

WELCOME TO THE SEMINAR ON

# **Social and Economic Justice on the Labour Front**

All India Progressive Forum

25.01.2020

**Whereas universal and  
lasting peace can be  
established only if it is  
based upon**

**social justice;**

# **Preamble of the Constitution of the International Labour Organisation**

- Whereas **universal and lasting peace** can be established **only if it is based upon social justice**;
- And whereas conditions of labour exist involving **such injustice hardship and privation to large numbers of people as to produce unrest so great** that the **peace and harmony of the world are imperilled**;
- and an **improvement of those conditions is urgently required**; as, for example, by the regulation of the hours of work including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an **adequate living wage**, **the protection of the worker against sickness, disease and injury arising out of his employment** the protection of children, young persons and women, **provision for old age and injury**, protection of the interests of workers when employed in countries other than their own, recognition of the principle of **equal remuneration for work of equal value**, recognition of the **principle of freedom of association**, the organization of vocational and technical education and other measures;
- Whereas also the **failure of any nation to adopt humane conditions of labour** is an **obstacle** in the way of other nations which desire to improve the conditions in their own countries;
- The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire **to secure the permanent peace of the world**, and with a view to attaining the objectives set forth in this Preamble, agree to the following Constitution of the International Labour Organization:



# High Court of Madras at Chennai

The ESI Act, that “the object of the legislation is to protect the weaker section with a view to do **social justice**”

-Chandramathi Vs. ESIC – 2003 (4) LLN. 1143

## Supreme Court

“The core constitutional objective of ‘social and economic democracy’ in other words, just social order, cannot be established without removing the inequalities in income and making endeavour to eliminate inequalities in status through the rule of law. The mandate for social and economic retransformation requires that the material resources or their ownership and control should be so distributed as to subserve the common good. **A new social order, therefore, would emerge, out of the old unequal or hierarchical social order.** The legislative or executive measures, therefore, should be necessary for the reconstruction of the unequal social order by corrective and **distributive justice** through the rule of law”.

- Samatha Vs. State of Andhra Pradesh (1997) 8 SCC 191 (Para 75)

**Distributive Justice is Economic Justice**

# Art. 41 of the Constitution

The State **shall**, **within the limits of its economic capacity and development**, make effective provision for securing **public assistance** in case of unemployment, old-age, sickness, disablement and other cases of undeserved wants.

- What is Art. 42 ?
- “The State shall make provision
- for securing just and **humane** conditions of work
- And
- for maternity relief.”



**ESIC renders**

# **Distributive Justice**

# Art. 39

- 39. The State shall, in particular, direct its policy towards securing—
- (b) that the ownership and control of the **material resources of the community** are so **distributed** as best to subserve the common good;
- (c) that the operation of the economic system does not result in the **concentration** of wealth and means of production to the common detriment;

# Supreme Court of India

*Samatha Vs. State of Andhra Pradesh (1997) 8 SCC 191 (Para 75)*

- “The core constitutional objective of ‘social and economic democracy’ in other words, just social order, cannot be established without removing the inequalities in income and making endeavour to eliminate inequalities in status through the rule of law. The mandate for social and economic retransformation requires that the material resources or their ownership and control should be so **distributed** as to subserve the common good.

■ Contd.



# Supreme Court of India

*Samatha Vs. State of Andhra Pradesh (1997) 8 SCC 191 (Para 75  
Contd.)*

- .... A new social order, therefore, would emerge, out of the old unequal or hierarchical social order. The legislative or executive measures, therefore, should be necessary for the reconstruction of the unequal social order by corrective and **distributive justice** through the rule of law”

# 2014 – 1% had 22%

(World Inequality Lab)

- “In 2014, the share of national income captured by India’s top 1% of earners was 22%, while share of top 10% of earners was around 56%. Top 0.1% of earners has continued to capture more growth than all those in the bottom 50% combined,” the report said. The bottom 50% now have about 15% share in the total income.” (Economic Times 14.12.2017).

- World Inequality Report - [https://economictimes.indiatimes.com/news/economy/indicators/indian-economic-inequality-widened-since-1980-report/articleshow/62070475.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/economy/indicators/indian-economic-inequality-widened-since-1980-report/articleshow/62070475.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

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# Indian economic inequality widened since 1980: Report

BY ET BUREAU | UPDATED: DEC 14, 2017, 11.21 PM IST

NEW DELHI: Deregulation and opening-up reforms in [India](#) since 1980s have led to substantial increase in inequality so much that top 0.1% of earners has continued to capture more growth than all those in the bottom 50% combined, said the [World Inequality Lab](#) in its World Inequality Report 2018, released on Thursday.

"In 2014, the share of national income captured by India's top 1% of earners was 22%, while share of top 10% of earners was around 56%. Top 0.1% of earners has continued to capture more growth than all those in the bottom 50% combined," the report said. The bottom 50% now have about 15% share in the total income.



