guests on different days of the event, visited VVGNNLI stall too. Dr. H. Srinivas, DG, VVGNNLI, Mr. V.K Sharma, AAO, Mr. Sreenivas Verma, ALIO and Ms. Vernica Dwivedi, Ms. Jayanti Negi, Mr. Rahul Joshi, Ms. Ashi Parveen of National Institute of Career Service, Rajiv Shukla, Safety Specialist were present on different days of the event.

Mr. Priyadarsan Amitav Khuntia, Associate Fellow & Event Director and Mr. Rajesh Karn of VVGNNLI managed the three days activities.

### **Glimpses of the Event**

#### **Dignitaries in the VVGNNLI Stall**



*Shri Santosh Kumar Gangwar, Hon'ble Minister of Labour and Employment, Government of India*



*General V.K. Singh (Retd), Hon'ble  
Minister of State for Road Transport and  
Highways*



*Shri Santosh Kumar Gangwar, Hon'ble  
Minister of Labour and Employment,  
Government of India*

## COMMON FEATURES AND OUTCOME ANALYSIS OF THE EVENTS

The above three events were organized by the same organization called Tarmeh Event in different places of three different states namely; Jammu & Kashmir, Haryana and Uttar Pradesh. And the participating organisations are mostly Central Government Ministries, National Institutions under the administrative institutions of central government and some public sector undertaking. These events are primarily educative in nature and spreading awareness about the flagship programmes, initiatives of government among major stakeholders especially, students, youth and women. The main focus segments of the events were; to promote awareness about Skill Development, Training & Education for better employment opportunities, Research & Developments and all the latest Government Schemes & programmes for youth & general mass.

As mentioned above the uniqueness of these events are mostly educative which makes distinct of other exhibitions. Apart from one or two stalls dealing with handloom and handcraft productions the rest stalls display their flagship schemes & programmes, innovative mechanism and recent initiatives with pictorial, graphic and visual presentations. The sizable portions of the participants are students starting from primary schools to university levels who along with their teachers/ professors visit in an organized manner meticulously arranged by the organizer. Though the exhibitions were generally opened for whole day (10.00 P.M. to 5.00 P.M.), the flow of visitors continue till 2.00 P.M. every day and thereafter the numbers recede and individual visitors including local residents, workers and employees keep on coming.

Though it's challenging and requires a lot of energy to attend and address student visitors who come in batches incessantly for at least three hours, it is satisfying also when they leave with more knowledge and enlightenment. So far as VVG NLI and Ministry of Labour and Employment's initiatives are concerned there is not much things to offer especially for school students, for college and university students, the role of National Career Service was to their interest. They were made aware with child labour issues, gender and safety, mutual respects issues and

also sensitization on these issues through examples and anecdotes so that they internalize things and get energized. College and University students get a ray of hope knowing the utilities of National Career Service portal of Ministry of Labour and Employment, Government of India where the information of more than three thousand occupations, courses are manifested along with scope for higher studies, fellowships, information regarding employers, training providers and how to register and connect with them. Students were also sensitized about the future of work concept and the artificial intelligence, automations, nanotechnology etc are going to influence the work and youths accordingly prepare themselves to face the challenges in the world of work and new forms of employment. Many students have also informed later that how after registration they have got calls from the employer.

All others visitors made aware of the labour ministry's initiatives like Maternity Amendment Act, 2017 and its new provisions of raising the leave period from twelve weeks to twenty six weeks, crèche provisions, provisions for commissioned mothers etc. Initiatives to incentivize employers through Pradhan Mantri Rojgar Protsahan Yojana (PMRPY), initiatives of Employees Provident Fund Organisation (EPFO), Employees State Insurance Corporation (ESIC), Provisions for Beedi Workers, and Construction Workers under the initiatives of Director General of Labour Welfare were also the interest of visitors.

V.V. Giri National Labour Institute's training and research activities, publications were also showcased in the exhibition and visitors were made aware how to participate in these activities, the institute's publication like Labour & Development, Award's Digest, Shram Sangam, Child Hope and Indradhanush got the attention of many visitors and they were made aware of the process of subscription. The Bimonthly mouth piece of the institute Indradhanush's recent issues were distributed free of cost. School children were seen taking away the copies with enthusiasm and curiosity.

Quiz activities were also conducted among students in the stall to enhance their inquisitiveness, pens and pencil gift boxes provided by the organizer for every stall including Note Pads of VVGNI were distributed as prizes were distributed for those for correct answers and some consolation prizes also. The questions for quiz mostly were impromptu relating to general awareness, Geography, Culture, Politics and something from the materials exhibited in the stall. Media persons of local print and electronic media who repeatedly visited VVGNI stall to understand the policies and programmes extended prime coverage and applauded the work. The police officials those were entrusted the law and order responsibility were also sensitized by the Event Director

## **THE UNIQUE MOMENTS**

Learning is a never ending process. And age is not a bar in learning and acquiring knowledge. The two incidents reflect the same. A two year child in the event Rise





in Uttar Pradesh is being sensitized on child labour and its repercussions. When he was shown the photo of a child carrying some material on head and was asked by the event director whether she should work or go to school, the child replied school even though he himself has not started going school. He was sensitized that how he can impress upon his family and relatives not to engage child workers in household activities. Similarly the elderly person is trying to understand the new initiatives of Labour and Employment Ministry in the Event Rise in Haryana. He was probably the eldest person who visited VVG NLI stall not once but twice

### Receiving Trophies of Recognition

#### EVENT-1



*Best Stall for Information and Dissemination & 1<sup>st</sup> Runner up Award in the Event Rise in Jammu & Kashmir.*

## EVENT-2



*Best Stall (Winner) Award in the Rise in Haryana at Hansi*

## EVENT-3



*1<sup>st</sup> Runner up Award in the Event Rise in Uttar Pradesh at Ghaziabad*

## CONCLUDING REMARKS

The most satisfying feature of the event was connecting students from primary to university level and also the general public which include workers, employees, officials, senior citizens, police, homemakers, local residents and successfully communicating labour and development issues and the initiatives to address the issues was challenging and amazing too.

