

INFORMAL WORKERS & SOCIAL PROTECTION IN TAMIL NADU

**CHALLENGES
DURING
COVID-19
LOCKDOWN**

**A DIPSTICK STUDY ON
THE ROLE OF LABOUR
WELFARE BOARDS
APRIL 2021**

INFORMAL WORKERS & SOCIAL PROTECTION IN TAMIL NADU: CHALLENGES DURING COVID-19 LOCKDOWN

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ABBREVIATIONS

AREDS	<i>Association of Rural Education and Development Service</i>
ASHA	<i>Accredited Social Health Activists</i>
BDO	<i>Block Development Officer</i>
CFTUI	<i>Confederation of Free Trade Unions of India</i>
CLC	<i>Chief Labour Commissioner</i>
CSR	<i>Corporate Social Responsibility</i>
CWMI	<i>Christian Workers Movement of India</i>
DRDA	<i>District Rural Development Agency</i>
DUDA	<i>District Urban Development Agency</i>
DWO	<i>District Welfare Officer</i>
EoDB	<i>Ease of Doing Business</i>
EPFO	<i>Employees Provident Fund Organization</i>
EPS	<i>Employees Pension Scheme</i>
ESIC	<i>Employees State Insurance Corporation</i>
EWS	<i>Economically Weaker Sections</i>
FCI	<i>Food Corporation of India</i>
FWP	<i>Food for Work Programme</i>
GDP	<i>Gross Domestic Product</i>
GGGI	<i>Global Gender Gap Index</i>
GHI	<i>Global Hunger Index</i>
GO	<i>Government Order</i>
GUF	<i>Global Unions Federation</i>
HDI	<i>Human Development Index</i>
ICDS	<i>Integrated Child Development Services</i>
ICFTU	<i>International Confederation of Free Trade Unions</i>
ILO	<i>International Labour Organization</i>
INHE	<i>International Network for a Human Economy</i>
IRDP	<i>Integrated Rural Development Programme</i>
ISHUP	<i>Interest Subsidy for Housing the Urban Poor</i>
ITI	<i>Industrial Training Institute</i>
ITUC	<i>International Trade Union Confederation</i>

IUPEP	<i>Integrated Urban Poverty Eradication Programme</i>
LWB	<i>Labour Welfare Board</i>
MFI	<i>Micro-Finance Institution</i>
MoL&E	<i>Ministry of Labour and Employment</i>
NCBC	<i>National Commission for Backward Classes</i>
NCEUS	<i>National Commission for Enterprises in the Unorganised Sector</i>
NCM	<i>National Commission for Minorities</i>
NCMEI	<i>National Commission for Minority Educational Institutions</i>
NCPCR	<i>National Commission for Protection of Child Rights</i>
NCSC	<i>National Commission for Scheduled Castes</i>
NCSK	<i>National Commission for Safai Karamcharis</i>
NCW	<i>National Commission for Women</i>
NDPS	<i>National Disability Pension Scheme</i>
NDWM	<i>National Domestic Workers Movement</i>
NFB	<i>National Family Benefit Scheme</i>
NFF	<i>National Fish-workers' Forum</i>
NHRC	<i>National Human Rights Commission</i>
NOAPS	<i>National Old Age Pension Scheme</i>
NREGS	<i>National Rural Employment Guarantee Scheme</i>
NRLM	<i>National Rural Livelihoods Mission</i>
NSAP	<i>National Social Assistance Programme</i>
NSDC	<i>National Skill Development Corporation</i>
NSFDC	<i>National Scheduled Castes Finance & Development Corporation</i>
NULM	<i>National Urban Livelihoods Mission</i>
NWPS	<i>National Widow Pension Scheme</i>
OECD	<i>Organisation for Economic Co-operation and Development</i>
OTP	<i>One Time Password</i>
OSH	<i>Occupational Health and Safety</i>
PDS	<i>Public Distribution System</i>

PFRDA	<i>Pension Fund Regulatory and Development Authority</i>
PPP	<i>Public-Private Partnership</i>
RBI	<i>Reserve Bank of India</i>
SERAB	<i>State Equal Remuneration Advisory Board</i>
TILS	<i>Tamilnadu Institute of Labour Studies</i>
SCLAB	<i>Tamilnadu State Child Labour Advisory Board</i>
AIOE	<i>All India Organization of Employers</i>
EFI	<i>Employers' Federation of India</i>
ASSOCHAM	<i>Associated Chamber of Commerce</i>
SCOPE	<i>Standing Conference of Public Enterprises</i>
AIMO	<i>All India Manufacturers' Organization</i>
CII	<i>Confederation of Indian Industries</i>
RGI	<i>Registered General of India</i>
RTI	<i>Right to Information</i>
SCP	<i>Special Component Plan</i>
SEWA	<i>Self-Employed Women's Association</i>
SPFUW	<i>Scheme of Provident Fund for Unorganised Workers</i>
STEPUP	<i>Skill Training for Employment Promotion amongst Urban Poor</i>
SUDA	<i>State Urban Development Agency</i>
TNLRF	<i>Tamil Nadu Land Rights Federation</i>
TAHDCO	<i>Tamil Nadu Adi Dravidar Housing Development Corporation Limited</i>
TIDCO	<i>Tamil Nadu Industrial Development Corporation Limited</i>
TNCSC	<i>Tamil Nadu Civil Supplies Corporation Limited</i>
MWAB	<i>Minimum Wages (State) Advisory Board</i>
TNSCVT	<i>Tamil Nadu State Council of Vocational Training</i>
TNSAC	<i>Tamil Nadu State Apprenticeship Council</i>
ULB	<i>Urban Local Bodies</i>
UNDP	<i>United Nations Development Programme</i>
UNICEF	<i>United Nations International Children's Emergency Fund</i>
VAO	<i>Village Administrative Officer</i>

WHO	<i>World Health Organization</i>
WPC	<i>Working Peoples' Charter</i>
WSM	<i>World Solidarity</i>
WWFB	<i>Workers Welfare Funds Board</i>

RELEVANT CONCEPTS

COVID-19 - Severe Acute Respiratory Syndrome Corona Virus 2 (SARS-CoV-2)¹

'Novel Corona Virus' or 'SARS-CoV2' popularly called as "COVID-19" is a new strain of Corona virus that was discovered in 2019 and has not been previously identified in humans. Corona is a large family of viruses that target and affect mammals' respiratory systems and eventually cause illness ranging from the common cold to more severe diseases such as 'Middle East Respiratory Syndrome' (MERS-CoV) and 'Severe Acute Respiratory Syndrome' (SARS-CoV). According to their specific characteristics, there are four main ranks, or genera, of corona viruses: 'alpha', 'beta', 'delta', and 'gamma'. Most of these affect only animals, but a few are zoonotic, meaning they are transmitted between animals and humans. Those that are transmissible to humans belong to only two of these genera: 'alpha' and 'beta'. It is claimed that SARS-CoV was transmitted from civet cats to humans and MERS-CoV from dromedary camels to humans. Common signs of Corona virus infection include respiratory symptoms, cough, fever, and breathing difficulties. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and even death in some cases. Standard recommendations to prevent infection spread include regular hand-washing, covering mouth and nose when coughing and sneezing, avoiding close contact with anyone showing symptoms of respiratory illness such as coughing and sneezing or fever.

¹ More details available at https://www.who.int/health-topics/severe-acute-respiratory-syndrome#tab=tab_1

Lockdown², Section-144³ & Curfew⁴

Lockdown is an emergency protocol that prevents people from leaving a specified area. A full lockdown would mean that one must continue to stay where he/she is and not exit or enter a building or the given area. This scenario usually allows for essential supplies. All non-essential activities remain closed for the entire period. While a lockdown prevents people from leaving an area, Section-144⁵ limits the number of people who can gather together in public. According to the Section-144 of the Criminal Procedure Code (CrPC), a gathering of 4 or more people is prohibited in the area concerned. If a gathering of 4 or more people is found, every member of the group can be charged for engaging in a riot situation. Section-144⁶ is supposedly imposed in urgent cases of nuisance or to control the danger of some event that has the potential to cause trouble or damage to human life or property. This Section of the law dates back to British Raj when it was used for the first time in 1861. After Indian independence it became an important tactics to prevent public protests. Moreover, there also exists a contradiction. The Section-144 violates Article 19(1)(a) of the Indian Constitution i.e. Right to Peaceful Assembly and Right to Freedom of Speech and Expression. This is because, Constitution of India provides the right to people to peacefully assemble in public areas without

² More details available at https://en.wikipedia.org/wiki/COVID-19_lockdown_in_India

³ More details available at <https://www.business-standard.com/about/what-is-section-144>

⁴ More details available at <https://www.outlookindia.com/website/story/opinion-amid-section-144-and-curfew-rule-of-law-should-not-decay-in-times-of-pandemic/355593>

⁵ More details available at <https://indianexpress.com/article/explained/what-is-section-144-crpc-prohibitory-orders-india-cao-citizenship-act-6175056/>

⁶ More details available at <https://timesofindia.indiatimes.com/home/education/current-affairs/what-is-section-144-of-the-crpc/articleshow/74773112.cms>

arms, but Section-144 of CrPC does not allow this. A curfew⁷ prohibits people from leaving their homes for a specific period it is an order⁸ specifying a time during which certain regulations apply. Typically, it refers to the time when individuals are required to return to and stay in their homes.

Informal Sector⁹

The informal economy is likely to conjure different meanings and connotations around the world. Informal employment refers to working arrangements that are not subject to national labour legislation, income taxation or entitlement to social protection¹⁰ or certain other employment benefits like advance notice of dismissal, severance pay, paid annual or sick leave, etc. In 2015, the ILO Recommendations No.204¹¹ concerning the transition from informal to formal economy describes the “informal economy as referring to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.

Work¹²

A ‘job’ or ‘work’ activity is defined as a set of tasks and duties performed, or meant to be performed, by one person for a single

⁷ More details available at

<https://timesofindia.indiatimes.com/city/chennai/covid-19-tamil-nadu-to-be-under-lockdown-from-tuesday-evening-section-144-to-be-in-force/articleshow/74774087.cms>

⁸ More details available at

<https://www.businessinsider.in/india/news/the-difference-between-lock-down-curfew-and-section-144/articleshow/74789339.cms>

⁹ More details available at https://www.ilo.org/global/about-the-ilo/multimedia/video/video-news-releases/WCMS_074529/lang-en/index.htm

¹⁰ More details available at <http://www.fao.org/3/i7016e/i7016e.pdf>

¹¹ More details available at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::N0::P12100_ILO_CODE:R204

¹² More details available at

<https://journals.sagepub.com/doi/pdf/10.1177/1056492619841705>

economic unit. Work comprises any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use. Work is defined irrespective of its formal or informal character or the legality of the activity. Persons may have one or several jobs. Those in self-employment would have as many jobs as the economic units they own or co-own, irrespective of the number of clients served. In cases of multiple job-holding, the main job is that with the most hours usually worked, as defined in the international statistical standards on working time. Persons in employment are defined as all those of working age who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit.

Forms of Work¹³

There are five mutually exclusive forms of work, which are distinguished on the basis of the intended destination of the production and the nature of the transaction i.e. monetary or non-monetary transactions, and transfers, as follows:

- *Own-use production work comprising production of goods and services for own final use;*
- *Employment work comprising work performed for others in exchange for pay or profit;*
- *Unpaid trainee work comprising work performed for others without pay to acquire workplace experience or skills;*
- *Volunteer work comprising non-compulsory work performed for others without pay;*
- *Other work activities which include unpaid community service and unpaid work by prisoners, when ordered by a court or similar authority, and unpaid military or alternative civilian service, which may be treated as a distinct form of work for measurement.*

¹³ More details available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_633806.pdf

Worked Hours¹⁴

The concept of hours actually worked relates to the time that persons in employment spend directly on, and in relation to, productive activities; down time; and resting time during a specified time reference period. It thus includes

- *"direct hours" or the time spent carrying out the tasks and duties of a job,*
- *"related hours", or the time spent maintaining, facilitating or enhancing productive activities*
- *"down time", or time when a person in a job cannot work due to machinery or process breakdown, accident, lack of supplies or power or Internet access*
- *"Resting time", or time spent in short periods of rest, relief or refreshment, including tea, coffee or prayer breaks, generally practised by custom or contract according to established norms and/or national circumstances.*

Employee¹⁵

Employee are those who hold paid employment jobs, which are those where the incumbents hold employment contracts, which give them a basic remuneration not directly dependent upon the revenue of the unit for which they work. Persons in employment are defined as all those of working age who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit. They comprise employed persons "at work", i.e. who worked in a job for at least one hour; and employed persons "not at work" due to temporary absence

¹⁴ More details available at <https://ilostat.ilo.org/resources/concepts-and-definitions/description-hours-of-work/>

¹⁵ More details at <https://ilostat.ilo.org/resources/concepts-and-definitions/description-employment-by-status/#:~:text=Employees%20are%20those%20workers%20who,unit%20for%20which%20they%20work.>

from a job, or to working-time arrangements such as shift work, flexitime and compensatory leave for overtime.

Earnings¹⁶

Earnings relates to gross remuneration in cash and in kind paid to employees, as a rule at regular intervals, for time worked or work done together with remuneration for time not worked, such as annual vacation, other type of paid leave or holidays. Earnings include direct wages and salaries, remuneration for time not worked (excluding severance and termination pay), bonuses and gratuities and housing and family allowances paid by the employer directly to this employee. Earnings exclude employers' contributions in respect of their employees paid to social security and pension schemes and also the benefits received by employees under these schemes.

Compensation¹⁷

Compensation of employees is a concept defined as the total remuneration, in cash or in kind, payable by an enterprise to an employee in return for work done by the latter during the accounting period. The compensation of employees has two main components:

- *Wages and salaries payable in cash or in kind*
- *Social insurance contributions payable by employers which include contributions to social security schemes.*

Minimum Wage¹⁸

The minimum wage is the lowest wage that employers are legally obliged to pay their employees. It may consist of a basic rate of

¹⁶ More details available at https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-port_of_spain/documents/presentation/wcms_304694.pdf

¹⁷ More details available at <https://stats.oecd.org/glossary/detail.asp?ID=396>

¹⁸ More details available at https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS_439072/lang--en/index.htm

wages and a cost of living allowance; or a basic rate of wages without the cost of living allowance, and the cash value of concessions in respect of the supply of essential commodities at concession rates; or an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions (if any). The basic minimum wage can be fixed at an hourly, weekly or monthly rate, and this minimum wage is enforced by law. The scope and coverage of statutory minimum wages vary across places (singular national minimum wage, regional minimum wage, sectorial minimum wage, occupational minimum wage, etc.).

Below Poverty Line¹⁹

Below Poverty Line (BPL) is a benchmark used by the government to indicate economic disadvantage and to identify individuals and households in need of government assistance and aid. It is determined using various parameters which vary from state to state and within states. Internationally, an income of less than INR₹ 150 per day per head of purchasing power parity is defined as extreme poverty. The BPL method employed to measure the number of people living in poverty in India takes food, clothing, housing, and sanitation into account along with literacy and labour status. Income-based poverty lines consider the bare minimum income to provide basic food requirements; it does not account for other essentials such as health care and education.

Working Poor²⁰

The ‘working poor’ are persons who, in spite of being employed, still live in a household classified as poor (i.e. household that has income or consumption levels below the poverty line). Generally, four main types of risk related to the working poor can be

¹⁹ More details available at <http://www.ijsrp.org/research-paper-1212/ijsrp-p1212.pdf>

and <https://sikkim.gov.in/departments/desme/below-poverty-line>

²⁰ More details available at https://ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_696387.pdf

identified: (i) those related to the individual lifecycle, (ii) economic, (iii) environmental and (iv) social/ governance related. Some risks affect all population groups equally; others have more intense impacts on the working poor. The poor generally are highly vulnerable to risks and are constantly preoccupied with risk-averse and coping strategies to avoid sinking further into poverty. While anyone can be vulnerable, the poor and the near poor are particularly at risk since they have fewer assets, reserves, or other opportunities to fall back on.

Labour Cost²¹

The statistical concept of labour cost comprises remuneration for work performed, payments in respect of time paid for but not worked, bonuses and gratuities, the cost of food, drink and other payments in kind, cost of workers' housing borne by employers, employers' social security expenditures, cost to the employer for vocational training, welfare services and miscellaneous items, such as transport of workers, work clothes and recruitment, together with taxes regarded as labour cost.

Occupational Accidents²²

An occupational accident is an unexpected and unplanned occurrence, including acts of violence, arising out of or in connection with work which results in one or more workers incurring a personal injury, disease or death. An occupational injury is defined as any personal injury, disease or death resulting from an occupational accident; an occupational injury is therefore distinct from an occupational disease, which is a

²¹ More details available at

<https://stats.oecd.org/glossary/detail.asp?ID=1484#:~:text=The%20statistics%20concept%20of%20labour,cost%20to%20the%20employer%20for>
or

²² More details available at

https://link.springer.com/referenceworkentry/10.1007%2F978-1-4020-5614-7_2408#:~:text=According%20to%20the%20ILO%20definition,injury%20disease%20or%20death.

disease contracted as a result of an exposure over a period of time to risk factors arising from work activity. A case of occupational injury is the case of one worker incurring an occupational injury as a result of one occupational accident. An occupational injury could be fatal (as a result of occupational accidents and where death occurred within one year of the day of the accident) or non-fatal with lost work time.

Trade Union²³

A 'trade union' is defined as a workers' organization constituted for the purpose of furthering and defending the interests of workers. Workers get organized into a voluntary association to further their mutual interests with respect to wages, hours, working conditions and other matters of interest to the workers. International Confederation of Free Trade Unions (ICFTU) is an International trade union body, formed in 1949, composed of a large number of national level central labour bodies.

Collective Bargaining²⁴

Collective bargaining refers to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations. Normally the result of collective bargaining is a written contract which covers all the employees in the bargaining unit, both union members and non-members.

Collective Impact

²³ More details available at https://www.ilo.org/ilostat-files/Documents/description_IR_EN.pdf

²⁴ More details available at https://www.ilo.org/global/topics/collective-bargaining-labour-relations/WCMS_244362/lang--en/index.htm

Collective Impact is the commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem at scale.

Common Agenda

One of the principles of collective impact. It is a vision for change shared by all participants that includes a common understanding of the problem and a joint approach to solving the problem through agreed-upon actions.

Guiding Principles

Agreed upon values that guide the group in laying out the rest of the common agenda, making decisions, and how the group is going to work together overall.

Decent Work²⁵

'Decent Work' is employment that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. Decent work is applied to both the formal and informal sector. It must address all kind of jobs, people and families. The framework on the measurement of 'Decent Work' is closely linked to the four strategic pillars of the ILO's 'Decent Work Agenda'; that is, (a) international labour standards and fundamental principles and rights at work (b) employment creation (c) social protection²⁶ and (d) social dialogue and Tripartism. Key elements for the measurement of Decent Work are: (i) employment opportunities; (ii) adequate earnings and productive work; (iii) decent working time; (iv) combining work, family and personal life; (v) work that should be abolished; (vi) stability and security of work; (vii) equal opportunity and treatment in employment; (viii) safe work

²⁵ More details available at <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

²⁶ More details available at

https://www.oecd.org/dev/inclusivesocietiesanddevelopment/Lessons_1_earned_Implementing_social_protection_strategies.pdf

environment; (ix) social security; and (x) social dialogue, employers' and workers' representation.

Social Dialogue²⁷

'Social Dialogue' is any type of negotiation, consultation or exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating directly to work and related economic and social policies. The extent to which workers can express themselves on work related matters and participate in defining their working conditions is an important dimension of decent work. This can be channelled through collectively chosen representatives or involve direct interaction between workers and employers. The ability of workers to organise freely to defend their interests collectively in negotiations with the employer is a pivotal element of democracy at the workplace and the effectiveness of social dialogue.

Social Security²⁸

'Social Security' is defined by the ILO as the set of public measures that a society provides for its members to protect them against economic and social distress that would be caused by the absence or a substantial reduction of income from work as a result of various contingencies (sickness, maternity, employment injury, unemployment, invalidity, old age, and death of the breadwinner); the provision of health care; and the provision of benefits for families with children. Social Security covers all measures that provide benefits, whether in cash or in kind, to secure protection, among other things, from (a) lack of work-related income (or insufficient income) caused by sickness, disability, maternity, employment injury, unemployment, old age,

²⁷ More details available at <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang-en/index.htm#:~:text=Social%20dialogue%20is%20defined%20by,to%20economic%20and%20social%20policy>.

²⁸ More details available at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang-en/index.htm>

or death of a family member; (b) lack of access or unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependants; and (d) general poverty and social exclusion.

Social Protection²⁹

Social Protection³⁰ consists of a whole range of measures of prevention, protection, promotion and transformation or social change, which aim at preventing and reducing social exclusion and inequality as well as poverty and vulnerability. It seeks to provide every individual with a decent standard of living and in order to achieve this objective, an extensive set of measures is required, with different stakeholders having a role to play and several sources of financing having to be used. There is no clear definition of social protection³¹. It is also perceived a set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruption/loss of income. Social protection³² consists of five major elements:

- (i) Labour market policies and programs designed to facilitate employment and promote the efficient operation of labour markets;*
- (ii) Social insurance programs to cushion the risks associated with unemployment, health, disability, work injury, and old age;*

²⁹ More details available at <https://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf>

³⁰ More details available at <http://www.gsdrc.org/docs/open/socialprotection.pdf>

³¹ More details available at <https://www.adb.org/sites/default/files/institutional-document/32100/social-protection.pdf>

³² More details available at <https://www.ohchr.org/documents/issues/epoverty/humanrightsapproachtosocialprotection.pdf>

- (iii) Social assistance and welfare service programs for the most vulnerable groups with no other means of adequate support;*
- (iv) Micro and area-based schemes to address vulnerability at the community level; &*
- (v) Child protection to ensure the healthy and productive development of the future workforce.*

'Social safety-net' and 'social security' are sometimes used as an alternative to 'social protection'³³. The term 'social safety-net' appears to have a less precise meaning; some people use it to mean the whole set of programs and policies discussed in a strategy, others use it to refer only to welfare programs targeted to the poor. On the other hand, the term 'social security' is generally used to refer to the comprehensive mechanisms and coverage in high-income countries, and is less applicable to new areas such as community and area based schemes. Of all these terms, 'social protection'³⁴ is now the most commonly used internationally.

Bank Mitra

A Bank Mitra is an individual who acts as an agent of the bank in a place where opening a brick and mortar bank branch is not possible. These individuals represent banks and provide all kinds of assistance to bank customers. This includes offering assistance in opening an account under the PMJDY initiative and helping with any problems that may arise during the opening of accounts under the program. The main duties of a Bank Mitra are:

- Generating awareness regarding saving as well as offering advice on managing money and debt-related issues*

³³ More details available at <https://www.social-protection.org/gimi/RessourcePDF.action?id=55462>

³⁴ More details available at <https://www.socialprotection-toolbox.org/files/documents/Social-Protection-module-1.pdf>

- *Identifying the business potential of customers and generating business from them*
- *Enrolling a customer and collecting/verifying the forms needed to open a bank account*
- *Helping customers fill and submit application forms*
- *Collecting/accepting the payment of small value deposits*
- *Providing bank account details like mini statements, etc.*
- *Providing any kind of support on behalf of the bank i.e. pension and insurance products*

Pradhan Mantri Jan-Dhan Yojana (PMJDY)

Pradhan Mantri Jan-Dhan Yojana Financial Inclusion is delivery of banking services like availability of basic savings bank account, access to need based credit, remittances facility, insurance and pension to the excluded sections i.e. economically weaker sections of disadvantage and low income groups at an affordable cost. Financial Inclusion is a national priority of the Government as it is an enabler for inclusive growth. Financial Inclusion is important as it provides an avenue to the poor for bringing their life-savings into the formal financial system. Objective of “Pradhan Mantri Jan-Dhan Yojana” (PMJDY) is ensuring access to various financial and banking services & 100% coverage of each household across county level. This deep penetration at affordable cost is possible only with effective use of technology.

PMJDY Features & Benefits:

- *‘No-Frills’ Saving Account with zero balance facility*
- *Interest on Savings Account (per annum)*
 - *4 % for daily balance upto Rs.1 Lakhs*
 - *5 % for daily balance above Rs.1 Lakhs and upto Rs. 10 Lakhs*
 - *6 % for daily balance above Rs. 10 Lakhs*
- *Complimentary Classic Domestic RuPay Debit Card with following benefits*

- *Free Personal Accident insurance cover of Rs.1 Lakhs*
- *Free Life insurance cover of Rs. 30,000/-*
- *Access to all cash withdrawal from all other bank ATMs*
- *Make purchases at merchant establishments*
- *Easy Transfer of money across India*
- *Beneficiaries of Government Schemes can get Direct Benefit Transfer (DBT) in these accounts like NREGA/DBTL/Govt. Schemes, etc.*
- *After satisfactory operation of the account for 6 months, an overdraft facility will be permitted. Overdraft facility upto Rs. 10,000/- is available in only one account per household, preferably lady of the household.*
- *Access to Pension, insurance products, etc.*

PREFACE

In 2020 en 2021 the whole world suffered from the COVID-19 pandemic. Not only the health risks with innumerable lives being lost had a massive impact, but also the social and economic effects of the pandemic and the measures imposed to contain it have hit the world and its populations. A large number of broad scale social protection responses were taken, but the measures were very uneven between countries. In many cases they were also only temporary. Studies revealed that in more than 80% countries emergency responses covered less than half the population. Overall, performance of emergency programmes varied strongly, depending on the pre-existence of social protection systems, institutions and procedures and adequate social registries.

India especially has been hard hit and within the country the informal workers suffered the most. A number of social protection and relief measures were taken, but as in many countries not everyone managed to access the support provided. This study is of particular interest because it focuses on the specific challenges faced by informal workers to receive the planned support in Tamil Nadu. This focus allows to really provide in-depth insight. The use of a people research as methodology adds to the relevance of the report, because it reveals first hand, from the very experience of the informal workers concerned themselves, the problems people faced to access support.

The study teaches interesting lessons from which policy recommendations for the future can be drawn. But it also provides a guide book for practitioners and grassroots leaders to

help informal workers overcome the barriers they face. Combined these different elements in the study will undoubtedly serve as a base to guide future work of social organisations and networks in Tamil Nadu and beyond. It will help to convince policy makers to improve and transform social protection policies and it will help to raise awareness amongst the members of the social movements and the broader group of informal workers.

The current critical situation pushes us to re-think social protection policies: how to make them inclusive and sustainable. We should seize this momentum to redefine the social contract ensuring that informal economy workers are recognized for their important contribution to our societies. As workers, they should enjoy comprehensive social protection as well. To build trust, it is important to engage with those in the informal economy, which allows tailoring and adapting social protection services to their specific needs.

Therefore I also want to thank everybody who contributed to this massive work. The researchers in the study team, the volunteers and activists involved in conducting the survey and the recording of testimonies, but most importantly also the informal workers who shared their experiences and thus provided key information on which the research is based. Without this broad cooperation between several social movements, their members, networks and academics the study wouldn't have been impossible.

*Bart Verstraeten
Chair of INSP!R*

International Network for Social Protection Rights

EXECUTIVE SUMMARY

The informal sector in Tamil Nadu got paralysed completely when COVID-19 struck hard and a series of lockdowns were imposed by the central government in March 2020. Subsequently, the state government announced certain emergency response and relief measures for the informal workers. A study was urgently initiated in order to address the sudden crisis, especially on the government's apathy towards the informal workers. Lack of formal identity cards and registrations were seen as the most crucial reasons complicating the efforts to deliver economic aid packages to individual workers and small enterprises in Tamil Nadu. The study further revealed that the overall situation of the material welfare schemes and the process of the newly introduced online-registrations faced several complex challenges and hurdles not only in the digital platforms, but also at the social and administrative levels. The study team was also for a few days engaged in direct primary investigation and observation in this regard and experienced the challenges in the processes personally. Apart from direct primary research, the team also conducted a survey, few FGD meets, interviews with critical stakeholders as well as secondary research and analysis. The main issues observed in the state-wide study were:

- *Most informal workers in the rural areas were **not aware** of the existence of neither any '**labour welfare centres**', nor the functioning of various sector based '**labour welfare boards**', and available social welfare '**entitlements**', etc. (mainly due to **lack of information** and **limited exposures**.)*

- *Not being members of the sector-based welfare boards was the main reason for not getting the COVID-19 relief benefits. Fresh **memberships** and **renewal** of old memberships were the key challenges to informal workers from all sectors.*
- *The newly introduced '**online-registration**' process was a **technological** and **material challenge** to the informal workers as their formal education and exposure to latest digital technological issues was bare minimum.*
- *At all stages of online application & certificates **uploading** process, they had to struggle as it involved **internet** access and **server** capacities; One Time Password (**OTP**) acknowledgements through **Aadhaar** linked **mobile-phone** numbers; data **inconsistencies** for login; etc. which was challenging for them to handle independently.*
- *Even if the workers were interested in registering themselves into the welfare boards, they had to **shuttle** between distant **places** to obtain too many **certifications**. They had to spend at least a week's **time** (sometimes more than two weeks due to COVID-19 travel **restrictions** and office **lockdowns**) to submit the relevant **documents** to the **authorities**, which was cumbersome for the workers.*
- *Most workers were totally dependent on the '**brokers**' and '**agents**' for registration and renewal.*
- *Due to official and bureaucratic **red-tapism**, the workers were unable to manage directly themselves, as they did not **know how to fill-in** the applications or **locate** the appropriate labour welfare centres.*

- *It was also perceived as a vague, **time and money** consuming process with unnecessary glitches, **stress & strain** during a **critical time** of their lives. Moreover, it involved a lot of **uncertainties** and **didn't serve** their emergency or immediate purposes during the COVID-19 lockdown period.*
- *The financial assistance was generally **not rendered** immediately or time-bound against their applications. On an average, the informal workers had to spend at least INR₹ 500 for registration including bus fare and food **expenses** during the processing days. COVID-19 relief of INR₹ 2000 and free Public Distribution System (PDS) rations benefits under Labour Welfare Board (LWB) schemes were **not availed** in most cases.*
- *Moreover, the **relief** fund disbursed by the government was **frail**, thus making both ends meet with it as impossible and **meaningless**.*
- *Most informal workers managed their families during COVID-19 by **borrowing** loans, **mortgaging** their jewellerys and with relief materials received from NGOs, public charities and humanitarian citizens.*

In pursuit of universal sustainable development and human prosperity, a critical challenge is to find a balance between economic growth and social protection. There can be no excuse for any society to evade providing social protection for its people. A stable '**Social Protection Floor**' should be the basic level of protection in a democratic society. The following are the key recommendations based on the study:

- There is an urgent need for framing of explicit **robust social protection** structures and systems for the wellbeing of informal workers.

- There is a critical requirement for adequate **monitoring, inspection** and **enforcement** of welfare measures related to informal sector workers.
- It is the responsibility of the government both at center and state to ensure the adequate budgetary **allocations** and uninterrupted **accessibility** of benefits to the needy informal workers.
- It is imperative on the government, the private corporations and the civil society to remove the **psychological** and **socio-cultural obstacles** amongst the informal workers, the officials and the general public.
- It is absolutely essential to target **vulnerable groups**, marginalised sections, priority sectors and specific territorial regions in implementing the welfare initiatives for enforcing **social justice**, equity, equality and adequate opportunity in society.
- It is crucial to ensure **social security for all** and no one is left behind!

I. BACKGROUND AND INTRODUCTION

India is the second-most populous country in the world with over 137 crores (1.37 billion)³⁵ people and the seventh-largest country by area³⁶ with 3,287,240 square kilometres. India is also the world's second-largest military force³⁷ with the strength of over 14 lakhs (1.4 million) active personnel and has the world's third-largest defence budget in the world.³⁸ According to the Indian government the allocation for defence during the fiscal year 2020-21 stood at INR₹ 4,71,378 crores (US\$65.86 billion)³⁹ which is around 2.4% of India's Gross Domestic Product (GDP). The 2021

³⁵ Estimate by Ministry of Health and Family Welfare available at https://main.mohfw.gov.in/sites/default/files/Population%20Projection%20Report%202011-2036%20-%20upload_compressed_0.pdf

³⁶ 3,287,240 sq.km. includes 120,849 sq. km. of area under the illegal occupation of Pakistan and China. More details available at The Ministry of Statistics and Programme Implementation - Government of India http://mospi.nic.in/sites/default/files/Statistical_year_book_india_chapters/ch2_syb2017.pdf

³⁷ Snehes Alex Philip, "Indian Army now world's largest ground force as China halves strength on modernisation push", The Print 17 March, 2020 accessible at <https://theprint.in/defence/indian-army-now-worlds-largest-ground-force-as-china-halves-strength-on-modernisation-push/382287/>

³⁸ "India third largest military spender in world, after US and China", The Economic Times 27 April 2020 accessible at <https://economictimes.indiatimes.com/news/defence/global-military-spending-saw-largest-increase-in-decade-in-2019-china-india-in-top-3-study/articleshow/75404166.cms?from=mdr>

³⁹ Demand for Grants 2020-21 Analysis : Defence, PRS Legislative Research (PRS) accessible at <https://prsindia.org/budgets/parliament/demand-for-grants-2020-21-analysis-defence>

Global Firepower (GFP) Report⁴⁰ lists India as the fourth most-powerful military in the world. Self-reliance in state-run heavy industries and strategic sectors in the decades following its independence in 1947 had placed India ahead of most developing countries in terms of development.

Despite such advantages and richness, India and its citizens majorly rely on government welfare measures in a big way including price-support for food, water, energy, fertilisers, housing, etc. India is also 70% rural⁴¹ with high dependence on agriculture, fisheries and forests. Though India implements mega flagship programs like the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)⁴² which according to the World Bank,⁴³ is the world's largest programme guaranteeing the 'right to work' in rural areas; considerable Indian citizens still lack access to basic public services, such as electricity, potable water and sanitation. With public spending on health care, at slightly more than 1% of GDP,⁴⁴ deprivation is starkly pronounced both in villages and urban slums.

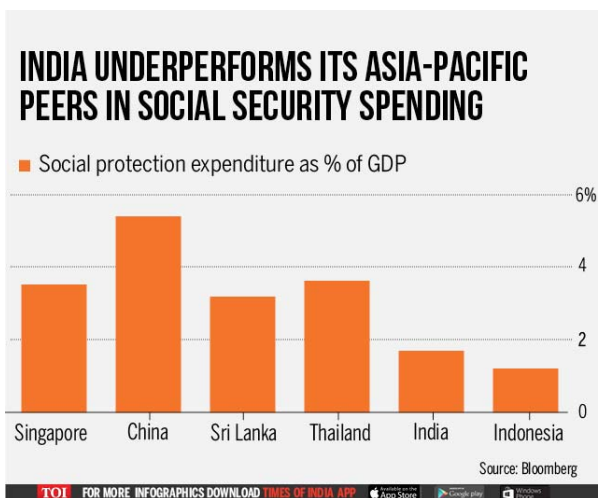
⁴⁰ Global Firepower Report More details available at https://www.globalfirepower.com/country-military-strength-detail.php?country_id=india

⁴¹ "70% Indians live in rural areas: Census" available at https://www.business-standard.com/article/economy-policy/70-indians-live-in-rural-areas-census-111071500171_1.html

⁴² NREGS Frequently Asked Questions available at https://nrega.nic.in/Circular_Archive/archive/nrega_doc_FAQs.pdf

⁴³ "Everything you need to know about Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)" available at <https://ruralmarketing.in/stories/everything-you-need-to-know-about-mahatma-gandhi-national-rural-employment-guarantee-act-mgnrega/#:~:text=In%202015%2C%20the%20World%20Bank,world's%20largest%20public%20works%20programme.>

⁴⁴ "India spends just 1.26% of GDP on public healthcare", The Sunday Guardian 02, January 2021 accessed at



(Source: Times of India 5 June 2018)

Although children have access to primary education, the benchmarks seemed poor and the quality is uneven. Indicators of gender equality such as female life-expectancy at birth and participation in education have improved over years but the female labour force participation still continues to remain low. Global Gender Gap Index (GGGI) published by the World Economic Forum ranks countries on their status of gender equality through various parameters. On this index⁴⁵ India in 2021 is ranked 140th of 153 countries on its performance on gender equality. Dreadfully in terms of Human Development Index (HDI), India ranks at 131 out of 189 countries in the latest

<https://www.sundayguardianlive.com/news/india-spends-just-1-26-gdp-public-healthcare>

⁴⁵ “India Slips 28 Places in WEF's Gender Gap Index, Ranked 140th Among 156 Nations”, The Wire 01 April 2021 available at <https://thewire.in/gender/india-slips-28-places-wef-gender-gap-index-ranked-140th-among-156-nations>

human development ranking of the United Nations Development Programme (UNDP).⁴⁶ Most of India's HDI value was lost on account of inequalities and it confirmed that inequality remains a critical challenge for India as it grows economically.