# October 2015



# October 2015



21 April 2017 | E-Paper

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Last Modified: Wed, Oct 14 2015. 08 44 PM IST

## Richest 1% own 53% of India's wealth

According to Credit Suisse, India's wealth increased by \$2.284 trillion between 2000 and 2015. Of this rise, the richest 1% has hogged 61%

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Manas Chakravarty



**SHARE OF RICHEST 1%  
IN COUNTRY'S WEALTH**

100



**SHARE OF RICHEST 10%  
IN COUNTRY'S WEALTH**

100



# January 2017 – 1% had 58%

THE HINDU

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## Richest 1% own 58% of total wealth in India: Oxfam

PTI

DAVOS, JANUARY 16, 2017 12:11 IST  
UPDATED: JANUARY 17, 2017 19:38 IST

SHARE ARTICLE | f | | | | | 14 | PRINT | A | A | A

In signs of rising income inequality, India's richest 1 per cent now hold a huge 58 per cent of the country's total wealth – higher than the global figure of about 50 per cent, a new study showed on Monday



# January 2018



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## India's richest 1% corner 73% of wealth generation: Survey

PTI | Updated: Jan 22, 2018, 09:53 IST



- “73% of the wealth generated in 2017 went to the richest 1%”.
- “India’s rich are becoming wealthier, in some cases unimaginably so. Back in 2000, there were just nine billionaires in the country. Now there are 119.
- But while the headline figures show Indians are getting richer faster than the citizens of any other major economy, as in so many countries this good fortune is concentrated in the hands of a tiny minority.”

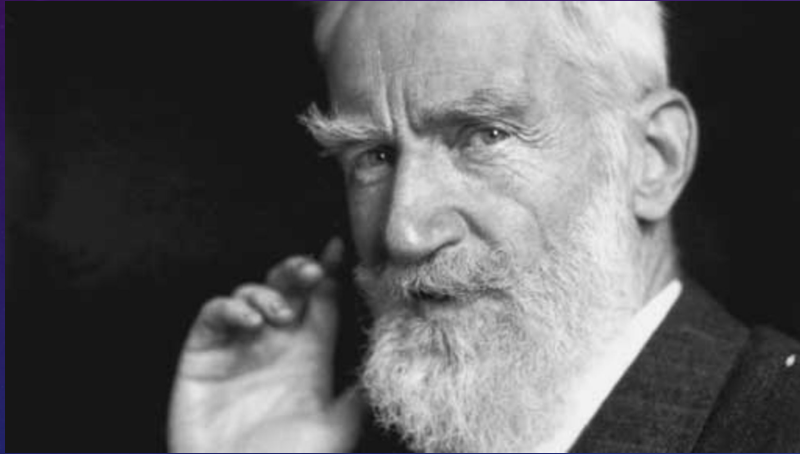
- <https://www.weforum.org/agenda/2019/07/india-mega-rich-are-on-rise-inequality/>

# Richest becoming richer – Poor poorer

- “Indian billionaires saw their fortunes swell by Rs 2,200 crore a day last year, with the top 1 per cent of the country's **richest getting richer by 39 per cent** as against just 3 per cent increase in wealth for the bottom-half of the population, an [Oxfam](#) study said Monday.
- Globally, billionaires' fortunes rose by 12 per cent or \$2.5 billion a day in 2018, whereas the **poorest half** of the world's population saw their **wealth decline by 11 per cent**, the international rights group said in its annual study released before the start of the five-day [World Economic Forum](#) (WEF) Annual Meeting in this Swiss ski resort town.”
  - -Business Standard – 21.01.2019

• [https://www.business-standard.com/article/current-affairs/india-s-top-1-owns-half-of-national-wealth-bottom-60-just-4-8-oxfam-119012100055\\_1.html](https://www.business-standard.com/article/current-affairs/india-s-top-1-owns-half-of-national-wealth-bottom-60-just-4-8-oxfam-119012100055_1.html)

# SHAW & CHESTERTON



**Creating insecurity**

The Standard Vacuum Refining Co.of India Ltd.Vs. Workmen

## Contract labour

should not be employed where:

- (a) The work is perennial and must go on from day to day;**
- (b) The work is incidental to and necessary for the work of the factory;**
- (c) The work is sufficient to employ considerable number of whole time workmen; and**
- (d) The work is being done in most concerns through regular workmen.**

**1960 -SC**



# CLRA ACT,

## STATEMENT OF OBJECTS AND REASONS

abolition has been under the consideration of Government for a long time. In the Second Five Year Plan, the Planning Commission made certain recommendations, namely, undertaking of studies to ascertain the extent of the problem, of contract labour, progressive abolition of the system and improvement of service conditions of contract labour where abolition was not possible. The matter was discussed at various meetings of Tripartite Committee at which the State Governments were also represented and the general consensus of opinion was that the system should be abolished wherever possible and practicable and that in cases where this system could not be abolished altogether, the working conditions of the contract labour should be regulated so as to ensure payment of wages and provision of essential amenities.