So far as the major outcomes of the events are concerned dissemination of knowledge among masses particularly children and youth about the policies and schemes of the government Ministries, Departments have benefited them. General masses have been connected with the government through the knowledge of schemes and programmes which they were not aware of fully. The events played immense role in igniting the minds of students with fulfilling their enthusiasm, guiding the youth for job and sustainable career opportunities as an outcome of various initiatives of different departments and Ministries including being sensitized about decent work employment and future of work requirements. Quiz activities as a component of the event generated a lot of enthusiasm and spark among the students thereby made it easier to connect them and sensitize them.



## Awareness on New Code on Wages: Case Studies

Dr. Dhanya MB\*

### INTRODUCTION

The code on wages was enacted in August 2019 and rules are currently under deliberation and will become effective from the date to be notified by the Central Government. The code amalgamated four Central labour enactments on wages, namely, the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. There are various changes that have been made in the new code. The first and notable reform measure is the universalization of Minimum Wages through uniform applicability and uniform definitions under various authorities and also promotes a cultural change in the inspection system. Time-bound resolution of claims is another aspect to be highlighted and unlike the provisions of earlier enactments, the penal consequences only entail imprisonment for the second and subsequent offenses.

In the wake of these labour reforms, the awareness building through training programmes and the information campaign to raise awareness of new labour codes in order to prevent infringements among workers and employers are significant since code on wages would be implemented as soon as it notified by the government. The government of India is undertaking various activities/programmes for increasing awareness on wage codes and ensure that all workers and employers are conscious of their rights. As a national level labour institute VVGNNI conducted various online training programmes for awareness building on code on wages 2019. Consequently, post training programme feedbacks have been taken and more than 95 per cent of the participants personally benefitted from the programme in terms of their learning knowledge or awareness generation and also reported that the participation in the programme benefitted their organization as such for awareness and calculation of bonus and minimum wages etc.

### OBJECTIVES

In the above context, the researcher decided to conduct short telephonic case studies, particularly selected seven people from different streams including NGO, government officer, private organisation, trade union and researcher etc. All the details of the interviewees kept confidential. Seven cases were taken for this study as a total of most of them are from the participants of the training program except two include contract worker and employer who have not attended training at the institute. The researcher has included the contract worker and employer purposively to get to know about their perspective on code on wages. It took a long time to make awareness building first for this casual worker, then tried to get his perspective on code.

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Hence, in total seven case studies conducted for post training analysis for getting to know about their awareness on code on wages and to examine their opinions about the labour law reforms on wages.

## NEED FOR CODE ON WAGES

Indian labour market predominantly comprises informal employment in both formal as well as informal sector with a pre-dominance of self-employment (Dhanya 2013). According to NSSO surveys, almost 90% of the workers are in unorganized sector and they add 60 per cent of India's GDP growth. There is an exhaustive study of literature on the subject of jobless growth during the early 21st century that had happened in India. As per NSSO Employment and Unemployment Survey of 2009-10, though the economy grew at an annual average of 5-6 per cent the net addition to employment was only 0.2 million in 2009-10 over 2004-05 (Chakroborty Manas 2013). The employment generated was mainly low-skilled in the construction sector and of an informal nature. 62% of the workforce is made up of casual workers who need a right to minimum wages. The present minimum wage system is complex with states fixing rates for 1709 scheduled employments and these rates set mainly by state governments for employees working in selected 'scheduled employment'. 33% of wage workers were paid less than the indicative minimum wage in 2009-10. The workforce in the informal sector has no assurance of wage protection, social security, occupational safety, or employment stability not even of decent wage (OECD/ILO 2019).

On top of that not only it is very complex and but also it is limited in coverage, only 66 percent of wage workers are covered under the Minimum Wage system. There is a threshold of payment of wages act, it is not applicable to all enterprise, it is having income threshold too. Bonus is also subject to restriction in terms of enterprises and income threshold hence all this acts are not universal in coverage. This is one issue we have a noble intention but we created a complex system. Low pay and wage disparity continue as a serious trial to India's pathway to realizing comprehensive development.

Although the India's wage inequality seems to have stabilized or even declined somewhat since 2004-05, wage inequality and gender pay gap is remains observed among all types of workers even in regular or casual or in urban or rural. As per India wage report 2018- average labour productivity (as measured by GDP per worker) increased more rapidly than real average wages and India's labour share has declined (ILO, 2018). The primary objective of the wage policy is instituted any country to address inequality of the people and also to address gender pay gap. Wage policy will ensure fair distribution, equity and justice.

## HISTORY OF CODE ON WAGES

The determination of minimum wages started in 1920 with the setting up of Boards to decide minimum wages. Consequently, a Labour Investigation

Committee was appointed to examine the problem of wage related matters as per the recommendation of the Standing Labour Committee and Indian Labour Conference in 1943 and subsequently a separate legislation for the unorganized workers were also recommended by the 1946 Standing Labour Committee. As a result, Minimum wages bill introduced to fix minimum wages in certain employments took effect in 1948.

In point of fact, the Minimum Wages Act does not deal with the adjustment of minimum wages or not responsible to provide any criteria but need based criteria have been arrived at on the basis of 15th ILC, 1957 & Supreme Court judgment 1992 to provide guidelines for this purpose. The report of the Central Advisory Council appointed a tripartite committee termed the 'Fair Wages Committee' was a major landmark in the history of formulation of wage policy in India and also Bhootlingam Committee 1978 attempted to calculate a 'National Minimum Wage', which will be uniform all over the country. The definition of minimum wages revised based on many criteria and also norms were criticized by raising the argument that the capacity of the industry to pay not considered (Shanta A. Vaidya). Nevertheless, the concept of a uniform National Floor Level Minimum Wage (NFLMW) was initiated based on the recommendations of the National Commission on Rural Labour. The NFLMW was initially fixed at Rs.35 per day in 1996, based on the rise in the Consumer Price Index (Industrial Workers) the NFLMW was increased to Rs.80 per day in 2007, further raised to Rs.115 per day in 2011 and now it becomes 176 per day.