Notably, India which homes 170 million poor people among its 1.3 billion population accounts for almost one-quarter⁴⁷ of global poverty, which is the largest for any country in the world. India has one-fourth (208 million) of world's 800 million undernourished people.⁴⁸ Similarly, child malnutrition is the world's highest. According to the United Nations International Children's Emergency Fund (UNICEF), India was at the 10th spot among countries with the highest number of underweight children, and at the 17th spot for the highest number of stunted children in the world.⁴⁹ India was ranked 94 of 107 countries in the Global

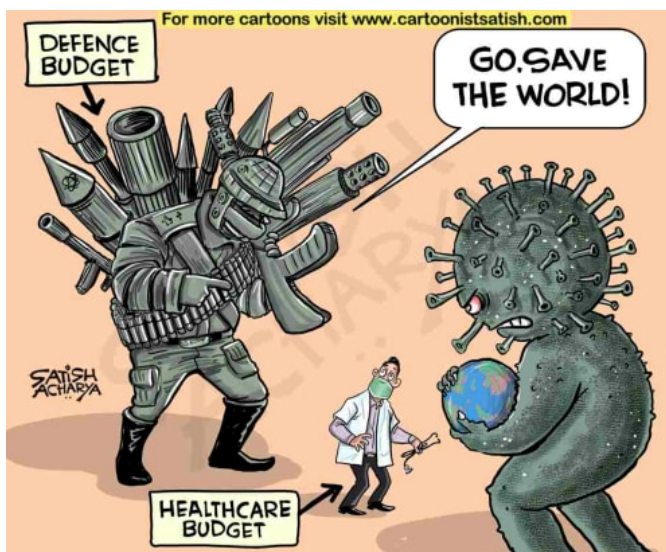
⁴⁶ "India ranks 131 in United Nations' Human Development index", Economic Times, 17 December 2020, details at https://economictimes.indiatimes.com/news/politics-and-nation/india-ranks-131-in-united-nations-human-development-index/articleshow/79763286.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁴⁷ "Half the World's Poor Live in Just Five Countries: Report", Global Citizen 16 January 2019 available at <https://www.globalcitizen.org/en/content/half-the-worlds-poor-live-in-five-countries/>

⁴⁸ Swagata Yadavar, "India houses 24% of world's malnourished; 30% of stunted children under 5", Business Standard 10 December 2018 accessible at https://www.business-standard.com/article/economy-policy/india-houses-24-of-world-s-malnourished-30-of-stunted-children-under-5-118121000073_1.html

⁴⁹ Nivedita Rao "Malnutrition in India: The National Nutrition Strategy explained" September 8, 2017 available at <https://www.prsindia.org/theprsblog/malnutrition-india-national-nutrition-strategy-explained>

Hunger Index (GHI) 2020,⁵⁰ behind its neighbours Nepal, Pakistan and Bangladesh.



(Source: twitter.com)

Interestingly, on the other hand, the huge population, mostly comprising the youth, is interpreted as a strong driver for human resource need and a source pool of production and services workforce. Since 2018, India’s working-age population, people between 15 years and 64 years of age, has grown larger than the dependent population. This status is likely to last till year 2055. This bulge in the working-age population with large youth population or ‘demographic dividend’⁵¹ provides a great

⁵⁰ “Global Hunger Index 2020: India ranks 94 out of 107 countries, under 'serious' category”, The Indian Express 19 October 2020 accessible at <https://indianexpress.com/article/india/global-health-index-2020-india-6757899/>

⁵¹ Atul Thakur, “India enters 37-year period of demographic dividend”, The Economic Times 22 July 2019 accessible at

foundation for a sustained period of high growth. As a result India has also been attracting many global majors for strategic investments owing to the presence of vast range of investment avenues and successive pro-industry governments. The Economic Survey has projected an 11% growth for the year 2021-22 aided by a “V-shaped recovery”.⁵² The Reserve Bank of India (RBI)⁵³ too has projected a GDP growth rate of 10.5%.

The country’s informal sector got paralysed completely⁵⁴ when COVID-19 struck hard.⁵⁵ The limits of scientific understanding of the disease, lack of good data on the mode of spread and potency of the virus made it difficult to model the likely impact of different policy options in a reliable and timely way. The COVID-19 revealed the cruel face of the governments which failed to

<https://economictimes.indiatimes.com/news/economy/indicators/india-enters-37-year-period-of-demographic-dividend/articleshow/70324782.cms?from=mdr>

⁵² “Oxford Economics ups India growth forecast to 10.2% for 2021”, The Economic Times 17 Feb 2021 accessible at

https://economictimes.indiatimes.com/news/economy/indicators/oxford-economics-ups-india-growth-forecast-to-10-2-for-2021/articleshow/81061316.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

⁵³ Sangeeta Ojha, “GDP growth projected at 10.5 % for next fiscal: RBI Governor” 05 Feb 2021 The Mint accessible at

<https://www.livemint.com/industry/banking/rbi-projects-gdp-at-10-5-in-fy22-11612499865144.html>

⁵⁴ “COVID-19 lockdown takes sheen off Tamil Nadu’s tourism sector, renders ‘lakhs’ jobless”, Economic Times 21 July 2020 accessible at <https://economictimes.indiatimes.com/news/politics-and-nation/covid-19-lockdown-takes-sheen-off-tamil-nadus-tourism-sector-renders-lakhs-jobless/articleshow/77081480.cms?from=mdr>

⁵⁵ COVID crisis can push 40 crore informal workers in India to deep poverty: ILO study” Economic Times 7 April 2020 accessible at <https://m.economictimes.com/news/politics-and-nation/covid-19-crisis-can-push-40-crore-informal-sector-workers-in-india-deeper-into-poverty-ilo/articleshow/75032778.cms>

ensure social protection to informal workers in India. The world has witnessed the plight of millions of informal and migrant workers struggling to return back to their hometowns and villages while the ruling governments both at center and state just took a blind eye and closed its ears during the lockdowns. Millions of workers along with their families took risk and walked thousands of kilometres barefoot,⁵⁶ without food and even losing their dear ones on the way in tragedies. When the governments were asked for the data on the migrant workers, the irresponsible answer was that they had no data.⁵⁷ The governments were mere spectators by watching these people experiencing pain, hunger and infections -- elderly, women and children. Almost all, losing their jobs abruptly; and moreover without being paid for the job already done.

Of the total workers in India, only a small percentage of the workers are engaged in the public sector and around 60% of the national GDP⁵⁸ is accomplished with the labour power of unorganized workers. Regrettably, majority of the unorganized workers spend their life without enjoying the right to legal minimum wage, social security norms and job permanency. The present government is negating all those labour rights that have

⁵⁶ Joanna Slater, Niha Masih, “Millions of Indian labourers forced to walk hundreds of miles home due to corona virus lockdown”, The Independent, 28 March 2020 accessible at <https://www.independent.co.uk/news/world/asia/coronavirus-india-workers-walking-home-public-transport-closed-a9431506.html>

⁵⁷ Damini Nath “Govt. has no data of migrant workers’ death, loss of job”, The Hindu, 14 September 2020 accessible at <https://www.thehindu.com/news/national/govt-has-no-data-of-migrant-workers-death-loss-of-job/article32600637.ece>

⁵⁸ More details available at

<https://casi.sas.upenn.edu/sites/default/files/iit/UNNI%20India%20Case%20Study%20for%20ILO%20stats%20book.pdf>

been acquired after protracted struggles nationally and internationally and amalgamating them simply into 4 Codes just in favour of private companies and hence.

Today's India is retrogressing with the denial of labour rights, deterioration of democracy, violation of human rights, denial of social justice, rejection of pluralism, obliteration of secularism, fostering of hatred politics and nurturing fundamentalism. The rights that were already devolved to workers, fishermen, small entrepreneurs, dalits, tribal people, religious minorities, student communities, women, civil society organizations and human right activists have been snatched away from them and the power is getting centralized with the central government towards authoritarianism. At this juncture, we are impelled to protect the Indian Constitution which upholds the values of democracy, equality, social justice, socialism, human rights and the like.

Tamil Nadu Context and Local Situation

The Tamil Nadu State is perceived as one of most business friendly destination for multiple reasons.⁵⁹ Tamil Nadu is India's second-largest economy despite being its sixth most populous state.⁶⁰ It has the third highest GDP per capita⁶¹ and is the most urbanised state as well as among the most industrialised with a

⁵⁹ N. Madhavan, "To invest or not to invest", Businessline, 17 Jan 2019 accessible at Tamil Nadu State is perceived as one of most business friendly destination

⁶⁰ Amarnath K Menon, "Tamilnadu one step ahead", India Today 27 November 2020 accessible at <https://www.indiatoday.in/magazine/cover-story/story/20201207-tamil-nadu-one-step-ahead-1744614-2020-11-27>

⁶¹ More details available at https://en.wikipedia.org/wiki/Economy_of_Tamil_Nadu

strong manufacturing base and a large services sector.⁶² Banking on its indigenous welfare measures, Tamil Nadu has kept social justice and uplifting disadvantaged groups as central concerns. The high growth rates and economic transformation along with significant progress on social outcomes, particularly in public education, social security and healthcare, have led to inclusive growth and equipped the state with an educated and technically skilled workforce.⁶³ Compared to others the state has also fared well on human development indices.⁶⁴

None were prepared to deal with the 2019 rapid 'NOVEL CORONA VIRUS' turmoil which turned out to be extremely precarious, tumbling the world upside down and further spiralling various uncertainties for the future. The fragile and deficient domestic health infrastructure exposed the country's humongous supply-demand mismatch which severely exacerbated causalities particularly at the bottom of the socio-economic pyramid. Following the imposition of first COVID-19 lockdown in March 2020, the Government of Tamil Nadu offered cash assistance to ration card holders⁶⁵ including informal workers and artisans registered with various informal sectors

⁶² FICCI Tamil Nadu State Profile accessible at

http://ficci.in/state/1007/Project_docs/tn-state-profile.pdf

⁶³ India Brand Equity Foundation: About Tamil Nadu available at

<https://www.ibef.org/states/tamil-nadu.aspx>

⁶⁴ About Tamil Nadu Australian Government - Department of Foreign Affairs and Trade accessible at

https://www.dfat.gov.au/geo/india/ies/pdf/DFAT-India-Ec-Strategy_FA_Acc_20_Apx1_State_Snapshots_25_Tamil_Nadu_v1_current.pdf

⁶⁵ "COVID 19: TN to provide financial assistance of Rs 1000 to all ration card holders", The Business Line 24, March 2020 accessible at

<https://www.thehindubusinessline.com/news/national/covid-19-tn-to-provide-financial-assistance-of-1000-to-all-ration-card-holders/article31149424.ece>

‘welfare boards’. However, due to less number of memberships & registrations, the relief didn’t reach most of the needy workers & their families.



(Source: <https://www.law.ox.ac.uk>)

According to a response to a Right to Information (RTI) petition filed in July 2020 in the Dindigul district⁶⁶ only about 77,000 out of approximately 2.4 lakh informal sector workers from the

⁶⁶ Nishanth K., “Registration does not always guarantee access to welfare exclusions in Tamil Nadu labour welfare system”, Dvara Research 04 November 2020 accessible at <https://www.dvara.com/blog/2020/11/04/registration-does-not-always-guarantee-access-to-welfare-exclusions-in-tamil-nadus-labour-welfare-system/>

district were able to avail these cash transfers. The RTI response also revealed that information about bank-account linkage with welfare board registration identity details did not exist at the district-level. Although the officials from the labour welfare department claimed that they had conducted several awareness camps to get more workers enrolled, they still don't have answers to justify the alarmingly poor strength in the welfare board memberships.

Further, the Tamil Nadu government in June 2020⁶⁷ announced the online registration facility for the workers to enrol themselves in various informal and unorganised labour welfare boards.⁶⁸ There were already 17 such government aided unorganised workers welfare boards⁶⁹ under the government's labour department alone, and the workers had to register themselves physically in person so far. However, due to the COVID-19 lockdowns and social distancing issue, the online registration facility was introduced and encouraged. A total of 27.4 lakhs⁷⁰ people were registered on the portal under different social security schemes so far. The Tamil Nadu government has already assisted the affected unorganised workers by providing

⁶⁷ Shanmugasundaram J., "Tamil Nadu labour dept launches portal for unorganised sector workers" Times of India 21 July 2020 accessible at <https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-labour-dept-launches-portal-for-unorganised-sector-workers/articleshow/77091941.cms>

⁶⁸ Details available at

<https://labour.tn.gov.in/services/Applicants/applicantRegistration>

⁶⁹ "Minister launches online renewal facility for unorganised labourers", Daily Thandhi Next 27 August 2020 accessible at <https://www.dtnext.in/News/TamilNadu/2020/08/27045359/1247738/Minister-launches-online-renewal-facility-for-unorganised-.vpf>

⁷⁰ Srikanth "Tamil Nadu Labour Online Registration 2021", Hindi Yojana, 11 December 2020 accessible at <https://www.hindiyojana.in/tn-tamil-nadu-labour-online-registration/>

them financial assistance of INR 1000⁷¹ and dry ration for the people who got registered on Tamil Nadu Unorganised Workers Welfare Board portal i.e., <https://tnuwwb.tn.gov.in> , as a result of the INR 3,850 crore special relief-packages⁷² that was announced by the state government in March 2020. On 12 May 2020, the central government announced a special economic stimulus⁷³ packages worth INR 20 lakh crore to help revive the economy and make India self-reliant in the wake of the economic carnage caused by COVID-19. Again in November 2020, the central government outlined the third instalment of stimulus to combat the fallout from COVID-19, focusing largely on credit growth, job creation and infrastructure. Total spending on COVID-19 relief amounted to roughly 2.0% of GDP⁷⁴ as of January 2021.

However, despite all ad hoc measures, we also witnessed thousands of informal workers and their families struggling to sustain their daily lives due absence of adequate survival support under the lockdown and post-lockdown situations. Lack of formal identity cards and registrations were seen as the most crucial

⁷¹ G.O. and details accessible at

https://cms.tn.gov.in/sites/default/files/go/cfcp_e_41_2020.pdf

⁷² “Tamil Nadu govt announces Rs 1000 each for ration card holders to avoid long queues”, India TV news desk 24 March 2020 accessible at <https://www.indiatvnews.com/news/india/covid-19-tamil-nadu-rs-1000-essential-commodities-ration-card-holder-coronavirus-600978>

⁷³ “How does Modi’s COVID-19 package compare to spending by other countries?”, The Week, 12 May 2020 accessible at <https://www.theweek.in/news/biz-tech/2020/05/12/how-does-modis-economic-package-compare-to-spending-by-other-countries.html>

⁷⁴ “Current Account in India”, Focus Economics accessible at <https://www.focus-economics.com/country-indicator/india/current-account-usd->

bn#:~:text=Total%20spending%20on%20Covid%2D19,recovery%20and%20its%20fiscal%20position.

reasons complicating the efforts to deliver economic aid packages to individual workers and small enterprises in Tamil Nadu. A study was conducted to understand the reasons why high numbers of informal workers were left out in the processes.

The study focused on the informal sector workers across the length and breadth of the Tamil Nadu and their challenges during the lockdown. There was also a need to understand the issues and practical difficulties in the processes of registering the informal workers with various government-aided welfare boards in Tamil Nadu. Moreover, many did not even receive the critical emergency reliefs from the already existing membership during the time of lockdown. It was in this backdrop of an ongoing social protection movement of Inspire-India, Network for a Human Economy, and Working People's Charter, a brief validation cum urgent survey of the ground realities was proposed and initiated. This study was further followed by more action-research and this document is an outcome of the whole process.

Objectives of the Study

- To highlight the current status of registration of informal workers with different welfare boards (particularly in the context of COVID-19 lockdowns) and the practical difficulties in online registration for informal workers in Tamil Nadu
- To find out the reasons why large numbers of informal workers have been left out in the process
- To come out with concrete suggestions and recommendations on registration process with different welfare boards and to access to social security benefits for informal workers in Tamil Nadu

Chosen Sectors and Districts

- Following 10 informal sectors were covered in the action-research: Construction Workers, Domestic Workers, Conservancy/Sanitation Workers, Textile Sector Workers, Agricultural Workers, Fish & Coastal Workers, Street Vendors, Palmyra Tappers, Transport Sector Workers, and Hairdressers/Saloon-Parlour workers.
- 20 districts from 6 locations of Tamil Nadu – north, south, central, east and west, were covered in the study to ensure fair representation of workers /samples from all parts of the state.
- The districts covered for the study include: Chennai, Chengalpet, Kanchipuram, Thiruvallur, Cuddalore, Dindigul, Madurai, Theni, Coimbatore, Trippur, Karur, Salem, Namakkal, Villupuram, Trichy, Tuticorin, Ramanad, Pudukottai, Sivagangai and Vrithunagar.

The WSM⁷⁵ partners were mainly involved in data collection in the districts where they were active, while the WPC⁷⁶ and INHE network partners were involved in the remaining districts.

The Research Team

The following five member team were involved in the study

- Mr.L.A.Samy⁷⁷, WSM/WPC – Mentor & Research Guide
- Mr.M.A.Britto⁷⁸, WPC-TN Coordinator - Research Coordinator

⁷⁵ More details available at <https://www.wsm.be/en/about-us/>

⁷⁶ More details available at <https://workingpeoplescharter.in/>

⁷⁷ Also founder of AREDS. More details available at https://inmotionmagazine.com/global/samy_int.html

⁷⁸ Also founder of VaanMuhil organisation. More details available at <http://www.vaanmuhil.org/about-vaanmuhil/>

- Dr.Sundara Babu Nagappan, Expert on Social Security- Primary Researcher
- Mr.Vincent Selvaraj, Director-ALERT & labour rights activist - Assistant Researcher
- Mr.P.Prabhu, Director-IOTALYTICS⁷⁹ Research & Analytics Sol.- Research Consultant

Methodological Processes

The study essentially was based on a mixed method of both quantitative and qualitative approaches. The quantitative component of the action-research used the structured questionnaire⁸⁰ to assess the current status of registration of informal workers with different welfare boards and the practical difficulties in online registration for informal workers in Tamil Nadu. The qualitative component included the key informant interviews and focus group discussions (FGDs). Key documents that were reviewed include relevant Government Orders (GOs)⁸¹ of the Government of Tamil Nadu in relation to the formation of the informal/unorganised workers welfare board, formulation and implementation of schemes for informal workers, and funding related to their welfare boards. The team also reviewed relevant reports from the non-governmental agencies and other reliable web-resources. Total numbers of key informant interviews⁸² were 1008, allocating 50 from each of 20 districts, covering different sectors mentioned above as well as and 5 FGDs were conducted. Key informants include informal sector workers, members of various informal sector welfare boards, community leaders, and other civil society stakeholders.

⁷⁹More details available at <https://www.iotalytic.com/>

⁸⁰ The survey questionnaire is attached as annexure to this document

⁸¹ More details available at https://www.tn.gov.in/go_view/dept

⁸² The survey questionnaire is part of this document as an annexure

Informed consent was obtained from all participants. Key informant interviews and FGDs were conducted using a semi-structured in-depth interview in Tamil. Questions were modified or added over the course of the survey process.

Focus group facilitators and interviewers were local volunteers and activists and were also adequately trained in interviewing and research skills. All the interviews and communication with the participants were conducted in Tamil. The duration of key informant interviews were approximately 1 hour and FGDs ranged from 5 to 6 hours. Key informants did not receive any honorarium. Interviews were transcribed verbatim in Tamil and translated into English for data analysis. Focus group and interview data were explored using framework analysis. Findings were arrived at by triangulation of the key informant interviews, FGDs and information from various documents. The five-member action-research team discussed online and over phone periodically and had several day-long meetings to finalize the overall study. The team also discussed the findings/interpretation with select key informants and their inputs and suggestions were also included as feedback and analyzed further. Socio-demographic questions including age, education, occupation, and work experience were asked of all key informant interviews and FGD participants.

Scope of the Study

Any action-research⁸³ study is incomplete unless it leads to wellness or positive changes in the lives of people concerned. Such studies eventually would empower people to realign themselves to new realities, work-out the renewed plans of actions, and fresh interventions in their respective territories. Such studies would guide people into what could be done in their respective areas locally, and to address the larger concerns it had accentuated in the different strata of the society. The major challenge during this study period and field survey was the COVID-19 crisis itself. Few of the action-research team members themselves were directly infected and affected by the corona virus. The study team and the volunteers had to go through severe restrictions during their local travels, maintain social-distancing, managing micro-meetings, etc. The sample too was strategically limited to around 1000 workers (accurately 1008), and 20 out of 37 districts were shortlisted for this 'dipstick survey'. The survey was followed by six FGDs in six different zones of Tamil Nadu and some relevant stakeholder interviews. Despite all odds, the study was concluded to the best of satisfaction among the study team members. It is expected that the findings from this document would contribute to the broader efforts of the workers' movement, government, labour collectives, unions and other civil society organisations that strive for the social protection⁸⁴ and welfare of all the workers.

⁸³ More details available at https://en.wikipedia.org/wiki/Action_research

⁸⁴ Social Protection: A Question of Social Change -- accessible at <https://www.wsm.be/files/files/publicaties/eng/Vision-Paper-Social-Protection-EN-FINAL.pdf>

Action Response to the Research Findings

From the field survey and action-research it was explicitly clear that due to the dearth of appropriate institutional arrangements, absence of proper policies, and due to lack of visibility and voice, the informal workers had to go through blatant hardships. At least first two months of the lockdown passed in total chaos with the Tamil Nadu state government having no clue or direction in guiding the informal workers with regard to their basic sustenance and survival. It actually took nearly three months for the local administrations to have some kind of control over basic relief distributions for the workers and their dependent families. In most situations systems got partially restored only after court directives and civil society interventions. This timely grassroots initiative apart from direct material relief work, attempted to document the malaise that existed during the critical phase of first total lockdown, particularly in absence of daily livelihoods and total collapse of all the other alternative decent survival options.

The study team also witnessed the lack of awareness and information in a big way among the worker community both in rural and urban areas cutting across the state. As a result, the team was also convinced from its field experiences to enhance and enrich the study document by converting it into a hand-book incorporating additional information that would help the informal workers in long run. Further this evidence based action-research document is also likely to help initiate a process of sensitising the general public, government institutions, business enterprises, civil society, and informal sector workers, and also to facilitate informed dialogues between the government and society at large. Eventually the scope and transition to a more formalised economy would enhance the social security of all workers in general.

II. INFORMAL WORK AND SOCIAL SECURITY

The 17th ICLS in 2003 incorporated the term 'informal employment' for the first time, to describe informality in terms of the condition of people and their work. The key characteristics of informal labourers were chalked out as: (a) own-account labourers working in informal enterprises as defined by the 15th ICLS; and (b) employees with informal jobs in both informal and formal sectors. According to the Development Center of the Organisation for Economic Co-operation and Development (OECD),⁸⁵ globally 80% of all enterprises were informal. Informality represents 70% of all employment in developing countries, compared with about 18% in developed countries. The informal sector is characterized by the lack of labour laws coverage, seasonal and temporary nature of occupations, high labour mobility, dispersed functioning of operations, casualization of labour, lack of organizational support, low bargaining power, various social stigmas, etc. all of which make it vulnerable to socio-economic hardships. Informal sector associated idioms include 'under the table', 'off the books', 'working for cash', etc.⁸⁶ In the rural areas, it comprises of landless agricultural labourers, small and marginal farmers, share croppers, persons engaged in animal husbandry, fishing, horticulture, bee-keeping, toddy tapping, forest workers, rural artisans, etc. In the urban areas, it comprises mainly of the

⁸⁵ Tackling Vulnerability in the Informal Economy – “Most workers in the world still go without social protection”, (27 November 2019) available at <http://www.oecd.org/dev/tackling-vulnerability-informal-economy-workers-still-without-social-protection.htm>

⁸⁶ More details available at <https://www.ijsr.net/archive/v7i10/25101803.pdf>

manual labourers engaged in construction works, carpentry, trade, transport, communication, apart from street vendors, hawkers, head-load workers, cobblers, tin-smiths, garment-makers, etc. In other words, the informal-unorganized or grey market sector can be defined as that part of the workforce that have not been able to formalise itself in pursuit of a common objective because of certain constraints such as casual nature of employment, ignorance or illiteracy, superior strength of the employer, etc.

Informal Economy in India

India's total workforce can be disaggregated according to two dimensions: (a) sector of work, based on the type of enterprise or production unit where the person is employed; and (b) type of employment, defined in terms of employment status and other job-related characteristics. Sector of work can further be sub-divided into three categories: the formal (or organised) sector; informal (or unorganised) sector; and the household sector. Similarly, the type of employment can be categorised as formal and informal. Out of 461 million⁸⁷ workers in India, 93%⁸⁸ of the workers⁸⁹ were in the

⁸⁷ More details available at

<https://practiceconnect.azimpremjiuniversity.edu.in/covid-19-lockdown-impact-on-informal-sector-in-india/>

⁸⁸ <https://www.financialexpress.com/economy/niti-aayog-vc-time-has-come-to-do-more-for-informal-sector-workers-than-just-signing-ilo-treaties/1924261/>

⁸⁹ Prachi Salve, "92% of jobs created over 22 years post-liberalisation were informal", Business Standard, 9 May 2019 available at https://www.business-standard.com/article/jobs/90-of-jobs-created-over-two-decades-post-liberalisation-were-informal-119050900154_1.html#:~:text=Of%2520around%252061%2520million%2520jobs,latest%2520available%2520released%2520in%25202014

informal sector⁹⁰, according to NSSO data. Only a miniscule percent of India's total workforce⁹¹ is employed in the public sector.⁹² USA and UK have 15.8% and 21.5%; Germany and France have 12.9% and 24.9%; South Korea and Japan have 10.3% and 10.5%. Singapore and China have 32% and 50% and Bangladesh has 8% employed in the public sector. The contribution made by the informal sector to the national income is very substantial as compared to that of the organized sector.⁹³ It adds more than 50% to the national income⁹⁴ while the contribution of the organised sector is almost half of that, usually depending on the industry.

The informal sector units typically operate at a low level of organisation, with little or no division between labour and capital as factors of production and on a small scale. Labour relations wherever they exist were based mostly on casual employment, kinship or personal and social relations rather than contractual

⁹⁰ Prasanna Mohanty, "Labour reforms: No one knows the size of India's informal workforce, not even the govt", Business Today 15 July 2019 accessible at <https://www.businesstoday.in/sectors/jobs/labour-law-reforms-no-one-knows-actual-size-india-informal-workforce-not-even-govt/story/364361.html>

⁹¹ More details available at

https://niti.gov.in/planningcommission.gov.in/docs/reports/genrep/bk-pap2020/32_bg2020.pdf

⁹²

https://en.wikipedia.org/wiki/List_of_countries_by_public_sector_size

⁹³ Barbara Harriss-White, "The Modi Sarkar's Project for India's Informal Economy", The Wire (20 May 2020) available at

<https://thewire.in/political-economy/the-modi-sarkars-project-for-indias-informal-economy>

⁹⁴ Prasanna Mohanty, "Labour reforms: No one knows the size of India's informal workforce, not even the govt", Business Today 15 July 2019 accessible at <https://www.businesstoday.in/sectors/jobs/labour-law-reforms-no-one-knows-actual-size-india-informal-workforce-not-even-govt/story/364361.html>

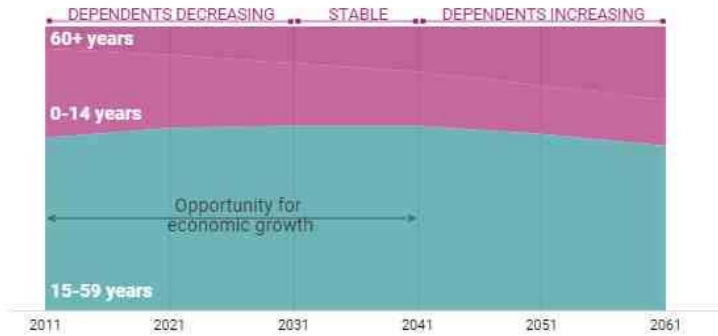
arrangements with formal guarantees. An informal sector enterprise mostly fits the following criteria⁹⁵:

- *It is an unincorporated enterprise, i.e.*
 - (i) It is not constituted as a legal entity separate from its owners, and
 - (ii) It is owned and controlled by one or more members of one or more households,
 - (iii) It is not a quasi-corporation (it does not have a complete set of accounts, including balance sheets);
- *It is a market enterprise, i.e.,*
It sells at least some of the goods or services it produces. It therefore excludes households employing paid domestic workers;
- And at least one of the following criteria:
 - (i) The number of persons engaged / employees / employees employed on a continuous basis, is below a threshold determined by the government
 - (ii) The enterprise is not registered
 - (iii) The employees of the enterprise were not registered, etc.

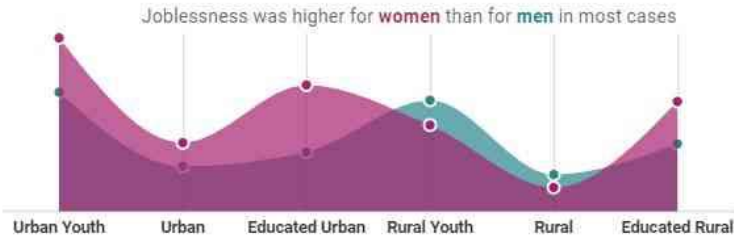
⁹⁵ More details available at
<https://labour.gov.in/sites/default/files/Report%20vol%204%20final.pdf>

INDIA'S JOB CRISIS

As India's **working age population** expands, the number of **dependents** it has to support will decrease every year until 2031



However, the number of people working has declined. Unemployment in India hit a 45-year high at 6.1% in 2017-18, according to a May 2019 report.



Of the 61 million jobs created since 1991, 92% are **informal jobs** with low earnings and with limited or no social protection

(Source: IndiaSpend⁹⁶)

In India, only a miniscule fraction of informal workers actually get the benefits available under various labour Acts. The remaining either were “not eligible” for coverage, or these Acts were just

⁹⁶ More details available at <https://scroll.in/article/947946/five-charts-show-how-india-fared-on-climate-change-unemployment-and-womens-safety-in-2019>

not implemented for them, with the result that these workers have insecure employments and low incomes. They have no coverage of social security, and have to spend out of their meagre incomes for all contingencies such as illness, children's education, old age, etc. This is so because the Acts as they exist today only apply to those workers who have a clear employer-employee relationship. More than half of India's workers were self-employed like small and marginal farmers, artisans, street vendors, home-based workers and likes. Employers too have been decentralizing, hiring contract labour and divesting themselves of responsibility, so that even formalized workers were transforming into informal.⁹⁷ We have few laws that cover workers from the above discussed categories of work like:

- The Building and Construction Workers Act 1996
- The Bonded Labour System (Abolition) Act 1976
- The Interstate Migrant Workers Act 1979
- The Dock Workers Act 1986
- The Plantation Labour Act 1951
- The Transport Workers Act
- The Beedi and Cigar Workers Act 1966
- The Child Labour (Prohibition and Regulation) Act 1986
- The Mine Act 1952

Since Indian independence workers were not organized as well and hence have little or no bargaining power, because of this, even when laws exist, workers were too weak, and too disorganized to demand them. Many of these workers were migratory and others have no fixed income. Even those working

⁹⁷ More details available at <https://www.ilo.org/public/english/bureau/stat/download/papers/meas.pdf>

to implement the various schemes such as the accredited social health activists and workers in Anganwadis were grappling with issues of regulation of employment and service conditions, minimum wage, and lack of working spaces with basic amenities and right to organize and collective bargaining. In fact, many of the prevailing labour market challenges can be resolved by fixing the universal minimum wage. The laws were supposed to be implemented through the government bureaucracy which has neither the human-power nor the knowhow to reach the scattered millions of workers. For some kind of socio-economic security to resolve these multifaceted issues, it must be approached on a number of levels:

- The first is facilitating access to essential goods and services.
- The second is prevention of and protection against various risks.
- The third is the promotion of potentials and opportunities in order to break vicious circles and pervasive tendencies.

Formalisation of Informal Economy

In consistent with the neoliberal economic and privatization policies, the Indian government had initiated the formalisation of informal sector much before the outbreak of SARS-CoV-2 (COVID-19).⁹⁸ The central government and the corporate giants have been long claiming that formalisation of informal sector would eventually also help the informal workers to access the government welfare schemes and Corporate Social

⁹⁸ Anil Padmanaban, “Formalising India’s Informal Economy”, The Mint 11 July 2016 accessible at <https://www.livemint.com/Opinion/4kxau3CejBat9uAIEakIKK/Formalizing-Indias-informal-economy.html>

Responsibility (CSR) assistances. To avail the benefits of such programs, the workers have to first get registered with various authorities. Several sector-specific ‘welfare boards’ were launched under labour departments in the last few decades to facilitate this process. However, among other issues, a serious concern in this particular context is that any forced formalisation of work suddenly, might also possibly lead to large-scale disorders, unemployment and affect the economy adversely; particularly, it is sensitive when most of India’s non-agricultural workforce is employed in the informal sector. The government should therefore be several folds cautious while taking steps in the direction of formalising the informal sector. However, at the bottom of the economic pyramid, the informal workers were being forced into the formalisation process without much clarity, while at the top the formalising of most business enterprises is still gradual and protected⁹⁹. The informal workers as a result face more stress in terms of cost, time, risk involved, motivation, as well as corruption and unclear rules, etc.

Not all enterprises were in a position to formalise immediately. For enterprises with low levels of productivity that generate limited revenues, the benefits of formalisation may not outweigh the costs.¹⁰⁰ Enterprise formalisation initiatives should therefore aim to improve productivity, value addition and revenues so that enterprises were encouraged to gradually formalise and able to

⁹⁹ ILO Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy accessible at https://www.ilo.org/ilc/ILCSessions/previous-sessions/104/texts-adopted/WCMS_377774/lang-en/index.htm

¹⁰⁰ Shruti Rajagopalan, Formalisation of the economy is a form of coercion, The Mint 09, July 2018 accessed at <https://www.livemint.com/Opinion/4O2zG2XPgcnm2AD16I9hjJ/Formalization-of-the-economy-is-a-form-of-coercion.html>

cover the related costs and contribution to social security for their employees and reap the benefits of operating in the formal economy. More broadly, creating decent and productive employment require to incorporate productivity growth as a cross-cutting objective at the forefront of national development strategies. As formalisation of workers and economic units touches on a wide range of policy domains, it is important to coordinate efforts among them and fosters an integrated approach. Handholding the informal sector while they make the transition should be on the government's top agenda.¹⁰¹

Rationale of Social Security

Social protection and informality are intricately linked. The interconnectedness of informality and social security was more evident in the ILO's Recommendation number 204 (R204) that came in 2015. It called for policy initiatives with a consultative approach involving all stakeholders to help economies transition from the informal to the formal. It also emphasised the need to have national social protection floors with a focus on the informal labour market. It suggested progressively extending social protection measures, such as maternity benefits and right to a sustainable minimum wage, to all informal workers.

Sustainable growth requires good health, nutrition and education, which can foster transitions from low productivity and subsistence level activities to highly productive decent jobs and from the informal to the formal economy. Adequate social security encourages human capital investment for both

¹⁰¹ Rouhin Deb, Covid-19: An opportunity to redesign India's formal-informal economy dynamics, India Matters 15 October 2020 accessed at <https://www.orfonline.org/expert-speak/covid19-opportunity-redesign-india-formal-informal-economy-dynamics/>

employers and workers, enables workers to adapt to change and facilitates equitable and inclusive structural changes. As an effective automatic stabilizer in times of crisis, social security contributes to mitigating the economic and social impact of economic downturns, to enhancing resilience, and achieving faster recovery towards holistic growth.

Social Security consists of a whole range of measures of prevention, protection, promotion and transformation or social change. Everyone as a member of society has a human right to social security as stated in Article 22 of the Universal Declaration of Human Rights (UDHR). Effective social security systems are powerful tools to provide income security, to prevent and reduce poverty and inequality, and promote social inclusion and dignity. Social security strengthens social cohesion and thus contributes to building social peace, inclusive societies and a fair globalization with decent standards of living for all.

Much can be learned from the experience of some developing and developed countries in extending coverage of contributory social security schemes to informal economy workers. Reasons for its success include a number of measures governments consider, such as combining measures to support the formalisation of enterprises with access to social security; extending statutory coverage to previously uncovered workers; adapting benefits, contributions and administrative procedures to reflect the needs of informal workers; and subsidising contributions for those with very low incomes.

Social Security and International Contexts

Since 1919, the International Labour Organization (ILO) and its tripartite structures have built up a system of international

labour standards covering practically all areas of work, including social security, conditions of work, prevention of work-related accidents, abolition of forced labour, freedom of association and collective bargaining, equality of treatment and opportunity, employment promotion and vocational training, maternity protection, protection of migrants and other categories of workers such as nursing personnel, plantation workers and seafarers. The definition of social security and the focus of ILO's work have changed often during the last eight decades. ILO has recently adopted as its strategic objective to enhance coverage and effectiveness of 'social protection for all', by focusing on income security with an emphasis on the poor, identifying cost-effective and equitable ways by which social protection can be extended to all groups, and shifting from a state-led focus to emphasis on provision of social protection to the entire informal sector. The ILO is the only institution in the United Nations which has a tripartite structure in which representatives of governments and employers' and workers' organizations convene to decide on its policies and programmes. It disseminates labour information and sets minimum international labour standards called "Conventions", offered to member nations for adoption. ILO's headquarters is in Geneva, Switzerland.

Social Security and Decent Work

'Decent Work' sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment

for all women and men. The ILO concept of 'decent work' is based on four main principles:

- Freely chosen and productive work,
- With international labour rights (including fundamental labour standards) being observed,
- A form of work which provides access to social protection,
- In which workers were listened to through social dialogue¹⁰².

In the context of social security and protection, India has ratified 41 ILO Conventions and are in force, including the following four fundamental Conventions:

- Forced Labour Convention (No.29)
- Abolition of Forced Labour Convention (No.105)
- Equal Remuneration Convention (No.100)
- Discrimination (Employment Occupation) Convention (No.111)

And the other three governance priority Conventions are

- Labour Inspection Convention (No.81)
- Employment Policy Convention (No.122)
- Tripartite Consultations (International Labour Standards) (No.144)

Important international instruments in the context of social security include:

- The Maternity Convention, 2000 (No. 183) which has an impact on the mother and her future children and

¹⁰²Social Protection: A Question of Social Change - The vision and strategies of social movements, September 2010, WSM, ACV-CSC and LCM-ANMC available at http://www.wsm.be/images/stories/publications/Social_protection._A_question_of_social_change.pdf

contributes to enhance their chances for self-reliance and sustainable development;

- The Convention on the Elimination of the Worst Forms of Child Labour, 2000 (No. 182) which enables children to develop their potential and to secure a better future;
- The Convention on Safety and Health in Agriculture, 2001 (NO. 184) which aims to improve the chances of a healthy life expectancy for millions of individuals and their families and to improve their chances for sustainable development;
- The Convention on Social Security (Minimum Standard), 1952 (No. 102) which is relevant throughout a person's entire life.

Social Security in Indian Context

Social Security in general consists of a whole range of measures of prevention, protection, promotion, and transformation/ social change, which aim at preventing and reducing social exclusion and inequality as well as poverty and vulnerability. In developing countries like India, social security is best understood as pro-poor measures that can be: a) promotional, aiming to augment income, such as through the Mahatama Gandhi National Rural Employment Guarantee Act (MGNREGA); b) preventive, aiming to forestall economic distress, such as through Provident Funds (PF); and c) protective, aiming to ensure relief from certain external shocks, such as remuneration provided through insurance schemes in the case of injury or death of a primary breadwinner. However, the motivations for reform and the approaches adopted differ dramatically from one government to the other.