The proposed Bill aims at the abolition of contract labour in respect of such categories as may be notified by the appropriate government in the light of certain criteria that have been laid down, and at regulating the service conditions of contract labour where abolition is not possible. The Bill provides for the setting up of Advisory Boards of a tripartite character, representing various interests, to advise the Central and State Government in administering the legislation and registration of



# Now

○ Everywhere Contract Labour



# Just-in-time-scheduling

- Just-in-time scheduling is another part of America's new “flexible” economy

- Robert Reich

# Just-in-time scheduling

TUESDAY, APR 21, 2015 02:15 PM IST

## Robert Reich: America's "flexible" economy is making workers' lives hell

The former secretary of labor on the need for a federal law requiring employers to pay for scheduled work

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Robert Reich

*This originally appeared on [Robert Reich's Blog](#).*

These days it's not unusual for someone on the way to work to receive a text message from her employer saying she's not needed right then.

- “Organisations must have the **flexibility** to adjust the number of this workforce based on economic efficiency”

- Page 364 –

- Second National Commission of Labour

I CALL IT OPPORTUNITY,  
NOT EXPLOITATION!



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www.illustrations.com

# Declaration of Philadelphia

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1. **Labour is not a commodity;**
2. **Freedom of expression and association are essential to sustained progress;**
3. **Poverty anywhere constitutes a danger to prosperity anywhere; [and]**
4. **All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.**

# Five 'Giant Evils'

---

- ▣ **Beveridge said that the government should find ways of fighting the five 'Giant Evils' of**
  - ▣ **Want,**
  - ▣ **Disease,**
  - ▣ **Ignorance,**
  - ▣ **Squalor and**
  - ▣ **Idleness.**

**Which one of the five is easier to tackle?**



# ESI benefits should be the Goal Post


---

- Provide benefits through the ESI Act.
- It covers and can cover all workers in factories and all the four categories of establishments **industrial, commercial, agricultural or otherwise.**



## ESIC – The benefactor par-excellence

- **“The package** (of benefits provided by the ESIC) **can rarely be matched by private employers** on their own because of the heavy costs involved – not to mention the disinclination among employers, with honorable exceptions, to operate health care systems for their workforce”  
– The Hindu (1.1.2005).



Benefits are  
reduced.  
Benefits are  
buried.  
Benefits are  
made uncertain

---

Who is the government working  
for?





**IMPERIALISM, HEALTH & MEDICINE**, edited by Vincente Navarro.  
London, Pluto Press, 1982. 285 pp. \$9.95 (paper)

This is a book whose rationale for publishing is unclear. It is a collection of articles on the theme of the relationship between imperialism, health and medicine, put together by Navarro with minimal editorial comment. All the articles have appeared previously in the *International Journal of Health Services* and are directly reprinted down to the same format and typeface. If it is designed to be a guide to researchers and others interested in the field, then the excellent reputation of the Journal and its relative availability would appear to ensure familiarity with the contents, certainly enough so as not to justify its publication for that purpose. If on the other hand its rationale is to be used as teaching material then its relatively specialised contents and availability of the readings elsewhere would make its adoption unlikely given the difficult economic circumstances of many students. Perhaps where the journal was not available would be the major market.

Which is not to detract in any way from the contents of course. In so far as the papers have a unified theme they examine what has come to be called "the underdevelopment of health", the vastly disproportionate burden of death and disease borne by third world countries. The papers argue in one form or another that poverty and ill health in third world countries is to be explained not by overpopulation as conventional explanations would have us believe. Rather it is caused by the penetration and expansion of capitalism throughout the world, the major feature of which is the imperialist relationship between the developed and underdeveloped countries.

The specific topics examined to support this argument vary but include population control, food aid, the ideological consequence of western medicine, the export of hazardous industries and unhealthy commodities to the third world, the breast feeding infant formula debate and the role of pharmaceutical industry in the third world. The papers inevitably are uneven, some more speculative than others. Together however they strongly and effectively make the point that disease and health are indissolubly individual and social phenomena, as much political as biological and that the search for solutions to massive problems of ill-health in individualist measures such as population control falsely separates health from the whole political and economic context of both the society and the broader capitalist world system.

*Department of Anthropology & Sociology*  
*Monash University*

**EVAN WILLIS**

Hazardous  
industries and  
unhealthy  
commodities to  
the third world

Not population  
But  
Uncontrolled  
Capitalism

Who  
prepared this  
draft Labour  
Code now,  
without a  
Master Plan?  
Or, why is  
that Master  
plan kept  
secret?