### **CODE ON WAGES-CASES**

Following is the summary of telephonic interviews with people from different streams as explained in the objective for getting their perspectives on code. Private sector employee perspectives on wage are remarkable, as he highlighted new code is an expectation since it provides legislative coverage to all employees while extending greater protection to workers. The definitional changes of wages are the expectations for the private sector worker that wages will not reduce below 50 percent of the total earnings of an employee since it ensures the establishments do not adopt compensation structures since the specified exclusions in the wage definitions may not exceed 50 percent of the total remuneration. At present, most establishments adopt a wage arrangement in which the basic salary ranges from 25% to 40% of the CTC of the employee, including both provident fund and gratuity contributions. Employer's perspective appears increased confidence on this code, erstwhile they have to maintain 10 registers for compliances and under the code on wages two registers are required to be maintained (i.e, Employee Register under Form-IV Register of Wages, Overtime, Fines, Deductions for damage and loss under Form-I). Moreover, previous four returns now become single to be filed facilitate ease of doing business.

As a government representative, the regional labour commissioner is in the view that the production of documents electronically or the use of technology

for enforcement and the web based inspection system will facilitate to increase the efficiency of the inspection system. As per this code all document, record, register, minutes, etc. is required to be kept by an establishment in electronic form. Moreover, the appropriate government needs to require an inspection scheme provided by the web-based inspection and calling for inspection-related information electronically.

As per the telephonic interview with an NGO worker, he stated that rigorous awareness building is required for the labour reforms. Universalization of minimum wages and not come under any scheduled employment for deciding Minimum wages is an expectation for Non-governmental organisation worker since they expect minimum wages would be applicable to them too. According to a researcher, it will definitely facilitate ease of doing business but how ease of doing business facilitates the economic growth of the nation is need to research upon. Trade unions views defer and a BMS worker said even though we are not supporting few labour reforms but they have been supporting wage code considering its universality and timely payment of wages. After giving a narration on code on wages, the contract worker (security guard) expressed his expectation on timely wages and written contract.

## CONCLUSION

The code on wages will have a historical movement and its applicability to various stakeholders is really appreciable while relating to timely payment and authorized deductions which was confined to employees drawing 24000 per month, now it is applicable to “all employees irrespective of wage ceiling”. The speedy, cheaper and efficient redressal of grievances is another significant aspect to discuss and will remove arbitrariness and mismanagements. Subject to claims relating to default of payment or less payment of wages or bonus or unauthorised deductions, the liability would be on the company. The code also facilitates for reviewing minimum wages every five years accompanied by cheque or through digital modes, payment of wages will facilitate the transparency of the system. In conclusion, the code on wages is pertinent to all establishments, employers, employees and has extensive implications for altogether while considering the increased trial risk to the escalation in penalties, the government of India is trying to put the fear of laws into everyone and safeguarding that infringement is not to be underestimated.

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## Regulating Platform and Gig Economy: Domestic and International Responses

Dr. Ramya Ranjan Patel\*

### INTRODUCTION

The spread of the internet, Artificial Intelligence (AI), and the exploitation of big data have begun to transform work patterns, business organisations, production processes, both in the industrial and service sectors. These factors have resulted in faster growth of the Platform Economy that has emerged as a new sector and is posited as a catalyst for structural change worldwide. The Platform Economy is going to be one of the dominant sectors of the 'future of work' employing millions of workers.

The future of work will be very much shaped by digital technology, where the service providers, the workers and the consumers are connected through a 'Platform' (an App). The Platforms help in connecting the customers and the platform workers and specify the time and place for the platform workers to report for work. Jobs are shared and agreed upon over the Platforms. The customers and the platform workers meet after the order (or job) has been placed. Instead of regular wages, earnings in a platform economy depend upon individual gigs or projects. The payments for work are also advanced through the Platform. Platform work is done under the direction and supervision of the platform operators, as the Platforms determine the fees, the working regulations and the place of work. The work is done against the remuneration and on behalf of the party ordering the work. The dominant players operating presently in India are Taxi hailing services (Ola and Uber), E-Commerce/E- Retailing (Flipkart and Amazon), Food Delivery (Swiggy and Zomato), E-Services- (Urbanclap), and Medicine Delivery (Practo, Pharmeasy, Netmeds).

### PROBLEM

The faster structural change taking place in the world of work has also caused disruptions of employment and wages and rising inequalities. While providing enough job opportunities, the Platform Economy is also posing challenges for decent work, undermining social protection, working conditions, social dialogue (and collective bargaining), and workers' rights.

The workers in this sector are called with various nomenclatures like 'Partners', 'Driver Entrepreneur', 'Micro-entrepreneurs' or 'independent contractors, etc. The enterprises operating on platforms do not have the status of employers. It indicates that people working through a platform are not employees of a platform employer. The traditional employees-employers relationship is absent in the platform economy and various rights and social securities. The Platform works,

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although presents itself as a job with a great deal of built-in flexibility, but is not linked with economic guarantees and social securities (Nair, 2021). Calvao & Thara (2019) argue that working in a platform economy can be equally liberating for the workers, and a sense of autonomy is reinforced by the perception of rising incomes and social mobility. However, the platforms are free from regulations or obligations of social protection to the workers. Those workers do not become eligible for earnings-related unemployment benefits, do not fall under the legislation on working time or labour protection, and are devoid of occupational health care. Treating these workers as independent contractors saves the platforms (firms) huge costs related to wage and working hours as well as social security related contributions (including occupational injury benefits, old-age pension, unemployment benefits, healthcare, etc.). Moreover, employment conditions are often precarious, and formal social protection mechanisms are either absent or weak.

The platforms are also argued as exploitative, where there are huge asymmetries of bargaining power between the employer and the employee (Jain, 2020). Lindström (2020) affirms that the increased digitalisation, automation, and the emergence of platforms are various aspects of the technological revolution that, together with globalisation, increasingly put pressure on political and economic institutions and existing policies and regulations. It is also in the best interests of the corporations to increasingly favour and enable unprotected, freelance work, moving towards project-based work and short- or medium-term employment (Calvao & Thara, 2019). Woodcock and Graham claim that technology is deployed under capitalism in the context of the gig economy to diminish workers (Nair, 2021). Hawleya (2018) argues labour platforms treat their workers merely a commodity, a factor of production to be acquired (and disposed of) at the lowest possible cost in terms of wages, entitlements and representation, exemplifying Marx's conception of 'the reserve army of unemployed labour' which is made available for low paid. Bhardwaj (2021) affirms this is an attempt of capital's ultimate desire to get rid of labour and maximise profits.