The history of labour legislation in India is interwoven with the history of colonialism. The initial industrial/labour legislations

enacted by the Imperial government were primarily intended to protect the interests of the British employers. Balancing in favour of the British political economy was naturally paramount in shaping some of these early laws. However, after India's independence in 1947, the positive aspects of these legislations were studied and incorporated in the Constitution of India. The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human rights has been enshrined in the Constitution keeping in line with 'Fundamental Rights' and 'Directive Principles of State Policy'.

Social Security and Challenges to Labour Welfarism in India

From the various studies¹⁰³ it was understood that the limitations in the effective implementation of labour welfare schemes can be broadly summarized as:

- A very low level of registration among informal sector workers
- Weaknesses in financial management
- Failure to collect employers' contribution fully and on time

It was also explicit from similar studies¹⁰⁴ that the majority of workers in the unorganized-informal sector were not covered by statutory social security programmes because the workers do not

¹⁰³ Sananda Satpathy, Social Protection to Mitigate Poverty: Examining the Neglect of India's Informal Workers, 13 September 2018 accessible at <https://www.orfonline.org/research/44173-social-protection-to-mitigate-poverty-examining-the-neglect-of-indias-informal-workers/>

¹⁰⁴ Kailas C. Thaware, Social Security and Informal Sector, The paper was presented at the 100th Annual Conference of the Indian Economic Association (IEA) was held during 27th to 30th December 2017, in Acharya Nagarjuna University, Nagarjuna Nagar - 522 510, Guntur (AP) accessible at

https://www.researchgate.net/publication/323799945_SOCIAL_SECURITY_AND_INFORMAL_SECTOR

have clear employer–employee relationships and many workers in this sector had seasonal or temporary jobs. These problems cannot be fully addressed just through the setting up of welfare funds or through social assistance programmes alone. In fact it requires broad comprehensive social security programs.

The need for social security programs for the unorganized-informal sector workers and its rationalization in the context of equity and social justice were already very well established. Jobs in the informal sector were generally unprotected and were outside the realms of labour legislations on minimum wages, safety, health and other safeguards. Most of their jobs were erratic, unpredictable and insecure in nature. The life conditions of most of the informal sector workers both at workplace, home and society were highly deplorable. The supplementary assistance available through certain social security measures alleviates their living standards nominally during their active participation in the workforce, while retirement benefits provide some consolation after they stop active work. This situation obviously necessitated government interventions. The welfare fund schemes for workers in the unorganized-informal sector emerged against this backdrop. The schemes announced by the governments had components of contribution from employers, workers and government.

Labour welfare is very legitimate concern for any government of any country whether developed, underdeveloped or developing. No economic growth of a country can be conceived without thinking about the ordinary workers of the country. In India, the colonial economy had prevailed for about two centuries. After Independence, a planned economy was initiated through establishing the Planning Commission and one of the objectives

of which was the rapid industrialisation of the country, systematically through Five Year Plans. Similarly, the National Commission on Labour (1969) was formed and its recommendations were based on the findings of the Committee on Labour Welfare. The Committee felt that the statutory welfare activities had not been properly and adequately provided, except in units managed by progressive employers. The compliance with statutory welfare provisions had also been half-hearted and inadequate. The Committee also made a large number of recommendations which included, amongst others, the provision for crèches, canteens, periodical medical examination, creation of the General Mines' Welfare Fund, extension of the coverage of Plantations Labour Act, extension of welfare benefits to contract labour, opening of more fair price shops for workers, setting up of consumers' cooperative societies, statutory and tripartite welfare boards etc.

Labour welfare relates to taking care of the well-being of workers by employers, trade unions, governmental and non-governmental institutions as well as agencies. Labour welfare refers to all the facilities provided to labour in order to improve their working conditions, provide social security and raise their standard of living. Welfare includes anything that is done for the comfort and improvement of employees and is provided over and above the wages. Workers were paid for the types of services they render but payment depends on nature of work, their efficiency, capacity of the industry to pay and significance of their work in that particular industry. A worker has to maintain balance at workplace and has to adjust with the physical working conditions as well as with type of supervision, co-workers, etc. Welfare needs were different at different stages of human life.

Welfare is seen as a relative concept and is related with time, age, and culture, social and moral values, etc.

According to ILO, labour welfare can be defined as a term, which is understood to include such services, facilities, and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale. The majority of labour force in India is working in unorganized sector. In order to provide social security to such workers, Government had introduced Labour Welfare Fund (LWF) to ensure assistance to unorganized labours. It has been recognised on all fronts to give due consideration to labour as a factor of production to increase industrial productivity. Workers themselves were now more united. An atmosphere is now prevalent in India which is conducive to providing various rightful facilities to workers in an organised and systemic manner.

In November 2018, the ILO had said that 31% of Indian workers were working in unhealthy conditions while around 41% of them were poorly paid, giving India a bottom-end rank of 19 out of 22 countries of the Asia-Pacific region. Market places were typically misunderstood in many ways to be neutral arbitrators between buyers and sellers – like ‘yellow pages’ directory. But on the other hand, several of the companies in the ‘on-demand’ or ‘sharing economy’ often exercise control over workers in ways similar to traditional working arrangements and feudalism.

Various Perspectives¹⁰⁵ on Welfarism and Well-Being

The forms of labour welfare activities is flexible, elastic and differs from time to time, region to region, industry to industry and government to government depending upon the value system, level of education, social customs, degree of industrialization, as well as general standard of the socio-economic development of the society. Beyond class prejudice, gender biases and patriarchal values, various other perspectives also exist on workers and welfare, which include:

Policing perspective:

The policing perspective is based on assumption that human being is so much selfish and self-centred, and always tries to achieve his/her own ends, even at the cost of the welfare of others. Any of the employers would not work for the welfare of employees until he/she is forced to do so. This perspective is based on the contention that a minimum standard of welfare is necessary for workers. Moreover without compulsion, supervision and fear of punishments, no employer would provide even the barest minimum of welfare facilities for workers. Owners and managers of industrial undertakings get many opportunities for exploitation of labour. Hence, the government has to intervene to provide minimum standard of welfare to the working class.

Religious Perspective:

This is based on the perspective that man is essentially “a religious animal.” Even today, many acts of man were related to religious sentiments and beliefs. These religious feelings sometimes prompt an employer to take up welfare activities in

¹⁰⁵ “*Industrial Relations*”, more details available at https://en.wikipedia.org/wiki/Industrial_relations

the expectation of future emancipation either in this life or after it. Religious feelings were what sometimes prompt employers to take up welfare activities in the belief of benefits either in his life or in support after life. Any good work is considered an investment, because both the benefactor and the beneficiary were benefited by the good work done by the benefactor. This perspective does not take into consideration that the workers were not just beneficiaries but rightful claimants to a part of the gains derived by their labour.

Philanthropic Perspective:

Philanthropy is the inclination to do or practice of doing well to one's fellow humans. According to this perspective, man is basically self-centred and acts of these kinds stem from personal motivation, when some employers take compassion on their fellowmen, they may undertake labour welfare measures for their workers. This perspective is based on man's love for mankind. Philanthropy means "Loving mankind." Man/woman is believed to have an instinctive urge by which he/her strives to remove the suffering of others and promote their well-being. In fact, the labour welfare movement began in the early years of the industrial revolution with the support of philanthropists.

Paternalistic Perspective:

In this perspective it is held that the industrialists or employers hold the total industrial estate, properties and profits accruing from them in trust for the workmen, for him, and for society. It assumes that the workmen were like minors and were not able to look after their own interests that they were ignorant because of lack of education. Employers therefore have the moral responsibility to look after the interests of their wards, who were the workers. In other words, the employer should hold the

industrial assets for himself, for the benefit of his workers, and also for society. The main emphasis of this perspective is that employers should provide funds on an ongoing basis for the well-being of their employees.

Placating Perspective:

As labour groups were becoming better organized and were becoming demanding and militant, being more conscious of their rights and privileges that even before, their demand for higher wages and better standards increases. This perspective is based on the fact that the labour groups were becoming demanding and militant and were more conscious of their rights and privileges than ever before. Their demand for higher wages and better standards of living cannot be ignored. According to this perspective, timely and periodical acts of labour welfare can appease the workers. They were some kind of pacifiers which come with a friendly gesture.

Public Relations Perspective:

This perspective provides the basis for an atmosphere of goodwill between labour and management, and also between management and the public, labour welfare programmes under this perspective, work as a sort of an advertisement and help an organization to project its good image and build up and promote good and healthy public relations. The labour welfare movements may be utilized to improve relations between management and labour. An advertisement or an exhibition of a labour welfare programme may help the management projects a good image of the organisation or industry.

Functional Perspective:

The concept behind this perspective is that a happy and healthy person is a better, more productive worker. Here, welfare is used as a means to secure, preserve and develop the efficiency and productivity of labour. The approach to any solutions, especially between the workers and the management should be based on dialogue and understanding of one another's viewpoints. Once agreement has been reached, compliance by both parties can be assured to a very great extent. This perspective is a reflection of contemporary support for labour welfare. It can work well if both the parties have an identical aim in view; that is, higher production through better welfare. This would encourage labour's participation in welfare programmes.

Unitary Perspective: In Unitarianism, the organization is perceived as an integrated and harmonious whole with the ideal of "one happy family", where management and other members of the staff all share a common purpose, emphasizing mutual cooperation. Furthermore, Unitarianism has a paternalistic approach where it demands loyalty of all employees, being predominantly managerial in its emphasis and application. Consequently, trade unions were deemed as unnecessary since the loyalty between employees and organizations were considered mutually exclusive, where there can't be two sides of industry. Conflict is perceived as disruptive and the pathological result of agitators, interpersonal friction and communication breakdown.

Pluralistic Perspective: In pluralism the organization is perceived as being made up of powerful and divergent sub-groups, each with its own legitimate loyalties and with their own set of objectives and leaders. In particular, the two predominant sub-

groups in the pluralistic perspective were the management and trade unions. Consequently, the role of management would lean less towards enforcing and controlling and more toward persuasion and co-ordination. Trade Unions were deemed as legitimate representatives of employees; conflict is dealt by collective bargaining and is viewed not necessarily as a bad thing and, if managed, could in fact be channelled towards evolution and positive change.

Radical Perspective: This view of industrial relations looks at the nature of the capitalist society, where there is a fundamental division of interest between capital and labour, and sees workplace relations against this history. This perspective sees inequalities of power and economic wealth as having their roots in the nature of the capitalist economic system. Conflict is therefore seen as inevitable and trade unions were a natural response of workers to their exploitation by capital. Whilst there may be periods of acquiescence, the radical view would be that institutions of joint regulation would enhance rather than limit management's position as they presume the continuation of capitalism rather than challenge it.

'Human Economy' Perspective: 'Human Economy' perspective anchors itself on the indigenous ways communities organises and governs themselves in a particular territory through critical interventions and collective actions allowing everyone to equitably meet their material, emotional, socio-cultural and spiritual needs, in solidarity with the participation of everyone, while maintaining the balances of our nature. 'Human Economy' view particularly emphasises on the human centric perspectives. It firmly believes that humans should not be a slave of the economy which they created; on the contrary, economy should

essentially facilitate movement of men and women from a less humane phase to a more humanistic phase, at as fast a pace as possible, at the least cost possible, primarily considering the solidarity among the sub-populations and among the populations. 'Human Economy' perspective affirms that the human person is the purpose of the economy with the ultimate goal of "developing the whole man and all men". Economics is usually misunderstood as just a science that aims at knowing the phenomena concerning the production, distribution and consumption of wealth, material goods (and services) in human society. The economy must be the art of responding to both material and spiritual needs of humans. 'Human Economy' response and intervention possibilities include:

- Acting for integral, inclusive and sustainable development of an area
- Acting for populations that suffer discrimination, so that they can take charge of their destiny
- Educating stakeholders in the human economy
- Rebuilding democracy
- Rebuilding peace through development
- Developing cooperation among economic stakeholders so that all can have a life of dignity through their work, etc.

In addition, there are two global approaches, one on the conciliation of economic interests and the needs of the poorest, the other on sharing knowledge.

Social Security and the Indian Constitution¹⁰⁶

¹⁰⁶ Tanya Das, "Social Security", Legal Services India, accessible at <http://www.legalservicesindia.com/article/826/Social-Security.html#:~:text=Article%2043%20of%20the%20Indian,the%20citizens%20of%20this%20country.&text=Universal%20schemes%20for%20social%20security,security%20schemes%20for%20industrial%20workers>.

In order to understand the social policies across the country it is important to understand the distinction between 'Fundamental Rights' and 'Directive Principles' enshrined in the Constitution of India. This distinction has relevance for the way in which abstract fundamental rights were combined with more specific expectations about social justice, welfare and development. The legal framework is essential to understand how equality and welfare were conceptualized in the country¹⁰⁷. In the Constitution of India, principles such as 'equality' and 'equality of opportunity' were specified in separate Articles¹⁰⁸. They were included among the 'Fundamental Rights' in Part III of the Constitution. Part IV consists of the 'Directive Principles of State Policy', which correspond directly to the fundamental rights. The directive principles supplement and make specific these abstract constitutional rights. For example, while 'equality of opportunity' is a 'Fundamental Right', the 'Directive Principles' aim at establishing a 'welfare state' in practice, through various schemes and legislations. Therefore, it is in the context of this distinction that the welfare programmes and schemes for citizens who have otherwise been marginalized and excluded should be understood.

The distinction between the 'Fundamental Rights' and 'Directive Principles' may also shed more light on the formal conditions for the basic vision for development planning in India after its independence. The 'Directive Principles' differ from the 'Fundamental Rights' mainly by the fact that they cannot be

¹⁰⁷ "Report of the Working Group on Social Security for the Tenth Five Year Plan (2002-2007)", October 2001, Planning Commission, Government of India accessible at

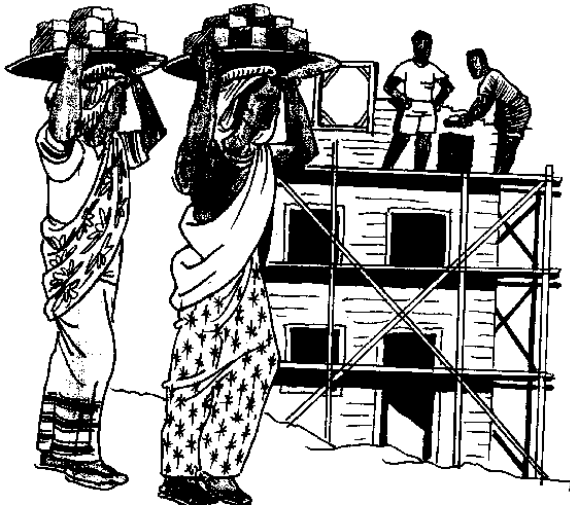
https://niti.gov.in/planningcommission.gov.in/docs/aboutus/committee/wrkgrp/wg_soclscty.pdf

¹⁰⁸ M.Ranjani, "Right to Social Security", Legal Services India, accessible at <http://www.legalserviceindia.com/legal/article-86-right-to-social-security.html>

enforced in a court of law. They only constitute a set of principles that the government needs to take into consideration when framing its policies and laws (Article 37). The 'Directive Principles' lay considerable emphasis on the government taking steps to ensure social justice, minimize inequalities of income and status and to facilitate more equal opportunities. The Supreme Court of India has summarized the essence of the 'Directive Principles' by stating that they embody the aims and objects of a 'welfare state.' The Constitution of India provides detailed provisions for the rights of the citizens and also lays down the 'Directive Principles of State Policy' which set an aim to which the activities of the government were to be guided.

These 'directive principles' provide:

- for securing the health and strength of employees, men and women;
- that the tender age of children were not abused;
- that citizens were not forced by economic necessity to enter avocations unsuited to their age or strength;
- just and humane conditions of work and maternity relief were provided;
- that the government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organisations engaged in any industry.



Social Security and Gender Deficits

Although women constitute large percent of the labour force, their claims and accesses to social security benefits were still marginal¹⁰⁹. Informality affects men and women differently. While more men work in the informal economy globally, in a majority of countries women were more exposed. In most countries, moreover, women were more often found in the most vulnerable forms of informal employment, such as contributing family workers, which affects their employment outcomes. Women in the informal economy were more exposed to short hours of paid work, and in most countries, they face an even more pronounced gender pay gap than in the formal economy. Several factors affect gender disparities and the gender pattern of informal employment outcomes.

¹⁰⁹ Mirai Chatterjee, *“Lack of Social Security for Women in Informal Economy Needs to be Addressed”*, 21 May 2020, available at <https://indianexpress.com/article/opinion/columns/social-security-women-informal-economy-india-mirai-chatterjee-6419938/>

INDIA'S MOBILE INTERNET GENDER GAP

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A primer on gendered inequality of mobile internet access in India



Nearly 63% of Indian women own mobile phones, but only 21% of them use mobile internet

Although India ranks **18th** on Internet Affordability Indices,



Just over 1 in 5 Indian people are women using Mobile internet

WHAT EXPLAINS LOW RATES OF MOBILE INTERNET USE AMONG INDIAN WOMEN?

 Social control, patriarchies

 Barriers to digital literacy

 Cost of mobile phones

 Online harassment

WHY CLOSE THE GAP?

- 1 Access to health, employment and educational, recreational information
- 2 Access to social security opportunities such as banking, job boards
- 3 Data independence

Reducing the Mobile Internet Gender gap involves meaningful dismantling of **normative and economic barriers** to allow women to fully participate in the increasingly digital world on their own terms.

SOURCES: THE MOBILE GENDER GAP REPORT 2020 (GSMA), THE INCLUSIVE INTERNET INDEX 2020 (HARVARD KENNEDY SCHOOL 2018)

(Source: <https://feminisminindia.com>)

Women were always known to have worked on farms and agricultural lands, of late more in road and housing constructions, and also in factories manufacturing garments and electronic assembly plants. Skilled women workers also have been working in traditional village industries either as self-employed or as paid workers. In hill areas, search for forest products including fuel wood engages a fairly large number of women. However, the majority of women work in the informal sector for low wages and at low levels of skills. The number of women workers during the last four decades has more than doubled from 40 million to 90 million. Women constitute a significant part of the workforce in India but they were left behind men in terms of work participation and quality of employment. Girls and women suffer from considerable inequality, which prevents their access to many social institutions.

Although women have transformed labour markets worldwide, they continue to be a disadvantaged group with large numbers being denied decent work. The fact that a large majority of women were forced to work in the informal economy because of discrimination, where they were paid less and have little or no protection, greatly limits their capacity to improve the well-being of their families, particularly of their children

Out of 407 million total workforces, 90 million constitute women workers, largely employed in the agricultural sector (87%) as labourers and cultivators. The percentage share of female population in total population in India is around 48%, while the work participation rate of women is only 26%. In urban areas, on an average wage/salary paid to women is only 75% of that paid to men, while in rural areas women were paid 60% of what is being paid to the men! This wage disparity differs across sectors and education levels.

Applicability of Labour Laws for Women

In addition to the Maternity Benefit Act, 1961 almost all the major central labour laws were applicable to women workers. The Equal Remuneration Act was passed in 1976, providing for the payment of equal remuneration to men and women workers for same or similar nature of work. Under this law, no discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by the law. The situation regarding enforcement of the provisions of this law is regularly monitored by the central Ministry of Labour and the Central Advisory Committee. In respect of occupational hazards concerning the safety of women at workplaces, in 1997 the Supreme Court of India in the case of Vishakha Vs. State of Rajasthan (1997)¹¹⁰ held that sexual harassment of working women amounts to violation of rights of gender equality. As a logical consequence it also amounts to violation of the right to practice any profession, occupation, and trade. The judgment also laid down the definition of sexual harassment, the preventive steps, the complaint mechanism, and the need for creating awareness of the rights of women workers. Implementation of these guidelines has already begun by employers by amending the rules under the Industrial Employment (Standing Orders) Act, 1946. The Factories Act, 1948 has the following provisions of relevance to women (Sections 19, 22(2), 27, 42(1)(b), 48, 66, 79(1) and 114.):

- The Act prohibits women from being employed in cleaning; lubricating or adjusting certain machinery when it is in motion, if that would expose them to risk of

¹¹⁰ “*Vishaka and others v State of Rajasthan*”, more details available at https://en.wikipedia.org/wiki/Vishakha_and_others_v_State_of_Rajasthan#:~:text=Vishaka%20and%20others%20v%20State,19%20and%2021%20of%20the

injury. Women were also not allowed to work in the part of a factory where a cotton-opener is at work unless certain conditions were met.

- Suitable sanitation facilities must be provided.
- If more than 30 women were employed, the employer must provide a free crèche on the premises for children under 6 years of age¹¹¹. State governments may make rules governing these crèches, which may include requirements to provide clothes washing and changing facilities, child-feeding facilities and free milk and refreshments for the children.
- Women cannot be exempted from the requirement that the maximum working day for adults is 9 hours, and cannot work in factories between the hours of 6 am and 7 pm (unless the factory falls within a specific exemption, but in any case, not between the hours or 10 pm and 5 am.). In relation to women, there must not be a change of shifts except after a weekly or other holiday. However, the state governments can change these requirements in the fish curing and canning industries.
- Periods of absence on maternity leave were included in calculating periods of service for the purposes of annual leave.

¹¹¹ Dennis Jesudasan, “*Creche may be made compulsory in all establishments with 50 or more staff*”, The Hindu 26 June 2020 accessible at <https://www.thehindu.com/news/national/tamil-nadu/creche-may-be-made-compulsory-in-all-establishments-with-50-or-more-staff/article31926906.ece#:~:text=Share%20Article-,State%20govt.,under%20the%20age%20of%20six.>



(Source: smefutures.com)

Social Security and Employer’s Responsibilities¹¹²

Employers in India today have started realising that they should identify their interest with those of the employees. No prudent management can now ignore the interests of their workers and expect to reap the benefits of higher labour productivity. So, for their own interest, employers were being compelled to adopt welfare measures for the workers¹¹³. There were only a few

¹¹² Nancy Altman, “*Why Employers Should Support the Expansion of Social Security*”, Forbes, 6 December 2018, accessible at <https://www.forbes.com/sites/nancyaltman/2018/12/06/why-employers-should-support-the-expansion-of-social-security/?sh=3e8222b54be5>

¹¹³ “*Role of the private sector in the development of social protection in the 19th century*”, Global Business Network for Social Protection Floors, ILO, June 2018 accessible at <https://www.social-protection.org/gimi/RessourcePDF.action?id=55145>

employers in India who have been sympathetic to labour welfare but others were extending various benefits to workers only under compulsion. Several industries such as cotton, jute, textile, engineering, sugar, cement, glass, chemical etc., have been brought under legislative measures to give facilities to the workers. Without specifying the facilities provided by different industries either under legal compulsion or under union pressure, we can say that employers in India with their professional training background were becoming more and more conscious about the workers whom they now consider the most essential tool to gear up their organisational activities.

Social Welfare and Corporate Social Responsibility¹¹⁴

Corporate Social Responsibility (CSR) is a concept whereby companies integrate social and environmental concerns¹¹⁵ in their business operations and interactions with their stakeholders. CSR is generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives, while at the same time addressing the expectations of shareholders and stakeholders. In this sense it is important to draw a distinction between CSR, which can be a strategic business management concept, and charity, sponsorships or philanthropy. Even though the latter can also make a valuable contribution to poverty reduction, will

¹¹⁴ “*What is Corporate Social Responsibility (CSR) in India?*”, Indiacsr, 14 July 2020 accessible at <https://indiacsr.in/what-is-corporate-social-responsibility-csr-in-india/>

¹¹⁵ “*Corporate Social Responsibility (CSR) Initiatives*”, National Safai Karmachris Finance & Development Corporation (NSKFDC), Government of India accessible at <https://nskfdc.nic.in/en/content/home/corporate-social-responsibility-csr-initiatives>

directly enhance the reputation of a company and strengthen its brand, the concept of CSR clearly goes beyond that¹¹⁶.

Key CSR issues include environmental management, eco-efficiency, responsible sourcing, stakeholder engagement, labour standards and working conditions, employee and community relations, social equity, gender balance, human rights, good governance, and anti-corruption measures. The movement toward CSR has had an impact in several domains. For example, many companies have taken steps to improve the environmental sustainability of their operations, through measures such as installing renewable energy sources or purchasing carbon offsets. In managing supply chains, efforts have also been taken to eliminate reliance on unethical labour practices, such as child labour and slavery. Although CSR programs have generally been most common among large corporations, small businesses also participate in CSR through smaller-scale programs such as donating to local charities and sponsoring local events.

Social Security and the Role of Trade Unions

The most important agent for the welfare of workers is perceived to be the 'workers union'. The role for the trade unions is to play in the matter of collective bargaining. Various facilities of different nature – economic, social, and cultural – were made available to workers by Trade Unions. It is worthwhile to mention that trade unions in the textile industry (Textile Labour

¹¹⁶ Archana Koli, Rutvi Mehta, "*Corporate social responsibility practices in the times of COVID-19: A study of India's BFSI sector*", Down To Earth, 10 December 2020, accessible at <https://www.downtoearth.org.in/blog/governance/corporate-social-responsibility-practices-in-the-times-of-covid-19-a-study-of-india-s-bfsi-sector-74583>

Association¹¹⁷) and the Mazdoor Sabha have made provisions for various welfare facilities to the workers. Educational and cultural developments through trade unions have been made possible. Various welfare services were now made available to the workers through trade unions after its direct discussions and deliberations with the employers across the table. A modern trade union has to educate its members, organise for them various inexpensive programmes and function as a watch-dog of workers' interests.

Historical Overview of Labour Law Reforms in India

Labour is a concurrent subject in the Constitution implying that both the Union government and the state (federal) governments were competent to legislate on labour matters and administer the same. The relevant entries of the 'Concurrent List' are as follows:

- No.22 - Trade Unions; Industrial and Labour disputes.
- No.23 - Social Security and Social Insurance; Employment and Unemployment.
- No.24 - Welfare of labour including conditions of work, Provident Funds, Employers Liability, Workmen's Compensation, Invalidity and Old Age Pension and Maternity Benefits.

As the subject matter of labour falls in the concurrent list the bulk of important central laws have been enacted by the parliament. Till recently, there were over 100 state and 40 central laws regulating various aspects of labour such as resolution of industrial disputes, working conditions, social security and

¹¹⁷ "Textile labour association celebrates 100 years", Times of India, 5 December 2017 accessible at <https://timesofindia.indiatimes.com/city/ahmedabad/textile-labour-association-celebrates-100-years/articleshow/61922102.cms>

wages. These laws outlined the relationship between the management, workers and worker's representatives and provide framework for conditions of employment, dispute resolution and collective bargaining. The general responsibility for an effective and efficient social security system lies with the state government, particularly with creating political commitment and with respect to setting appropriate policy, legal and regulatory frameworks and the supervision that guarantee adequate benefit levels, good governance and management and protecting acquired rights of beneficiaries and other participants. Effective social dialogue processes play a key role here in contributing to the formulation, implementation and monitoring of policies and ensuring good governance of social security systems.

Central Government as the Vanguard of Social Security

So far in all the national policy objectives, workers were accepted as an essential part of the apparatus of industrial and economic administration of the country. Various enactments were promulgated to safeguard the interests of workers, to extend to them economic benefits and social security. The Factories Act, for example, was an important bold attempt to extend various facilities to factory workers – their housing facilities, economic benefits, social security and physical safety etc. The Mines Act was another piece of legislation that aimed at providing welfare to mine workers. So far as mines were concerned, Coal Mines Labour Welfare Fund was instituted to boost the morale of coal mine workers under the Coal Mines Labour Welfare Fund Act. Similarly, Mica Mines Labour Welfare Fund and Iron Ore Mines Labour Welfare Fund were created by specific Acts of the central government. The Plantation Labour Act for the welfare of plantation workers was similar. Besides the various Acts passed for the welfare of labour in mines, plantations and factories, the

central government had kept its labour ministry alive to the conditions of workers. Measures were adopted to provide medical aid, legal and financial aid to workers under various schemes. To ensure industrial safety, various precautionary measures were also enforced.

Social Security and the role of State Governments

The state governments in India were more or less indifferent to labour welfare prior to independence. But after independence various state governments became sensitive to the conditions of labour and got involved in the uplifting of workers. Labour fronts of different political parties were sufficiently strong to press the demands of workers to the government and the link between the state governments and the labour wings of political parties is so close that various facilities were now being made available to the workers through the state government's machinery. Tamil Nadu has been one of the pioneers in the implementation of welfare programmes, especially for workers in the informal sector. For example, the first major step was the enactment of the Tamil Nadu Manual Workers' (Regulation and Employment and Conditions of Work) Act of 1982. This Act empowered the Government to frame schemes for regulating the employment of workers listed in the schedule to the Act, and also for their welfare. However, in 1990s, pursuant to the recommendations of the 'World Bank', the Government of India launched mega programs of deregulations and privatisation aimed at making it easier to do business in India.

III. CONTEMPORARY LABOUR ECONOMY

Government of India in early 1990s had approached the international financial institutions for funding the country's development programs. These agencies asked the Indian Government to open up its restrictions on trade done by the private sector and between India and other countries. The Indian Government agreed to the conditions of lending agencies and announced the "New Economic Policy" (NEP)¹¹⁸ which consisted wide range of structural changes to the Indian economy¹¹⁹. This was popularly referred as LPG – Liberalisation, Privatisation and Globalisation. In other words, it was the reduction of ownership of the management of all government-owned enterprises.

Structural Changes to Indian Economy¹²⁰

Government companies were converted into private companies in two ways:

- By disinvestment
- By withdrawal of governmental ownership and management of public sector companies
- As a result the privatisation was carried out largely in two forms:

¹¹⁸ Seema Singh, "New Economic Policy in India: Some Implications for Employment and Labour Market", Indian Journal of Industrial Relations, Vol. 28, No. 4 (Apr., 1993), pp. 311-326 Published By: Shri Ram Centre for Industrial Relations and Human Resources, accessible at <https://www.jstor.org/stable/27767267?seq=1>

¹¹⁹ Davinder Kumar Madan "India's New Economic Policy - A Macro Study", Indian Journal of Asian Affairs Vol. 8/9, No. 1/2 (1995-1996), pp. 104-113

¹²⁰ "Economic Reforms Since 1991", NCERT accessible at <https://ncert.nic.in/ncerts/1/keec103.pdf>

- Denationalization or Strategic Sale: When 100% government ownership of productive assets is transferred to the private sector players, the act is called denationalization.
- Partial Privatization or Partial Sale: When private sector owns more than 50% but less than 100% ownership in a previously construed public sector company by transfer of shares, it is called partial privatization. Here the private sector owns the majority of shares.

Consequently, the private sector possessed substantial control in the functioning and autonomy of the company. Amidst the micro and macro-economic crisis of the last five years, the central government has aggressively pushed the agenda of labour law reforms purportedly to simplify India's labour legislations and improve the business environment. These changes, driven primarily by the private business fraternity, have been aimed at improving India's ranking in the "Ease of Doing Business" Index and Foreign Direct Investment (FDI) flows.

Ease of Doing Business

The Ease of Doing Business (EoDB) Index is a ranking system established by the World Bank Group (WBG)¹²¹ and is an indicator which ranks 190 governments according to how private 'business-friendly' their regulations were! That includes measuring things like how easy it is to start a business, get credit, register property, trade across borders, pay taxes, and enforce contracts. The Index however is meant to measure regulations directly affecting businesses and does not directly

¹²¹ More details available at <https://www.doingbusiness.org/en/data/exploreconomies/india>

measure more general conditions such as a nation's proximity to large markets, quality of infrastructure, inflation, crime, etc.

Since 2010, several laws have been repealed and diluted with the explicit sole goal of improving India's ranking in the EoDB Index, a trend which has intensified several folds under the present regime. In India, administrative structural "reforms" were seen to be succeeding when corporate houses acquire large parcels of land cheaply and often without the consent of the existing occupants; start firms without paying registration fees; invest in any sector, including national defence, when they weren't even Indian citizens; get construction permits without inspections; not face basic regulations on anything from wiring inspections for electricity to environmental standards for different mining ventures; and pay meagre corporate taxes and still acquire cheap government loans; not to mention regular loan write-offs.

Based on the World Bank policy advisories, India's score would improve further in the EoDB Index if it allowed contracted labour even for permanent tasks, neutralise minimum wage laws, defused legal caps on work like weekends and 'eight-hour' workdays, removed annual paid leaves, and made it possible to 'fire' workers with no notice and issue 'pink-slips'. The EoDB Index methodology regarding labour regulations had earlier been criticized¹²² by the International Trade Union Confederation (ITUC) as it favoured flexible employment regulations. The ITUC

¹²² "14th rank: TN ranking under Ease of Doing Business doesn't reflect its investment potential", Indian Express 05, September 2020 accessible at <https://www.newindianexpress.com/states/tamil-nadu/2020/sep/05/14th-rank-tn-ranking-under-ease-of-doing-business-doesnt-reflect-its-investment-potential-2192984.html>

also brought out the Global Rights Index (GRI)¹²³ report in 2014¹²⁴ as a response to the EoDB Index report.

New Labour Legislations

The government in 2019 introduced four labour codes consolidating all the central laws. These four legislations regulate: (i) Wages¹²⁵, (ii) Industrial Relations, (iii) Social Security¹²⁶, and (iv) Occupational Safety, Health and Working Conditions¹²⁷. It is paradoxical that while there was an outpouring of national sympathy from various states and industry for informal workers during the COVID-19 lockdown, both have turned their backs on the workforce by backing appalling anti-workers legislation. In the history of independent India, the passage of labour laws that protect workers has involved long, difficult struggles by the working class. However, in one stroke, the central government has put the last nail into the coffin of labour protection. Ironically, the government went ahead flouting the parliamentary norms and bypassing the tripartite consultation in violation and disregard to the international commitments on international labour standards

¹²³ P M Mathew, "*India's poor show in Global Rights Index*", Deccan Herald 16 June, 2014 accessible at

<https://www.deccanherald.com/content/413804/indias-poor-show-global-rights.html>

¹²⁴ More details available at <https://www.ituc-csi.org/new-ituc-global-rights-index-the>

¹²⁵ More details available at

<https://labour.gov.in/sites/default/files/THE%20CODE%20ON%20WAGES%2C%202019%20No.%2029%20of%202019.pdf>

¹²⁶ More details available at

https://labour.gov.in/sites/default/files/THE_CODE_ON_SOCIAL_SECURITY%2C2019.pdf

¹²⁷ More details available at

https://labour.gov.in/sites/default/files/186_2019_LS_Eng_0.pdf

and the ILO Conventions of which India is a signatory.¹²⁸ There has been absolutely no decent or proper consultation neither with the representatives of workers nor the state governments while drafting the 4 new labour legislations.¹²⁹ Later few meetings were conducted and declared as “consultations”. Given that the present political regime has not organised the highest tripartite labour policy decision making body, the Indian Labour Conference¹³⁰ (ILC), for even a single time in the past five years, clearly indicates that the central government does not believe in extending democratic decision making to the working class.

The Joint Platform of Central Trade Unions (CTUs) in a statement on 20 January 2021¹³¹ urged the government of India to put on hold all the four codes and start afresh discussions with the CTUs on each of the labour codes in the true spirit of bipartite and tripartite consultations. The CTUs have charged that the government has rushed with the legislations under the pressure of the big private corporate giants.¹³² A statement was issued by

¹²⁸ “*Start Consultations afresh: CTUs to Govt*”, The Hindu Business Line, 20 January 2021 accessible at <https://www.thehindubusinessline.com/economy/start-consultations-afresh-ctus-to-govt/article33620234.ece>

¹²⁹ Ronak Chhabra, “*Centre Trying to Create Farce of Tripartite Consultation: Trade Unions Boycott Meeting*”, News Click 12 January 2021 accessible at <https://www.newsclick.in/centre-trying-create-farce-tripartite-consultation-trade-unions-boycott-meeting>

¹³⁰ *List of Indian Labour Conferences (ILC)* and more details accessible at <https://labour.gov.in/lcandilasdivision/list-indian-labour-conferences>

¹³¹ “*Trade unions ask govt to put on hold implementation of 4 labour codes*”, The Free Press Journal 21 January 2021 accessible at <https://www.freepressjournal.in/business/trade-unions-ask-govt-to-put-on-hold-implementation-of-4-labour-codes>

¹³² “*Labour Ministry finalises new job rules under 4 codes, reform to be a reality soon*”, The Economic Times, 26 February 2021 accessible at <https://economictimes.indiatimes.com/news/economy/policy/labour->

the joint forum comprising ten CTUs-- Indian National Trade Union Congress (INTUC), All India Trade Union Congress (AITUC), Hind Mazdoor Sabha (HMS), Centre of Indian Trade Unions (CITU), All India United Trade Union Centre (AIUTUC), Trade Union Coordination Centre (TUCC), Self-Employed Women's Association (SEWA), All India Central Council of Trade Unions (AICCTU), Labour Progressive Federation (LPF) and United Trade Union Congress (UTUC).

The CTUs said that they do not accept the meetings as consultations but a farce to camouflage consultations. The CTUs also protested against the non-holding of the Indian Labour Conference for the past five years. The joint platform of CTUs have outright rejected the move of the government to frame 'Rules on the Labour Codes' which were passed in Parliament without any discussion with the CTUs or in Parliament when all the opposition Members of Parliament were absent as they were on boycott demanding withdrawal of expulsion of some MPs. Moreover the draft Labour Codes which were posted in the public domain and the one which were approved by the Cabinet and subsequently passed in Parliament flouting parliamentary procedures and norms were totally different. The recommendations made by the Parliament Standing Committee on three Labour codes were also rejected by the government

While the Union government claimed to have responded to demands by workers unions, almost no suggestions had been meaningfully incorporated into the final versions of these new legislations. While the government also claimed that the exercise

of reform was aimed to extend coverage of statutory protection (including need based minimum wages, non-hazardous working conditions, universal social security entitlements) to unorganised sector workers, including new forms of work in the platform/gig economy, the reality is that the four labour Codes fail miserably to extend any form of social protection to the vast majority of informal sector workers including migrant workers, self-employed workers, home-based workers and other vulnerable groups. The workers and trade unions have called these reforms as anti-working class, thereby pushing India back to the pre-independence era where labour exploitation and wage theft were common.