RTI MATTER

No. M-13014/01/2017-LRC  
Government of India  
Ministry of Labour & Employment  
(Labour Reforms Cell)  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi, dated the 25<sup>th</sup> April 2017

To  
Sh. R. Natrajan  
E-2, Indus Narmadha  
9, Kaalameham Street  
East Tambaram, Chennai-600059.

Subject: Request for information regarding draft Labour Code on Social Security & Welfare, under Right to Information Act, 2005.

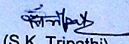
Sir,

I am to refer to your RTI Applications dated 04.04.2017 & 05.04.2017 and inform that draft Code on Social Security & Welfare is at preliminary draft stage. The draft Code has been prepared after going through the 15 Central Labour Acts of which provisions are being simplified, rationalized and amalgamated in this Code. Besides, as the Code is striving for new concept of "Universalizing the social security benefits", it is not strictly as the provisions of the existing legislations have been copied. The draft Code has not been examined so far on file where every provision has been justified or clarified and therefore no such record of omitting the word "substantial" is available in the Ministry. The preliminary draft of the Code has been placed on the Website for suggestions of the stakeholders and it will be finalized on the basis of feed back / suggestions received on each and every para of the Code. It is reiterated here that it is a preliminary draft for discussion and therefore all suggestions are welcome for improving the draft.

2. With regards to 2<sup>nd</sup> RTI application for copies of the proposed "license form" or other subordinate legislations like Rules and Regulations, it is intimated that they are yet to be formulated and they can be considered only after the draft Code on Social Security and Welfare will take a final shape and policy matters are firmed up. Therefore no such Rules and Regulations are available in respect of the draft Labour Code on Social Security and welfare.

Name & address of the Appellate Authority is given below:

Smt. Anuja Bapat, Director  
Ministry of Labour and Employment  
Shram Shakti Bhawan, Rafi Marg, New Delhi.

Yours faithfully,  
  
(S.K. Tripathi)  
Under Secretary to the Government of India  
Tel. No. 2376 6937

Copy for information to: RTI & Legal Cell, MoLE w.r.t No. INF/April/2017/RTI&Legal  
Cell-22 & 23 dated 13.04.2017.



## 'Mass suicide' protest at Apple manufacturer Foxconn factory

Around 150 Chinese workers at Foxconn, the world's largest electronics manufacturer, threatened to commit suicide by leaping from their factory roof in protest at their working conditions.



150 Chinese workers at Foxconn, threatened to commit suicide by leaping from their factory roof in protest at their working conditions Photo: Club.china.com

By Malcolm Moore, in Shanghai

12:04PM GMT 11 Jan 2012



**Law making without public interest in mind**

**Leaderless protest**

# France: Protestors Rise Up In Their Millions Against Ruling Class

Posted on June 30, 2016 by Baxter Dmitry in News, World // Comments (272)



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**French protestors are rising up in their millions against a ruling class determined to take away their rights. There is anarchy on the streets of France as the mainstream media continues to suppress the scale of events.**





25 January 2020



# Bangalore April 18, 2016



25 January 2020



State home minister G Parmeshwara said: "There seems to be no leader for this protest. The police have acted with great restraint."

The protests came after the government proposed changes in February to how employees can withdraw savings from the Employee Provident Fund or EPF.



IMAGE TWEETED BY @NaveenDahiyaABC

NDTV

The protests sparked massive traffic jams.





25 January 2020

# The Hindu

18.04.2016

- ▣ “According to Jayaram K.R. from the Garment and Textile Workers’ Union, the protest was against the union government’s amendment of the Act. As per the new amendment, people will be able to withdraw only their (employee’s) contribution to their provident fund accounts. They will be able to withdraw the employer’s contribution only after they are 58-years-old.
- ▣ Stating that this was “anti-workers”, Mr. Jayaram said that if there was no contribution to the provident fund, the workers will be entitled to only three years’ of interest on their employer’s contribution.
- ▣ “The main contention is that many workers of the unorganised sectors are not sure of being employed till they are 58-years-old. Workers, who are over 40 years, are unsure, as they may not be able to find suitable jobs,” he said.”



The High Court of Madras has said, “the object of the (ESI) Act is ... to give effect to Art. 1 of the Universal Declaration of Human Rights, 1948, which assures human sensitivity of moral responsibility of every State that all human beings are born free and **equal in dignity and rights**”

-C. Indira Vs. Senthil & Co. – 2009 (2) LLN. 302

# Not to be left to private individuals

- It is a constitutional direction.



# In mature Democracies, one who privatises social security is seen as a villain.

## Flourishing ESIC

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SEPTEMBER 8, 2015 · 10:49 AM | [EDIT](#)

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### Kerry Vs. Bush: Privatisation of Social Security !