In many economies in the developing world, a huge section of the workforce is already engaged in informal work within the unorganised and organised sectors aspiring for an opportunity to work as a formal or regular worker. In the absence of regular work, online piecework has become a prominent means of securing a livelihood (Calvao & Thara, 2019). As jobs and income in the traditional labour market gradually decline for a highly-educated workforce, many have turned to low-paid freelance work (Jain, 2020). The recent Periodic Labour Force Survey shows the unemployment rate at a 45-year high, at 6.1 percent (Rao, 2019). According to the McKinsey report (June 2017), employment in cab-hailing services (Uber and Ola) increased from 3 lakhs to 10 lakhs in 2017. Human resources firm Team Lease estimates that 1.3 million Indians joined the Gig economy in the last half of 2018-19, registering a 30 percent growth compared to the first half of

the fiscal year (Rao, 2019). Similarly, Better Place, a digital platform involved in background verification and skill development in the informal sector, estimates that of the 21 lakh jobs created in the metros in 2019-20, 14 lakh will be in the Gig economy. Food and e-commerce delivery will account for 8 lakh positions, and drivers will account for nearly 6 lakh positions. The report also mentioned that most of the jobs (two-thirds) would be created for the workforce under 40 years of age.

ILO (2021) reported that India is the largest supplier of workers globally across online platform jobs and saw its share rise in recent years. India contributes for about 20 percent of the total share globally across the Platform works. The number of online web-based platforms worldwide tripled over the last decade, while the number of taxi and delivery platforms grew almost tenfold. According to the ILO data, the number of all such platforms rose from 142 in 2010 to over 777 in 2020. In terms of size, most of the platforms were micro and small enterprises as they employed less than 50 employees. However, the ILO pointed out various challenges being faced by such workers, ranging from the regularity of work and income, working conditions, social protection, skills utilisation, freedom of association and the right to collective bargaining.

As the platform economy expected to be an essential contributor to the growth and employment in developing economies, the challenge is to ensure that the wellbeing of workers is prioritised. An essential feature of job quality is whether the job protects against risks of unemployment, illness or disability, as well as preparing workers for retirement. This is an essential agenda of the ILO future of work adopted in 2019 at the 108th session of the International Labour Conference. As most digital platforms categorised the workers as independent contractors, it becomes the sole responsibility of the workers for the payment of social security contributions, in addition to not being afforded other labour protections (ILO, 2018). Given the low level of pay, it is not unexpected that only a small share of workers affords to contribute to social security or a pension. The question thus lies from the point of view of the status of workers and the rights and duties of the Platforms, whether the Platform is liable for the statutory obligations of an employer under labour and social security legislation. The digitally managed systems of service-provision that is, technology through the platform economy can substantively affect workers' work experiences, welfare, and forms of job security.

Thus, the growth of the platform economy is raising concerns about the degradation of labour conditions, and at the same time Platform, economy is celebrated for bringing enough jobs to an economy. In this context, the paper seeks to discuss the policy interventions and good practices for the Gig and platform economy workers. Secondly, it highlights the opportunities and challenges associated with the gig and platform economy.

## **METHOD**

The subject is an emerging area that is very much inadequately researched. The major problem is the lack of a large scale more exhaustive data set except few sporadic studies. The limited studies, however, are insufficient to demonstrate a clear picture of the huge platform economy. This study is primarily based on various secondary sources of literature and texts in the absence of data availability.

## **DISCUSSION: POLICY INTERVENTIONS AND GOOD PRACTICES**

Providing social security to citizens in terms of any contingency and crisis is fundamental human responsibility. With many of these workers turning to the platform economy, it is critical to develop appropriate mechanisms for social protection. Every economy, including the developed countries, has struggled to define the sector and the Gig workers to benefit the workers. Nearly all states in the USA have enacted Uber related (transport services) laws in the last four years. These laws treat Uber and other ride-hailing service drivers as “independent contractors”. New York City has enacted the “Freelance is not Free Act” in 2016. The Act establishes and enhances protections for freelance workers, specifically the right to a written contract, timely and full payment, and protection from retaliation.

The El Khomri law in France (2016) seeks to regulate certain specific aspects of the platform economy and tries to protect the rights of the workers. The legislation requires digital platforms to provide work injury insurance as well as the right to continued professional training. The platform workers can join and form a trade union and also take collective action (strikes). In December 2017, the European Court of Justice has declared Uber as a “service in the field of transport”; thus, it is subject to national regulations. The European Union is also striving on a directive on transparent and predictable working conditions in the European Union. The directive includes platform workers explicitly.

There is no law to regulate the Gig/Platform economy among the BRICS except Russia. They have not yet devised any mechanism to move forward in this direction. The Brazilian labour reform in 2017, although introduced some flexibility into the legal framework for employment, did not address the impact of new technologies in the labour market. As a result, Uber and other online platforms could be subject to employment claims for misclassified employees. Although the Russian legislators tried to define and regulate the Gig economy by introducing the term “distance work”, most platform-workers do not fall under the scope of Labour Code regulations. In order to be considered as a “distance worker,” a person should have official employment relations with the employer and a significant contract of employment. Currently, self-employed persons without the status of individual entrepreneurs stay in the grey zone for legal regulations.

There is an effort in India to accept the structural changes taking place in the economy and to build innovative solutions based on them. Although the concept of Platform Economy is newly emerging, India is proactively considered the problems of the workers and has passed the Social Security Code, 2020. An essential part of the Code is that it has defined the platform economy and the gig workers to benefit the workers engaged in it. India has considered the importance of this sector and remains committed to building an inclusive, fair and sustainable Future of Work through promoting decent work, including work delivered through digital platforms. It focuses on promoting labour formalisation and making social protection systems solid and portable, subject to national law and circumstances. It is an exemplary step to formalise the informal economy and create decent employment opportunities for the future of work.

The Code on Social Security, 2020 will replace nine social security laws, including Maternity Benefit Act, Employees' Provident Fund Act, Employees' Pension Scheme, and Employees' Compensation Act. The Code **universalises social security coverage** to those working in the unorganised sector, such as migrant workers, gig workers and platform workers. The Code defines the gig worker as "a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationships". As per the Code, a platform worker means "a person engaged in or undertaking platform work". Platform work means "a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment. Aggregators as 'digital intermediaries or a marketplace for a buyer or users of a service to connect with the seller or the service provider' are specifically required to contribute to the social security fund.