The Code on Social Security 2019¹³³

The existing social protection schemes in India can be broadly categorized into four groups: (i) a programmatic framework to improve the living standards of the poor; (ii) targeted social security programmes for the extreme poor, (iii) social security measures for workers in the informal economy and (iv) social security measures for workers in the formal economy. To guide its social protection schemes, India has a well-developed legal framework. Its provisions were enshrined in its Constitution, through Articles 38-39 and 41-43, which safeguard the right to work, education, public assistance, decent work and maternity relief. The new Code on Social Security¹³⁴ 2019 attempts to merge existing legislation on social security and protections,

¹³³ *E-Book on Social Security Code 2019* accessible at <https://labour.gov.in/ebook/SS/index.html>

¹³⁴ Pratika Shankar “How ‘Code on Social Security 2020’ affects employees, employers; new code brings stringent penalties too”, Financial Express, 5 October 2020 accessible at <https://www.financialexpress.com/industry/how-code-on-social-security-2020-affect-employees-employers-new-code-brings-stringent-penalties-too/2098279/>

including Employees' Provident Fund, Employees' State Insurance, gratuity, maternity benefits, etc. while highlighting the diverse sectors of the Indian workforce who would be eligible for these entitlements. In doing so, however, it has dealt a severe blow to labour protections, particularly for informal workers.

Despite the historical exclusions faced by the workforce, including migrant workers, which were highlighted during the COVID-19 lockdown, the Code does little to bolster social protections and excludes vulnerable workers in many ways. To begin with, the Code does not emphasise social security as a right, nor does it make reference to its provision as stipulated by the Constitution. Further, it does not stipulate a clear date for enforcement, which would leave millions of workers vulnerable without clear social protections. It is essential that social security protections be made universal for the entire workforce of India. Instead, the Code makes arbitrary categorisations that would leave millions of working poor of the country out of its protections.

It is most distressing to note that definitions have not been revised in the Code to specifically determine whether a worker belongs to the organised or unorganised workforce. There is no consideration for unemployment protection for unorganised workers, which is particularly important at times of great recession and outbreak of a health crisis. There is also no mention of how social security contributions would work for atypical arrangements where there is no clear employer and employee relationship – including home-based work, self-employment, piece rate work, etc.

Historically marginalised groups continue to be excluded in the Code. Section 4(1) provides no framework to include Scheduled Castes (SC)/ Scheduled Tribes (ST)/ Other Backward Classes (OBC); and women representatives on the Board of Trustees of the Employees' Provident Fund Organisation (EPFO). Nor is there any specific sectoral representation to include diversity of work types within the unorganised sector. Within the Employees' State Insurance Corporation (ESIC), it was recommended that the tripartite composition (worker, employer, state) of the Board should not be diluted, but this has been ignored. Maternity benefits have not been universalised either.

The Code also makes it easier for employers to flout legally required social protection for workers. As an effective deterrent and policy tool to ensure timely payment of dues, penal provisions should be incorporated for large employers who have the capacity to pay regular Provident Fund (PF) contributions. For gratuity, the principal employer is not liable if the contractor fails to pay – since contractors were often marginal actors who struggle to survive, this might often be the case.

The Code on Occupational Safety, Health and Working Conditions, 2019¹³⁵

The Occupational Safety, Health and Working Conditions (OSHC) Code excludes many branches of economic activities, most notably, agriculture, small mines, hotels & eating places, machinery repairs, construction, brick-kilns, power-looms, fire-works, carpet manufacturing, and also those employed as informal workers in organized sectors, including new and emerging sectors such as Info Tech and IT enabled services,

¹³⁵ *E-Book on Occupational Safety, Health and Working Conditions Code* accessible at <https://labour.gov.in/ebook/OSH/index.html>

digital platforms, e-commerce have also not found coverage under the Code. The OSHWC Code should have ensured universal coverage of all economic activities and types of workers including domestic workers, home-based workers, trainees and volunteers. By increasing the threshold of application of the provisions to establishments employing 10 workers or more, very few of these were likely to provide any relief or support to vulnerable workers. It is also disheartening that the Code does not make any mention of protections for intra-state migrant workers, whose magnitude is much higher than inter-state workers, although the vulnerabilities they face were equally acute. The Code also does not contain any provisions for equal treatment for contract labourers who perform work of a similar nature as that of permanent workers in the same establishment. This Code has ignored the fact that the workers in the unorganised sector were either self-employed or work in small groups. Thus the threshold of 250 for instituting a safety committee at the workplace is an unrealistic provision that would effectively mean that more than 90% of the country's workforce would not be under any ambit of workplace safety.

The Industrial Relations Code, 2019¹³⁶

Perhaps the most significant damage to worker protection has been done through changes in key definitions in the Code, as well as omissions of terms defined in the previous version of legislation. The changes in the definition of “employer”, “employee” and “worker” taken together were confusing, self-contradictory and untenable. Although “employer” includes “contractor”, “contractor” is not defined for this legislation. If we proceed on the basis that “contractor” is the same as defined in

¹³⁶ *E-Book on Industrial Relations Code 2019* accessible at <https://labour.gov.in/ebook/IR/index.html>

the Code on Social Security, then the consequences were even more dangerous. There the definition of “contractor” has been changed from what is accepted today to include even an obviously “sham and bogus” contractor. The definition of principal employer is ambiguous and could include the contractor as well. The “employer” may be the one directly employing the person or the individual who has ultimate control of the affairs – these may not be the same. As a result, it might not be possible for workers to pinpoint the responsibility of “employer” on any one person. The definition of strike has been broadened to include “the concerted casual leave on a given day by 50% or more workers employed in an industry”. This constrains workers’ ability to participate in collective bargaining processes and demonstrations. Beside this, there were several restrictions made on right to strike and workers would be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike.

The Wage Code 2019¹³⁷

According to the new Wage Code the minimum wage fixation would primarily be based on geography and skills. The change in the definition of “wage” in the new Code is either the result of muddled thinking or made with malicious intent. It would have the effect of reducing retrenchment compensation, subsistence allowance etc., which is deplorable. Further, if the employee is paid part of his/her wages in kind, and then only 15% of such wage is to be reckoned as paid in kind. There is no justification for this and it is untenable. It is not clear as to 15% of what amount is to be calculated. Further, the exclusions of conveyance

¹³⁷ *E-Book on Code of Wages 2019* accessible at <https://labour.gov.in/ebook/wage/index.html>

allowance, house rent allowance and commission would have an impact on the quantum of compensation payable to a worker in the event of retrenchment or closure or lay off. The 'Wages Code' also insulates the principal employer from liabilities and shifts accountability, in the case of irregularities, to contractors who would supply workers. This is likely to encourage further contractualisation of labour.

'Apprentices', for example, would no longer be considered as employees though they often do the work assigned to contractual or permanent workers. The amount of minimum incremental pay is not defined and similarly there is no definition for the terms 'other welfare benefits' in the 'Codes'. The new Code abolishes labour courts on district level, and proposes only one or a couple of "Industrial Tribunals" function in each state. By this way workers would be denied access to justice. The system of adjudication of industrial disputes as provided under the Industrial Disputes Act, 1947, is effective and there is no need for any drastic alteration to the system. The number of courts should be increased and necessary measures should be taken to improve their effectiveness.

Minimum wage rates in India were earlier fixed under the Minimum Wages Act, 1948. This Act seeks to ensure not only the sustenance of life but also preservation of efficiency of the employees. Minimum wage rates in India were declared at the national, state, sectoral and skill/occupational levels. Both the central and state governments were empowered to notify any employment (industry/sector) in the schedule where the number of employees is 1000 or more and fix the rates of minimum wages in respect of the employees employed

therein. The “scheduled employment” included both agricultural and non-agricultural employment. Minimum wage was announced for 45 scheduled employments in the ‘central sphere’ while the state level minimum wage was determined by every state government keeping in view the sectors more dominant in that particular state. Minimum wages were revised periodically while considering the following elements:

- 3 consumption units per earner;
- minimum food requirement of 2700 calories per average adult;
- cloth requirement of 72 yards per annum per family;
- house rent corresponding to the minimum area provided under the government's industrial housing schemes;
- fuel, lighting and other miscellaneous items of expenditure to constitute 20% of the total minimum wage;
- And children education, medical requirements, minimum recreation including festivals/ceremonies and provision for old age, marriage etc. should further constitute 25% of the total minimum wage (the last component was added by the Supreme Court in Reptakos Brett Vs Workmen case in 1991).

If a worker receives wages, which was less than the government declared minimum wages, he/she may file a complaint with the labour inspectorate. The complaint can be filed by the worker or through a legal practitioner, or an official of the registered trade union. The claims for any unpaid/due wages must be filed within 6 months of their becoming due.

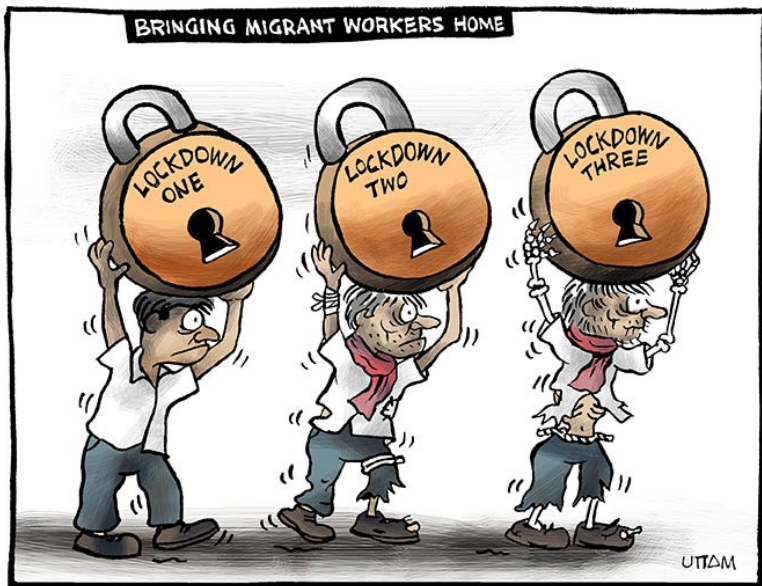
In Tamil Nadu, 94 employments have been added to the Schedule of the Minimum Wages Act, 1948. Out of this, the minimum wages have been fixed for 77 employments. Generally, in Tamil Nadu, the minimum wage is revised once every 4 years. Further, minimum rates of wages have been revised in respect of 25 employments and preliminary notifications for revision have been issued for 19 employments recently.

While states like Tamil Nadu in India have made great strides in achieving a basic level of security to a considerable proportion of the population, decision-makers were facing a number of pivotal challenges: closing the coverage gap; improving the governance of social protection schemes; and creating the necessary fiscal space. Though poverty rates have fallen, income inequality has risen, while disparities based on gender, social group, age, migrant status and location continue to persist. Rural-urban migration is, in part, due to insufficient economic growth outside the main cities and towns of the country.

On the policy front though many achievements have been made, bottlenecks too have emerged in the implementation of policies and delivery of programmes. In certain areas, fragmentation and coordination of initiatives have become a challenge for policy-makers. Promoting decent work for women and men, especially for youth and those operating in the informal sector, would nonetheless require specific interventions and efforts by the governments as well as workers' and employers' organizations. In this regard, International Labour Standards (ILS) plays an influential role in shaping a productive and equitable labour market, on the condition that labour laws were effectively implemented and were widely known by workers. The principles of ILS need to be spread across workers both men and women in

the informal economy, who largely remain excluded from labour legislations and are unaware of and unable to exercise their legal rights.

There is no dearth of labour laws in India, but what we have not seen is proper implementation. Simply creating one law by merging few labour laws and reducing compliances is unlikely to address the larger problems such as growing unemployment, the skill shortage in India or the never-ending litigation. Ultimately, the actual effectiveness of the new 'Labour Codes' too can only be tested and proved in the days to come as implementation and enforcement has always been the central issue.



(Source: rediff.com)

The central government has currently deferred the implementation of the four labour codes¹³⁸, including the Code on Wages, beyond 1 April 2021, giving companies more time to revamp their salary structures and human resource-related policies, which could have led to higher employee costs. India Inc. had been seeking more time to implement the codes, given the fragile economic recovery and the resurgence in COVID-19 cases. The delay in implementation of labour codes is being seen as a breather for India Inc as resurgence of COVID-19 cases in major industrial states have raised apprehensions that economic recovery seen so far could be stalled or even reversed if the cases continue to go up. The central government wants at least some industrial states to notify rules across the four labour codes along with the central government to avoid any legal void. The central labour ministry is ready with the rules for the four codes and will notify them once some states are ready with rules applicable in their domain.

¹³⁸ “*Govt defers labour codes as states fail to finalise rules*”, Times of India, 1 April 2021 accessible at <https://timesofindia.indiatimes.com/india/govt-defers-labour-codes-as-states-fail-to-finalise-rules/articleshow/81805494.cms>

IV. WELFARISM AND UNORGANISED LABOUR IN TAMIL NADU

A labour board is generally established under provincial or federal labour relations legislation to administer labour law, including certification of trade unions as bargaining agents, investigation of unfair labour practices and other functions prescribed under the legislation. Tamil Nadu Labour Welfare Fund Act, 1972 was enacted to ensure certain basic and necessary services, amenities and facilities to the workers of the organized sector. With this objective, Tamil Nadu Labour Welfare Board¹³⁹ was constituted in 1975 with the Minister in-charge of Labour as Chairman, five representatives of employees, five representatives of employers, three members of State Legislative Assembly, four Official members and two Non-Official women members.

The Tamil Nadu Labour Welfare Board is implementing various welfare schemes for the benefit of the workers who contribute to the Labour Welfare Fund. Since 2015, the employee contribution rate is INR₹ 10 per year and every Employer in respect of each such Employee contributes a sum of INR₹ 20 per year and the government in respect of each such employee contributes a sum of INR₹ 10 per year to the Fund. The welfare functions of the department were as follows:

- Extending various benefits to organised and unorganised sector workers through welfare boards.

¹³⁹ More details available at
https://www.tn.gov.in/rti/proactive/labour/handbook_e_LWB.pdf

- Awarding compensation to the workers for death / disablement due to accidents during the course of employment.
- Extending services through mobile health clinics, Anganwadis, dormitories, etc.
- Spreading awareness on safety and health.

In Jan 2018 the Government of Tamil Nadu amended the Tamil Nadu Labour Welfare Fund Act, 1972 and now it states that any person in a supervisory capacity drawing wages exceeding INR₹ 15,000 per mensem (monthly) would be excluded from the coverage of the Act. This extends only to the state of Tamil Nadu. This is applicable to all “Factories” covered under the Factories Act 1948, “Motor Transport undertakings” covered by the Motor Transport Workers Act 1961, “Plantation” covered under the Plantations Labour Act 1951, five or more than five persons “employed by Catering Establishments” covered under the Tamil Nadu Catering Establishments Act 1958 and “Establishments” as defined in section 2(d)(v) of the Tamil Nadu Labour Welfare Fund Act 1972.

The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 was enacted and accordingly various welfare schemes have been formulated. These schemes provide various social security and welfare benefits to the unorganised workers, engaged in the specified categories of employments specified in the schedule appended to the Act. The Tamil Nadu Manual Workers Welfare Board was formed in 1999 with the objective of providing Social Security and Welfare measures to the manual workers engaged in the “scheduled employment” under the Tamil Nadu Manual Workers Act, 1982. The Government of Tamil Nadu formed 16 separate Welfare

Boards along with the Tamil Nadu Manual Workers Welfare Board to pay special attention to provide welfare assistance to manual workers engaged in the respective employments.

The unorganised workers' welfare boards under the administrative control of the Department of Labour are:

- Tamil Nadu Construction Workers Welfare Board
- Tamil Nadu Manual Workers Welfare Board
- Tamil Nadu Unorganised Drivers Welfare Board
- Tamil Nadu Tailoring Workers Welfare Board
- Tamil Nadu Hairdressers Welfare Board
- Tamil Nadu Washer Men Welfare Board
- Tamil Nadu Palm Tree Workers Welfare Board
- Tamil Nadu Handicraft Workers Welfare Board
- Tamil Nadu Cooking Food Workers Welfare Board
- Tamil Nadu Artists Welfare Board
- Tamil Nadu Goldsmiths Welfare Board
- Tamil Nadu Pottery Workers Welfare Board
- Tamil Nadu Domestic Workers Welfare Board,
- Tamil Nadu Power-loom Weaving Workers Welfare Board.
- Tamil Nadu Handloom and Handloom Silk Weaving Workers Welfare Board
- Tamil Nadu Footwear and Leather Goods Manufactory and Tannery Workers Welfare Board
- Tamil Nadu Street Vending and Shops and Establishments Workers Welfare Board

It is also important to find out the priority social security needs of workers. Over the years several governments continue to expand the fiscal space needed to scale up social security

programmes financed through state revenue. These efforts have significantly contributed to building 'social protection floors' that guarantee universal health coverage and at least basic income security throughout the lifecycle, through tax-financed pensions, disability benefits, child benefits, maternity benefits or employment guarantee schemes. However, the extent to which the welfare funds system provided an effective form of social security for informal workers in Tamil Nadu needs more in-depth studies.

In 1994, the government had established the Tamil Nadu Construction Workers Welfare Board for the welfare of construction workers engaged in the construction industry. The workers engaged in at least 38 categories of work in the construction industry could register with this welfare board to avail the scheme benefits. After the Welfare Fund for Constructions Workers in Tamil Nadu was established, a series of other welfare funds were initiated in the late 1990s exclusively for unorganised workers from the informal sector. The workers were being registered with the boards after due verification by the Village Administrative Officers (VAOs). The functions of the Unorganised Workers Welfare Boards such as registration, renewal and processing of claim applications and disbursement of welfare scheme assistance to the beneficiaries are being administered at the district level by Assistant Commissioners of Labour (ACL) in all 36 districts. To strengthen the activities of ACL at the district level, a District Monitoring Committee headed by the District Collector with government representatives of various line departments, employee's and employer's representatives is functioning to address specific issues relating to each district in implementing various social security schemes. Welfare schemes

provided to the workers registered in various unorganised worker's welfare boards:

- Accident Relief Scheme
- Assistance for Basic Computer Training
- Educational Incentives
- Educational Scholarship
- Family Pension (applicable only to Construction Workers Welfare Board)
- Funeral Expenses Assistance
- Hearing Aid, Artificial Limbs, and Three-Wheelers
- Holiday Homes
- Marriage Assistance Scheme
- Maternity Assistance - Miscarriage / Medical Termination of Pregnancy
- Natural Death Assistance
- Pension
- Pre-Schools assistance
- Reimbursement of Cost of Spectacles
- Tailoring Centres

There are 71 Labour Welfare Centres operating in Tamil Nadu and there are 16 Labour Courts to adjudicate upon industrial dispute cases that were not settled amicably through a conciliation process. Chennai has four Labour Courts, Vellore, Coimbatore and Madurai have two each and Salem, Cuddalore, Tiruchirappalli, Tirunelveli, Kancheepuram, Kumbakonam, Hosur, and Udthagamandalam have one each. Labour Courts were adjudicating bodies which issue awards and orders on labour related matters specified in the second schedule appended to the Industrial Disputes Act 1947. Section-10 of the Industrial Disputes Act provides for disposal of all unresolved industrial disputes by referring them for adjudication to Labour

Courts or Industrial Tribunals based on the nature and scope of the issues connected with the disputes so as to prevent industrial unrest and promote peace and harmony in industries.

The Additional Registrars of Trade Unions (Regional Joint Commissioners of Labour) have so far registered approximately 12,200 trade unions. The Trade Unions Act, 1926 provides for the registration of trade unions and lays down the procedures relating to registration of trade unions. The State Labour Advisory Board is headed by the Minister for Labour and is a Tripartite high level committee consisting of the representatives of the Employers, Trade Unions and government officials. This Board recommends to the government on the action to be taken on various labour problems, amendments to Act and Rules.

The LWF Act is also implemented in the following States¹⁴⁰

Andhra Pradesh, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Punjab, Tamil Nadu, Telangana, and West Bengal.

State or Union Territory	Contribution Frequency	Contribution Month(s)	Employee Contribution	Employer Contribution	Total Contribution	Return	Due Date	Specific Rules
Karnataka	Annual	Dec	20	40	60	Form D	15 Jan	Applicable for Contract Labor also.
Tamil Nadu	Annual	Dec	10	20	30	Form A	31 Jan	Employees in the managerial capacity are exempted.

¹⁴⁰ “Labour Welfare Fund (LWF) Rules India”, accessible at <https://knowledge.greylth.com/display/GOIN/Labour+Welfare+Fund+Rules+India>

State or Union Territory	Contribution Frequency	Contribution Month(s)	Employee Contribution	Employer Contribution	Total Contribution	Return	Due Date	Specific Rules
								Employees in supervisory capacity with wages above Rs.3500 per month are exempted.
Andhra Pradesh	Annual	Dec	30	70	100	Form F	31 Jan	Employees in the managerial capacity are exempted. Employee in supervisory capacity with wages exceeding Rs.1600 per month are exempted. Applicable for Contract Labor also.
Kerala <i>(For firms under Shops and Establishment Act)</i>	Monthly	Jan-Dec	20	20	40	Form A	20 th	Applicable for Contract Labor also.
Kerala <i>(For firms under Factories Act)</i>	Half Yearly	Jan-Dec	4	8	12	Form A	20 th	Applicable for Contract Labor also.
Maharashtra	Half Yearly	June, Dec	6/12	18/36	24/48	Form A Cum Return	15 Jul. 15 Jan	Employees in the managerial capacity are exempted. Employees in supervisory capacity with wages more than Rs.3500 per month are exempted. Applicable for Contract Labor also. Contribution amount differs for

State or Union Territory	Contribution Frequency	Contribution Month(s)	Employee Contribution	Employer Contribution	Total Contribution	Return	Due Date	Specific Rules
								employees with wages up to 3000 per month (24) and those with wages more than 3000 per month (48).
Goa	Annual	Dec	120	360	480	Form B	31 Jan	Employees in the managerial capacity are exempted. Employees in the supervisory capacity and wages above Rs.3500 per month are exempted. Applicable for Contract Labour also. Last amended 6 Aug 2015
Delhi	Half Yearly	June, Dec	0.75	2.25	3	Form A	15 Jul, 15 Jan	Employees in the managerial capacity are exempted. Employees in supervisory capacity and drawing wages above Rs.2500 per month are exempted.
Punjab	Monthly	Apr-Mar	5	20	25	Nil	15 Oct, 15 Apr	Apr-Sept & Oct-Mar are the half years. Employee shall mean an employee whose name is there in the register of an establishment on the last working day of the month.
Chandigarh (Union Territory)	Monthly	Apr-Mar	5	20	25	Nil	15 Oct, 15 Apr	Apr-Sept & Oct-Mar are the half years.

State or Union Territory	Contribution Frequency	Contribution Month(s)	Employee Contribution	Employer Contribution	Total Contribution	Return	Due Date	Specific Rules
								Employee shall mean an employee whose name is there in the register of an establishment on the last working day of the month.
Haryana	Monthly	Jan-Dec	10	20	30	Nil	31 Dec	Applicable for Contract Labor also.
Madhya Pradesh	Half Yearly	June, Dec	10	30	40	Nil	15 Jul. 15 Jan	Employees drawing wages exceeding Rs.10000 per month are exempted. Applicable for Contract Labor also.
Chhattisgarh	Half Yearly	June, Dec	15	45	60	Form A	31 Jul. 31 Jan	Employees in the managerial capacity are exempted. Employees in the supervisory capacity and wages above Rs.3500 per month are exempted. Applicable for Contract Labor also.
Gujarat	Half Yearly	June, Dec	6	12	18	Form A	31 Jul. 31 Jan	Employees in the managerial capacity are exempted. Employees in supervisory capacity and wages above Rs.3500 per month are exempted. Applicable for Contract Labor also.
West Bengal	Half Yearly	June, Dec	3	6	9	Form D	15 Jul. 15 Jan	Employees in the managerial capacity are exempted.

State or Union Territory	Contribution Frequency	Contribution Month(s)	Employee Contribution	Employer Contribution	Total Contribution	Return	Due Date	Specific Rules
								Employees in supervisory capacity and wages above Rs.2500 per month are exempted.
Puducherry	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Telangana	Not Applicable	December	2	5	7	Not Applicable	31 Dec - Date of deduction 31 Jan - Last date for submission	All Employees except those working in the managerial or supervisory capacity and drawing wages exceeding rupees one thousand six hundred per month
Odisha	Not Applicable	June December	20	40	60	Not Applicable	30 June and 31 Dec - Date of deduction 15 July and 15 Jan - Last date for submission	All employees except those working in the managerial or supervisory capacity and who is employed as an apprentice or on part-time basis

V. THE COVID-19 OUTBREAK AND LOCKDOWN IN TAMIL NADU

The COVID-19 has triggered an unprecedented socioeconomic crisis, which threatens to roll back years of progress in reducing poverty, particularly leaving children deprived of essential services and families struggling financially¹⁴¹. Without concerted action to expand social protection systems, families who are already barely getting by, will likely be pushed into poverty, and the poorest families could face levels of deprivation that have not been seen for decades.

– Henrietta Fore, Executive Director UNICEF¹⁴²

The world has endured the unexpected onslaught by the novel corona virus SARS-CoV-2 that had posed an unprecedented challenge for policy making, internationally and nationally. As of first-week April 2021, at the global level the COVID-19 is said to have already infected more than 133 million people, causing more than 3 million deaths, affecting 219 countries and damaging lives of humans to inconceivable levels¹⁴³. In India there are more than 1.29 crore cases of infection and 1.66 lakhs deaths¹⁴⁴. The current fatality rate in India stands at 1.37%, well below the global average of 3%. But considering that a far greater number of people would have been infected, though not

¹⁴¹ Henrietta Fore's remarks at the UNICEF Executive Board (09 February 2021) accessible at <https://www.unicef.org/press-releases/unicef-executive-director-henrietta-fores-remarks-unicef-executive-board>

¹⁴² Henrietta Fore quoted in Global Development Commons (15 December 2020) available at <https://gdc.unicef.org/resource/unicefs-social-protection-response-covid-19>

¹⁴³ As on 07 April 2021 data accessed at <https://www.worldometers.info/coronavirus/>

¹⁴⁴ As on 07 April 2021 data accessed at <https://www.mohfw.gov.in/>

detected, the actual fatality ratio would be much lower than that, even if accounting for some under-reporting in the deaths as well.



(Sources: twitter.com)

While the virus does not discriminate between rich and poor, its effects were highly uneven. The real devastation, both in terms of loss of human lives, material damages, and economic destruction, were feared to be much more than what is being presently projected, observed, recorded or declared. Duration of the absence of remedies to the deep-seated anxieties around the world is bound to have severe impacts on the collective uneasiness, mental health and well-being of the world. The extent of suffering is anticipated to touch historic levels though the exact damage would depend on severity, intensity and the duration of the COVID-19 phase.

For the poor, the weak, the vulnerable and the marginalized -- the lockdowns have become a double-edged knife as opportunities for precaution and preparedness were not made available to them. The informal workers were virtually in crossroads, stranded in the margins and the edges of lives. Many social activists in several territories were engaged in arranging relief materials, essential food supplies, and other emergency needs to informal sector workers and their dependents. Some governments were appreciated for having handled the emergency far better than several others. There may be a number of factors that have played a significant role in better management or governance of the crisis situation. The COVID-19 governance on informal sector primarily pertains to containing a number of cases, providing efficient medical services to the infected persons, enforcement of medical advisories, ensuring physical distancing, sensitizing people about the predicament and preventive health and hygiene etc. The better management of informal sector crisis was also observed in the context of the backgrounds of their socio-political organisations, population size, density, existing health infrastructure and also quick ramping up of the health facilities.

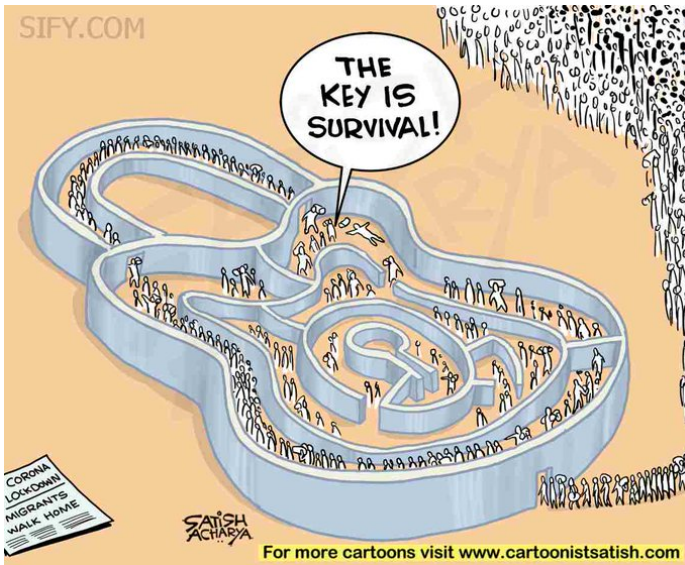
Lockdowns – Relaxations and Extensions

The first case of the COVID-19 in Tamil Nadu was reported on 7 March 2020. As of first-week April 2021, Tamil Nadu had the fifth highest number of confirmed cases in India after Maharashtra, Karnataka, Andhra Pradesh and Kerala. All 37 districts of the state were affected by COVID-19, with capital Chennai being the worst affected. As per the Health Department, 88% of the patients were asymptomatic while 84% of deaths were among those with co-morbidities. As of first-week April 2021, Tamil Nadu had the second-highest number of COVID-19 deaths after Maharashtra.

The state has been under a lockdown since 25 March 2020 which was relaxed to an extent from June 2020 onwards. The state had enforced a stricter lockdown in four majorly-affected districts which includes Chennai and its three neighbouring districts of Chengalpattu, Thiruvallur and Kancheepuram. In April 2020, the state government had announced INR₹ 3,280 crores (US\$460 million) relief package. It included financial support of INR₹ 1,000 (US\$14) to all ration card holders, free rice and other essential commodities in the wake of lockdown. It also provided registered street vendors, auto-rickshaw drivers, migrant labourers and construction workers in the state with similar provisions. It had also announced extension periods of 3 months to make loan and tax payments for all citizens, and 1 month to pay house rent for workers including migrants across the state.

In March 2020, the government ordered closure of primary schools throughout the state while shutting theatres, commercial complexes and malls. It had also ordered closing state borders with all neighbouring states. On 22 March, the state government extended curfew. It also announced that prohibitory orders under Section-144 and on the same day, the central government announced a countrywide lockdown. This led to the halting of survival activities of marginal sections and livelihoods of millions of casual workers in India. All over India, more than 40 lakhs migrant workers had registered themselves to return to their home-states, however in Tamil Nadu more than 2.5 lakhs workers had registered and more than 33,000 workers wanted to return home in Tamil Nadu¹⁴⁵.

¹⁴⁵ Divy Vir Patel and Kanhu Charan Behra, “Lockdown and its impact on inward migrant workers of Chennai”, Perspectives, 21 May 2020 accessible at https://www.iimb.ac.in/turn_turn/lockdown-impact-inward-migrant-workers-chennai.php



(Source: twitter.com)

A United Nations (UNO) report estimated a trade impact of US\$348 million on India due to the COVID-19 outbreak, making India one of the 15 worst affected economies across the world. Asian Development Bank (ADB) estimated that the outbreak could cause losses of up to US\$29.9 billion to India's economy. The Tamil Nadu government shared a projection of the revenue losses that the state may face due to the COVID-19 and said that the state may face a loss of about INR ₹ 85,000 crore. With factories and workplaces shut down, many migrant workers were left with no livelihood. They thus decided to walk hundreds of kilometres to go back to their native villages, accompanied by their families in many cases. The central government then announced that it had directed the state governments to set up immediate relief camps for the migrant workers returning to

their native states, and later issued orders protecting the rights of the migrants.

In its report to the Supreme Court, the central government stated that the migrant workers, apprehensive about their survival, moved in the panic created by fake news that the lockdown would last for more than three months. In early May, the central government finally permitted the Indian Railways to launch special trains for the migrant workers and others stranded, but this move had a few complications. In May, the Supreme Court admitted that the problems of the migrants had still not been solved and ordered the Centre and States to provide free food, shelter and transport to stranded migrant workers. Earlier in April, the state government exempted e-commerce companies of food processing units, export/import packing houses, research facilities agriculture and horticulture activities from lockdown restrictions. It also exempted bed-side attendants and caregivers of senior citizens. Due to the financial crisis, the state government froze dearness allowance and earned leave encashment for its employees and pensioners till July 2021.

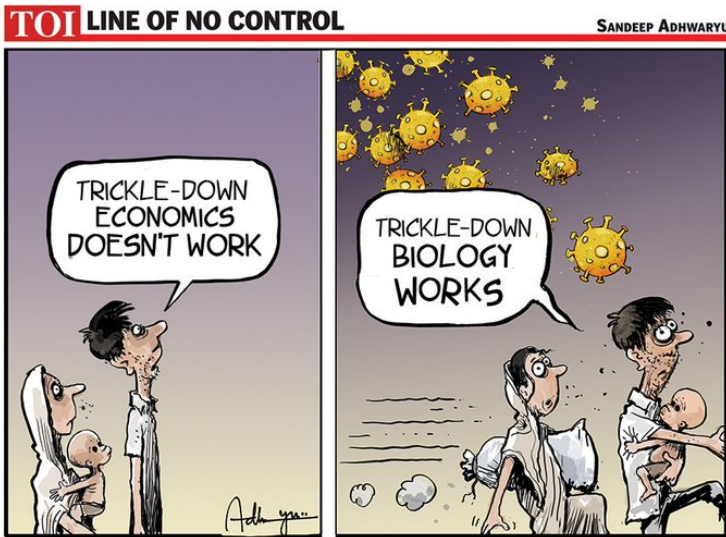
Laws Invoked by Governments to Impose the Lockdown

In India, the restrictions on the movement and services were enforced by state governments, after advisories from the Centre. These restrictions derive their legal basis from the Epidemic Diseases Act, 1897.

- **The Disaster Management Act:** The stated object and purpose of the DM Act is to manage disasters, including preparation of mitigation strategies, capacity-building and more. In the popular imagination, a disaster is usually associated with a natural calamity such as a cyclone or an earthquake. Even the definition of a

“disaster” in Section 2 (d) of the Disaster Management Act states that a disaster means a “catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes...”. To address the current epidemic outbreak, the central government has included the COVID-19 outbreak as “Notified Disaster” as a “critical medical condition or pandemic situation”.

- **The Epidemic Diseases Act:** Under this law, the central government as well as state governments have the power to take special measures and prescribe regulations to prevent the spread of a “dangerous epidemic disease”. An example of this would be the order on March 16 under the Delhi Epidemics Diseases, COVID-19 Regulations, 2020, whereby the Delhi government restricted gatherings with groups of more than 50 persons till March 31.



(Source: [in.pinterest.com](https://www.pinterest.com))

Policy perspectives during lockdown and after

The Reserve Bank of India has gradually reduced interest rates from 5.15% in February to 4% on 22 May. On 19 March, media reported that India is considering offering easier loan repayment terms and tax breaks for small-and medium-sized companies to weather the onslaught of the coronavirus, which would include extending loan tenors and relaxing bad-debt norms for small firms. On 20 March, media reported that the State Bank of India will open a special credit facility for SMEs, which aims to address liquidity concerns of SMEs who have seen business disruptions due to the crisis. India was reportedly pushing its banks to approve USD 8.1 billion of loans by the end of March. An INR 1.7 trillion (about 0.8% of GDP)¹⁴⁶ package was announced on March 26, mostly focusing on low-income people, farmers and health workers. It includes:

- an insurance cover of INR 5 million per health worker fighting COVID-19;
- the provision of food (rice, wheat and pulse) for 800 million poor people for the next three months;
- an INR 500 per month cash transfers for 200 million women Jan Dhan account holders;
- an increase in wage for workers engaged in the rural public employment programme (MNREGA) to INR 202 a day from INR 182 to benefit 136.2 million families;
- the frontloading of cash transfers for farmers (INR 2,000) under the PM Kisan Yojana programme to benefit 87 million farmers;

¹⁴⁶ “COVID-19 SME Policy Response”, OECD accessible at <https://www.oecd.org/coronavirus/policy-responses/coronavirus-covid-19-sme-policy-responses-04440101/>

- a Building and Construction Workers Welfare Fund to provide relief to construction workers.

To alleviate liquidity constraints on the firms, the last date for filing income tax returns for FY 2018-19 was extended from March 31 to June 30, 2020. Similar extension applies for the Goods and Services Tax.

On 12 May, the government announced a further INR 20 trillion (USD 266 billion) support package, with the specific objective to support the availability of credit to SMEs and microenterprises. This includes measures from the reserve Bank of India as well as fiscal policy. The package includes INR 3 trillion for collateral free loans to MSMEs of four-year tenure with no payments due for one year. It also allocates INR 20 trillion for subordinate debt aimed at helping currently stressed MSMEs, and INR 50 trillion in equity funds for MSMEs. The measures include a move to bail out 200 000 ailing small and medium sized companies. Furthermore, the package includes the following:

Eligible firms can access an emergency credit line of 20% of their outstanding credit, with 100% government credit guarantee and a moratorium of 12-months on principal repayment. The government expects that 4.5 million firms will benefit from this scheme. Stressed firms requiring equity support will be given access to a INR 200 billion subordinate debt scheme with partial loan guarantee. The government will provide INR 40 billion to the 200 billion fund. About 2 million firms may benefit from this scheme. To provide equity funding for firms with growth potential, a fund of funds of INR 500 billion will be set up with a INR 100 billion corpus. Global tenders are now excluded from government procurement of up to INR 2 billion to protect firms

from foreign competition. Receivables from government and central public sector enterprises to be released in 45 days to help firms manage their cash flows.

On 14 May, the government announced credit facilities for small, informal businesses and street vendors. These include a 2% interest subsidy on micro loans for a period of 12 months for loans up to INR 50 000 under the existing MUDRA scheme and a special lending programme for street vendors of up to INR 10 000 to finance their working capital, targeting about 5 million street vendors). On 17 May, the government announced a reform of the Insolvency and Bankruptcy Code. The minimum threshold to initiate insolvency procedures is raised by hundred times to INR 10 million; initiation of insolvency proceedings is suspended up to one year; COVID-19 related debt is excluded from the definition of default that would trigger insolvency.