2004 Presidential Election in the USA.

John Kerry wanted to scare away the voters from voting again for President George. W. Bush saying that the latter was planning a surprise second term attempt to privatise social security, and forecast a “disaster for America’s middle class”. “I’ll tell you what. I will never privatise social security”, Kerry said.

The spokesman of George W. Bush, the Republican Party Chairman, Ed Gillespie, called the charge “just flat inaccurate”.

None of the parties wanted privatisation of social security there.

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# Kerry: Bush will privatise social security

By David Esso

Washington, Oct. 18: Senator John Kerry accused President George W. Bush of planning a surprise second-term attempt to privatise social security, and forecast a "disaster for America's middle class."

Republican Party chairman Ed Gillespie called the charge "just flat inaccurate."

The clash erupted as Mr Kerry and his running mate both appealed to Florida voters on Sunday to cast their ballots as early as Monday under the state's early voting program. "There's no reason to wait until November the 2nd," vice-presidential candidate John Edwards said in the state that settled the last race for the White House.

Little more than two weeks before Election Day, the latest polls made the campaign a close one, seemingly tilting

Mr Bush's way despite debates that bolstered his

Democratic rival's standing.

"God, there's so many polls," lamented the President's brother, governor Jeb Bush of Florida. "I mean, it's like you could just be obsessed with focusing on that rather than the reason to support somebody," he said on ABC television's *This Week*.

After a campaign that has exposed deep differences between the two candidates over the war on terrorism, Iraq, the economy and more, Mr Kerry and Mr Bush hoped not. And the issue of social security gave the two sides fresh fodder for disagreement.

"I'll tell you what. I will never privatise social security. I'll never cut the benefits and I won't raise the retirement age," Mr Kerry told an audience in Pembroke Pines, Florida. The Massachusetts senator seized on a *New York Times Magazine* story to attack Mr Bush. (AP)

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Home (/) » Journal » Vol. 52, Issue No. 51, 23 Dec, 2017 (/journal/2017/51) » Predatory Private Providers

## Predatory Private Providers

*The government must heed data that healthcare expenditure is impoverishing the poor further.*

## Editorials (/editorials)

Vol. 52, Issue No. 51, 23 Dec, 2017  
(/journal/2017/51)

The two recent incidents wherein two hospitals belonging to well-known chains charged ₹16 lakh for a 22-day dengue treatment and ₹15.6 lakh for a 15-day dengue treatment respectively simply reaffirm India's dismal health service situation. Between a public health service on the brink of collapse and a private sector that is growing aggressively, a majority of Indians face financial disaster in the case of hospitalisation. The recently released National Health Profile (NHP) 2017 reaffirms what myriad sources of international and national data on India's health sector have been finding for decades. It shows that the government's spending on public health is not increasing in real terms, the private health sector is growing aggressively, and the out-of-pocket (OOP) expenditure on medical services is continuing to impoverish the poor, especially in rural India. OOP refers to the amount that is paid to the service provider without any subsidy from the government or third party insurance. Incidentally, both patients in the two incidents mentioned above, died.

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## Recent Issues

**Vol-52, No-51,**

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**Contents (/taxono**



- **“Health is one area in which the public sector consistently does a better job than the private sector at controlling costs”**