The Code states the provision of basic welfare measures as a joint responsibility of the central government, platform aggregators and the workers. The Code also mandates for compulsory registration of both gig workers as well as platform workers on an online portal to avail benefits under the Code that the Central Government shall specify from time to time. The Code confers power upon the Central Government to frame welfare schemes for the workers in the unorganised sector, including the platform/Gig workers on the matters related to Life and disability cover; Accidental insurance; Health and maternity benefits; Old age protection; Creche; and any other benefit as may be determined by the Central Government.

## OPPORTUNITIES AND CHALLENGES

*Opportunities:* India needs to create jobs at a record pace to employ the millions of workforce added every month. With the growing employment challenges

associated with rapidly increasing automation and premature deindustrialisation, the platform-based Gig economy has generated substantial jobs and has the potential to create millions in the future. They have made various services affordable, accessible and convenient for the Indian consumer. At the same time, the platform-based gig economy has generated millions of jobs and has given flexible and dignified earning opportunities to the less fortunate youth of the country. Tandem Research (2019) suggests that by aggregating demand and supply for work, digital work platforms can enable workers' access to opportunities for paid work; digital work platforms could contribute both toward reducing underemployment and creating possibilities for economic mobility.

## CHALLENGES

There are various challenges associated with the platform economy, which are discussed as follows,

1. *Informality and Vulnerability*: Poor comprehension of English, low levels of education, an urgent need for work, lacking understanding and expectations of entitlements, and unfamiliarity with digital infrastructure reinforce the vulnerability of workers and their capacities to negotiate the terms of work (Tandem Research, 2019). If platforms are not adequately regulated and social security not correctly implemented, platform economy may fail to standardise wages and services, without ensuring a formal written contract. There is great apprehension that it may add to informality and vulnerability.
2. *Reproducing Precarity*: Various structural features of informality associated with platform work – unpredictable wages and working hours; power and informational asymmetry between workers and employers/platforms; little to no bargaining power; and constantly changing or unpredictable patterns of work. Automated decision-making systems make the exercise of power both undecipherable and invisible; the absence of human intermediaries reduces space for negotiation and compassion. In the absence of regulation, it may reinforce precarity.
3. *Absence of Collective Bargaining*: There is an absence of bipartite or tripartite dialogue concerning the regulation of platform work, which is further challenged by the mobility of the workers in the absence of a commonplace of work, unlike the traditional sector. The organisation of work through digital platforms where workers seldom interact makes it difficult for platform workers to form associations for collective bargaining (De Stefano, 2015; Graham & Woodcock, 2018). The lack of collectivisation hinders the ability of workers to negotiate with platforms to settle disputes and redress grievances. The precarious income combined with technological monitoring of workers may, directly and indirectly, discourage collective action, argues De Stefano (2015).

Social dialogue represents a decisive factor in promoting job quality in the changing world of work through contributing to increased competitiveness, improved



working conditions and structural reforms (European Commission, 2015). The absence of union representation creates power asymmetry in the employment relation and risks leading to growing social inequalities. Economic institutions suggest that people are capable of organising their society; thus: the platform economy may not be considered a product of natural or technological change; instead, it is crucially tied to the political-economic landscape” (Rahman et al., 2018). Institutions are essential to coordinate human input in the production process since the technical transformation also imposes social challenges (Eurofound 2018). The traditional distinction between employee and self-employed does not always fit the workers in the platform economy, making it harder for trade unions to organise these workers (European Commission 2018). “A typical form of work such as ‘The platform economy’ has opened up for alternative and new ways of organising work. Trade unions must rethink their strategy on how to promote their role in this new context. In Sweden, the platform economy remains moderate, and trade unions have taken the initiative to include platform workers (Lindström, 2019).

India recognises the increasing importance of cross border social dialogue and looks forward to deliberation on these issues (Permanent Mission of India, 2018). India admitted that the challenge is to address the concerns of these workers and employers through the social dialogue mechanism.

*4. Lack of Availability of Data Regulating Platform Economy:* At present, the provision of the policy is hampered by a lack of consistent and comparable statistics on the number of platform workers, their characteristics, and the nature of their jobs and tasks (Hawleya, 2018). There is currently no accepted standard definition of platform work. In particular, there is a need for data that are comparable across countries, across time and with current labour market statistics.

Ultimately, the challenge is ensuring human-centred use of new technologies in the workplaces and ensuring that the new models of work do not increase inequality of opportunity for the entire labour force, including the youth. Without the above issues being addressed along with the right to proper representation and collective bargaining, the decreasing trend of labour share in the national income and the declining position of the labourers may not be reversed.

## SUMMING UP

The platform economy will be a crucial sector in the future world of work which urgently needs to be streamlined and formalised. Although various countries, including the developed countries, are finding ways to regulate it, India has initiated reasonable steps in this regard, keeping the interest of the workers. However, the challenges highlighted need to be adequately addressed for the best interests of the workers involved in it. It requires the availability of an extensive comparable data set, effective regulation and implementation of suitable social securities, hassle-free resolution of disputes and provision of collective bargaining.



In the absence of the above, there is a great possibility that the platform economy may accentuate informality, vulnerability, and precarity that is already very much reflected in the Indian labour market, particularly in the informal sector.

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# Employment Security and Industrial Relations Code: The Case of Organized Non-farm Sector

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## 1. THE CONTEXT

Since the beginning of the process of neo-liberalization in India, there has been a massive restructuring of employment. This was a period experienced greater informalization of employment in almost all sectors of the economy with an influx of unsecured jobs. Although the official data shows that the percentage of informal employment in India has slightly decreased recently (Table 1), there has been a simultaneous positive growth in the unprotected forms of employment. This case study throws light on the insecurities among the regular workers in the formal non-farm sector and tries to underestimate it in the context of the newly enacted Industrial Relations Code, 2020 (henceforth referred to as IRC in the text) in the forthcoming decades, once it is in effect.

As per the definition given by the National Commission for Enterprises in the Unorganized Sector (NCEUS), informal workers do not get any statutory social security benefits from their employers. A decreasing percentage of informal workers in total regular employment does not mean that workers are certainly engaged in secured employment, but the available statistics reveal something else. Approximately half of the total employment within the formal sector is informal. In other words, of the total 479 million workforce in India during 2018-19, only 99.5 million are working in the formal sector enterprises/establishments, of which only 50 percent are availed social security benefits.