In Chennai, 74 % of migrant workers belonged to within Tamil Nadu State only, 24 % migrant workers were from other states of India and few were from abroad. These workers were majorly involved in construction, manufacturing, service sector and textile industry in Chennai. Tamil Nadu government has declared the financial assistance of INR₹ 3280 crores as a relief package and ensured that unorganized workers would get assistance of INR₹ 1000 along with rice, cooking oil and pulses through their respective worker welfare board. All ration-card holders would also get assistance of INR₹ 1000 with their monthly share of rice, cooking oil, sugar and pulse through public distribution system (PDS). Under MGNREGA more than 82.66 lakh active workers in Tamil Nadu have been permitted by state government to recommence the work on water conservation and irrigation with prescribed safety measures. State government has enhanced

the wages of daily labourers under MGNREGA from INR₹ 229 to INR₹ 256, and also supported additional wages for two days in the month of March, 2020.



(Source: twitter.com)

Invisible and Intangible Impact of COVID-19

The World Bank warned that the COVID-19 is spawning a new generation of poverty and debt turmoil, and the IMF said developing nations risk getting set back by a decade. Creditor governments in the G-20 have taken some steps to ease the plight of the poorest borrowers, but they've been slammed by aid groups for offering only limited debt relief and failing to rope private investors into the plan. Low-paying work in services, where there's more face-to-face contact with customers, tended to disappear first as economies locked down. And financial markets, where assets were mostly owned by the rich, came

roaring back much faster than job markets. The upshot has been labelled as a “V-shaped recovery” by some and a “K-shaped recovery” by some others. The virus has widened income or wealth gaps across fault-lines of class, race and gender. Women have been hit disproportionately hard—partly because they’re more likely to work in the industries that struggled, but also because they had to shoulder much of the extra childcare burden as schools closed. In some countries, women’s participation in the labor force fell to the lowest since the mid-1980s.

COVID-19 triggered new concerns about physical contact in industries where social distancing is tough—like retail, hospitality or warehousing. One fix is to replace the humans with robots. Research suggests that automation often gains ground during a recession¹⁴⁷. In the lockdown, companies accelerated work on machines that can check guests into hotels, cut salads at restaurants, or collect fees at toll booths. And shopping has moved further online. These innovations would make economies more productive. But they also mean that when it’s safe to go back to work, some jobs just won’t be there. And the longer people stay unemployed, the more their skills can atrophy—something economists call “hysteresis.”¹⁴⁸

Higher up the income ladder, remote offices suddenly became the norm. One study found that two-thirds of U.S. GDP in May 2020 as generated by people working at home. Many companies

¹⁴⁷ Mark Muro, “*Will COVID-19 pandemic accelerate automation?*”, *The Economist* 22 April 2020 accessible at <https://eiperspectives.economist.com/technology-innovation/will-covid-19-pandemic-accelerate-automation>

¹⁴⁸ Anwasha-Madhukalya, “*Economic hysteresis’ must be avoided at all costs, says Economic Survey*”, *Business Today*, 29 January 2021

told employees to stay away from the office well into 2021, and some signalled they'll make flexible work permanent. 'Work-from-home' has mostly passed the technology test, giving employers and staff new options. That's a worry for businesses catering to the old infrastructure of office life, from commercial real estate to food and transportation. It's a boon for those building a new one: shares in video conferencing platform "Zoom" jumped more than six-fold this year. The option of remote work, along with fear of the virus, also triggered a stampede of urbanites toward the suburbs or countryside and in some countries, a surge in rural property prices.

Most kinds of travel came to a near halt. Global tourism fell 72% in the year through October, according to the United Nations. McKinsey reckons a quarter of business trips could disappear forever as meetings move online. With vacations upended and mass events like festivals and concerts called off, the trend among consumers to favor "experiences" over goods has been disrupted. And when activities do resume, they may not be the same. People would be more mindful of personal space and avoiding places that were overly packed. Travellers may have to carry mandatory health certificates and pass through new kinds of security.

When Chinese factories shut down early in the crisis, it sent shock waves through supply chains everywhere and made businesses and governments reconsider their reliance on the world's manufacturing powerhouse. That's an example of globalization adjusting without retreating. In other areas, the COVID-19 may encourage politicians who argue that it's risky to rely on imports of goods vital to national security as ventilators and masks turned out to be this year. Before the COVID-19, it was mainly

environmentalists musing over theories of peak oil - the idea that the rise of electric vehicles could permanently dent the world's demand for one of the most polluting fossil fuels. But when 2020 saw planes grounded and people staying home, even oil majors like British Petroleum (BP) felt a real threat from the world getting serious about climate¹⁴⁹. Governments everywhere announced plans to ban the sale of new gasoline and diesel cars by 2035. And Joe Biden was elected with a promise the U.S. would re-join the Paris Agreement.



(Source: economist.com)

Against all these international backdrops, Tamil Nadu's narrative of COVID-19 like the other parts of world and nation, has also been marred with hunger, sufferings, bloodstains and death of the informal workers. During the entire lockdown periods, each

¹⁴⁹ Jillian Ambrose, "BP chief says Covid has deepened commitment to net-zero emissions", The Guardian May 2020 accessible at <https://www.theguardian.com/business/2020/may/17/bp-chief-says-covid-has-deepened-commitment-to-net-zero-emissions>

one of us have witnessed heart-breaking stories of informal workers. The plight of the migrant workers walking hundreds of kilometres to their homes carrying their children on the shoulders and their belongings on their back, braving heat and hunger would haunt us for years to come. Moreover, the COVID-19 had several other socio-economic dimensions as well on informal sector workers, apart from the above-mentioned factors. In order to understand this, it is pertinent to look at a few background perspectives, particularly the present status of social security systems and its functioning.

VI. SURVEY ON THE IMPACT OF COVID-19 LOCKDOWN

The proposal for the survey was prepared by the research team in August 2020 and was fine-tuned with the inputs from WSM and WPC teams. The interview schedule had a total of 31 questions, which essentially included personal and family details of the workers, job-status and wage details, the difficulties faced during registrations and renewals into various welfare boards, benefits received from the welfare boards, benefits received during the lockdown periods, problems faced during COVID-19 situation and how the workers coped and overcame the financial crisis, etc. The research team has attempted at its best to document the challenges and difficulties faced by the informal workers particularly during the period of COVID-19 crisis and have also tried to highlight the kind of support (if any) to the informal workers from the central and state governments during the lockdown periods.

Iotalytics Research and Analytics Solutions Private Limited, a national level technical consultancy company partnered with study the team for this survey, to develop an Andriod-based mobile application to support the data entry process in the study. A series of meetings for the field investigators from both WSM and WPC partners in all 20 districts were organized before initiating the process of data collection to orient them on the objectives and expected outcome of the survey and the process of data collection. There were also two orientation sessions for the field investigators to explain the questions in the interview schedule and the research methodology for the survey and data collection process.

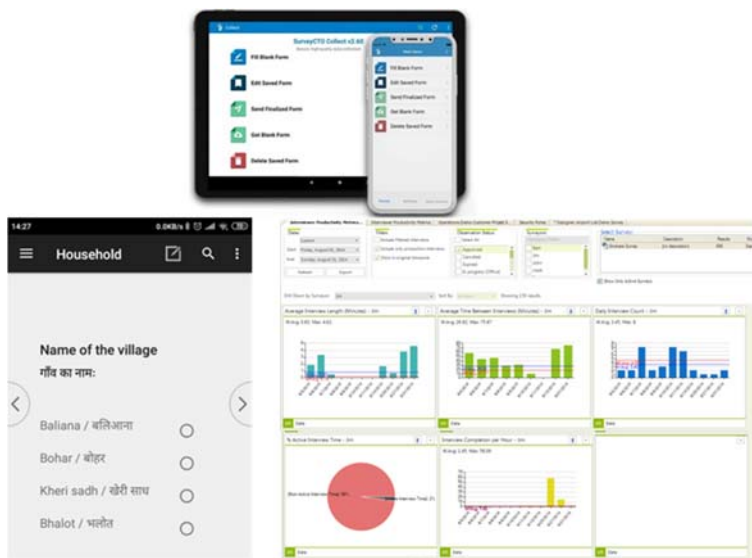
The **lotalytics** team organized 3 half-day sessions for the data collectors to orient them about the data collection using the mobile-app with the interview schedules. The field investigators sorted their issues and clarified their doubts on data-entry through the mobile-based app and a short pilot-survey was also conducted before the field investigators were sent to the field for full-fledged survey. Each one was asked to complete at least 3 pilot samples before the actual data collection so as to get familiarizes to all questions and the application of the mobile-based app to feed the data they collected from the field. Their sharing was useful to the research team and **lotalytics** to rephrase a few questions and to rectify couple of limitations in the app.

Actual data collection was held in the months of October-November 2020, when restrictions for mobility of people were partially relaxed by the governments and the field investigators with protection and precautions were able to physically meet the informal workers in person and gathered information during this period. Utmost care and safety measures were taken by the field investigators to adhere to the principles of physical distancing and other rules announced by both the state and central governments during the lockdown period. The collected data was then and there uploaded by the field investigators and subsequently the day-to-day updates on the status of completed questionnaires were shared by **lotalytics** with the survey team. There was also a close follow-up of the data collection process by the research-study team. The workers shared their real stories, testimonies and the challenges they face in registering themselves into the welfare boards and their difficulties during COVID-19 situation.

Meanwhile, the research team also took genuine efforts to meet a few officials from Labour Department in charge of the Welfare Boards to get their versions on the registration process and implementation of various schemes under the welfare boards as well as distribution of existing social protection benefits to the members of the Boards. In most of the occasions the officials declined to provide opinion as the situation was in fluid and volatile state. However, the team was able to get some perspectives off-the records from the authorities. Review of literature was done by the research team on the implementation of schemes under the unorganized welfare boards through the media articles, civil society group analyses, government releases and so on.

Data analysis and methodological interpretations were carried out by the research team with assistance from experts of ***lotalytics*** which also provided technical-technological support. Apart from the direct findings of this study, the research team also received inputs from several labour rights activists and trade union leaders, which are incorporated in this compilation, and it would be instrumental for political action for different labour rights movements in Tamil Nadu to highlight the issues concerning informal and unorganized workers in contemporary COVID-19 context.

Training of Data Collectors



The field investigators were selected from the local organisations who had knowledge about the local dialect as well as had some prior exposure of research objectives. They were trained on each aspect of the survey as well as with the tools in the training. The training started with an overview about the project and purpose of the survey, which provided the investigators needed background so as to build rapport at the community level. This was followed by section wise details of the questionnaire in term of purpose of asking information, construction of questions, various options (including one response as well as multiple responses to be recorded) and how to ask these questions to the respondents. A mock practice session along with debriefing was also conducted before they start the data collection work.

The study used Computer-Assisted Personal Interviewing (CAPI) for collection of data; therefore, a handheld device-based survey where all interviews were aided by the android based mobile

phones, were used for the study. An android based application using Census and Survey Processing System (CSPro) software was developed for the scripting of the structured questionnaire, in which necessary adjustments were made to capture multiple responses and open-ended items.

The electronic data collection forms were programmed with automated skips and range checks to prevent missing data and/or entering impossible or implausible information. Research team was responsible for the development and quality assurance of the final CAPI software/hardware platform integration and throughout data collection until the closeout of the study, with oversight from the research team. Supervisors monitored the quality of data collection by providing needed feedback and directions to the investigators.

Data Processing and Statistical Analysis

Data obtained using the questionnaire were extracted from the CAPI server and exported to SPSS software version 22 for cleaning and statistical analysis. Frequency, and percentages were used to summarize the data.

Findings of the Survey

Profile of the respondents-- Of all the respondents interviewed, half of them were of age 35-49 years (51%) and about 37% were of age 50 years or more. Less than 1/3rd of the respondents had education of 10 years and above. Nearly 49% had education of 5-9 years and 23% had less than 5 years of education. About half of the respondents had at least two males, females and children in their family and nearly, 1/3rd had more than three dependent family members in their family (Table 1).

Table 1: Socio-economic profile of interviewed workers

Characteristics	N	%
Age (Years)		
≤ 35	128	12.7
35-49	509	50.5
≥ 50	371	36.8
Educational Status (in years)		
Less than 5	227	22.5
5-9	494	49.0
10 and above	287	28.5
Family members		
<i>Males</i>		
0	47	4.7
1	469	46.5
2+	492	48.8
<i>Females</i>		
0	9	0.9
1	470	46.6
2+	529	52.5
<i>Children</i>		
0	293	29.1
1	150	14.9
2+	565	56.1
Dependent family members		
0	402	39.9
1	270	26.8
2+	336	33.3
Total	1008	

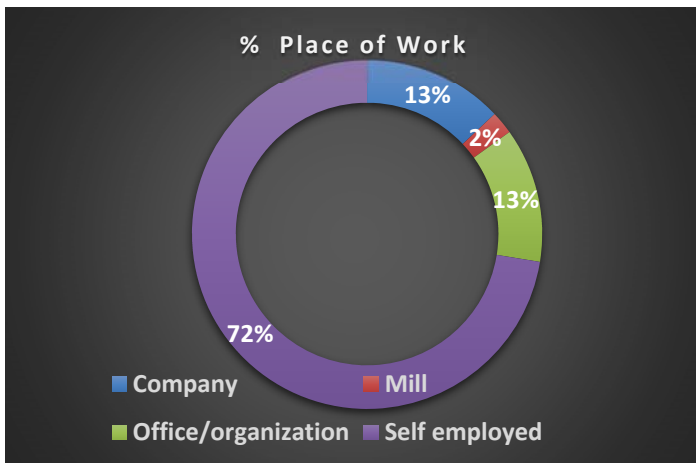
A majority of the workers had a bank account (95%) and had AADHAR card details linked with a working mobile number (86%)
(Table 2)

Characteristics	N	%
Have bank account		
Yes	959	95.3
No	47	4.7
AADHAR linked with mobile		
Yes	864	85.9
No	142	14.1
Total	1006	

Table 2: Bank account and AADHAR details

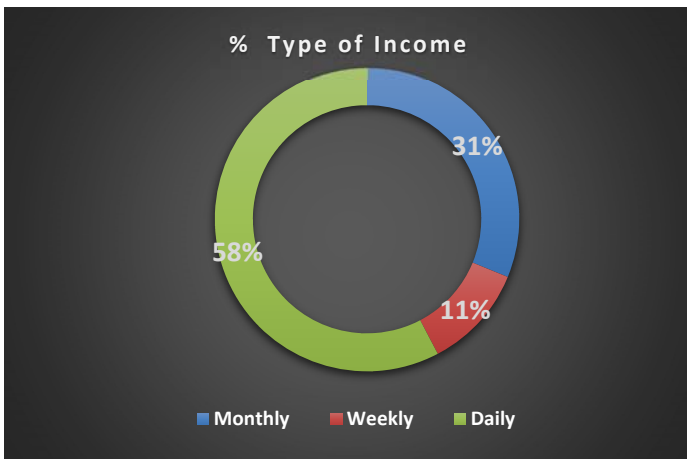
Figure 1 shows the place where the interviewed workers were currently employed. It was found that about 72% of the respondents were self-employed, 13% work in a company and a similar proportion work in an office/organization. Only 2% respondents were working in a mill.

Figure 1: Place of current employment



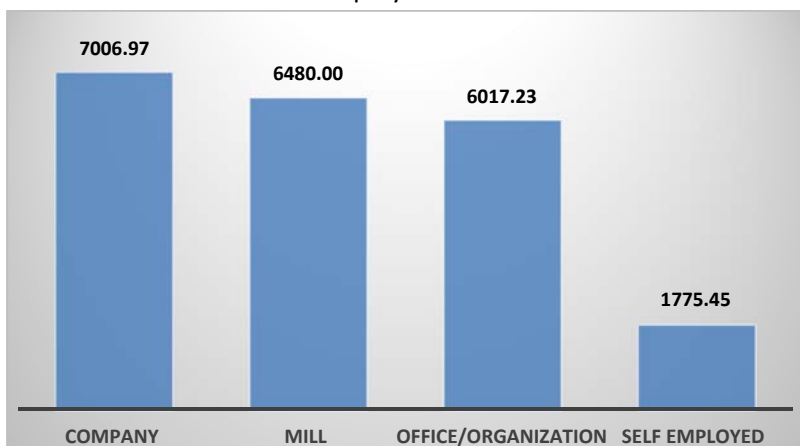
More than half of the respondents (58%) get their income daily, 31% of them receive it monthly and 11% work on weekly basis. The average income of the respondents who get their income monthly is INR₹ 7529, those who get it weekly is INR₹ 2427, and the ones who received their income on daily basis, have an average income around INR₹ 500(**Figure 2**).

Figure 2: Type of income and average income of the respondents



Further, the average income of the respondents who work in a company was INR₹ 7000, followed by INR₹ 6480 for those who work in a mill. The average income of respondents who were associated with any office/organization, was INR₹ 6000 and the ones who were self-employed had average income as INR₹ 1775 (Figure 3).

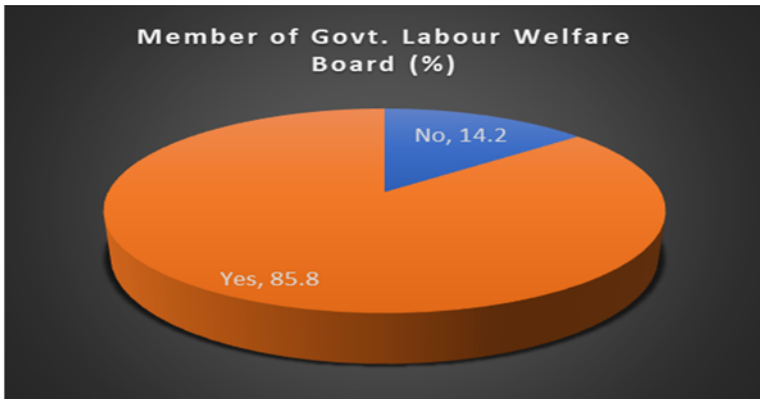
Figure 3: Average income of respondents by type of employment



Association with the Government Labour Welfare Board

Present section reports the association of workers with Labour Welfare Board (LWB), registration process, assistance received in attaining the membership of LWB. Figure 4 shows that around 86% of the respondents were a member of the LWB

Figure 4: Percentage of workers reported membership of LWB



Out of those who were not members of LWBs, 77% of them are not aware of the LWB, and 13% were not guided by the Trade Union. About 8% workers reported other reasons for not being a member of any LWB. Only 2% of the respondents reported they were not bothered about the membership subscription (**Table 3**).

Table 3: Reasons for not being a member of any LWB

Reasons	N	%
Not aware of Labour Welfare Board	110	76.9
Not bothered about membership subscription	3	2.1
Not guided by Trade Union	18	12.6
Others	12	8.4
Total	143	

Note:*Among those who were not a member of any welfare board



Figure 5: Facilitation received in registration process

About 45% of the workers received help from the trade union members in registration process with the Board. Also, nearly 18% and 15% of the respondents were helped by the colleagues and NGOs respectively to facilitate the registration process with the Board. About 8% of workers reported they managed by themselves in attaining membership with the Welfare Board (Figure 5).

Access to Government Labour Welfare Board Membership Schemes

Trade unionists were also found supportive in accessing schemes under welfare board as about 45% of the workers reported they got help from trade union members in availing the schemes offered by Welfare Board. About 1/5th of the workers also received help from NGOs in accessing to the welfare schemes.

The role of government, political parties, boss or manager was reported only by few workers (**Table 4**).

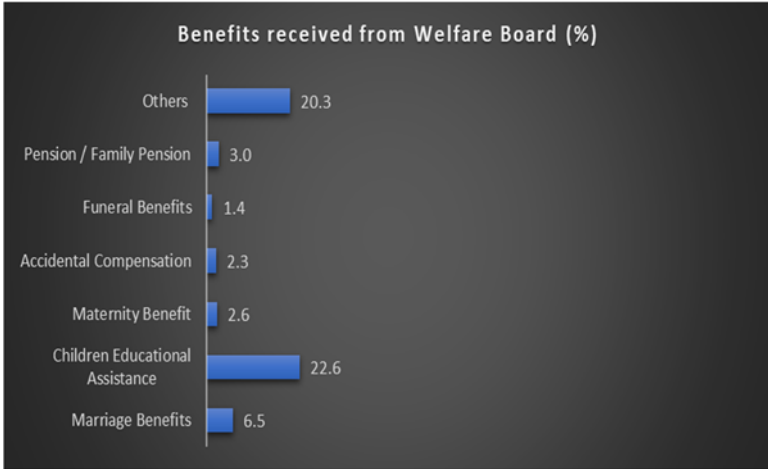
Table 4: Support received in accessing Welfare Board Membership Scheme

Support received from	N	%
Government	64	7.4
Political party	28	3.2
Trade Union	388	45.0
NGO	183	21.2
Colleague	78	9.0
Boss/Manager of the company	7	0.8
Self-managed	34	3.9
Others	81	9.4
Total	863	

Note: Among those who were a member of LWB

Around 23% of the workers received children educational assistance from the Welfare Board. Less than 10% of them received marriage benefits, family pensions, and maternity benefit from the Welfare Board (**Figure 6**).

Figure 6: Benefits received from Welfare Board



And as reported by the workers, only 40% of their colleagues (co-workers) utilized the benefits offered by the Welfare Board (Figure 7).

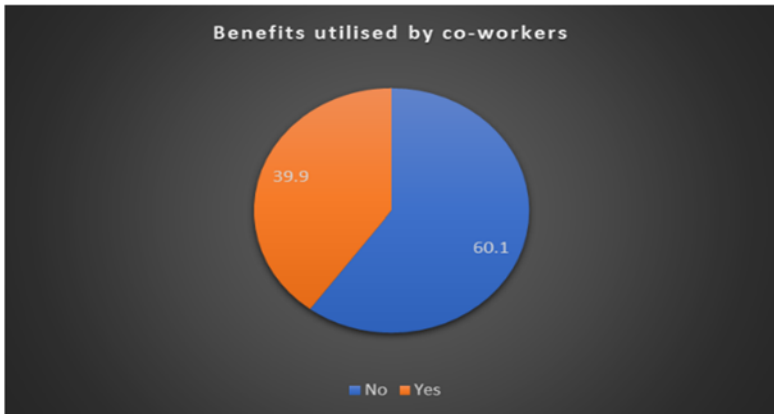


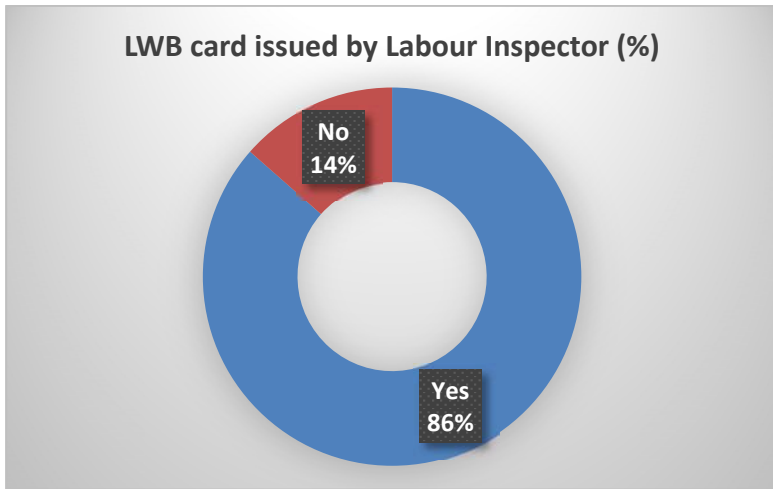
Figure 7: Benefits utilized by co-workers

Process, Challenges/Losses faced during Online Registration Process

Figure 8 shows the proportion of workers who got their LWB card issued by the Labour Inspector. Around 87% of the workers had

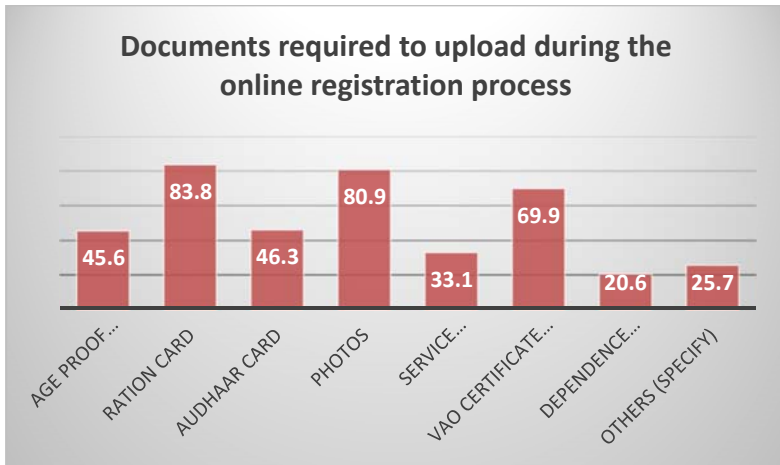
LWB card issued by the Labour Inspector and remaining 14% had received it via online registration.

Figure 8: LWB card issued by Labour Inspector



According to most of the respondents, documents required to upload during the online registration process were Ration card (84%), Photos (81%) and VAO certificate of verification (70%) (Figure 9).

Figure 9: Documents required for online registration process



The major financial challenges or losses faced by workers during the online registration process were payment done 'for the receipt of various certificates required for registration process' (69%), 'for photos at studio' (60%), and 'travelling expenses from native village to town' (45%). More than 1/4th of the workers also reported expenses occurred at browsing centres and mobile recharges during the online registration.

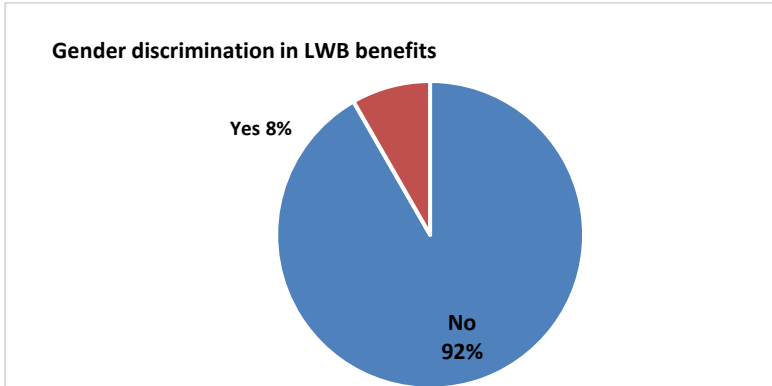
Besides financial issues, more than 80% of the workers reported travel and mental agony and loss of payment as challenges in completing the online process of registration. Also, 63% workers mentioned delay in registration due to technical issues. Problems occurred due to change in contact details and mobile number was informed by 28% of the workers (**Table 5**).

Table 5: Challenges faced by workers in online registration process

Challenges	n	%
Financial challenges		
For receipt of various certificates	698	69.2
For photos at studio	609	60.4
Expenses at Browsing center	364	36.1
Travelling expenses from native village to town	448	44.8
Mobile recharges amount	264	26.2
New SIM card & activation	117	11.6
Refreshment & Town	202	20.0
Others	139	13.8
Travel and Mental Agony		
Yes	856	84.9
No	150	14.9
Loss of pay		
Yes	835	82.8
No	171	17.1
Browsing Centers' delay due to technical reasons		
Yes	638	63.4
No	368	36.6
Change of address/cell no. in Aadhaar/Ration card		
Yes	283	28.1
No	723	71.7
Total	863	

A large proportion of workers (92%) reported no gender discrimination in receiving LWB benefits distribution (**Figure 10**).

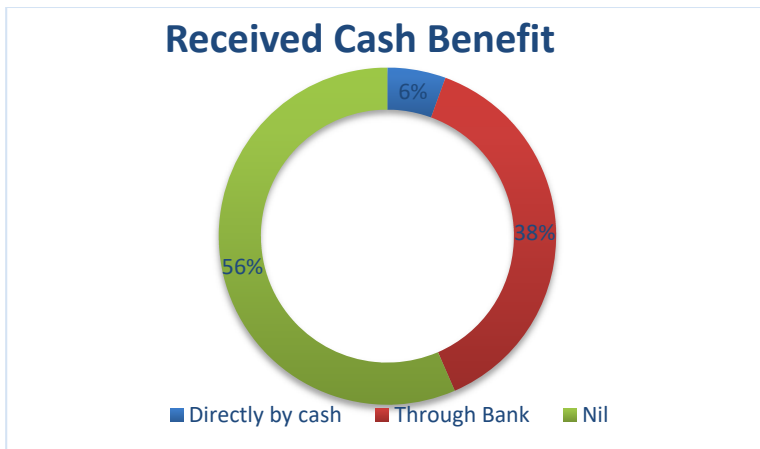
Figure 10: Gender distribution in receiving LWB benefits



Benefits from Government

About 38% of the respondents received cash benefits through bank, and over 55% of them didn't receive any cash benefit (**Figure 11**).

Figure 11: Receiving of cash benefit from Government



Also, a majority (69%) of workers did not receive ration through family card (**Table 6**).

Table 6: Received ration through family card

Ration received through family card	N	%
No	689	68.5
Yes	317	31.5
Total	1006	

Challenges faced during COVID-19 Lockdown Period

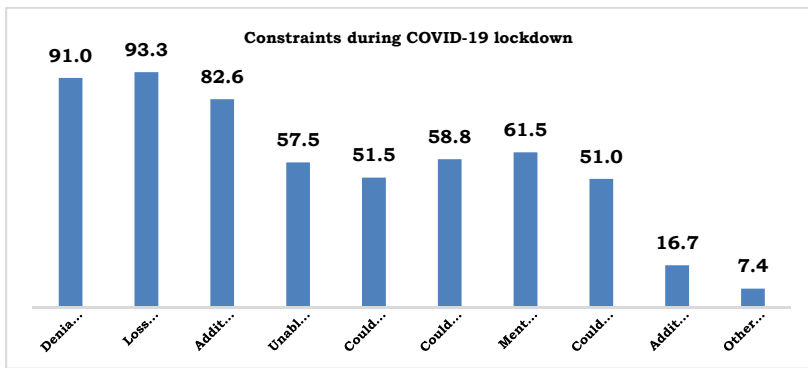
Challenges faced by workers during COVID-19 lockdown are highlighted in **Table 7**. About 86% workers reported their regular income was deprived due to lockdown situation and more than 90% workers were not paid by their employer. No advance financial assistance from employer and government was received by the 91% of the workers during COVID-19 lockdown.

Table 7: Challenges faced by workers during COVID-19 lockdown

Challenges	n	%
Regular income been deprived		
No	138	13.7
Yes	868	86.3
Paid by employer		
No	913	90.8
Yes	93	9.2
Advance financial assistance		
No	914	90.7
Yes	92	9.1
Assistance from Govt.		
No	362	90.7
Yes	644	9.1
Total	1006	

Further, denial of employment (91%) and loss of payment (93%) was reported as major difficulties faced by worker’s family during the lockdown period. Having additional debt (83%) was also reported as major constraints followed by mental agony/depression (62%), denial of basic needs (59%) and health services (58%). Deficiency of substantial meal was also reported by about half of the workers during lockdown period (**Figure 12**).

Figure 12: Difficulties/constraints faced by worker’s family during lockdown



Benefits received during COVID-19

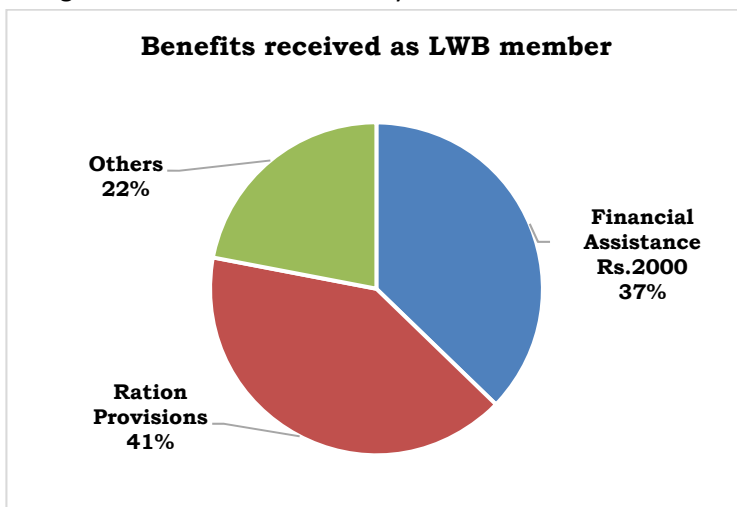
A little less than half of the workers reported to receive cash benefit and other from welfare board during COVID-19 lockdown. Medical benefits were received by only 4% of the workers (**Table 8**).

Table 8: Benefits received by workers during COVID-19 lockdown

Benefits	N	%
Cash benefit	485	48.2
Medical benefit	40	4.0
Others	481	47.8
Total	1006	

About 41% of the workers reported to receive ration services as LWB member followed by 37% who received financial assistance of INR₹ 2000. About 22% of the workers informed other benefits (Figure 13).

Figure 13: Benefits received by workers as LWB Member



About 40% of workers reported trade union had initiated special process to enable ineligible workers/applicants to avail benefits during COVID-19. One-fifth of the workers also acknowledged

NGOs for starting the special process to avail the services (**Table 9**).

Table 9: Agencies that enabled special process for ineligible workers to avail COVID-19 benefits

Agency	N	%
Government	66	6.6
Political party	27	2.7
Trade Union	406	40.4
NGO	208	20.7
Colleague	71	7.1
Boss//Manager of the company or Owner of the establishment	3	0.3
Self-managed	57	5.7
Others	168	16.7
Total	1006	

KEY HIGHLIGHTS FROM THE SURVEY

- Majority of the interviewed workers were of age more than 35 years, had less than 10 years of education and had at least two dependent members in their families. Nearly, 72% of workers were self-employed and the remaining 28% were employed either in company, office or work in a mill. More than half of the workers were daily wagers and earn about INR₹ 500 on average on a daily basis. Almost all workers were having an account in a bank, and about 86% of them had AADHAR card details linked with a working mobile number.

- Findings also indicate that around 86% of the respondents were members of the LWB. The major reasons for not being a member of LWB for others was a lack of awareness on LWB and absence of guidance from the trade unions.
- Trade unions were found supportive in completing the registration process and availing the schemes of LWB. Comparatively, a lesser proportion of workers reported to receive assistance from their colleagues and NGOs. The role of government, political parties, boss or manager in completing the registration process and availing the schemes was reported by only very few of the workers.
- Regarding the benefits received from the LWB, very few workers reported to receive marriage benefits, family pensions, and maternity benefit (<10%). Less than 1/4th of the workers received children educational assistance from the Welfare Board.
- Only 13% of the workers got their Labour Welfare Card issued through online processes. The major financial challenges faced by workers during the online registration process were expenses occurred 'for the receipt of various certificates required for registration process' (69%), 'for photos at studio' (60%), 'travelling expenses from native village to town' (45%) and cost for browsing centres and mobile recharges. Besides financial issues, majority of the workers reported travel and mental agony, loss of payment and technical issues as challenges in completing the online process of registration.

- During COVID-19 lockdown, most of the workers were not paid by their employer and didn't receive their income regularly. No support received from governments was also reported by almost all workers (91%). Further, denial of employment (91%) and loss of payment (93%) was reported as major difficulties faced by worker's families during the lockdown period.
- About 41% of the workers reported to received ration services as LWB members followed by 37% who received financial assistance of INR₹ 2000 during COVID-19 lockdown period. Medical benefits were received by only 4% of the workers. Also, as reported by 40% workers, the trade union had initiated a special process to enable ineligible workers/applicants to avail benefits during COVID-19.

Overall, the study found that despite being a member of LWB, very few workers received benefits from it, even during COVID-19 lockdown period. Trade unions were reported helpful in attaining membership as well as services. However engagement/involvement of government, political parties, boss or manager would further help workers in availing LWB services. Efforts should also be made to ease the online process of registration and availing services, so that all workers could get the opportunity to sustain their families in a more effective manner.

VII. CHALLENGES OF INFORMAL WORKERS DURING LOCKDOWN: FOCUS GROUP DISCUSSIONS (FGDs)

The Focus Group Discussions (FGDs) were conducted in 6 locations with regional representation of 15-20 informal & unorganised sector workers along with the action-research team members.

Main Concerns Deliberated in the FGDs

- Why there was a very low level of registration among informal sector workers?
- How to highlight the current status of registration of unorganized workers with different welfare boards and the practical difficulties in online registration for informal workers in Tamil Nadu?
- What are the specific reasons and why many informal workers have been left out in the process?
- What are the concrete suggestions and recommendations on the registration process with different welfare boards and to access to social security benefits for informal workers in Tamil Nadu?
- What are the reasons for the failure to collect employers' contribution fully and on time?
- What are the weaknesses in financial management in distribution of schemes?
- Were the workers aware of their entitled rights and benefits under the respective welfare boards?
- What information channels related to the benefits exist at the Panchayat and Block levels?

- Were there structural inequalities existing between gender/ communities/ geographies in this regard? How were they manifested or reflected?
- If an application for registration or claiming a scheme has been rejected or requires further clarification, how does the government communicate the reason to the applicant worker?
- Under COVID-19 situation, without livelihoods and in absence of sufficient support from the government, what were the coping and survival processes adopted by the workers and their dependents?

Difficulties and Challenges shared in the FGDs

- Governments and other agencies don't care about informal workers because they were often not voters of the local area as several were migrant workers. Neither the local administrations nor the central/ state governments recognize their contributions.
- Informal workers are generally subjected to “wage-theft” through non-payment of wages, overtime compensation as work and jobs were abruptly stopped during the periods of COVID-19 lockdown.
- Many participants expressed that there was always confusion with the definition of ‘unorganized’ or ‘informal’ worker. Often vast numbers of categories of unorganized labour are excluded. Hence, a limited number of welfare boards exist.
- Only a small number of informal sector workers were aware of social benefits from the LWBs.