-Paul Krugman

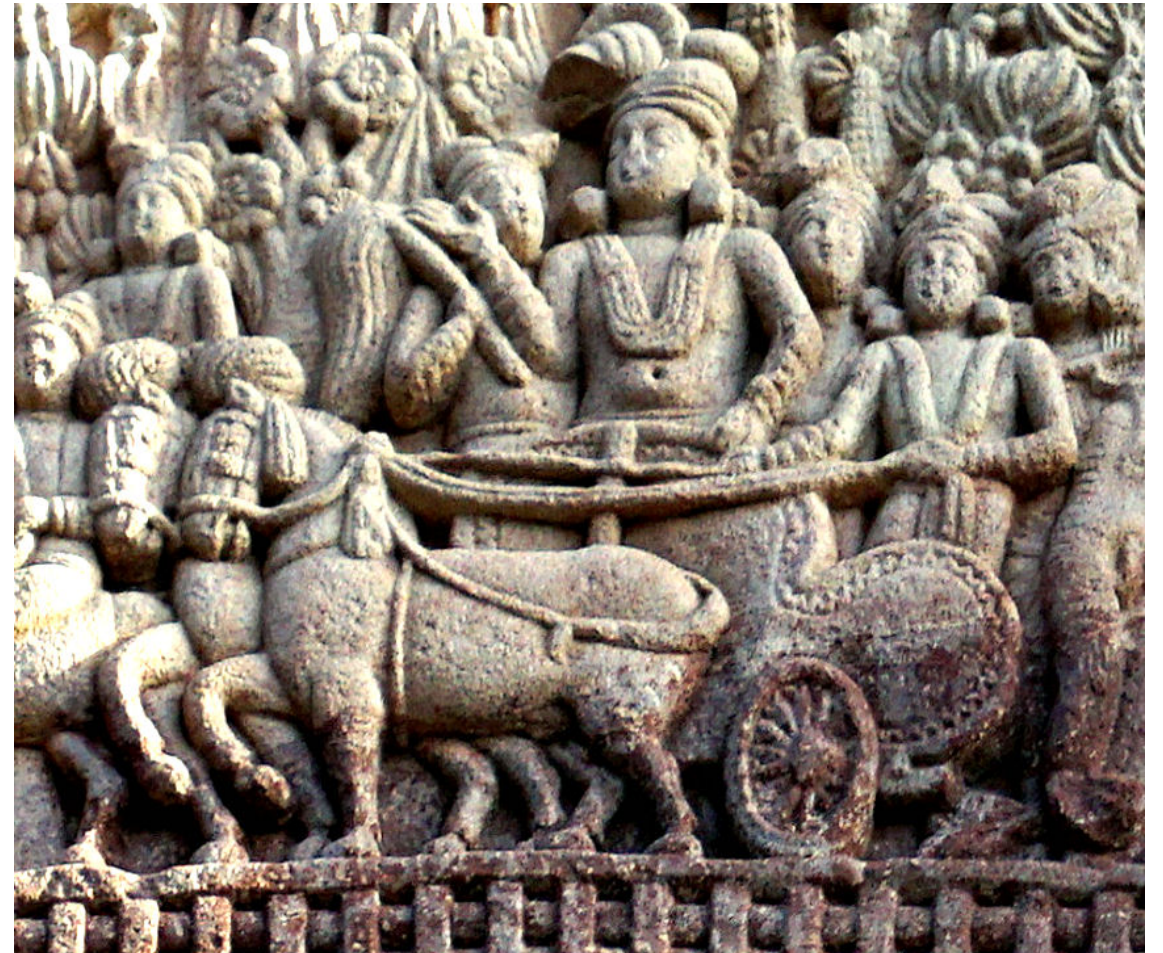
Nobel Prize winner

(The Hindu – 14.6.2011)



# Emperor Asoka

- Emperor Asoka set up **public sector** hospitals not only for human beings but also for birds and animals and provided proper endowment for running them.



**Dedicated service  
results in inflow of lot of funds**

25 January 2020









- Was it their duty?
- Was it only their duty?
- It is the duty of the entire society to protect the weak.
- Society discharges its duty through its government machinery.

If this child has to walk this  
care-free,  
  
there must be State-run  
social security organisations  
  
and  
  
they should be run  
corruption-free.



# UN 2015 - Objects and Reasons

- Provision of **adequate Social Security** for the **entire** workforce **regardless** of the nature of their employment has also been accepted as a fundamental element towards achievement of **Goal 8 (Decent Work and Economic Growth) of the 2030 Sustainable Development Goals Agenda** adopted at the **UN Summit** held in September 2015.

- But, the GOI has not yet ratified the Social Security (Minimum Standards ) Convention of ILO of 1952. (No. 102 of 1952).

- The principles anchored in Convention No. 102 are: guarantee of defined benefits;
- participation of employers and workers in the administration of the schemes;
- general responsibility of the state for the due provision of the benefits and the proper administration of the institutions;
- collective financing of the benefits by way of insurance contributions or taxation

• Ref. Page 163 of the draft code as Appendix 1.

- European Code of Social Security is much better than that of the ILO.

Page 5 says,

“No wonder that the right to social security has been treated as a human right by the United Nations. According to Articles 22 and 25 of the Universal Declaration of Human Rights, access to Social Security is a basic right. The ‘Social Security (Minimum Standards) Convention 102’ adopted by the International Labour Organization (ILO) in 1952 also prescribes minimum standards for benefits in the important areas of social security. India has not yet ratified this convention. It is high time now that the Country **moves towards providing the minimum standards** of social security to all its citizen”.

# What are the minimum standards?

- That is provided by the ESIC.
- Why is the proposed labour code reducing it?
- The proposed Labour Code makes the country move backwards by drastically reducing the benefits provided **even in the organised sector**, through the ESI Act.



- Social Assistance
- Social Insurance
- ESI Act provides it.
- But, that Act is whittled down.
- Power brokers are working for it, very actively.



# India has not done enough in social security space: ILO report

- GENEVA: India has performed poorly in providing social security protection to its people until recently with "very high vulnerability" to poverty and informal labour practices in the world, according to a report released by the International Labour Office (ILO) today, 16.11.2010, Times of India.
- In its first comprehensive 'World Social Security Report', the ILO has suggested that India has not done enough in the arena of social security protection, which is reckoned as the "human face of globalisation, in line with its fiscal status".