## 2. THE CHALLENGE STATEMENT

The recent amalgamation of the three legislations on industrial relations, viz. Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and the Industrial Disputes Act, 1947 into the IRC, 2020 (Gazette of India, 2020), has drawn attention among the law and development experts, along with other concerned civil society stakeholders about its likely impact on inclusive socioeconomic development and reduction of vulnerabilities. In the neo-liberal setup, deceleration of economic growth and unemployment have emerged as key challenges, obliging the government for undertaking reforms to facilitate a suitable environment for boosting up economic growth, attract foreign investment, and create employment opportunities. Amalgamation, simplification and rationalization of the industrial relations legislation is also a key step towards this direction. However, the IRC may have varied effects on both social and employment security across different layers

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of the occupational hierarchy. Hence, role of the government in safeguarding the concerns of the workers by discouraging contractualization and promote direct employment relations between employer and employee becomes crucial.

### 3. OBJECTIVES, DATA AND METHODS

The V.V. Giri National Labour Institute has been facilitating the deliberations on through training programmes the two sides of the Code's implications for the stakeholders from the governments, industry, civil society, and academia. The institute has also conducted tripartite workshops to discuss the merits and demerits of the Code and its possible implication. The objective of the present case study is to highlight the status of employment insecurity vis-à-vis social security among the non-farm workers in the organized sector, by consolidating the learnings acquired during online interactions with the participants of the training programmes and workshops and translate them into a comprehensive document. In addition, it makes use of National Sample Surveys of employment and Unemployment situation and a few relevant pieces of literature to strengthen the arguments. Considering the applicability of the IRC, the analysis in this case study is drawn broadly for the regular non-farm workers in the organized sector at usual principal and subsidiary status combined (age 18 or above).

### 4. WHY THE REGULAR EMPLOYMENT TO BE DISCUSSED?

According to the latest data estimates 2018-19, the percentage of regular salaried workers in the total non-farm employment is about 40 percent; whereas in the farm and non-farm sector combinedly, it is reported nearly 24 percent. However, despite substantially a large share of regular employment in the total employment, the quality of jobs being generated therein is under question. Here the quality of jobs can be measured not only by examining the status of social security benefits availed to the workers but also the nature of employment (secured/ unsecured) being generated. In addition, the growth in regular employment is largely attributed to a shift of casual and self-employed workers. Economic growth in the neoliberal regime has led to fundamental changes in the economy which in turn has resulted in a substantial restructuring of employment, with increasing job opportunities in the service sector.

The type of employment growth which has been witnessed during the last three decades is considered precarious to inclusive growth and development. Within the non-farm sector, nearly 36 percent of the workers are self-employed; however, there has been a debate among policy experts over the profitability and sustainability of self-employment opportunities being generated in the economy. Nearly 24 percent of the jobs were casual in which no formal/ written job contract is signed between workers and employers and thus, both job and social security are absent. The

share of self-employed who provide employment opportunities to other people in their enterprise, is extremely low in total self-employment, indicating a lack of entrepreneurship in India. It also points out the need for facilitating a suitable environment to promote entrepreneurship.

While discussing access to secured jobs, the vicious cycle of deprivation among lower castes and women needs to be highlighted in the context of selective labour market exclusion. The benefits of regular non-farm employment itself are unequally distributed among the population groups, particularly when it comes to the caste identity. It has been treated as an archaic system and source of historical disadvantage (Moose, 2018). Access to regular non-farm jobs has remained a matter of concern among different social groups in the modern economy of India, especially since the initiation of liberalization. In general, earnings of the regular workers are significantly higher compared to those having self-employment and casual jobs. In addition, caste as a social hierarchy has influenced/ determined rural inequalities, discriminations in the labour market and business economy; it has also affected the measures of affirmative action (i.e., reservation) in the public/ government sector and equal opportunities in the private sector.

Caste privilege not only determines the political economy of access to and control over the decision-making, but also unequal representation in higher management in favour of Forward Caste groups. Regular jobs are diversified across the occupational groups; however, there is caste-based segregation which accommodates most of the higher caste workers in the upper segments of the occupational hierarchy. In addition, gender identity is also a factor responsible for historical deprivation among women. They have a lack of access to the most secured forms of employment as their identity itself puts a barrier to their growth and development in a patriarchal setup.

## **5. KEY CONCERNS OVER THE PROCESS OF REGULARIZATION OF NON-FARM EMPLOYMENT**

The magnitude of regular employment and its share in total non-farm employment has been increasing over time in the last one and a half decades (Table 1). Between 2004-5 and 2018-19, nearly 95 million workers were added in the non-farm employment; out of which, 51 million were added as regular workers with an increment of nearly 7 percent during the same period. The period between 2011-12 and 2018-19 has experienced a regularization of non-farm workers at a higher pace as compared to the period between 2004-05 and 2011-12, indicating a rapid growth of the service sector and the importance of regular employment in the economy.

**Table 1: Regularization of the non-farm workforce in India**

Workers	Year	All
Total workers (million)	2004-05	181.0
	2011-12	235.4
	2018-19	276.1
Regular salaried (million)	2004-05	60.5
	2011-12	81.3
	2018-19	111.9
Regular salaried (%)	2004-05	33.4
	2011-12	34.5
	2018-19	40.5

Source: Various surveys by National Sample Survey Office (NSSO).

Nevertheless, the story is not that rosy as approximately one-third of 111.9 million regular workers (25.7 million) within the non-farm sector are still engaged in informal enterprises. Though the absolute formal employment grew tremendously between 2004-05 and 2018-19, yet the percentage growth remains substantially low. The percentage share of the formal sector in total regular employment, which showed an increase between 2004-05 and 2011-12, slightly declined between 2011-12 and 2018-19. It points out the increasing vulnerabilities among the regular workers within the non-farm sector. In other words, it indicates the recent increase of job opportunities in the informal enterprises within the private non-farm sector. However, it is a matter of concern that how many such enterprises provide social security benefits to their workers and how many of them offer a longer period of written job contracts along with other lucrative benefits such as paid leave, relaxed working hours, workplace facilities, accommodation, etc.