- Only a small number of informal sector workers had utilized the benefits after crossing the hurdles and challenges.
- Undue delay in new registration & annual renewals were common and widespread.
- Inbuilt hardships involving AADHAAR (biometric identity), discrepancies in mobile contact numbers at each stage of registration and due to OTP mismatches.
- Loss of earning while spending time for procuring certifications, follow-ups & updating (often 2-3 days lost)
- Unreasonable demands by intermediaries like browsing centres for facilitating online access (up to INR₹ 400)
- Lethargic attitude of the agents and LWB officials in OTP follow ups.
- Disruption during online services due to poor internet connectivity and server failures.
- Bribe & demands by LWB personnel (up to INR₹ 300)
- Travel, conveyance, refreshments expenses during follow-ups.
- Increased expenses and other challenges due to COVID-19 including masks, sanitizers, water, soaps, etc
- Due to lockdown restrictions, severe harassment from police and other officials during physical travels for labour welfare benefit issues.
- Mismatches, discrepancies, incomplete information, omitted entries in various documents.
- Ignorance & illiteracy among informal workers on the scheme benefits during COVID-19 emergency.
- Unexplainable sufferings due to marriages, deaths & other functions coinciding the critical days.

- Volatile & mobility of informal workers due to their nature of work, hence membership fixed to a particular LWB not possible, which affects their benefits.
- Establishing an employer-employee relationship is critical in an unorganized sector. Any attempts to bypass this would lead to the essential character of work-related relief measures getting derailed.
- Single welfare board system is not convenient as informal workers are into multiple-jobs, based on seasonal demands.
- Homogenising social protection institutions is not possible as the category of “labour” is in concurrent list.
- Periodical renewal of LWB membership is unwarranted, which had acted as an obstacle in relief measures.
- Computer and digital based interfaces were an unfriendly path for workers
- Workers' facilitation centres in creating a database as envisaged by the governments to bridge unorganized sectors & local authorities, still lacks visibility.
- The policies of the governments don't empower unorganized labour to form 'trade unions', which would otherwise give a power of 'collective bargaining'.
- Absence of a comprehensive database on informal workers particularly migrant workers was a major reason in relief formalities.
- There was also confusion and overlap in the registration process as it was also carried out by Revenue Department instead of Labour Department in few places
- Fixation of cess, employees' contributions and employers' share to Labour Welfare Fund continue to be ad-hoc.

Schedule of Regional FGD Meets

1. TN North FGD held at Chennai on 20 October 2020
2. TN South FGD held at Tirunelveli on 21 October 2020
3. TN Central FGD held at Karur on 21 October 2020
4. TN South FGD held at Virudhunagar on 23 October 2020
5. TN East FGD held at Tiruchirappalli on 25 October 2020
6. TN West FGD held at Avinashi on 27 October 2020

THE MAIN CONSOLIDATED SUGGESTIONS FROM ALL THE SIX FGDs

- *There is a need for wider levels of publicity on various LWBs as well as regarding various schemes and benefits for the workers.*
- *There is an important need for membership drive camps at worksites.*
- *There is a fundamental need for enhanced approachability, accessibility & follow-up activities by LWB officials.*
- *At present online registration is not a suitable method for LWBs membership, therefore online dimensions should be just an alternative option for the workers.*
- *There is intense need for further simplification of the registration process at par with the literacy levels of informal & unorganised sector workers.*
- *There is a critical need for involving local groups, trade unions, NGOs, etc in registration and other hand-holding processes.*
- *There is a primary need for creating a comprehensive database on informal workers at each level.*

VIII. CHALLENGES FACED DURING COVID-19 LOCKDOWN: ABSTRACTS OF STAKEHOLDERS INTERVIEWS

Creation of a supportive environment for the social integration of informal workers was absolutely vital. Particularly those living in marginal and insecure conditions should also receive specific attention. It should never be the case that an informal sector worker does not have access to social protection benefits because of insufficiency of resources or because the conditions for claiming them are exclusive. Social protection policies focusing on vulnerable groups must be complemented by other policies giving attention to regional distribution. Access to social security should always be guaranteed and the individual's location or place of residence should not in itself be an obstacle to social protection. The objective was to avoid imbalances across territories and to ensure that the particularly disadvantaged ones are cared for.

Internationally, the ILO Convention No.102 has recognised that a life-cycle approach must be adopted in order to promote social inclusion and human dignity. This was to be achieved by provision of safeguards, in cash or in kind. The following 9 components endorsed by the ILO must be converted into non-negotiable minimum standards made available through appropriate legislation concerning social security. As per ILO Convention 102 of 1952 the social security safeguards include: (1) Medical Benefit (2) Sickness Benefit (3) Unemployment Benefit (4) Old age Benefit (5) Employment Injury (6) Family Benefit (7) Maternity

Benefit (8) Invalidity Benefit (9) Survivor's benefits. India being a founding member of ILO also owes political responsibility to implement such standards. Beside this, India has also committed to SDG goals particularly the Goal 8, which advocates achieving the "decent work agenda" for the entire workforce of the country.



(Sources: twitter.com)

Observations based on Random Informal In-Depth Interviews with the Stakeholders

From the observation during the survey, FGDs and the informal interviews it was also explicitly clear that women cutting across various sectors of unorganised work faced multiple layers disadvantages. Structural transformation of economies, demographic changes, informalization, and new notions of working time have all particularly made women more vulnerable

in the world of work.¹⁵⁰ It is important that the labour market¹⁵¹ adopts gender mainstreaming to ensure that an inclusive perspective is particularly integrated in all its activities.

Further, universal social security for the working people needs adequate resources. Such resources would have to be raised through multiple means including appropriate budgetary allocations through revenues to be raised by way of taxation, levy, cesses, or any other apt means, as the government may deem fit with the consent of all stakeholders. Such resource mobilisation must be a combined effort of both the central and state governments in the spirit of the concurrent sphere of the Constitution. Given the insufficient budget outlay for social security schemes over the last couple of decades, a dedicated social security fund, with demarcated budgets and thoroughly drafted financial plans should be permanently established in consultation with trade unions and workers organisations. When it comes to the unorganised sector, the primary responsibility of generating budgetary resources should be that of the central government. For example: Building and Construction Workers Board, Domestic Workers Board, etc had raised their own resources and provided even more safeguards than the floor-levels. It is pertinent to be cautious that ‘minimum’

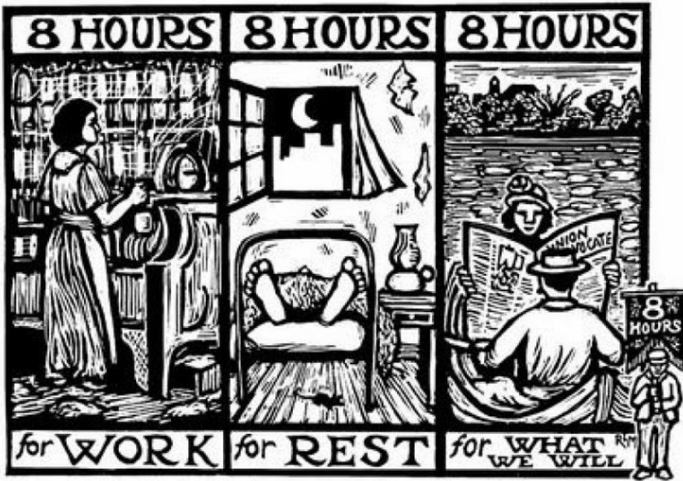
¹⁵⁰ Shalini Sinha, Covid-19: How India can ensure that women in the informal sector get the protection they deserve, 12 May 2020 accessible at <https://scroll.in/article/961181/covid-19-how-india-can-ensure-that-women-in-the-informal-sector-get-the-protection-they-deserve>

¹⁵¹ A widespread trend of gender bias is all over India including the national capital, for example, “Delhi Saw a Sharp Rise in Joblessness Due to COVID-19; Women Worst Affected: Survey” The Wire, 18 March 2021 available at <https://thewire.in/labour/delhi-saw-a-sharp-rise-in-joblessness-due-to-covid-19-women-worst-affected-survey>

should not become the 'maximum' in the context of welfare measures.

Even in the unorganised sector, the contributory scheme like PF and ESI could be creatively used in case of wage employment where there would be adequate contributory capability when decent wages are first ensured. The approach required for floor-level social security protection is a rights-based approach, and not a means-based approach, where floor-level protections are generally evaded in the name of resource crunch. The state level social security boards must re-examine their structures and roles to ensure accountability and the efficient implementation and monitoring of the schemes at the district and block levels, rather than any attempt to dilute it.

Government has increased its reliance on Direct Benefit Transfers (DBT) to disperse social security benefits over the last decade. In many rural areas and remote locations, the working of DBT depends on 'Business Correspondents' or 'Bank Mitras'. They function as micro-mobile 'Automated Teller Machines' (ATMs), taking cash to remote and inaccessible areas. However, due to travel restrictions during the COVID-19, their functioning had been severely affected. With the reduced presence of Bank Mitras, it was hard for those with difficulties in travelling, such as aged people or persons with disabilities, to get their hands-on cash.



(Source: www.womeninandbeyond.org)

Governments have also been repeatedly attempting to tamper with the existing universal norms on ‘working-hours’. However, regulating working time is a major and the oldest concern of labour legislation globally. Recognizing its importance, the ILO had adopted its very first convention in 1919, which limited hours of work (8 hours a day, 48 hours a week). This Convention also provides for adequate (daily and weekly) rest (leisure) periods.

The Constitution of India through its ‘Directive Principles of State Policies’, its ‘Fundamental Rights’ as well as its ‘Preamble’ seeks to achieve economic, social and political justice for all its citizens, and cast a duty on the governments, to apply relevant principles, in making laws. These principles include measures to reduce inequalities; to ensure:

- that the health and strength of workers, men, women and transgender, and the tender age of children are not abused

- that right to work, to education, and to public assistance in cases of unemployment, old age sickness, and disablement
- that which ensures provisions for just and humane conditions of work, and maternity relief
- that provides for a decent living wage, condition of work ensuring decent standard of life and full enjoyment of leisure, and social and cultural opportunities
- that which stipulated participation of workers in the management of undertaking, establishments or other organisations engaged in any industry.



(Source: twitter.com)

Recommendations Based on the Various In-Depth Interviews with Stakeholders

Both state and central governments¹⁵² should consider the following:

- Fully assuming their responsibility for social security by providing an appropriate policy, legal and institutional framework, effective governance and management mechanisms, including a legal framework to secure and protect the private individual information contained in their social security data systems
- Fostering coherence of social security policies with employment, macroeconomic, and other social policies within a decent work framework, particularly with respect to promoting the progressive formalization of employment and providing support for productive employment
- Development of state and local level multi-dimensional social security extension strategies,¹⁵³ through social dialogue-based consultation processes that identifies gaps in the desired levels of social security, and seeks to close those gaps in a coordinated and planned manner

¹⁵² The legislative section in the Constitution of India is divided into three lists: Union List, State List and Concurrent List. Concurrent List which is a list of 52 items in Indian Constitution includes the power to be considered by both the Union government and the State government. Items like Social Security, Social Insurance, Labour Welfare, Economic Planning, etc all comes under Concurrent List.

¹⁵³ Practically, strategic planning and implementation of Social Protection measure in general, involves coordination of international institutions like the UNO, UNDP, UNICEF, ILO, World Bank, ADB, etc as well as national institutions like NITI Aayog, Development Monitoring and Evaluation Office (DMEO), National Institute of Labour Economics Research and Development (NILERD), etc and state-level institutions like the Ministry for Labour Welfare, Labour Welfare Boards, etc

over a period of time, with a view to develop ‘Social Protection Floors’ and building comprehensive social security systems. The ‘Social Protection Floors’ should comprise at least the following 4 social security guarantees:

- basic security for essential health care (including maternity care)
 - basic financial security for children (including providing access to nutrition, education, care and any other necessary goods and services)
 - basic financial security for persons in active age who were unable to earn sufficient income (particularly in cases of sickness, unemployment, maternity and disability)
 - basic financial security for older persons
- Ensuring that social security policies take account the changing roles of women and men with respect to employment and care responsibilities, promote gender equality, provide maternity protection and support the empowerment of women through measures to ensure equitable outcomes for women
 - Ensuring that social security policies address the needs of women, men and children during all stages of the life cycle and in both urban and rural areas, and the specific needs of vulnerable groups, including indigenous people, minorities, migrant workers, people with disabilities, people living with terminal illness, orphans and vulnerable children
 - Strengthening labour and social security inspection systems to improve compliance with social security and occupational safety and health legislation and

strengthen the preventive potential of the latter through the promotion of a health and safety culture

- Concluding regional or multilateral agreements to provide equality of treatment in respect of social security, as well as access to and preservation and/or portability of social security entitlements, to informal workers to be covered by such agreements
- Ensuring the financial, fiscal and economic sustainability of social security systems through appropriate policies and different financing mechanisms, developed in consultation with or by social partners as appropriate
- Balancing, with the participation of social partners, the economic and social adequacy in public and private social security schemes in the longer term
- Engaging with social partners and promoting effective social dialogue to define the most appropriate social security policies and time frames for their progressive implementation
- Contributing to exchange of information, experiences and expertise on social security policies and practices among various state social security boards.
- Giving full effect to the provisions of Convention No. 102 and other up-to-date ILO Social Security Conventions, and undertaking measures to ratify these Conventions

Trade Unions and Workers' Organizations should consider the following:

- Raising awareness and building public support for social security among their members and the wider public, including on global social security standards

- Actively participating in social dialogue processes aiming at the design, implementation and monitoring of national and state level social security strategies or policies, with a view to responding to the evolving needs and capacities of workers & enterprises
- Contributing to the development of innovative solutions including those which might address economic shocks, structural changes and sustainability including through collective bargaining
- Participating in policy dialogues aimed at the establishment of national or state level 'Social Protection Floors'
- Jointly developing initiatives to support the transition to formal employment and formal enterprises
- Supporting the development of standards of good performance and accountability for effective and efficient and sustainable operation of the overall national, state and local level social security systems
- Actively participating in the governance of social security institutions in order to ensure the effective representation of protected persons and tax payers and contributors
- Assisting workers and employers in their interactions with social security institutions, ensuring collection of due contributions and provision of benefits
- Collaborating with the state government and the national institutions in promoting the ratification and effective implementation of ILO Convention No. 102

The study-team collective came across several instances which showed that registration of an unorganised worker under a

welfare board alone does not always translate into receipt of welfare benefits for the worker. Although the Madras High Court had issued directions to the Tamil Nadu government to enumerate and enlist all unorganised workers under the respective welfare boards, the delivery mechanisms of welfare benefits to workers who are already registered continue to remain precarious due to multiple reasons.

NHRC'S ADVISORY ON HUMAN RIGHTS OF INFORMAL SECTOR WORKERS

■ Domestic workers must not be seen as “high risk” individuals. RWAs cannot stop domestic workers from “taking lifts” and using common areas for waiting

■ Single women engaged in farming, fishery, animal husbandry and forest-based livelihoods to be given input, credit, and technical support, and market access as part of PM Gareeb Kalyan Yojana and Aatma Nirbhar Bharat Abhiyan

■ All rights and entitlements available to workers of India may be extended to sex workers, through an explicit advisory to this extent

■ All waste pickers may be considered eligible to receive occupational

identity card, irrespective of whether they are directly employed or sub-contracted at the municipality level

■ Include ASHA/ANM workers under Pradhan Mantri Shram Yogi Mandhan (PMSYM), provide them PPE kits, and those about 50 years with comorbidities may be exempted from working in front lines during pandemic

■ Pregnant and lactating women migrants not registered at ICDS centres in the source states to be given maternal and child health benefits through ASHA/ ANMs



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(Source: Times of India 7, Oct 2020)

For a Comprehensive Social Protection System in Tamil Nadu

- Insist the central government to withdraw the Labour Code-2020 that obliterate existing labour rights
- Insist the central government to withdraw the three Farm Laws that empower the corporate sectors to own and operate the entire agricultural system.
- Insist the central government to disburse INR₹ 10,000 as the relief fund, for 5 months of acute lockdown in 2020, during COVID-19 to the families of unorganized workers.
- 1% from the state budget must be allocated for the LWBs. And 3% from the revenue and expenditure notification of the central and state government must be allocated for the social security of unorganized workers.
- Enrolment, renewal of membership and application for the social security benefits must be done to the workers through Labour Unions only. Online registration, need to produce community certificate and verification by the Village Administrative Officer (VAO) must be discarded. Registration must be made with the certification from trade unions.
- Escalating the financial support through Welfare Boards for ensuring medical care through ESI. Ensure INR₹ 30,000 for maternity assistance, INR₹ 5,00,000 for accidental death, INR₹ 1,00,000 for natural death, INR₹ 25,000 for marriage assistance and scholarship to the children of first standard to the students of higher education.
- Housing facilities must be provided to the homeless unorganised workers on government lands available in urban areas.
- Housing facilities to the families of evicted people must be provided within the city limit.
- Compulsory registration with the LWB, ration card, medical care, child care and education must be ensured to all migrant workers.

- Form a separate ministry for taking care of the workers who migrate from India to other countries. Insurance must be made to all migrant workers. They must be trained on their specific trades before going to other countries. Rehabilitation measures must be taken by the government for the returnees.
- A study on bonded labour must be done in every year and a proper record must be maintained on the bonded labourers rescued. Rescued families must be rehabilitated with free lands and houses. Educational and employment loans must be distributed to their children.
- Free and compulsory education must be ensured to children up to 18 years. A study on child labour must be done every year. Government should establish residential schools and ensure education to the rescued children.
- Commensurate with the prevailing price rise, ensure INR₹ 18,000 as the legal minimum salary to an unorganized worker.
- Work site safety and interim relief during the rainy season must be ensured to all categories of unorganized workers as that of the construction workers. The government must see to it that 70% workforce in any kind of work must be the local people.
- The central government should ratify the ILO C 189 and ensure a legal minimum wage to them.
- Clay must be given at free of cost to the potters. The government should distribute earthen hearth to people as a Pongal festival gift. The job to make earthen hearth must be assigned to the potters as a means of income to them.
- Washer-folks must be included in the list of Scheduled Castes and modern washing facilities must be established to them.
- Free gadgets, electricity and house site pattas (title deeds) must be distributed to barbers.

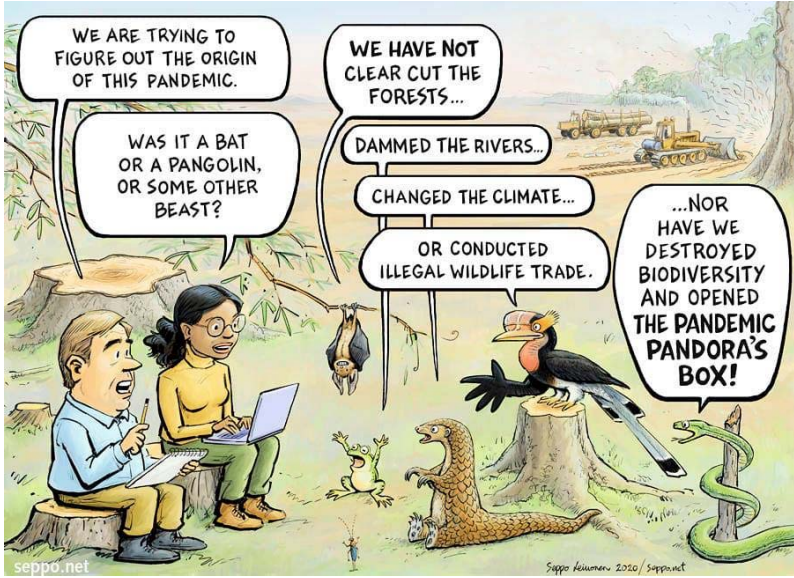
- Separate Welfare Board must be established for salt pan workers and INR₹ 5,000 must be distributed to them as a rainy season relief fund. The government should ensure legal minimum wage, health care and housing facilities and the provision of drinking water, toilets, crutches, goggles, footwear and gloves. The central and the state government should tender salt pans to salt pan workers.
- Sanitary workers who work on contract basis in town panchayats, municipalities and corporations must be made permanent workers and regular salary must be paid to them.
- Sanitary workers who work on contract basis in village panchayats must be made permanent workers and INR₹ 18,000 must be paid to them.
- The state government should enact a special Act for the welfare of domestic workers.
- The projects related to the Blue Economy and Sagarmala are detrimental to the coastal ecology, fish population and the livelihood of fishermen. Therefore, the government should withdraw such projects immediately and ensure a natural coastal environment and the livelihood of fishermen.
- The pact that the Indian government had made with the Sri Lankan government must be discarded and Katchateevu must be retrieved for ensuring the traditional fishing rights of Indian fishermen. The oceanic stretch between India and Sri Lanka must be declared as common territory. The central government should disburse due compensation to the families affected by the violation of Sri Lankan Coast Guards.
- MNREGS must be extended also to urban areas and 200 days of man days must be guaranteed.
- Pressurize the central government to give up the practice of privatizing the railway department, electricity board, education and other service sectors.

- The government should see to it that the Internal Complaints Committee functions effectively in textile industries and garment factories for safeguarding woman workers.
- During the COVID-19 lockdown, the government collaborated with the India Post Payments Bank (IPPB) to open new savings accounts for unorganised sector workers. Given the prevalence of the postal network, making payments to workers through these accounts could have been made easier under this partnership, but unfortunately it failed to do so. Not having received any benefit, many workers continued to try resolving the issue even by resubmitting their documents through complaints boxes at the District Collectorates but to no avail.
- The ad-hoc nature of how these cash transfers were deployed also adds to the lack of understanding of their backend processes. Further, the lack of a streamlined system of filing complaints and grievance redressal exacerbates the challenges beneficiaries face even when trying to get included back into the system. Effective operating procedures for the last-mile facilitators and grievance systems are also required to get protected against exclusions.

IX. ART EXPRESSIONS ON COVID-19 LOCKDOWN

Cartoons, memes, infographics, sketches document different human crisis in a unique fashion, capturing the moment in ways that words cannot. Their language is not always politically correct or even appropriate, but they are not fiction, and they are often unforgiving. They are weapons of ridicule against the ruling authoritarian classes. Many cartoonists such as Sathish Acharya, Manjul, Orijit Sen, Sajith Kumar, Alok Nirantar, P Mahmud, Sarbajit Sen, Saswata Mukherjee, Mansoor Naqvi, Surendra and many others have produced courageous cartoons that went viral on social media. Labani Jangi, Sunil Abhiman Awachar, Vasvi Oza and others have chosen the medium of sketches and paintings to depict these troubled times. Then there are the insightful memes and infographics. Here, we attempt to share some examples of this “resistance art” – with the focus being cartoons. There are many we could not include and even more we might not have even seen. Our heartfelt thanks are due to all these artists who have been fighting a heartless and cruel government through their art.

The COVID-19 generated discussions framing the crisis against a backdrop of ecological destruction, stating that the COVID-19 was Nature “fighting back” against human intrusion and irresponsibility. We see the following cartoon from seppo.net expressing a similar sentiment.



Sunil Abhiman Awachar's drawing of a worker carrying various religious symbols on his head makes clear that irrespective of the sense of security the BJP wants to provide to the Hindu working class in India, a time will come when they are honest about how they see the working classes: as a nuisance. On that day, nobody will be spared, as the Draconian lockdown being a small hint.

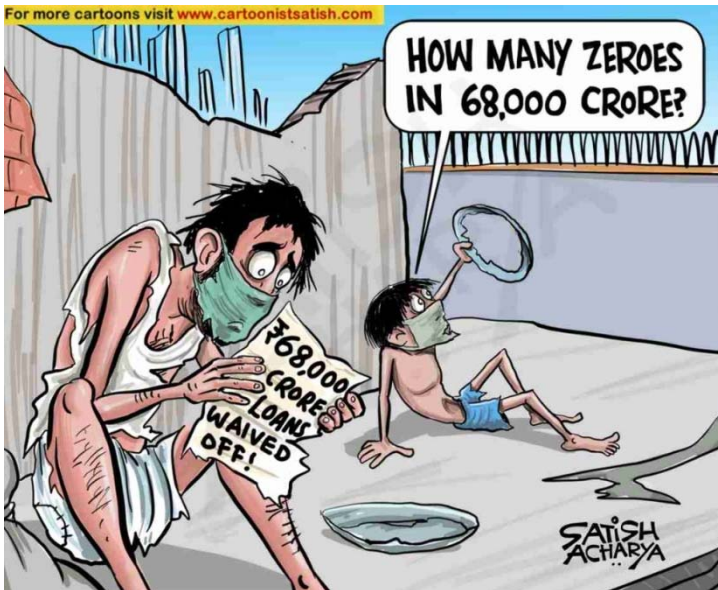


Due to lack of means of livelihood at their home states, many workers are now being forced to go back to the workplaces they quit and walked away from in order to get back home, often having to walk hundreds of kilometers or pay a fortune to take a bus. Sarbajit Sen's drawing shows a dystopian world where the chained workers are walking towards a Mordor-like representation of industry, with many dying on the way.



The corporate loan waiver also came up in Sathish Acharya's cartoon where he asked the popular question that came up after the government's announcement of the 20 lakh crore stimulus package. It was all a big zero for the workers!

For more cartoons visit www.cartoonistsathish.com



Some cartoons gave voices to the workers – voices, which are at least capable of asking a sarcastic question, if not demanding the rights. E.P.Unny gives everyone complaining about ‘working from home’, a much-needed reality check by highlighting the problems faced by the daily wage labourers.



R. Prasad took a sharp dig at the Gujarat HC, which instead of attempting to control the hospital situation, as instructed by a division bench, set up a new bench which attempted to discourage criticisms of the government’s handling of the hospitalisation crisis.

Poliloquy

R PRASAD

Those who can't help in this
difficult time have no
right to criticise the
govt, says Gujarat
High Court

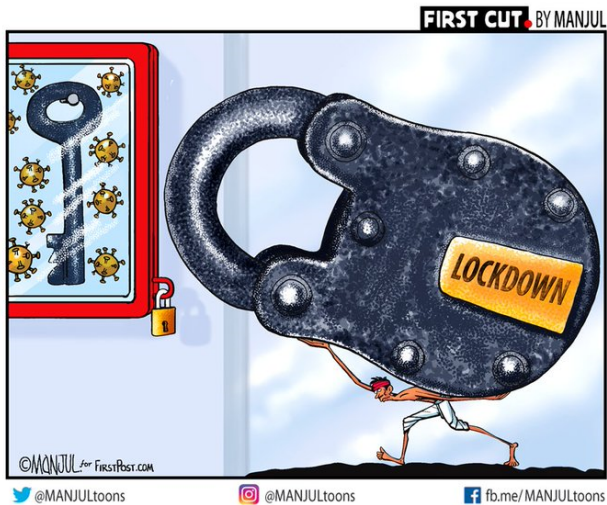


Henceforth, only tailors
shall comment on the
emperor's new clothes!

P. Mahamud illustrates how the poor in India are getting lockdowns on their plates instead of food.

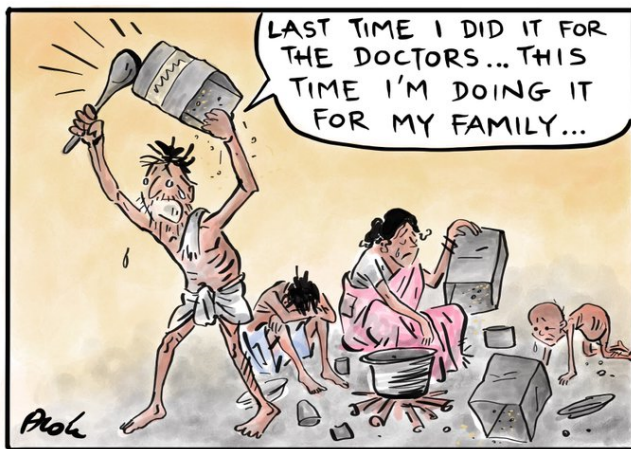


Manjul illustrates the Indians who are really carrying the weight of the lockdown upon their shoulders.



Manjul | Firstpost

Alok Nirantar evokes the helplessness and struggles of India's downtrodden amid the lockdown.



Alok Nirantar | Sakal Media Group

For staying home and staying safe, one must be at home to begin with. Mika Aziz's take.



Mika Aziz | Twitter

X. CONCLUSIONS AND PRACTICAL ALTERNATIVES

The COVID-19 crisis is a wake-up call¹⁵⁴. It has shown that a lack of social protection affects not just the poor, it exposes the vulnerability of those who have been getting by relatively well, because medical charges and loss of income can easily destroy decades of family work and saving¹⁵⁵.

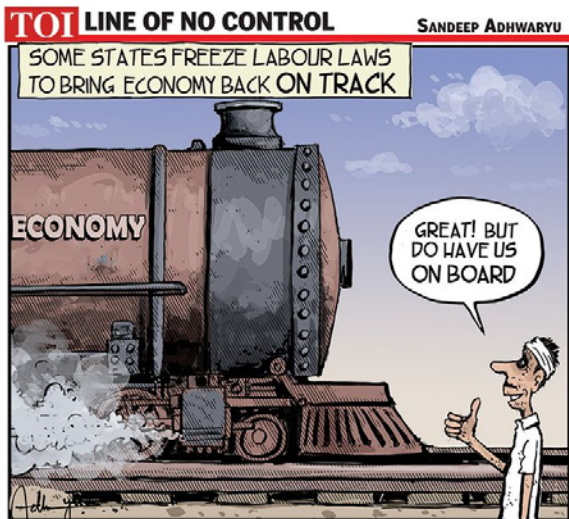
*Shahra Razavi, Director -
Social Protection Department, ILO
Geneva.*

In pursuit of universal sustainable development and human prosperity, a critical challenge is to find a balance between economic growth and social protection. Social protection is a necessity to combat poverty and social exclusion as well as to enrich democratic culture. It is a vital social need for promoting equity, equal opportunity, justice and human wellbeing. Even if it was gradual, all societies including their governments, markets and civil society organisations need to develop strategies to enhance the levels of social protection as their economies mature and their fiscal space widens. This essentially requires income security, backed by voice representation security, and legitimization of all forms of work, including voluntary and care work. There can be no excuse for any society to evade providing social protection for its people.

¹⁵⁴ The Fourth meeting of the “Social Protection, Freedom and Justice for Workers Network” , on 9 December 2020 available at https://www.ilo.org/actrav/media-center/pr/WCMS_763898/lang-en/index.htm

¹⁵⁵ Shahra Razavi in “Plug social protection gaps in developing countries to prevent future crises, ILO says” available at https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_744708/lang-en/index.htm

Social Protection Floor is the first level of protection in a social system. They were nationally-defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion¹⁵⁶. The Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Labour Organization (ILO) Conventions were the international instruments that have recognized these essential rights and have been used as the legal basis to support the SPF domestically. Since the context of each country differs in terms of institutional capacity, political ideologies, financial resources, economic structure and cultural values, each floor is defined by individual countries.



(Source: twitter.com)

¹⁵⁶Social Protection Floor available at <http://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang-en/index.htm>

Observation and Findings from the Survey, the FGDs, the Stakeholder Interviews as well as the Action-Research

- At least the first two months of the lockdown passed in total chaos with the state administration having no clue or direction in guiding the informal workers of the state with regard to their basic survival.
- It was explicitly clear that due to the dearth of appropriate institutional arrangements, absence of proper policies, and due to lack of visibility and voice, the informal workers had to go through such blatant hardships.
- It actually took nearly 3 months for the local administrations to have some control over basic relief distributions for the workers and their dependent families.
- Not being regular members of the vocation-based welfare boards was the main reason for not getting the COVID-19 relief benefits.
- Fresh memberships and renewal of old memberships were the key challenges to workers from all sectors.
- Most workers were totally dependent on the brokers for registration and renewal and they were not able to go directly themselves, as they did not know how to fill up the forms or locate the appropriate welfare centres.
- The newly introduced 'online registration' process during the lockdown period was the biggest challenge for the informal workers as their formal education and exposure to latest technological issues was bare minimum.
- Most informal workers in the rural areas were not aware of the existence of 'labour welfare centres', the functioning of various sector 'welfare boards', and

various social security benefits that they were entitled to, etc. mainly due to lack of information and lack of exposures.

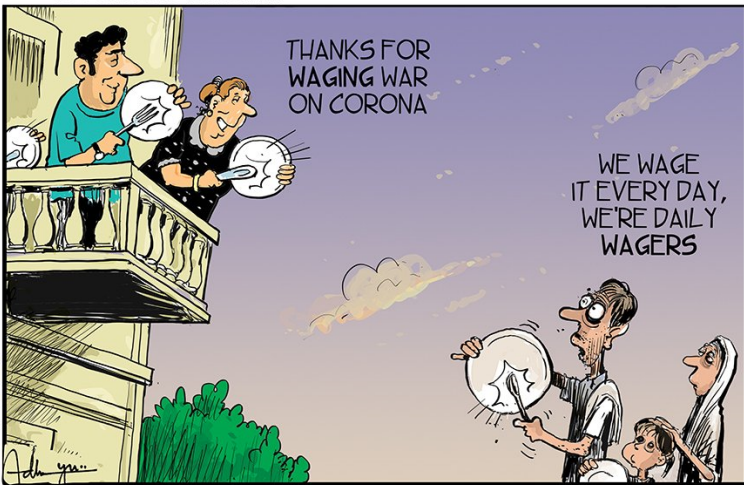
- Even if the workers were interested in registering themselves into the welfare boards, they had to shuttle between places and spend at least a week to produce the relevant documents to the authorities, which was cumbersome for the workers in the rural areas.
- The workers had to obtain too many certifications and had to run from pillar to post to get every document.
- At all stages of online application & certificates uploading, they struggled in the process as it involved officials' concurrence, OTP (one time password) acknowledgements through mobile phones, linking with AADHAR cards, etc. which was challenging for them to handle independently.
- It was also perceived as a time and money consuming process with unnecessary glitches, stress & strain. Moreover, it involved a lot of uncertainties and didn't serve their emergency or immediate material purposes during the COVID-19 lockdown period.
- The financial assistance was generally not rendered immediately or time-bound against their applications. On an average, the informal workers had to spend at least INR₹ 500 for registration including bus fare and food expenses during the processing days. COVID-19 relief of INR₹ 2000 and PDS (Public Distribution System) rations under LWB scheme were eventually not availed in a large number of cases.
- Moreover, for the workers and their families, the relief fund disbursed by the government was frail, thus making both ends meet with it as impossible and meaningless.

- Most informal workers managed their families during COVID-19 by borrowing loans from individuals/ microcredit organisations, mortgaging/ selling their jewellery/ properties and with relief materials received from NGOs/ public charities/ humanitarian citizens.

TOI LINE OF NO CONTROL

SANDEEP ADHWARYU

#SOCIALDISTANCING



(Source: reddit.com)

Recommendations based on the Survey, FGDs, Stake-Holder Interviews & Action-Research

- There is an urgent need for explicit, interpretable and inclusive framing of social protection rights, obligations, procedures and development plans for the welfare of informal workers.
- There is a critical requirement for adequate monitoring, inspection and enforcement of welfarism and all social security systems related to informal sector workers.

- Adequacy, availability and continuity of resources are central for implementing any social security measure. It was the responsibility of the government to ensure the uninterrupted accessibility of benefits to the needy workers.
- Informal sector is a massive domain in India, so it is also important to prioritise and to have governance, management and procedural adequacy for each type of work and vocation.
- Lack of awareness was a significant concern among informal workers. Therefore there is a need to enhance sharing and updating as well as maintaining continuity in disseminating information.
- In any successful implementation of social security systems, it is imperative to remove the psychological and socio-cultural obstacles amongst the workers and the officials.
- Equity, equality and opportunity issues were often glossed over in most development plans related to the informal sector. Therefore it is absolutely essential to target vulnerable groups, marginalised sections, priority sectors and specific territorial regions in implementing the welfare initiatives.

XI. THE WAY FORWARD

Social Protection fundamentally is a human right. A comprehensive social protection system can enhance human capacity and productivity, eradicate poverty, reduce inequalities, and contribute to building societal peace and socio-economic justice. Therefore, there is an urgent need for rapid implementation of '**Social Protection Floor**' (SPF), containing basic guarantees which ensure that over the life cycle, all in need can afford and have access to essential health care, and have income securities at a government defined minimum level. The learning from the COVID-19 devastation provides us with an opportunity to address some of the longstanding issues on social security of informal workers. In Tamil Nadu, the government authorities must adopt an enabling approach to disseminate welfare related information as well as supervise its quality and effectiveness. The local bodies, state and central administration together need to create employment opportunities that ensure a decent living income for the workers, security in the workplaces, proper access to social protection, and respect for all fundamental human needs. Further, it should enable people to provide for themselves and their families all these needs, whether through self-employment or wage labour.

For a comprehensive social protection legislation to evolve, there is a need to ensure a minimum social security net for all workers irrespective of wage, enterprise size, and place of origin. It must essentially be consisting of the principles of participatory democracy, inclusiveness, dignity, equity, equality, accountability and transparency. Factors like social spending, progressive taxation, and functioning of labour rights should be

the essential indicators to measure the government's commitment to promoting equity and reducing inequality as the governments have a fundamental role in creating the enabling environment for this to happen. In every aspect the workers' organisations and trade unions should strive for universal social justice and humanistic approach to political economies. Even a Tamil Nadu State-level Social Protection Floor is workable and economically affordable. The 5-Es approach might be useful to attempt in this regards: **Educate -- Encourage --Ensure --Empower --Endure**

Immediate Concerns with Regard to the Functioning of Social Protection

- There is an urgent need to facilitate the processes in **simplifying the procedures of registration and renewal** and without the exploitations of brokers and enabling the workers to register themselves.
- There is a need to take up a state-level campaign in alliance with other trade unions, labour rights activists, social workers and labour collectives working among the informal sector on flexible registration and renewal processes, and demand for **more allocation of resources for the informal workers**.
- There is a need to articulate and voice out for the **protection of workers**, particularly in the context of their **health and safety** issues in their respective occupational sectors.
- There is a need to dialogue and lobby with both government and private players for the worker's **income security and long-term comprehensive social protection**.

- Workers' friendly organisations ought to play a proactive role in **preventing discriminations and exclusions** of workers and also create social *awareness on the positive contributions* of informal workers.
- Trade Unions and labour collectives ought to assist in building **partnerships and alliances** with national federations, central organisations, UN agencies and ILO, and also strive to establish the atmosphere of '**decent work**' in India.