**Leisure**

# Art. 43

- 43. Living wage, etc, for workers:
- The State shall endeavour to secure, by suitable legislation or **economic organisation** or in any other way, to **all** workers, agricultural, industrial or otherwise, work, a **living wage**, **conditions of work ensuring a decent standard of life** and **full enjoyment of leisure** and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co operative basis in rural areas.
- *1. Living wage; 2. coverage of all; 3. condition of work for decent standard of life, 4.leisure*

## Contrary to Art. 43

### Bill for Improving Safety and Health of Workers

The Ministry of Labour and Employment today introduced Factories (Amendment) Bill, 2014 in Lok Sabha.

The amendment of the Factories Act aims to ensure improvement and safety and health of workers working in factories.

The bill will provide permission for employment of women for night work in a factory or group or class or description of factories with adequate safeguards for safety and provision of transportation upto their residence. It will enhance the limit of overtime hours from the present limit of 50 hours per quarter to 100 hours per quarter.

The amendments will make provision of personal protective equipment for workers exposed to various hazards and regarding entry into confined spaces and precautions against dangerous fumes, gases etc. and will empower the Central Government also to make rules under the Act on some important provisions.

Other main features of the proposed Amendments are as follows:-

- i. Reduction in the eligibility criteria for entitlement of annual leave with wages from 240 days to 90 days.
- ii. Provision of canteen facilities for factories employing 200 or more workers instead of the present stipulation of 250 workers and also provision of shelters or restrooms and lunchrooms for factories employing 75 or more workers instead of the present stipulation of 150 workers.
- iii. Amendment of Section 66 of the Act relating to permission for employment of women for night work at a factory or group or class or description of factories with adequate safeguards for safety and provision of transportation upto their residence.
- iv. Prohibition of employment of pregnant women and persons with disabilities on or near machinery in motion and near cotton openers.
- v. The amendment also proposes to further increase the limit of overtime hours to a maximum of 125 hours per quarter in public interest with the approval of the State Government.
- vi. The provision of self-certification has been introduced for the purpose of expansion of the factory through amendment in Section 6.

# THE HUFFINGTON POST

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HuffPost's signature lineup of contributors*

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**Amol Sarva**

[Become a fan](#)

Startup founder, building builder, ex-philosopher.

## **Why Germans Work Fewer Hours But Produce More: A Study In Culture**

Posted: 18/11/2014 23:02 IST | Updated: 18/01/2015 16:29 IST

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## Dr. Ambedkar says

Responding to the libertarian argument that where the state refrains from intervention in private affairs - economic and social - the residue is liberty, Dr. Ambedkar says: "It is true that where the state refrains from intervention what remains is liberty. To whom and for whom is this liberty? Obviously this liberty is liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages." Further, he says: "In an economic system employing armies of workers, producing goods en masse at regular intervals, someone must make rules so that workers will work and the wheels of industry run on. If the state does not do it, the private employer will. In other words, what is called liberty from the control of the state is another name for the dictatorship of the private employer."

*Dr. Venkatesh Athreya is Professor and Head of the Department of Economics, Bharathidasan University, Tiruchi.*

# Coverage

## Sec. 1 (5) of the ESI Act, 1948

- (5) The appropriate Government may, in consultation with the Corporation and where the appropriate Government is a State Government, with the approval of the Central Government, after giving one month's notice of its intention of so doing by notification in the Official Gazette, **extend the provisions of this Act or any of them**, to any other establishment, or class of establishments, **industrial, commercial, agricultural or otherwise.**

**Living Wage**





## Law Commission on W.C. Act, 1923

It is an oft-repeated slogan: “The cost of the product should bear the blood of the workman.<sup>1</sup>”

This objective may not have been realised fully. But it gives us, in striking language, a clue to the governing principle of the Act, and its socio-economic importance.

# ILO Decent Work Norms

- <https://www.youtube.com/watch?v=mZpyJwevPqc>

# Passing urine for the third time? Fine Rs. 20 !



25 January 2020

Art. 42

**“The State shall make provision  
for securing just and humane  
conditions of work**

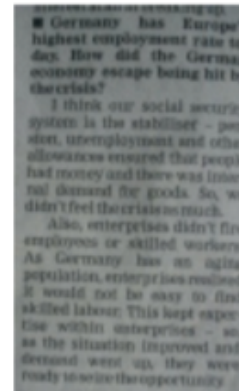


- 1922 – Indian reluctance is criticised in the ILO.
- One member has gone on record saying that among the civilised countries, India is the only country where no social security measures is in existence.
- Immediately, the embarrassed Indian representatives gave an assurance that steps would be taken to enact legislation for insurance in respect of accidents.

# Flourishing ESIC

JUNE 7, 2013 · 9:41 AM | EDIT

## Germany – From ‘Sick man’ to ‘Strongman’ through Social Security



■ Germany has Europe's highest employment rate today. How did the German economy escape being hit by the crisis?