Of the total regular employment in the formal non-farm sector in India (74.3 million), only 44.2 million workers are categorized as formal workers who are availed social security benefits for their employers (henceforth referred to as formal regular employment in the formal non-farm sector – FREFNFS). The role of government/ public sector and autonomous bodies (GPSA) is important as it generates 52 percent of the total FREFNFS during 2018-19. At the same time, the enterprises based on public-private partnership (PPCL) and other private sector enterprises (OPSE) remain the second and third largest employers constituting 38 percent and 10 percent of total FREFNFS respectively. In the last one and a half decades, the size of FREFNFS increased by 17.7 million. The maximum growth was observed among PPP enterprises (12 million), followed by GPSA (4.8 million) and OPSE (1.0 million). However, the percentage share of GPSA in total FREFNFS

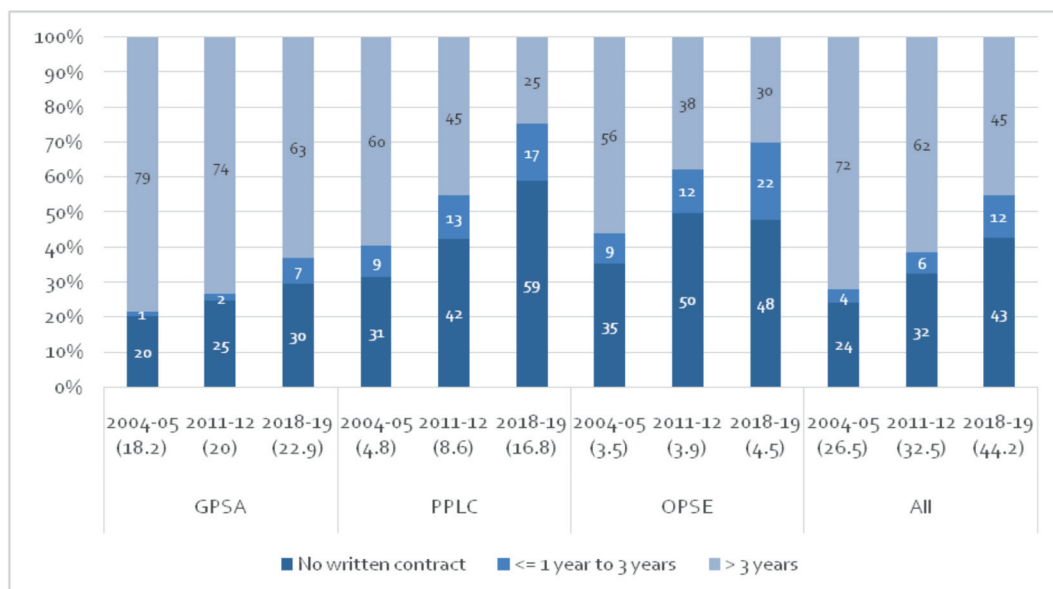


has consistently declined over the period indicating a deceleration in the growth of regular employment opportunities within the government/ public sector. Contrarily, there has been significant growth in the share of PPCL during the same period that points out the increasing role of public-private bonding and the slithering privatization of jobs in the economy.

A disaggregated level analysis of FRENFS by types/ duration of job contracts across the types of enterprises further propounded the increased vulnerabilities (in terms of job/ employment security) among the workers. There has been a consistent decline in the job opportunities in which the duration of the contract with the employer is relatively longer (i.e., more than three years, in this study) (Figure 1). Such jobs are conventionally known to be the most secured ones and therefore, the most popular form of regular employment, particularly those in the government sector. In other words, there is an indication of deteriorating quality of FRENFS that has been generated during the last couple of decades and so; the percentage share of those who do not have any written job contract or those who have a shorter duration of contracts are with the employers, have been increasing consistently. Slithering contractualization of FRENFS within the government/ public sector is a matter of serious concern as this is the only sphere where the workers still enjoy a better level of job security as compared to that in the public-private or the private sectors. Availability of social security benefits to the contractual or fixed-term workers does not ensure the security of employment. During the last half a decade, these workers were provided social security benefits under two social security legislations viz. Employees State Insurance Act (ESIC) and Employees' Provident Funds & Miscellaneous Provisions Act (EPF). This led to an increase in the share of formal workers in total employment, which certainly distorted the estimation of actual formal employment by ignoring the issue of contractualization and subsequent growth of shorter job contracts.

Both contractualization and privatization may have serious implications for social inclusion and social cohesion. As of now the measures of positive discrimination are usually adopted only in the government sector jobs that are regular or having longer job contracts. Given the existing levels of inequality among the caste groups, this is important to mention that slithering contractualization and privatization will adversely affect the social and economic inclusion of the deprived social groups as they lack in having enough social, financial, and physical capital and power which are crucial to access secured jobs, particularly in the government sector. Thus, subsequently, there will be a creeping abrogation of statutory provisions of positive discriminations in both government/ public and private sectors as there is more and more contractualization and privatization of jobs.

Fostered absence of formal contracts or presence of shorter period contracts (e.g., six months or less than a year) are indicators of vulnerability or unsecured forms of regular employment. These workers are often identified as contractual workers

**Figure 1: Percentage distribution of FRENFS by type of job contract**

Source: Various surveys by NSSO; total FRENFS (million) is given in parentheses; GPSA – Government/ public sector; autonomous bodies; PPLC – Public/ private limited company; OPSE – Other private sector enterprises.

employed through an external agency (or the labour contractors). Their welfare and concerns are often compromised due to the presence of such contractors or middlemen. More importantly, employment security and social security among them are at great risk under such a situation.

An increase in such types of job contracts has been digressive as far as achieving the target of SDG 8 related to the promotion of full and productive employment and decent employment to all along with inclusive economic growth, are concerned. In addition, the concept of decent work not only speaks about fair income but also security in the workplace, social protection for families along with other crucial benefits important for inclusive growth. Therefore, it can be posited that in the journey of economic reforms, the labour has lost its bargaining power over the security of employment, even in the case of FRENFS which is broadly considered to be the most secured form of regular employment.

## 6. ACCESS TO FRENFS ACROSS CASTE GROUPS AND GENDER

The distribution of FRENFS across the enterprise types reveals a consistently increasing situation of vulnerability among the Scheduled Castes (SCs) (Table 2); their share in total FRENFS seems to be decreasing in both GPSA and PPLC, and as a whole between 2004-05 and 2018-19. However, their share in total FRENFS generated by private enterprises consistently rises during the same period. The

opposite has been observed among STs as their share in GPSA and PPLC has consistently increased, whereas it has decreased in the private sector. The OBC group shows an increasing percentage share in total FRENFS across all types of enterprises; however, it has remained significantly low as compared to their actual share in the total population.