Ways Forward Actions Derived from this Study and Action-Research

- As the study clearly indicates that the online-registration of the informal workers is cumbersome and a worker has to forgo almost 1 week to 10 days of wages in total. There is a need to **lobby with the concerned departments** either to retain the old procedures of going through trade unions or to **simplify the procedures** further and make it worker friendly.
- Number of informal workers who had not renewed their membership could not receive the government's assistance during the crucial lockdown periods. Hence the labour collectives and trade unions have to help **orient, train and facilitate the workers** renew their memberships on time and **build a system for follow-up action** to ensure this.
- There is also an urgent need to **campaign and lobby with the elected legislators** to allocate enough and genuinely *needed funds* to respective labour welfare boards.

- As the study reveals that the social protection schemes applied by the informal worker does not get sanctioned on time and it takes an inordinate period of time. There is a need to **lobby with the welfare boards** to expedite the process of sanctioning and **timely disbursal of benefits** as justice delayed is justice denied!
- There is a need to **monitor the implementation** of all social protection systems on whether they are gender-sensitive and inclusive, leaving no one behind. The governments have recently announced certain special provisions for Provident Fund¹⁵⁷ enrolment: **Government would pay 24% (12% employees share and 12% employers share) required for the PF** and the member needs to pay only 1% of their salary for two years.¹⁵⁸ This will enable the workers collectives' members who are below 45 years of age to have access to pension after their retirement. This is an opportunity which most of the labour collectives can utilise to **create awareness** on new measures announced by the government among the informal workers.

¹⁵⁷ More details available at

https://www.epfindia.gov.in/site_en/index.php

¹⁵⁸ Under the scheme, the central government will pay PF contribution for workers with wages up to Rs 15,000. The contribution of 24% for both employers and employees for establishments employing up to 100 employees will be borne by the Centre and 90 percent of whom earn under Rs. 15,000 monthly wage. For establishments employing more than 100 employees, 12% of the employees' share will be contributed by the government. The centre will provide the subsidy for two years for workers who lost jobs between 1 March 2020 to 30 September 2020 and for new workers employed on or after 1 October 2020.

- Unemployment protection during national emergencies is vital to all citizens of the country. There is a critical need to initiate a *dedicated budget-watch team* to focus on the annual budgets by urging for 4% GDP allocation to informal sector workers. It is more prudent to also *join with state-level campaigns and national-level lobby-advocacy initiatives*; trade unions both party affiliated and independent are involved in demanding 4% national annual budget to ensure social protection for all informal workers.
- There is a need to *persuade the government* and convince them not to accept the central government's new labour codes. A broad-based alliance is needed for *capacity building and educating on laws pertaining to informal workers* and lobby with various institutions of the government to eventually withdraw the labour codes that are anti-labour.
- There is a need to enhance the *periodical consultation with regional labour collectives* to come out with "*alternative labour code*" that will ensure universal social protection to all informal workers
- If the vicious circles of poverty and underdevelopment are to be broken in Tamil Nadu, the *basic floor of essential goods and services* should include the coverage of food and nutritional needs, adequate shelter, access to health care, social services and basic education and training. Social Protection has thus a key role to play in ensuring that these *essential citizen needs* are met.
- A collective civil society action is needed for the *enforcement of decent labour standards* in adherence to all our commitments to various ILO Conventions.

Universal Social Protection is a human right that everyone should enjoy. There is a need for a ***united-approach*** and ***collaborative-mission*** to fulfil the shared desires of the informal workers. This ***joint effort*** with a common agenda should be complimented by ***mutually reinforcing actions*** with ***continuous communication*** and ***cross-sector alignments***.

The success of such movements towards achieving the aspirations of the informal workers would be much more practical, realistic, stable and sustainable when the cooperative civil society initiatives are carried out integrally as ***alliances and coalitions***.

LEAVE NO ONE BEHIND !
SOCIAL PROTECTION FOR ALL !!

XII. APPENDIX

LABOUR ENACTMENTS ENFORCED BY GOVERNMENT OF TAMIL NADU

- *The Workmen's Compensation Act, 1923.*
- *The Trade Unions Act, 1926.*
- *The Payment of Wages Act, 1936 and Rules 1937.*
- *The Child Labour (Prohibition and Regulation) Act, 1986.*
- *The Industrial Employment (Standing Orders) Act, 1946 and Rules 1947.*
- *The Tamil Nadu Shops and Establishments Act, 1947 and Rules 1948.*
- *The Industrials Disputes Act, 1947.*
- *The Minimum Wages Act 1948 and Rules 1950.*
- *The Plantations Labour Act, 1951.*
- *The Working journalists & Other News Paper employees (conditions of Service) and miscellaneous provision Act, 1955.*
- *The Tamil Nadu Catering Establishments Act, 1958 and Rules.*
- *The Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958.*
- *The Maternity Benefit Act, 1961 and Rules 1967.*
- *The Motor Transport Workers Act 1961 and Rules 1965.*
- *The Payment of Bonus Act, 1965 and Rules 1975.*
- *The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 and Rules 1968.*
- *The Contract Labour (Regulation and abolition) Act, 1970 and Rules 1975.*
- *The Payment of gratuity Act, 1972 and Rules 1973.*

- *Tamil Nadu Labour Welfare Fund Act, 1972 and Rules 1973.*
- *The Equal Remuneration Act, 1976 and Rules.*
- *The Sales Promotion Employees (Conditions of Service) Act, 1976.*
- *The Tamil Nadu Industrial Establishment (Conferment of permanent Status to Workmen) Act, 1981.*
- *Tamil Nadu Manual Workers (Regulations of Employment and Conditions of work) Act, 1982.*
- *Tamil Nadu Payment of Subsistence Allowance Act, 1981.*
- *Cine Workers and Cinema theatre Workers (Regulations of Employment) Act, 1981 and Rules 1982.*
- *Standards of Weights and Measures (Enforcement) Act, 1976 and Standards of Weights and Measures (Packaged Commodities) Rules 1977.*
- *Standards of Weights and Measures (Enforcement) Act, 1985 and the Tamil Nadu Standards of Weights and Measures (Enforcement) Rules 1989.*
- *Inter/State Migrant workmen (Regulation of employment and Conditions of service) Act, 1979.*
- *The Tamilnadu Handloom workers (Conditions of Employment & miscellaneous Provisions) Act 1981.*

DETAILS OF TRIPARTITE COMMITTEES

- *Plantations Labour Housing Advisory Board.*
- *State Advisory Contract Labour Board.*
- *Advisory Committee Under the Equal Remuneration Act.*
- *Minimum Wages (State) Advisory Board.*
- *Advisory Committee under Tamilnadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982*
- *Tamilnadu Labour Welfare Board*
- *Tamilnadu Construction Workers Welfare Board*
- *Tamilnadu Manual Workers Social Security and Welfare Board*
- *Tamilnadu State Child Labour Advisory Board*

NON- STATUTORY COMMITTEES/ BOARDS

- *Plantation Labour Advisory Committee*
- *State Labour Advisory Board*
- *Good Industrial Relations Award Committee*
- *State Evaluation and implementation Committee*
- *Project Steering Committee for elimination of Child Labour through ILO-IPEC Programme*
- *State Monitoring Committee for National Child Labour Project*
- *State Advisory Committee on Cine Workers Welfare Fund*
- *State Advisory Committee for Beedi Workers*

COVID-19 LOCKDOWN CHRONOLOGY

31 December 2019: *China alerts WHO of 27 cases of “viral pneumonia in Wuhan”. Authorities shut down a wet market in Wuhan the next day, after discovering some patients were vendors or dealers.*

11 January 2020: *After a 61-year-old man succumbs to the infection, lab reports cited by Chinese state media point to a new type of corona virus.*

13, January 2020: *A Chinese woman is quarantined in Thailand, making it the first detection of the virus outside China.*

22 January 2020: *WHO convened an emergency meeting. However, Director-general Tedros Adhanom Ghebreyesus said the new corona virus does not yet constitute an international emergency.*

30 January 2020: *India’s first COVID-19 patient — a 20 year old medical student who just came back from Wuhan in China — reported in Kerala’s Thrissur district. On the same day, WHO says the crisis is a global emergency of international concern as the death toll in China jumps to 170, with 7,711 cases reported in the country. More than 7,500 cases were reported in 20 countries of the world.*

1 February 2020: *The second evacuation flight approved by China. The plane lands at 8 pm, and takes off with 323 Indians and seven Maldives nationals at 6 am on February 2.*

3 February 2020: *Kerala government declares corona virus a state calamity after two more cases were reported in Alappuzha and Kasaragod district.*

4 February 2020: India cancels existing visas for Chinese and foreigners who had visited China in the last two weeks as the death toll in China exceeds that of the 2002-03 SARS outbreak. About 3,711 people, including 138 Indians, were quarantined aboard the Diamond Princess cruise ship docked in Japan after a passenger, who had disembarked at Hong Kong, are found to be infected with the virus.

11 February 2020: WHO announces that the disease caused by novel corona virus will be called 'COVID-19', the new corona virus was named SARS-CoV-2.

19 February 2020: Test results of India's first COVID-19 patient come negative and she is discharged from the Thrissur Medical College Hospital.

2 March 2020: Two more cases detected outside Kerala reported – a 45-year-old man in Delhi who had travelled back from Italy and a 24-year-old engineer in Hyderabad who had a travel history from Dubai.

10 March 2020: A total of 50 COVID-19 cases reported in India, with infections doubling in just 4 days. Thirteen states and UTs in India have reported at least one COVID-19 case.

11 March 2020: WHO declares COVID-19 a pandemic, which is defined "an epidemic that has spread over several countries or continents, and most people do not have immunity against it".

12 March 2020: India reports first fatality due to COVID-19 after a 76-year old man from Karnataka dies. India also bans entry of foreigners and suspends all visas from March 13 to April 15.

15 March 2020: Total number of COVID-19 cases touches 100 as Maharashtra overtakes Kerala with maximum infections. CDC recommends no gatherings of 50 or more people in the US.

22 March 2020: Upon a call by Prime Minister, a 14-hour voluntary lockdown called 'Janata curfew' was observed in India.

25 March 2020: A nationwide lockdown across India is imposed till April 14, with only essential services kept out of its purview.

26 March 2020: On the second day of the lockdown, India witnesses migrant labourers walking hundreds of kilometres along highways to reach their native villages. Finance Minister Nirmala Sitharaman announces a Rs 1.7 lakh crore package under a new scheme called the Pradhan Mantri Gareeb Kalyan Yojana (PMGKBY) to address the economic distress. The package includes free food to the "poorest of the poor", income support to farmers and unorganised sector workers.

27 March 2020: RBI announces a three-month moratorium (March 1 to May 31) on loan and card repayments and slashed its main policy rate — repo rate by 75 basis points and cash reserve ratio (CRR) of banks by 100 basis points to stabilise the financial markets and reduce the pain on borrowers hit by COVID-19.

30 March 2020: Nizamuddin Markaz, which is the international headquarters of Tablighi Jamaat, emerges as a COVID-19 hotspot, with authorities saying around 5,000 are being traced across the country.

5 April 2020: Upon PRIME MINISTER's call, citizens light lamps, candles, torches and flashlights to show solidarity with COVID-19 frontline healthcare workers.

6 April 2020: The death toll in India crosses the 100-mark.

13 April 2020 the state government extended the lock-down till 30 April.

14 April 2020: Prime Minister extends the 21 day lockdown to May 3. 10,000 confirmed cases are recorded. MHA issues “National Directives” for COVID-19 management, makes wearing a face cover mandatory in work and public spaces.

20 April 2020 the state government extended the lockdown till May 3 without any further relaxation.

23 April 2020 the government issued an order to relax the lockdown in non-containment zones. This included MNNREGS work, construction in rural areas, and continuous process industries including refineries, steel, glass and cement plants.

24 April 2020 Tamil Nadu government announced a complete lockdown in Chennai, Coimbatore, Madurai, Salem and Tiruppur Corporations.

29 April 2020: India records 1,000 confirmed deaths.

29 April 2020 the government announced that the regular lockdown would continue after the complete lockdown imposed till 29 April. Shops would be open from 6am to 5pm on 30 April and from May 1 onwards, shops would be only open till 1pm.

1 May 2020: Home Ministry extends lockdown for two weeks starting May 4 with zone-wise restrictions. Divides districts into red, orange and green zones on the basis of cases. Shramik Special trains started for stranded migrant workers.

2 May 2020 the state government announced the extension of lockdown with some relaxations. While the relaxations did not apply to containment zones (hotspots), it applied to non-containment zones inside all red, orange and green zones. Sectors like construction, textile, Information Technology, Special Economic Zones were permitted to operate in certain locations

with limited employees while adhering to social distancing. Shops dealing non-essential goods were allowed to function. Self-employed may work after obtaining necessary permissions from district collector or city police commissioner.

7 May 2020: *Phase 1 of Vande Bharat mission to evacuate nearly 15,000 Indians stranded abroad begins. 50,000 confirmed cases reported in India.*

12 May 2020: *PRIME MINISTER announces Rs 20 lakh crore Atmanirbhar package, says size is 10% of GDP, including announcements made by RBI earlier.*

13 May 2020: *Finance Minister Nirmala Sitharaman announces Tranche 1 of Atmanirbhar package of Rs 5.94 lakh crore (2.97% of GDP). It includes collateral free automatic loans to MSMEs, 100% credit guarantee cover to banks, NBFCs worth Rs 3 lakh crore, subordinate debt to stressed MSMEs worth Rs 20,000 crore, equity infusion for MSMEs worth Rs 50,000 crore and EPF support for 3 months worth Rs 2,500 crore.*

14 May 2020: *Finance Minister Nirmala Sitharaman announces Tranche 2 Atmanirbhar package of Rs 3.10 lakh crore (1.55% of GDP). It includes free food grain supply to migrants for 2 months worth Rs 3,500 crore and special liquidity scheme to provide Rs 10,000 working capital to 50 lakh street vendors at Rs 5,000 crore.*

15 May 2020: *Finance Minister Nirmala Sitharaman announces Tranche 3 Atmanirbhar package of Rs 1.5 lakh crore (0.75% of GDP). It includes financing facility for agri infra projects worth Rs 1,00,000 crore. Besides, govt decides to formulate a central law that will not bind farmers to sell crop only to licensed traders in the APMC mandis.*

16 May 2020: Finance Minister Nirmala Sitharaman announces Tranche 4 of Atmanirbhar package of Rs 8,100 crore (0.04% of GDP). Major policies include hiking of defence FDI to 74% from 49% and viability gap funding (VGF) for social infrastructure.

17 May 2020: MHA extends lockdown till May 31, allows inter-state movement of passenger vehicles, buses with mutual consent of states. With nearly 86,000 cases, India overtakes China in terms of the total number of cases reported. Finance Minister Nirmala Sitharaman announces Tranche 5 of Atmanirbhar package of Rs 40,000 crore (0.2% of GDP). Limit of state borrowings increased to 5% from 3% of GSDP, MGNREGA gets additional Rs 40,000 crore.

19 May 2020: Total COVID-19 cases in India cross 1 lakh.

25 May 2020: Domestic flight services resume in a calibrated manner, with only 30% of regular schedules.

31 May 2020: the state extended the lockdown until 30 June. It partially allowed public transport and other relaxations in districts except Chennai, Kancheepuram, Tiruvallur and Chengalpattu. The lockdown still prohibited places of worship, shopping malls, metro rails, interstate bus and suburban train services from functioning across the state

5 June 2020: WHO changes its guidelines on using face masks, advising that face masks should be worn in public to stop the spread of COVID-19.

8 June 2020: Phased reopening begins, with Unlock 1.0 guidelines coming into force, as India records more than 2,50,000 COVID-19 cases and 7200 deaths. Centre allows re-opening of malls, hotels, restaurants and places of worship.

12 June 2020: India overtakes UK to become 4th worst coronavirus-hit country, with over 3 lakh cases.

13 June 2020: Health Ministry includes loss of the sense of smell and taste, among the symptoms of COVID-19.

15 June 2020 strict quarantine in the containment zones from 19 to 30 June was announced by the government after recommendation from an expert medical panel in four districts worst hit by the COVID-19. The districts include, Chennai, Kanchipuram, Chengalpattu and Tiruvallur. All previously applied relaxations were to be negated. Experts in the panel met with the CM, said that the spread in Tamil Nadu was at its peak and cases would decline but warned about a possible second wave of infection in next three to four months. Through a special notification that was issued by the state's Chief Secretary, these districts had to face an intense lockdown due to an increase in COVID-19 cases "due to the large urban population and also the fact that in many zones the houses were located in close proximity and the average living space is also small". As per Chennai City police commissioner, people were not to be allowed to use private vehicles unless for a medical emergency.

25 June 2020 the state again curbed the inter-district movement of the state transport corporation's buses and private vehicles as a strategy to control the spread of new COVID-19 cases in the state.

June 27: Total cases cross 5 lakh. After reporting 100,000 cases on May 19, India adds 100,000 cases in 15, 10, 8 and 5 days respectively to bring the total number of cases to half a million.

1 July 2020: Unlock 2.0 guidelines come into force with relaxations in night curfew, provision for more domestic flights and trains, and clearance for more than five people in a shop.

6 July 2020: India overtakes Russia to become third worst coronavirus-hit country, with 6.97 lakh cases. The US had more than 28 lakh cases, while Brazil had close to 16 lakh.

8 July 2020: WHO acknowledges “evidence emerging” of the airborne spread of the novel coronavirus besides transmission through respiratory droplets.

5 July 2020: Phase-1 clinical trials of India’s first indigenous COVID-19 vaccine, Covaxin, developed by Hyderabad-based pharmaceutical company Bharat Biotech in collaboration with the National Institute of Virology and Indian Council of Medical Research, starts across the country.

17 July 2020: International commercial flights resume as India establishes individual bilateral bubbles with France and the US. India’s total COVID-19 cases cross 10 lakh. Death toll stands at 25,600.

25 July 2020: BCCI announces Indian Premier League to start on September 19 in the United Arab Emirates (UAE) with the final slated on November 8.

30 July 2020 the lockdown was further extended till 31 August 2020 with added relaxations.

August 1: Phase 3.0 of Unlock comes into force, with govt allowing gymnasiums and yoga centres to function, and revoking the night curfew order.

11 August 2020: Russia becomes first country to grant regulatory approval to a COVID-19 vaccine, dubbed “Sputnik V”, for civilian use, claims President Vladimir Putin. Development raises doubts among global scientific community as approval comes before Phase III trials.

22 August 2020: *The Indian Council of Medical Research reports more than one million diagnostic tests for COVID-19, with India overtaking Russia in terms of total number of samples tested till now.*

26 August 2020: *Serum Institute of India starts India trials of Covishield, the University of Oxford-AstraZeneca vaccine candidate, with two volunteers in Pune's Bharati Vidyapeeth Medical College receiving the first shots.*

7 September 2020: *India overtakes Brazil to emerge as the country with the second largest number of people infected with novel coronavirus, recording 41.13 lakh confirmed infections. Metro services resume in a graded manner across the country as per Union Home Ministry's Unlock-4 guidelines. Commercial metro services had stopped on March 24.*

10 September 2020: *Serum Institute of India halts clinical trials of the COVID-19 vaccine candidate developed by University of Oxford as AstraZeneca pauses global trials after one participant develops a "potentially unexplained illness".*

12 September 2020: *India breaks its own record in fresh COVID-19 cases, records another highest single-day spike in infections, with 97,570 people found coronavirus positive in 24 hours.*

14 September 2020: *The 18-day monsoon session of Parliament kicks off under the shadow of the COVID-19, with Lok Sabha and Rajya Sabha members occupying seats in both Houses to ensure social distancing. More than two dozen MPs belonging to various parties tested positive, sources confirmed.*

16 September 2020: *The number of confirmed cases of novel coronavirus crossed the five million (50 lakh) mark on Tuesday, with the addition of more than 90,123 new detections. The last one million cases have been added in just 11 days. India closes*

gap with the US, which has 6.8 million cases (68.77 lakh) so far. Hyderabad-headquartered drugmaker Dr Reddy's Laboratories (DRL) enters into an agreement to help conduct Phase III human trials of Russia's Sputnik V COVID-19 vaccine in India. Firm to distribute up to 100 million doses for "mass vaccination" in the country.

17 September 2020: The number of active cases of novel coronavirus in the country crossed the one million (ten lakh) mark on Wednesday. These are the people who are yet to recover from the disease, and thus require medical attention, and are also the ones who can spread the infection.

19 September 2020: DGCI approves country's first Clustered Regularly Interspaced Short Palindromic (CRISPR) COVID-19 test for commercial launch. Jointly developed by Council of Scientific and Industrial Research (CSIR) and Tata Group, the test has been named 'Feluda'.

21 September 2020: After remaining shut for the past six months, schools partially reopened in several states to enable students studying in Classes 9 to 12 to visit their institutions on a voluntary basis for taking guidance from their teachers.

22 September 2020: India reports over 1 lakh coronavirus recoveries in a single-day for the first time, improving the recovery rate to 80.86 per cent. Health Ministry data shows 1,01,468 COVID-19 patients recuperated.

23 September 2020: Minister of State for Railways Suresh Chanabasappa Angadi became the first Union minister to succumb to the coronavirus. Angadi, 65, passed away less than two weeks after he was admitted to the All India Institute of Medical Sciences (AIIMS) on September 11 with symptoms of COVID-19.

27 September 2020: India's COVID-19 tally goes past 60 lakh, with total recoveries crossing the 50 lakh milestone. The rise in the number of total recovered cases from 1 lakh in June 2020 has been steep and the last 10 lakh recoveries were added in just 11 days, the Health Ministry said.

28 September 2020: The global death count from COVID-19 crosses one million, taking just three months to double from half a million. The total number of COVID-19 cases across the world has crossed 33 million, while nearly 23 million people have recovered.

29 September 2020: Global deaths due to COVID-19 exceed 1 million.

30 September 2020: MHA issues Unlock 5.0 guidelines, allows cinemas and multiplexes to open with 50 per cent capacity from October 15. It says states and Union Territories can take a decision on whether to open schools; removes limits on outdoor gatherings while allowing indoors gatherings with 50 per cent capacity.

2 December 2020: UK becomes the first country to give emergency use authorisation to Pfizer-Biontech's coronavirus vaccine for public use. December 19, 2020: India's coronavirus numbers cross 1 crore-mark.

7 December 2020: SII and Bharat Biotech applied for emergency use authorisation for their respective vaccines.

19 December 2020: India's COVID-19 tally crosses 1 crore-mark. UK announces that a new variant strain of the virus has been detected that can spread more quickly.

28 December 2020: Centre conducts a dry-run across four states – Punjab, Assam, Andhra Pradesh, and Gujarat, before the vaccination exercise can commence.

2021

2 January 2021: India conducts first nationwide dry run for all states and Union Territories.

3 January 2021: DCGI approves Bharat Biotech's vaccine candidate Covaxin for restricted usage in emergency situations in India, a day after Serum Institute of India's vaccine candidate got the approval for emergency use.

8 January 2021: India conducts second nationwide dry run in all states and UTs.

11 January 2021: The government places a purchase order with Serum Institute of India (SII) for 11 million doses of Oxford COVID-19 vaccine, Covishield.

12 January 2021: The first consignment of Covishield leaves for Delhi, four days ahead of the nationwide inoculation drive launch.

13 January 2021: First consignment of Covaxin dispatched from Hyderabad.

16 January 2021: India begins one of the world's biggest coronavirus vaccination programmes.

20 January 2021: India starts exporting COVID-19 vaccines with the first shipment to the neighbouring Himalayan kingdom of Bhutan.

21 January 2021: India hands over 2 million doses of vaccines to Bangladesh under grant assistance.

22 January 2021: Two flights, each carrying two million doses of Covishiel, depart from the Mumbai airport for Brazil and Morocco. Sri Lanka approves the emergency use of Covishield. By this time, India is sending vaccines under grant assistance to the Maldives, Bangladesh, Nepal, Myanmar and Seychelles.

28 January 2021: The Ministry of External Affairs says that India has gifted over 55 lakh doses of COVID-19 vaccines to its neighbouring countries.

5 February 2021: A total of 7,580 adverse events following immunisation reported till January 31, says Health Minister Harsh Vardhan.

7 February 2021: With over 53 lakh people getting the jab, India third on list of most vaccine doses administered. US and UK remain ahead of India.

13 February 2021: The second dose of vaccination starts for those who had completed 28 days since receiving their first dose of the shot.

19 February 2021: India completes one crore vaccinations in 34 days, becoming the second-fastest in the world after the United States.

23 February 2021: The Union health ministry reveals that two new strains of COVID-19 have been detected in India. The Centre says 187 people have tested positive for the UK strain, six people detected with the South African strain and one with Brazilian strain in India. It adds that after a brief lull, the variant strains may be pushing up the number of infections once again.

1 March 2021: Second phase of vaccination drive begins. All people above the age of 60 and those between 45 and 59 with specific comorbidities are eligible. People can now register on the

Co-Win 2.0 portal. Prime Minister takes his first dose of the vaccine.

6 March 2021: Union Health Secretary Rajesh Bhushan and NITI Aayog member Dr V K Paul, who heads the national task force on COVID-19, holds a video-conference with officials of Haryana, Andhra Pradesh, Odisha, Goa, Himachal Pradesh, Uttarakhand and the Union Territories of Delhi and Chandigarh amid reports of a surge in the number of infections.

15 March 2021: India crosses the milestone of 3.15 crore vaccinations.

17 March 2021: Amid reports of rising number of COVID-19 cases, Prime Minister holds a meeting with chief ministers through video-conferencing and called for quick and decisive steps to curb the spread of the virus. Prime Minister said the emerging second peak of Coronavirus should be stopped immediately. He further asked the CMs to take the issue of wastage of vaccine doses seriously.

21 March 2021: Maharashtra reports 30,535 cases in a single day.

22 March 2021: India reports 46,951 cases in a single day — the highest spike since November.

More than 32.53 lakh vaccine doses administered, the highest single-day vaccination so far, taking the total number of people inoculated to over 4.8 crore.

23 March 2021: Government announces that everybody above the age of 45 will be eligible for vaccination from April 1.

21 April 2021: India reported it's biggest-ever spike of nearly 300,000 fresh COVID-19 cases according to MoHFW. With this, India's COVID-19 tally had crossed 15,616,130 cases. India also

registered the highest-ever single-day spike in COVID-19-related deaths with 2,023 fatalities. The death toll from the deadly infection stood at 182,570.

30 April 2021: *With over 4,09,000 new COVID-19 cases, India became the first country in the world to register over 4 lakh infections in a single day. As many as 3,465 new death were also reported on the day.*

DETAILS OF THE FOCUS GROUP DISCUSSIONS

1. CHENNAI FGD REPORT

The collective sharing on 20 October 2020 at Chennai from the unorganised sector workers such as domestic workers, construction workers, manual workers, street vendors, pottery workers, tailors, hairdressers, washer men, auto drives showed that the workers from the informal sectors were mostly unaware of their rights and benefits from the welfare boards. During the COVID-19, many workers got awareness on the welfare boards and registered for the first time to access the government's direct cash transfers. Few were already having the membership but were unaware about the schemes and benefits from welfare boards. In the group discussion it was suggested that the government has to take measures to create awareness program about the registration, benefits and the rights of the informal sectors. Following were the specific issues:

- Issue: Multiple documents were required for the renewal process in the online form like ration card, AADHAAR identity card, Heir certificate, photo, bank details, etc. Already all the above mentioned documents were submitted at the time of registration to the respective welfare boards and uploaded in their computers. Now again at the time of renewal, all above mentioned documents are showing as 'Not found'
Suggestion: Welfare Boards need to upgrade or recheck the software to retrieve the already enclosed documents at the time of registration to reduce the hardships and difficulty levels of workers.

- Issue: Internet Server for the registration and renewal were only working during a specific time period (morning till 10 am and after 5 pm evening) and most times, Servers become weak or down.
Suggestion: Government should migrate to or develop more powerful web-engines for the registration (or) may have different web-page for different districts or zones.
- Issue: Most information in the web-server for registration/ renewal was in English and it was difficult for unprivileged or illiterates to fill out the forms
Suggestion: Vernacular in the registration/ renewal forms needed like any other government pages
- Issue: While registering or renewing the membership, it request for two OTPs and it was bound for short period (span of 60 seconds)
Suggestion: The participants proposed for only one OTP in the process and the time span should be increased to 10 minutes like ration card/smart card processes.
- Issue: Only limited numbers of nationalised banks were approved for the benefits from the welfare board.
Suggestion: Incorporate also the Indian Post payments banks and other Scheduled bank in the list.
- Issue: For filling bank account number, only 15 boxes were available
Suggestion: Banks like Punjab National Bank were having 16 digit codes in the account, so the number of boxes should be provided appropriately.
- Issue: Asking too many contact numbers in the application
Suggestion: People with low socio economic status, mostly have only one mobile phone per family, so the

web-page should allow access to repeat the same number everywhere in the form.

Other Suggestions:

- Add one more column in the bank details for MICR code
- Give more attention on enhancing the welfare schemes
- Need careful attention on duplicate registration in various sectors through the AADHAAR identity card number (biometric).
- Welfare Boards should inform the members about the registration/ claims/ rejection/ requires through proper channels like NGO or trade unions, workers federations, etc.

Eligibility, Schemes and Inequalities

Most of them knew about their eligibility for the registration under each sub category in the welfare board. But only few among them in the registered category knew about the schemes in the welfare boards and reported that there was no apparent inequality in the treatment by the welfare boards for any participant from the following sectors such as domestic workers, construction workers, manual workers, street vendors, pottery workers, tailors, hairdressers, Washer men, auto drives.

Under COVID-19 Situation

Workers from informal sectors mostly fell under the category of daily wages. Due to COVID-19 lockdown and protocols, they lost their jobs and struggled for the basic needs. Even though some got the benefits from the welfare boards, it was not sufficient for their living. According to the participants, almost everyone in the informal sectors borrowed money from others and sold their gold ornaments and other assets for basic needs like dry ration.

Livelihood became a question mark for them in the lockdown and COVID-19 became the worst's nightmare for them.

2. TIRUNELVELI FGD REPORT

17 unorganized workers from south Tamil Nadu participated in the FGD at Tirunelveli on 21 October 2020. These unorganized workers were from 7 sectors namely agriculture workers, garments workers, construction workers, Palmyra workers, domestic workers, conservancy workers and manual workers. Half of them have not renewed their registration due to various reasons. Difficulties shared by the workers:

- Most of the unorganized workers in the rural areas were not aware of the existence, the functioning of the unorganized Welfare Boards, and the social protection benefits they were entitled to, due to illiteracy and lack of exposures with other workers groups.
- Even if the workers were interested in registering themselves into the Welfare Boards, they had to go back and forth, and spend at least three to four days to produce the relevant documents to the welfare boards, which were perceived troublesome for the workers in the rural areas.
- The workers had to obtain too many certificates and had to run from pillar to post to get those certificates and this process make them fed up.
- Many workers were totally dependent on the brokers for registration and renewal and they themselves were not able to go directly, as they did not know how to fill up the forms and locate the Welfare Boards.
- Palmyra workers in a few places were supported with some implements for their work earlier but now they

have not received any protective gears or other implements from the Welfare Boards. Moreover the registration office for Palmyra welfare is located only in Tuticorin and this is difficult for them to go to Tuticorin all the way and some of the workers complained that the Palmyra workers had to get their certificate counter signed in Udankudi. Therefore many Palmyra workers had not renewed their cards after 2010.

- During the crisis period the unorganized workers have to spend more for travel (auto and bus fare, food expenses, besides losing wages for a day or two)
- Very often online registration is a problem, due to poor network connections and involving additional expenses and time consuming. In case there is a problem in uploading the photos of the workers, they had to come once again and spent another full day for renewal and were dependent on the agents for registration and renewal.
- For the agriculture workers, land documents were necessary for registration and the Patta were to be held in their names. In many cases, the titles of the lands were in their grand father's name and not in their names. This is also a practical problem for the agricultural workers.
- The workers had to pay INR₹ 120 per year to the trade unions for the registration or renewal process.
- According to some workers, the registration or renewal process was relatively easier for those who were close to the towns and who had some exposures with other rights based groups and political parties.
- Most of them felt that VAOs and Thalaisyaries should organize camps in villages regularly and to explain to the workers about the process of registration and renewal

and various social protection benefits entitled to the unorganized workers is registered.

Social Protection benefits to the registered workers from the LWB during COVID-19 period:

- Only one in four workers had received any benefit from the LWB during the lockdown according to the workers.
- The domestic workers received INR₹ 2000 per month for two months, tailoring workers INR₹ 2000 per month for two months, construction workers INR₹ 2000 per month for two months, conservancy workers INR₹ 1000 per month for two months.

Why many workers had not received Social Protection benefits during lockdown period:

- Many of them had not renewed their registration and therefore they were unable to receive the benefits.
- Those who had registered their names through trade unions had to pay their monthly subscription and many of them had not paid their membership fees and therefore not renewed.

Despite renewal, why some of the workers had not received the benefits:

- The LWBs replied that they had not received sufficient funds from the government.
- Vast majority of those registered had not received any benefits despite renewal.
- Barring construction workers, other unorganized sectors had not received benefits from the LWBs

Through whom the workers come to know about the LWB benefits:

- Most of them had come to know about the LWBs and benefits through the trade unions and NGOs and a few people through the government departments.

Percentage of unorganized workers to know the procedures of the registration and renewal and social protection benefits through the LWBs

- Only a small number of workers knew about the procedures of the registration and renewal and most of them were not aware of the quantum of money they were entitled to under different schemes / benefits from the LWBs.

Discrimination based on caste, religion, sex and sector in receiving the benefits from the Welfare Boards

- Most of the unorganized workers felt that there was importance only to construction workers and their legal heirs to receive pensions but not for others.

Difficulties faced by unorganized workers in online registration and renewal process

- Most of the workers faced lot of problems in online registration or renewal of their registration
- The major issue in online registration or renewal is poor network connection and the server is not working properly. Uploading of their documents and photos related to their jobs were a challenge.
- Though the registered workers had submitted their documents like ration card AADHAAR identity card and bank details during the registration process itself, the

need for submitting the same documents for renewal and online registration was totally unwarranted.

- While renewal and registration process the workers had to feed OTPs and this was the practical problem for the workers.

During COVID-19 situation:

The unorganized sectors had lost their jobs and with no income during the lockdown and with restrictions of mobility, they found it difficult to manage their families. Even if they received the benefits/ cash assistance of INR₹ 2000 for two months, the quantum was very meagre to run their families and they were forced to borrow loans at very high rate of interest and they are unable to manage their day today expenses. There were strong resentments and disappointments on the handling of economic situation in the total lockdown period (both by the central and the state governments).

Some Suggestions

- The government departments should take efforts to orient the unorganized sectors about their registration process, renewal and the benefits from the governments. The Information and Broadcasting Ministry can easily create awareness among the unorganized workers on such benefits.
- The revenue department, particularly the VAOs and Thalaisyaries need to organize village level camps on registration for the workers and assist them in filling up registration and renewal forms.
- The District Legal Services Authority (DLSA) through their panel advocates and paralegal volunteers should organize block level awareness camps for the

unorganized workers and facilitate the process of registration and renewal and try to get maximum social protection benefits to the workers from the respective welfare boards.

- The DLSA in coordination with the labour department should create a database on the registered number of workers into the respective welfare boards and details of those received the social protections benefits particularly during the disaster periods like the COVID-19.
- The trade unions, labour rights activists and NGOs working among unorganized sector need to take up a state level campaign on flexible registration and renewal process which could be easy for the workers and with maximum benefits from the respective welfare boards, demanding more allocation of funds for the unorganized workers benefits.

3. KARUR FGD REPORT

An FGD was organised on the 21 October 2020 at Karur on the ordeals faced by the workers during COVID-19 lockdown. Sixteen participants from various professionals took part in the discussions: sanitary workers, domestic workers, agricultural worker, tailor, mason, driver, manual worker, construction worker, mosquito net weaver and social worker. As the entire country shut down during the lockdown, large numbers of unorganized workers remained indoors in their houses without work and sources of income. In order to alleviate their hardship, the government disbursed a relief fund of INR₹ 2000 to every family-card holders and INR₹ 1000 to the unorganized workers, who had their names enrolled with LWB and renewed their membership periodically till date. Several informal workers could

not avail the ex gratia INR₹ 1000 just because they had not enrolled their names with the LWB. Before COVID-19 lockdown, the unorganized workers could go in person to the LWB and enrol their names. After the imposition of lockdown, the government made online registration mandatory. However, online registration was complicated for the workers, since they were either illiterate or semi-literate.

Key Points Discussed

Government's support and the workers' expectation:

The relief fund disbursed by the government was frail, making both ends meet with it as impossible. Therefore it was proposed that

- Government disbursed only INR₹ 2000. It was not adequate and the government should disburse a minimum of INR₹ 5000.
- School-going children remained at home during lockdown periods and they kept on buying eatables and other needs which incurred more expenditure.
- Even if the relief fund is raised to INR₹ 5000, it would be difficult to manage because electricity bill costs more than before.
- Even for getting this INR₹ 2000, people had to bribe INR₹ 200.

Suggestion: Government should disburse INR₹ 21,000 as relief fund.

Enrolment with the LWB:

Many unorganized workers have not enrolled their names with the LWB and hence, they lost the chance of receiving the relief fund disbursed by the government.

- Ignorance of the workers about the existence of social security schemes
- Enrolling with the LWB itself was a challenge
- AADHAAR identity card and cell phone numbers were essential for enrolling names. There were workers who did not own cell phones and they could not enroll their names.
- If the phone number entered in the AADHAAR identity card didn't match with the present phone number, computer rejected the entered data.
- Every time when they went for enrolling names or for correction in the application, they lose a day's wage and they had to spend certain amount of money and also face harassments from police and others during travel.

Suggestion: It is the government's mission. Therefore, it should make a wider level publicity about the social security schemes. Online enrolment must be made optional and the old method, workers going in person to the LWB for enrolling, must be followed.

Disbursal of relief fund:

Workers, who had enrolled their names and had been renewing their membership periodically, have also been left out without payment of the relief fund.

- Government allocated certain amount but transferred another amount less than the allocated amount actually. This was how many of the deserving members could not avail the benefits.
- One may have membership renewed periodically even for a decade. But, without AADHAAR card one cannot

avail the benefits. They undergo anxieties, depression and mental agonies.