I think our social security system is the stabilizer – pension, unemployment and other allowances ensured that people had money and there was internal demand for goods. So, we didn't feel the crisis so much.

Also, enterprises didn't fire employees or skilled workers. As Germany has an aging population, enterprises realized it would not be easy to find skilled labour. This kept expertise within enterprises – so, as the situation improved and demand went up, they were ready to seize the opportunity.

For more:

<http://timesofindia.indiatimes.com/home/opinion/interviews/Ursula-von-der-Leyen-Social-security-and-skilled-workers-helped-German-economy/articleshow/20464910.cms?>

# Why has Japan succeeded?



- Prof. Michio Morishima emphasises the importance of the role played in the creation of Japanese capitalism by ethical doctrines as transformed under Japanese conditions , especially the Japanese Confucian tradition of complete loyalty to the firm and to the State.



# Why has Japan 'succeeded'?

Western technology and the  
Japanese ethos

MICHIO MORISHIMA

 CAMBRIDGE  
UNIVERSITY PRESS





Willing participation of Labour



# **POLITICAL FUNDING AND BRIBE VS. WAGES**

## ART 43A

The State shall take steps, by suitable legislation or in any other way, to secure the **participation of workers in the management** of undertakings, establishments or other organisations engaged in **any** industry

# Representation in supreme bodies

Sl. No.	Name of the Organisation	Supreme Body	No. of employers' and employees' representatives.
1	ESI Act, 1948	ESI Corporation	10 + 10
2	EPF Act, 1952	Central Board	10 + 10
3	UWSS Act, 2008	National Board	7 + 7
4	Gratuity Act, 1972		
5	Cine Workers Act, 1981 (Rule 3)	Central Advisory Committee	7 + 7
6	Mica Mines Labour Welfare Fund Act, 1946	Central Advisory Committee	6 + 6
7	Limestone and Dolomite Mines Labour Welfare Fund Act, 1972	Central Advisory Committee	6 + 6



# Representation in supreme bodies

Sl. No.	Name of the Organisation	Supreme Body	No. of employers' and employees' representatives.
8	Iron Ore Mines, Manganese Ore Mines, Chrome Ore Mines Labour Welfare Fund Act, 1976	Central Advisory Committee	6 + 6
9	Beedi Workers Welfare Fund Act, 1976	Central Advisory Committee	7 + 7
10	Unorganised Workers Social Security Act, 2008	National Social Security Board	7 + 7
	<b>Total Members representing all these categories of employees</b>		<b>66 + 66</b>
	<i>No. of representatives proposed for the National Council under the Labour Code (Sec. 3.3)</i>		3 + 3

# Representation in National Council as per Labour Code on Social Security

Sl. No.	Name of the Organisation	Supreme Body	No. of employers' and employees' representatives.
	<i>No. of representatives proposed for the National Council under the Labour Code (Sec. 3.3)</i>	National Council	<b>3 + 3</b>
25 January 2020			

# The Pioneer

## 09.03.2019

- “The International Social Security Association, Geneva’s report in 2012 on BRICS countries revealed that India has a very weak social security policy in comparison to Brazil, China, Russia and South Africa which have adopted international standards covering important areas such as sickness, maternity, old age, family, invalidity, unemployment, employment injury and death. The Allianz Global investor’s Pension Sustainability Index 2014 says India has one of the world’s weakest pension systems.”

# What should be objective of a nation?

- Top in the list of GDP.
- Top in the list of Percapita income.
- Top in the list of possession of nuclear arms.
- Top in the list of number of billionaires.
- Top in the list of Human Development Index.
- Top In the list of Global Prosperity Index.



# Human Development Index

- Top Scandinavian countries.
- India 130 /188
- **Human development** is defined as the process of enlarging people's freedoms and opportunities and improving their well-being. **Human development** is about the real freedom ordinary people have to decide who to be, what to do and how to live.



# Global Prosperity Index

- India ranked 99 out of 142 countries on a prosperity index.
- The rankings, produced by a London-based think tank, the Legatum Institute, gauge the prosperity of a nation by combining economic indicators, including gross domestic product, with dozens of other measures of wellbeing, from **access to education** and **health** to the **living environment** for ethnic **minorities**.
- The index is based on the logic that “**prosperity is more than just the accumulation of material wealth**”.
- In this year's rankings, Norway topped the list for the seventh consecutive year, followed by Switzerland, Denmark and New Zealand.

# சான்றோரும் உண்டுதொல்?



There is a definite role for

**You !**

Sustainability the Musical



**"I am only one;  
but still I am one.**

**I cannot do  
everything,  
but still  
I can do something.**

**I will not refuse  
to do something  
I can do."**

**- Helen Keller**



Immediate solution

Run the  
existing social security system  
corruption-free.

**Thankyou!**