The FRENFS and the total population are distributed disproportionately. Unlike other caste groups, forward Castes groups still hold a greater share in FRENFS and have perpetually remained in an advantageous position; however, their share has considerably declined over the period. As a result, it is noticed across all types of enterprises that the percentage share in FRENFS has remained considerably low among Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Castes (OBCs) as compared to what they represent in the total population. There is also a positive development in the case of women as their share in FRENFS has consistently increased across all types of enterprises over the period; such an increase has been more visible in GPSA and PPLC enterprises than in the OPSE enterprises. However, their share in FRENFS is highly disproportionate to their actual share in the total population.

**Table 2: The percentage share of each gender and caste group in FRENFS across enterprise types**

Gender/ Caste group	Year	GPSA	PPLC	OPSE	Total	% Share in total population (age 18 or above)
Female	2004-05	17.3	11.3	25.5	17.2	49.6
	2011-12	18.4	12.5	22.0	17.5	49.6
	2018-19	22.2	14.6	26.7	21.0	50.0
ST	2004-05	5.8	0.9	3.5	4.9	8.1
	2011-12	8.2	1.4	2.5	6.5	8.3
	2018-19	8.4	3.0	2.6	6.9	8.7
SC	2004-05	17.7	9.5	7.7	15.4	18.9
	2011-12	16.9	8.4	10.2	14.8	18.2
	2018-19	16.9	8.8	13.0	14.9	19.2
OBC	2004-05	29.8	27.3	34.2	29.8	40.4
	2011-12	30.7	31.3	40.2	31.6	43.3
	2018-19	32.7	30.8	41.8	32.9	43.4
Forward castes	2004-05	46.7	62.3	54.6	49.9	32.6
	2011-12	44.1	58.9	47.1	47.2	30.2
	2018-19	42.0	57.4	42.6	45.2	28.6

*Source:* Various surveys by NSSO; GPSA – Government/ public sector; autonomous bodies; PPLC – Public/ private limited company; OPSE – Other private sector enterprises

## 7. IMPLICATIONS OF IRC ON REGULAR EMPLOYMENT AND CONCLUSIONS

The IR Applies to all the establishments engaged in the production, supply or distribution of goods or services {Section 2(p) of the Code}. The IRC imposes the first layer of exclusion of the workers by excluding from the definition of ‘industry’ the *institutions owned or managed by organizations wholly or substantially engaged in any charitable, social or philanthropic services, sovereign functions, domestic services, and any other activity as may be notified by the Central Government* {Section 2(p) in the Code}. Scheme workers which constitute a substantial proportion of the workforce have not been given attention. However, it may adversely affect the access to social security and status of employment security among the regular workers engaged in such institutions.

The last three decades of the neo-liberal regime have been witnessing a greater weakening of trade unionism in the country. It has adversely affected employment security among the workers. A few crucial modifications in the IRC are supposed to weaken it further by bringing in the following changes – (i) existing threshold of workers in an establishment from 100 to 300 to seek permission before closure, retrenchment and lay-off {Section 77(1) of the Code}, (ii) the provisions concerning to standing orders (for regulation of service conditions) being made applicable only to establishments engaging 300 or more employees {Section 28(1) of the Code}. It leaves a large proportion of the employees in establishments having less than 300 employees, and (iii) the requirement of giving fourteen days of notice before strike and lock-out may help in the resolution of disputes by third party intervention (i.e., conciliation) and thus reducing the chances of improving industrial relations {Section 28(1) and 62(2) of the Code}. These modifications may affect the overall bargaining power of the trade unions and the workers may miss an opportunity to fight for their rights. On the other hand, an improvement in ease of compliance, grievance redressal, speedy resolution of disputes will boot up the levels of productivity at the establishment level.

Fixed-term employment (FTE) is defined under the IRC as the engagement of a worker based on a written contract of employment for a fixed period {Section 2(o) in the Code}; however, the type of employment relationship remains unclear. The IRC does not explain whether it is a written contract between a worker and a principal employer and thus, making the role of a principal employer or a contractor is obscured while defining FTE. Nevertheless, if a fixed-term relation is established between a worker and a principal employer directly, then the IRC may have bi-directional effects on regular employment.

First, it promises better social security to the fixed-term workers in comparison to those engaged through a labour contractor. They will be entitled to all statutory benefits such as social security, wages, etc. at par with the regular employees who are doing similar work (Lok Sabha Secretariat, 2020). However, employment security remains a question as a fixed-term worker can also be removed from the service by giving prior notice by the employer as it is usually done in the case of a worker employed through a labour contractor.

Second, FTE may allow employers the flexibility to hire workers for a fixed duration and for work that may not be permanent. However, the absence of any objective criteria, minimum and maximum period of FTE and without any ceiling on successive use of fixed-term contracts might adversely affect the overall employment security among the employees in the long run and provide scope to the employers to shift many of the works from permanent to fixed-term. Recently fostered contractualization of jobs across all types of enterprises, along with privatization, also put forth a big threat to the job security among the regular workers; the government sector has also been no exception to this. The historically deprived sections of the society viz. SCs, STs and Women will be the most affected as they lack access to various capitals, particularly social, political, financial and human capitals. In this situation, positive discrimination as a legal instrument (across government, public-private and private enterprises) may help to remove the vulnerabilities among the deprived sections and assure equal opportunities for them to get access to secured jobs. As of now, these policies are barely implemented in the case of FTE and workers employed through a contractor.

However, as an outcome of the provisions of IRC, if a shift from contractual hiring to FTE has to be expected, it will occur primarily from short duration to relatively long duration contracts as the employers would not possibly be willing to take the burden of the cost involved in hiring on a very frequent basis. Eventually, it will enhance employment security and thus reduce vulnerability among the workers; though, a positive change in the employer's mindset will be a precondition to that. In addition, there is a need to focus on 'reducing the insecurity of employment among the workers' rather than 'reducing merely the share and size of informal regular employment' in the non-farm sector. It could be possibly done by minimizing the role of labour contractors and facilitating direct recruitments by setting up employment cells at the enterprise/ establishment level. It would eventually create employment opportunities.

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