- When the Tamil Nadu government called for the list of family cards, the department concerned prepared and sent it in time. Accordingly, the government allocated fund that commensurate the number of family card holders. But the LWB failed to that. This was also a reason for the eligible members being left out.
- The positive and pro-active attitudes of some officials, who held positions in the LWB was also responsible for prompt disbursal of relief fund in some cases. Few officials worked with pro-worker attitude and really helped the workers avail the benefits.

Suggestion: Government should allocate adequate fund proportionate to the numbers of workers enrolled with the LWB and ensure that all deserving workers receive the relief fund.

Time necessary before receiving the financial assistance:

The financial assistances are not rendered immediately or on time bound against the application. Even the assistance for funeral expenses and marriage is not paid on time. As a result, the deserving workers fell into debt to meet out the funeral and marriage expenses and had to pay interests till they receive the assistance.

- It takes some years.
- If the applicants belong to Scheduled Castes or Scheduled Tribes, they received the assistance faster.
- Construction workers too received the assistances soon after the applying. As a result, people in other professions tend to register their names under construction worker category. Actually, a man, who is a

tailor by profession, had registered his name under construction worker category.

- In one testimony a sanitary worker had been renewing his membership periodically, but never received any assistance ever.
- Officials' negligence also impedes the processes.
- Frontline workers like nurses, sanitary workers, who really risk their lives in fighting against corona virus, have not received salary subsequently for more than six months.

Suggestions: Trade unions should unite together and ascertain their collective bargaining power. The government should render time bound assistance as justice delayed is justice denied.

Awareness about the welfare schemes:

Generally, the unorganized workers were unaware of the existence of LWBs, social security schemes and workers' rights.

- All those who had enrolled their names with the LWB were aware of the social security schemes.
- Only after getting aware of the schemes, the workers intended to enrol their names.

Suggestion: Member workers and the trade unions should make a wider level public contact with the workers and solicit them to become members with the LWBs.

Renewal of membership:

After enrolment, all members should renew their membership periodically. Failing to do so would cancel out the membership and it was impossible to avail the benefits of social security schemes. On many occasions, the workers forget about renewal

of memberships. Their work condition does not help them to remember the due date to renew the membership

Suggestion: Unless the government or private companies employs the workers and make them eligible for receiving legal salary and social security benefits, the unorganized worker would remain in the informal sector till the end of their life. Therefore, renewing is unnecessary and one-time registration is sufficient.

Other reflections:

- Trade unions should join together and collectively demand in one voice.
- Farmer's card is entitled to entire family. It must be entitled to individuals. If a person switches from farmer's card to LWB, the farmers' card holding must be approached properly.
- The process of enrolling with the LWB must be made simpler.
- Online registration must be withdrawn or made optional only.
- The amount of relief fund must be increased.
- There must be time bound delivery of financial assistances against each application

4. VIRUDHUNAGAR FGD REPORT

A FGD was organised at Virudhunagar on 23 October 2020. A total of 18 unorganized workers took part and were from manual workers, construction workers, conservancy workers, tailoring workers, hairdressers from different areas in Srivilliputhur block in Virudhunagar district. Main issues that came up include:

Registration of unorganized workers into the Welfare Board:

1. Lack of awareness about the registration process and the LWBs.
2. During the registration process, the workers were not able to go for work at least two days, which means loss of wages.
3. On an average, the workers had to spend at least INR₹ 500 for registration including bus fare to Virudhunagar and meals expenses during the days. Even for online registration, the workers had to go to Virudhunagar with all documents. The agents and brokers take advantage of the worker's ignorance and each worker had to pay INR₹ 250 to INR₹ 300 to the agents.
4. Sometimes the workers receive information that their cards would be despatched to local post offices but many of them had not received the membership cards.
5. While registering through online the workers had been made to visit the following days due to the delay in online services/ network connections.
6. Even after the registration through the agents and brokers, there were no proper communications to the workers about their membership renewals subsequently.
7. Some of the unorganized workers had openly complained about the unreasonable monetary demands from the agents (for INR₹ 300 even after submitting copies of the AADHAAR Identity card, Voter ID, Bank Pass Book, Certificate from the VAO and photos).
8. In some places the agents did not give clear instructions to the workers as to the required documents that they had to produce during registration or renewal.

9. In many instances, the workers were not able to contact the agents/ registration subsequently to produce the documents that were asked for.
10. For those workers working in brick-kilns, they had to get signatures from their owners, which was difficult for them and that delayed the process of registration or renewal

Social Protection benefits to the registered workers from the LWBs during COVID-19 period

- Most of them did not receive any benefits from the LWBs during COVID-19 lockdown, due to non-registration or non-renewal
- There were some complaints as to demands from the local Panchayat Presidents (bribery) from the unorganized workers to receive the cash assistance and entitled relief materials.

Percentage of unorganized workers, who knew about the social protection benefits and the details of registration process:

- Only a small number of workers were aware of the social protection benefits.

Percentage of unorganized workers that availed the benefits

- Around one in four persons availed benefits

Reasons for not getting the benefits, in spite of meeting the eligibility criteria:

- Non-renewal of their cards was the main reason for not getting the benefits.

How the workers came to know about the Welfare Boards

- Through those who had already Welfare Board cards
- Through agents and from trade unions

- Through NGOs staff and political parties

Public perception about membership under different Welfare Boards or eligibility criteria for registration

- Whatever may be their sector/ occupation, most of the workers were registered under one of the five or six sectors: construction workers, Palmyra-tree workers, tailoring workers, manual workers, farm workers

How the unorganized works managed their families during COVID-19 lockdown

- Borrowing loans
- Mortgaging jewelleries available at home or selling out assets
- Relief materials received from NGOs and philanthropists

Suggestions from the unorganized workers for improving the situation/ registration

- Separate office should be set up in each Panchayat for registration of works or renewal of cards.
- Reduce the number of documents that are to be produced for registration or renewal. AADHAAR is sufficient
- The labour department should not insist on the workers the need to go to Virudhunagar and stop the unnecessary travel from Srivilliputhur area.
- Simplify the procedures of registration and renewal and without the help of agents and the workers themselves should be able to register.

5. TIRUCHIRAPPALLI FGD REPORT

The Trichy (Tiruchirappalli) FGD took place on 25 October 2020. Various professionals participated in the FGD: welder, goldsmith, appalam-maker, photographer, noon-meal scheme assistance, tannery worker, construction worker, self-employed and salesman. Besides, some workers from the organized sector such as VAO, police and retired bank employees also participated. In order to alleviate the hardship of unorganized workers during COVID-19 lockdown, the government disbursed a relief fund of INR₹ 2000 to every family card holders and INR₹ 1000 to the unorganized workers who had their names enrolled with LWBs and renewed their membership periodically till date. The study revealed that most informal workers could not avail the ex gratia INR₹ 1000 just because they had not enrolled or renewed their names with the LWBs.

Main points discussed:

1. Negligible enrolment with the LWB:

The participants unanimously agreed that vast majority of the unorganized workers had not enrolled their names with the LWB.

- It was because of ignorance and as the workers were demotivated
- In the present situation, a worker needs at least 4-5 days to enrol one's name; it means loss of salary/wages. So the workers are reluctant to spend time for joining the Board under present situation.
- Certification from doctor and VAO were required and it warranted monetary expenses. So the workers were unwilling to enrol themselves with the Board.

Suggestion: Officials from the LWB must directly approach the unorganized workers and enrol their names. Membership drive camps could be organized by the trade unions so as to facilitate mass enrolments.

2. Online enrolment:

Online enrolment was not only new but also complicated to the workers.

- It was long and time-consuming process
- It warrants AADHAR identity card, cell phone number, certificate from VAO.
- In case of mistakes, workers had to go to E-Sewa centre to get their data re-entered online.

Suggestion: Online enrolment must be withdrawn or made optional. Old method, workers going in person to the LWB for enrolling, must be restored. Panchayat bodies can help the Boards to enrol the names of workers living in a panchayat limit.

3. Time taken for receiving the financial assistance:

- It takes 6-months to 2 years
- In some cases it had taken 11 years and still the applicant had not received the financial assistance.
- Generally, the officials blame it on the dearth of fund.
- They turn down the applicants saying that they do not have fund to fulfil requests of the pending applications.

Suggestion: The government should ensure time bound delivery of all financial assistance.

4. Communication from the Board after applying for benefits:

- Usually, the Board does not communicate anything with the applicants.
- Officials do not respond to the queries of the applicants, when approached.

Suggestion: Workers should send queries through registered post to record the communication processes and follow-ups.

5. Awareness about the social security schemes:

Generally, the unorganized workers were unaware of the existence of LWB, social security schemes and workers' rights.

- All those who had enrolled their names with the LWB were aware of the social security schemes.
- Only after getting aware of the schemes, the workers intend to enrol their names.

Suggestion: Member workers and the trade unions should make a wider level contact with the unorganized workers and enlighten them to become members with the LWB.

6. Renewal of membership:

- After enrolment, all members should renew their membership periodically. Failing to do so would lead to invalidation of the membership and it is impossible to avail the benefits of social security schemes.
- On many occasions, the workers forget about renewing
- Their work condition does not help them to keep track of the due time to renewing the membership

Suggestion: Unless the government or a private limited company employs the workers and make them eligible for receiving legal salary and social security benefits, the unorganized worker would remain in the informal sector

forever. Therefore, renewing was unnecessary and one-time registrations were enough.

Other reflections:

- The amount of relief fund must be raised to minimum INR₹ 10,000.
- Dual benefit must be streamlined so that the workers avail benefits either through farmer's card or the membership with the LWB.

6. AVINASHI FGD REPORT

A FGD was organised at Avinashi on 27 October 2020 on the challenges faced by the informal sector workers in Western Tamil Nadu. Most participants in the FGD did not receive any kind of benefits from the LWBs during COVID-19 lockdown, mainly due to non-registration or non-renewal of membership with relevant welfare boards. Most participants shared about the grievances related to relief distribution during the lockdown. Workers faced several hurdles in online registrations, particularly due to OTP conflict issues. They are shared that there were problems with fingerprint registration and that the non-internet methods were preferred among the informal workers. The participants were generally appreciative of the role played by the NGOs and voluntary agencies during the lockdown. Some participants were appreciative of the relief assistance provided during the first couple of months of lockdown. Secondly, with regard to the assistance provided during the fresh online membership drives particularly during partial lockdown times. The previous experiences from the registration of workers in construction workers' welfare board played an important role in facilitating registration with other similar informal sector boards. The relief amount announced by the government was too less to manage

families during lockdown period, so most informal workers were forced to borrow from money lenders and sell their possessions including their livestock, utensils, etc. The informal workers shared that they need local labour offices nearby their areas or panchayat offices should handle their schemes.

**PROCEDURES FOR REGISTRATION OR RENEWAL
OF ID CARDS UNDER SOCIAL SECURITY SCHEME
IN TAMIL NADU INFORMAL WORKERS
WELFARE BOARD**

- *First time visitors to this website can log in with their registration card number and mobile number*
- *The application number would be sent to their mobile phone as soon as the application is submitted.*
- *If any clarification is required in their application the concerned officer would ask for the details and you can know that the details have been requested through the SMS sent to the mobile number.*
- *If their application is correct the approval of the officer would be given and the renewal details for them would be sent by SMS to their registered mobile number. You can download the updated registration certificate through it*
- *They can check their details already entered and if there is any change in the details already uploaded by the office or if there were any missing details they can correct and submit the details. Their registration would be updated as soon as the details revised by them were approved by the Assistant Commissioner of Labour (Social Security Scheme)*
- *Everyone who already has a registration card can check their details on the website. Only those who have completed the renewal and were about to complete the renewal should apply for the renewal.*
- *They can log in to the website and view their details and make corrections in the details when required.*

Application Re-Submission Procedures

- *Re-login with their mobile number and make changes to the application as per the question asked to them and submit.*
- *If your application is correct, with the approval of the officer, their registration card would be renewed and the details of the renewal would be available through the registered mobile number. You can download the renewed new registration certificate through it*

Documents required for the application

- *Registration Card*
If one has the original registration card and link card provided to him/her by the website, one would need to upload all the pages in full.
- *Identity Certificate*
Upload a driver's licence, school certificate, voter ID card, certificate from a registered medical practitioner or a doctor's certificate in the prescribed format from the position not less than a civil surgeon in a government hospital.
- *Family Card*
- *The first page of the bank account book*
- *AADHAAR Identity card*
- *Document of nominee*
Nominees must be family members after marriage and the family card must be a supporting document (or) Nominees before marriage can be family members (or) members outside the family. So register the document related to the worker's relationship with the nominee.

Public Information Officer

*The Public Information Officer/ The Administrative Officer,
Tamil Nadu Labour Welfare Board,
DMS Campus, Teynampet, Chennai-600006.
Phone No: +91-44-24321542*

Appellate Authority

*The Secretary,
Tamil Nadu Labour Welfare Board,
DMS Campus, Teynampet, Chennai-600006.
Phone No: +91-44-24321364*

TAMIL NADU LABOUR WELFARE BOARD

Schemes in Brief

	Details of the Scheme	Qualification for availing the benefit	Certificates to be enclosed	Contact address
1	<p>Tailoring Classes</p> <p>Rs.150/- stipend will be given to students based on the attendance per month.</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Should have completed 16 years of age, Employee's wife and unmarried daughter & sister who are dependants of employee's.</p>	<p>To appear for Government Examination 8th standard passed is essential.</p> <p>To learn without Government Examination, its enough to know read and write in Tamil.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Aadhar card and Ration card Xerox with Government gazette officers attestation.</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>
2	<p>Child Care Centre</p> <p>Rs.2.25 is spent for a child per day for Lunch</p> <p>Fruits Twice a week</p> <p>Egg Thrice a week</p> <p>Milk 150 ml. per child per day.</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Employee's children in the age of between 2-5 years are allowed.</p>	<p>Birth Certificate Original.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Aadhar card and Ration card Xerox with Government gazette officers attestation.</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>

3	<p>Educational Scholarship</p> <p>Master Degree Course in Medicine, Engineering, Law, Agriculture Rs.12,000/- per year</p> <p>Bachelor Degree Course in Engineering, Medicine, Law, Agriculture, Education and Physical Educations Rs.8,000/-.</p> <p>Diploma Course in Engineering, Medicine, Education and Physical Education – Rs.5,000/-</p> <p>Higher Secondary Course and I.T.I. – Rs.4,000/-</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Scholarships is given to the children of the Employees.</p>	<p>Salary Slip of the employee.</p> <p>Marksheet and Transfer certificate TC with Government gazette officers attestation.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Aadhar card and Ration card Xerox with Government gazette officers attestation.</p> <p>Bank passbook front page – 2 copy.</p> <p>Note: Last date to apply the application is December 31 for the year.</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>
4	<p>Educational Incentive</p> <p>Employees children who secure first ten ranks in 10th and 12th Std. Govt. Public Examination in each District.</p> <p>For 10th Standard Rs.2,000/-</p> <p>For 12th Standard Rs.3,000/-</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Scholarships is given to the</p>	<p>Salary Slip of the employee.</p> <p>Marksheet and Transfer certificate TC with Government gazette officers attestation.</p> <p>Labour Welfare Fund contribution Receipt Xerox</p> <p>Aadhar card and Ration card Xerox with Government</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>

		Employee and Employee's Son/Daughter.	gazette officers attestation. Bank passbook front page – 2 copy. Note: Last date to apply the application is December 31 for the year.	
5	Book Allowance Higher Secondary Rs.1000 Diploma Course Rs.1500 Degree Course Rs.2000 Post Graduate Rs.3000	Employee should be paid contribution to Labour Welfare Fund. Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance). Scholarships is given to the Employee and Employee's Son/Daughter.	Salary Slip of the employee. Marksheet and Transfer certificate TC with Government gazette officers attestation. Labour Welfare Fund contribution Receipt Xerox. Aadhar card and Ration card with Government gazette officers attestation. Bank passbook front page – 2 copy. Note: Last date to apply the application is December 31 for the year.	Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.
6	Basic Computer Training Rs.1000/- to five employees/ dependants in each Revenue District.	Employee should be paid contribution to Labour Welfare Fund. Employee monthly salary should not	Certificate of Apprenticeships in Government approved Computer institutes. Salary Slip of the employee.	Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS

		<p>exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Scholarships is given to the Employee and Employee's Son/Daughter.</p>	<p>Marksheet and Transfer certificate TC with Government gazette officers attestation.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Aadhar card and Ration card Xerox with Government gazette officers attestation.</p> <p>Bank passbook front page – 2 copy.</p> <p>Note: Last date to apply the application is December 31 for the year.</p>	<p>Campus, Teynampet, Chennai-600 006.</p>
7	<p>Reimbursement of Cost of Spectalces for Rs.1000/- For employees only one time in their Service</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Scholarships is given only to the Employee.</p>	<p>Doctor's Prescription Receipt.</p> <p>Original cash bill for the Spectalces.</p> <p>Aadhar card and Ration card Xerox.</p> <p>Name list of the paid Labour Welfare Fund.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Salary slip of the Employee.</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>

			Bank passbook front page – 2 copy.	
8	<p>Marriage Assistance Worker or their daughter/son who legally attain the age of marriage will be given Rs.10,000/-</p>	<p>Employee should be paid contribution to Labour Welfare Fund.</p> <p>Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance).</p> <p>Scholarships is given to the Employee and Employee's Son/Daughter.</p>	<p>Marriage Invitation Original.</p> <p>Both Groom and Bride School Transfer Certificate with Government gazette officers attestation.</p> <p>The Receipt of the Marriage Hall / Temple / Register Marriage Certificate Xerox with Government gazette officers attestation.</p> <p>Aadhar card and Ration card Xerox with Government gazette officers attestation.</p> <p>Salary slip of the Employee.</p> <p>Labour Welfare Fund contribution Receipt Xerox.</p> <p>Name list of the paid Labour Welfare Fund.</p> <p>Bank passbook front page – 2 copy.</p> <p>Note: Apply the Scheme within three months of Marriage.</p>	<p>Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.</p>

9	Accident Death Assistance/ Funeral Expenses Rs.1,00,000/- and Rs.5,000/-	Employee should be paid contribution to Labour Welfare Fund. Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness Allowance). Scholarships is given to the Legal Heir of the Employee.	Death Certificate Xerox. Post-Mortem Report (PMR) with Doctor's attestation. Legal Heir Certificate Xerox with Government gazette officers attestation. No Objection Certificate (NOC) from the Notary Public on the Rs.20/- Stamp paper. First Information Report (FIR) with Police Inspector attestation.	Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.
10	Natural Death Assistance/ Funeral Expenses Rs.25,000/- and Rs.5,000/-	Employee should be paid contribution to Labour Welfare Fund. Employee monthly salary should not exceed Rs.25,000/- (Basic Pay + Dearness allowance). Scholarship is given to the Legal Heir of the Employee.	Death Certificate Xerox. Legal Heir Certificate Xerox with Government gazette officers attestation. No Objection Certificate (NOC) from the Notary Public on the Rs.20/- Stamp paper. Aadhar card and Ratio card Xerox with Government gazette officers attestation. Last Salary Slip of the deceased employee.	Secretary, Tamil Nadu Labour Welfare Board, Post Box No.718, DMS Campus, Teynampet, Chennai-600 006.

			Labour Welfare Fund contribution Receipt Xerox. Name list of the paid Labour Welfare Fund. Bank passbook front page 2 copy. Note: Apply within one year from date of death.	
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Schemes in Detail:

The Tamil Nadu Labour Welfare Board is implementing various welfare schemes for the benefit of the workers who contribute to Labour Welfare Fund.

Uzhaippavar Ulagam

A monthly magazine named “Uzhaippavar Ulagam” is published by this Board. This magazine carries articles on judgements related to Labour Disputes, details of Labour Laws, Amendments, Question-Answers and Letters from readers etc.

Jeeva Illam

A rest house constructed for the accommodation of the office bearers of registered trade unions who come to conduct cases on behalf of the workers. The Board opened Jeeva Illam at Teynampet, Chennai during 1981. Workers’ representatives who come to Chennai from different places for conducting cases on behalf of the workers can get accommodation in Jeeva Illam at nominal rent.

Tailoring Centres

Wives and unmarried Daughters and sisters of workmen who were contributors of Tamil Nadu Labour Welfare Fund are eligible to undergo training in Tailoring Centres. The Trainees in tailoring section were paid stipend at the rate of INR₹ 150/- per month. A maximum of 50 Trainees were admitted in the Tailoring Units in each Centre. The duration of the course is one year commencing from January to December. The trainees were imparted in needle work skill, dress making and embroidery. They appear for the examination conducted by the government in the month of December. The first rank holder in each centre is given with a prize of sewing machine for lower as well as higher grade.

Creches

In this Unit children of workers in the age group of two to five years were admitted. Besides Nutritious Food and 150 ml. milk per day is supplied to these children. The Children were given eggs thrice and fruits twice in a week. A maximum of 50 children were admitted in the child care centre. The children were subjected to monthly medical checkup twice in a month by a qualified Doctor and if necessary they were given medicines free of cost by the Board. They were also provided with two sets of teri-cotton uniform. Pre-schools were functioning from June to April of every Year.

Reading Rooms

There were reading rooms functioning in all 71 Labour Welfare Centres wherein newspapers and magazines were provided for the benefit of the workers.

Book Allowance

The following Book allowances were given to the workers of the children for their studies:

- *Higher Secondary INR₹ 1000/-*
- *Diploma Course INR₹ 1500/-*
- *Bachelor Degree INR₹ 2000/-*
- *Master Degree INR₹ 3000/-*

Scholarship

Scholarship is given to the children of the workers for pursuing their education based on their marks in their qualifying examination subject to the maximum indicated against each item, per year:

- *Master Degree in Engineering @ INR₹ 12000/-*
- *Master Degree in Medical @ INR₹ 12000/-*
- *Master Degree in Law @ INR₹ 12000/-*
- *Master Degree in Agriculture @ INR₹ 12000/-*
- *Master Degree in Education @ INR₹ 12000/-*
- *Master Degree in Physical Education @ INR₹ 12000/-*
- *Bachelor Degree in Engineering @INR₹ 8000/-*
- *Bachelor Degree in Medical @INR₹ 8000/-*
- *Bachelor Degree in Law @INR₹ 8000/-*
- *Bachelor Degree in Agriculture @INR₹ 8000/-*
- *Bachelor Degree in Education @INR₹ 8000/-*
- *Bachelor Degree in Physical Education @INR₹ 8000/-*
- *Diploma in Engineering @INR₹ 5000/-*
- *Diploma in Medicine @INR₹ 5000/-*
- *Certificate Course in Physical Education @INR₹ 5000/-*
- *Diploma in Teacher Training Education @INR₹ 5000/-*
- *Higher Secondary @INR₹ 4000/-*

- *I.T.I @INR₹ 4000/-*

Educational Incentive

Cash Award of INR₹ 2000/- for 10th standard and INR₹ 3,000/- for 12th standard is being given to the children of the workers who secured first 10 places in government 'public examinations' in each 'educational district'.

Assistance for Basic Computer Training

Reimbursement of INR₹ 1000/- is given to five employees/dependants in each Revenue District for Basic Computer Training through approved institutions.

Marriage Assistance Scheme

A sum of INR₹ 10,000/- is given as Marriage Assistance to employees or their Son/Daughter who legally attain the age of marriage.

Spectacles Assistance

Reimbursement of the cost of Spectacles of INR₹ 1000/- is given to the workers on production of Doctor's Prescription.

Typewriting /Shorthand Assistance

Workers' children who have passed the Typewriting/Shorthand Govt. Examinations were paid INR₹ 1000/- for Typewriting Lower, INR₹ 600/- for Typewriting Higher and INR₹ 1500/- for Shorthand Lower and Higher.

Hearing Aid, Artificial Limbs and Three Wheeler

A reimbursement of 'Hearing Aids' cost up to INR₹ 1000 is provided to hearing impaired workers and their children. Similarly costs of 'Artificial Limbs' were also reimbursed and 'Three

Whealers' were supplied to the physically challenged workers and their children. Accidental disability assistance based on extent of disability is also provided upto INR₹ 1,00,000/-

Assistance for Accidental Death and Funeral Expenses

Accidental Death Assistance of INR₹ 1,00,000/- is given to the dependant of the worker who dies in accident. In addition to that INR₹ 5,000/- towards Funeral expenses is paid to dependant of worker for Accidental Death.

Assistance for Natural Death and Funeral Expenses

Natural Death Assistance of INR₹ 25,000/- is given to the dependant of the worker. In addition to that INR₹ 5,000/- towards Funeral expenses is paid to dependant of worker for Natural Death.

Tuberculosis Patient Wards

Tamil Nadu Labour Welfare Board has reserved beds for workers in T.B. Wards in Tambaram Sanatorium (Chennai), Tiruppur (Coimbatore District), Asaripallam (Kanyakumari District), Austinpatti (Madurai District) and Kilpennathur (Vellore District) for the benefit of the workers.

Holiday Homes

In order to enable the workers to enjoy with their family, Holiday Homes had been put up by the Tamil Nadu Labour Welfare Board.

- *A holiday home - Singaravelar Illam is functioning at Valparai for the benefit of Industrial Workers since 1987.*
- *A holiday home -- Thiru-Vi-Ka Illam at Courtalam is functioning from 1983.*
- *A holiday home -- Jawaharlal Nehru Illam is functioning at Mamallapuram from 1988.*

SCHEMES PROTECTING POOR FAMILIES AGAINST
SOCIO-ECONOMIC DISTRESS

Sl.No.	Welfare scheme
1	<p>Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) It is one of the most widely implemented schemes with a legal mandate under MGNREGA. It aims to ensure livelihood security by guaranteeing 100 days of employment to every rural household, in a year.</p>
2	<p>Public Distribution System (PDS) PDS aims at ensuring food security, as mandated by the National Food Security Act (NFSA), 2013, by providing certain essentials such as pulses, wheat, rice, etc., at a subsidised rate to poor families.</p>
3	<p>Indira Gandhi National Disability Pension Scheme (IGNDPS) It provides citizens with severe disabilities above the age of 18 years, with up to Rs. 300 per month, to protect them from economic distress due to disability.</p>
4	<p>Indira Gandhi National Widow Pension Scheme (IGNWP) IGNWPS is applicable to widows who do not qualify for the IGNOAPS, i.e. are less than 60 years of age. The beneficiaries are entitled to Rs. 200 per month.</p>
5	<p>Varishta Pension Bima Yojana (VPBY) VPBY, administered through the Life Insurance Corporation of India (LIC), is a pension scheme for senior citizens.</p>
6	<p>Pradhan Mantri Matru Vandana Yojana (PMMVY) PMMVY under the Ministry of Women and Child Development, provides conditional cash transfer to pregnant women and lactating mothers for the first live birth. A cash benefit of Rs. 5,000 is provided in three instalments on fulfilling the eligibility criteria.</p>

7	Ayushman Bharat –Pradhan Mantri Jan Arogya Yojana (PM-JAY) PM-JAY aims at protecting poor households against the financial shock of hospitalization. It provides a cover of up to Rs. 5 lakh per family, per year, for secondary and tertiary care hospitalization at public and empaneled private hospitals.
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Source: Centre Sector Schemes and Centrally Sponsored Schemes

**SCHEMES FOR UNORGANISED WORKERS, NOT SPECIFIED UNDER
THE SOCIAL SECURITY CODE, 2020**

Sl.	Welfare schemes
1	<p>Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) Implemented by MoL&E in 2019, this is a voluntary contributory scheme for unorganised workers' economic surety during old-age. It is meant for those who are not covered under the New Pension Scheme (NPS); Employees' State Insurance Corporation (ESIC) scheme; or Employees' Provident Fund Organisation (EPFO). It covers home-based workers, street vendors, cobblers, ragpickers, domestic workers, rickshaw pullers, landless labourers, own account workers, among others.</p>
2	<p>National Pension Scheme for Traders and Self-Employed Persons (NPS-Traders) NPS-Traders, another MoL&E scheme, aims at old age social security to retail traders, shopkeepers or self-employed persons with an annual turnover of less than Rs. 1.5 crore.</p>
3	<p>Atal Pension Yojna (APY) APY, under the Ministry of Finance, is another contributory pension scheme for unorganised workers such as maids, delivery boys, gardeners etc. who do not pay income tax.</p>
4	<p>Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) PMJJBY, under the Ministry of Finance, provides life insurance cover to unorganised workers of Rs. 2 lakh, on payment of premium of Rs. 330 per annum. It is applicable to the 18 to 50 years age group.</p>

5	<p>Pradhan Mantri Suraksha Bima Yojana (PMSBY) PMSBY, under the Ministry of Finance, provides insurance cover to unorganised workers. It provides Rs. 2 lakh on accidental death or full disability, and Rs. 1 lakh on partial disability, on payment of a premium of Rs. 12 per annum. It is applicable to the 18 to 70 years age group.</p>
6	<p>Pradhan Mantri Kisan Man Dhan Yojana (PM-KMY) PM-KMY under the Ministry of Agriculture & Farmers Welfare, provides pension of Rs 3,000 per month to small and marginal farmers on attaining the age of 60 years. The eligible farmer is required to contribute between Rs. 55 to Rs. 200 per month depending on the age of entry.</p>
7	<p>Pradhan Mantri Kisan SAMman Nidhi (PM-KISAN): PM-KISAN is an income support scheme that provides small and marginal farmers with up to Rs. 6,000 per year to support their financial needs. It aims at improving the economic security of farmers.</p>

IMPORTANT EXTRACTS FROM INDIAN **CONSTITUTION**

THE CONSTITUTION OF INDIA

Article 14

Equality before law - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth-

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.*
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to*
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or*
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resorts maintained wholly or partly out of State funds or dedicated to the use of general public.*
- (3) Nothing in this Article shall prevent the State from making any special provision for women and children.*
- (4) Nothing in this Article or in Clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally making any special provision for socially and*

educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

- (5) *Nothing in this Article or in Sub-Clause (g) of Clause (1) of Article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in Clause (1) of Article 30*

Article 16

Equality of opportunity in matters of public employment-

- (1) *There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.*
- (2) *No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.*
- (3) *Nothing in this Article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.*
- (4) *Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which,*

in the opinion of the State, is not adequately represented in the services under State.

(4 A) Nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4 B) Nothing in the Article shall prevent the State from making any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under Clause (4) or Clause (4 A) as a separate class of vacancies to be filled up for determining the ceiling of 50% reservation on total number of vacancies of that year.

(5) Nothing in this Article shall affect the operation of any law which provides that incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 17

Abolition of Untouchability -

"Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Article 23

Prohibition of traffic in human beings and forced labour -

- a) *Trafficking in human beings and begging and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.*
- b) *Nothing in this Article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste, or class or any of them.*

Article 37

Application of the principles contained in this Part - The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

Article 38

State to secure a social order for the promotion of welfare of the people -

- a) *The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.*
- b) *The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.*

Article 39

Certain principles of policy to followed by the State - The State shall, in particular, direct its policy towards securing

- a) that the citizens, men and women equally, have the right to an adequate means of livelihood;*
- b) that the ownership and control of the material resources of the community are so distributed as best to sub-serve 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;*
- d) that there is equal pay for equal work for both men and women;*
- e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength;*
- f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment.*

Article 46

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections - The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Casts and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

EXTRACTS FROM INTERNATIONAL CONVENTIONS AND COVENANTS

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (fraternity).

Article 2(1)

Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his/her dignity and the free development of his/her personality.

Article 23(3)

Everyone who works has a right to just and favourable remuneration enduring for himself/herself and his/her family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

CONVENTION FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Article 5(a)

States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieve the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

CONVENTION ON ELIMINATION OF RACIAL DISCRIMINATION (CERD)

Article 2(1)

States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and to this end:

(c) each State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
(d) each State party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

LEGISLATIONS THAT WERE SUBSUMED INTO
FOUR LABOUR CODES OF 2019

Labour Codes	Acts that were subsumed
Code on Wages, 2019	<ul style="list-style-type: none"> ▪ <i>Payment of Wages Act, 1936</i> ▪ <i>Minimum Wages Act, 1948</i> ▪ <i>Payment of Bonus Act, 1965</i> ▪ <i>Equal Remuneration Act, 1976</i>
Occupational Safety, Health and Working Conditions Code, 2019	<ul style="list-style-type: none"> ▪ <i>Factories Act, 1948</i> ▪ <i>Mines Act, 1952</i> ▪ <i>Dock Workers (Safety, Health and Welfare) Act, 1986</i> ▪ <i>Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996</i> ▪ <i>Plantations Labour Act, 1951</i> ▪ <i>Contract Labour (Regulation and Abolition) Act, 1970</i> ▪ <i>Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979</i> ▪ <i>Working Journalist and other Newspaper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955</i>

Labour Codes	Acts that were subsumed
Industrial Relations Code, 2019	<ul style="list-style-type: none"> ▪ <i>Working Journalist (Fixation of Rates of Wages) Act, 1958</i> ▪ <i>Motor Transport Workers Act, 1961</i> ▪ <i>Sales Promotion Employees (Condition of Service) Act, 1976</i> ▪ <i>Beedi and Cigar Workers (Conditions of Employment) Act, 1966</i> ▪ <i>Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981</i> ▪ <i>Trade Unions Act, 1926</i> ▪ <i>Industrial Employment (Standing Orders) Act, 1946</i> ▪ <i>Industrial Disputes Act, 1947</i>
Code on Social Security, 2019	<ul style="list-style-type: none"> ▪ <i>Employees' Provident Funds and Miscellaneous Provisions Act, 1952</i> ▪ <i>Employees' State Insurance Act, 1948</i> ▪ <i>Employees' Compensation Act, 1923</i> ▪ <i>Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959</i> ▪ <i>Maternity Benefit Act, 1961</i> ▪ <i>Payment of Gratuity Act, 1972</i>

Labour Codes	Acts that were subsumed
	<ul style="list-style-type: none"> <li data-bbox="388 199 841 274">▪ <i>Cine-workers Welfare Fund Act, 1981</i> <li data-bbox="388 287 855 365">▪ <i>Building and Other Construction Workers' Welfare Cess Act, 1996</i> <li data-bbox="388 378 799 455">▪ <i>Unorganised Workers Social Security Act, 2008</i>

MINIMUM WAGE LIST IN TAMIL NADU

SCHEDULED EMPLOYMENT

	<u>Basic per VDA per</u>		<u>Total per Piece</u>	
	<u>day</u>	<u>day</u>	<u>day</u>	<u>rate</u>
	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>
Agarbathi Industry	₹69.73	₹136.85	₹206.58	-
Aerated Water Manufactory	₹70.00	₹158.88	₹228.88	-
Appalam Manufactory	₹93.42	₹138.46	₹231.88	-
Automobile Workshops	₹109.15	₹140.77	₹249.92	-
Auto Rickshaw and Taxi	₹138.50	₹178.65	₹317.15	-
Bakeries and Biscuits Manufactory	₹78.00	₹110.00	₹188.00	-
Bricks and Tiles Manufactory	₹74.00	₹105.00	₹179.00	-
Carpentry and Black Smith	₹127.00	₹181.73	₹308.73	-
Chemical and Fertilizers Industry	₹87.42	₹134.62	₹222.04	-
Cinema Industry	₹128.73	₹254.85	₹383.58	-
Coaching Academics*	₹51.92	₹101.15	₹153.07	-
Coconut Peeling Industry	₹79.00	₹115.00	₹194.00	-
Coir Industry	₹90.00	₹188.77	₹278.77	-
Coffee Curing Works	₹73.00	₹105.00	₹178.00	-
Construction or Maintenance of Roads and Buildings	₹117.00	₹220.00	₹337.00	-
Cotton Ginning and Pressing Industry	₹91.00	₹138.46	₹229.46	-
Distribution of Liquid Petroleum Gas Cylinders	₹82.69	₹163.62	₹246.31	-

	<u>Basic per</u> <u>day</u>	<u>VDA per</u> <u>day</u>	<u>Total per</u> <u>day</u>	<u>Piece</u> <u>rate</u>
	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>
Electronics Industry	₹91.00	₹134.62	₹225.62	-
Food Processing Industry	₹86.50	₹111.73	₹198.23	-
Forestry	₹39.00	₹204.50	₹243.50	-
General Engineering & Fabrication Industry	₹104.00	₹162.88	₹266.88	-
Gold and Silver Articles Manufactory	₹131.00	₹253.60	₹384.60	-
Granite Industry	₹130.26	₹258.00	₹388.26	-
Hotels and Restaurants	₹98.85	₹177.92	₹276.77	-
Hospitals and Nursing Homes	₹107.19	₹207.31	₹314.50	-
Laundries and Washing Cloths (including Woollen)	₹140.50	₹278.10	₹418.60	-
Loading and Unloading Operations in markets, shandies and other like places	₹85.00	₹139.05	₹224.05	-
Match Manufacturing	₹68.50	₹130.90	₹199.40	-
Mat Weaving and Basket Making	₹75.00	₹95.00	₹170.00	-
Medical and Sales Representative	₹129.73	₹167.50	₹297.23	-
Motion Picture Industry	₹103.07	₹202.92	₹305.99	-
Neera (Padhaneer)Tapping	₹154.00	₹198.00	₹352.00	-
Oil Mills	₹83.00	₹111.04	₹194.04	-

	<u>Basic per</u>	<u>VDA per</u>	<u>Total per</u>	<u>Piece</u>
	<u>day</u>	<u>day</u>	<u>day</u>	<u>rate</u>
	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>
Paper and Processes connected with Machine made Paper Industry	₹87.27	₹112.50	₹199.77	-
Paper and Processes connected with Hand Made Paper	₹83.42	₹107.62	₹191.04	-
Power Loom Industry	₹29.00	₹177.75	₹206.75	-
Polythene Processing Foam Item and Plastic Manufactory	₹47.12	₹139.81	₹186.93	-
Printing Press	₹72.81	₹107.69	₹180.50	-
Public Motor Transport	₹137.30	₹270.58	₹407.88	-
Rice Mills, Flour Mills or Dal Mills	₹88.50	₹130.00	₹218.50	-
Sago Industry	₹94.50	₹190.35	₹284.85	-
Salt Pans	₹89.00	₹110.00	₹199.00	-
Sea Food processing Industry	₹79.92	₹157.31	₹237.23	-
Security Guards	₹90.35	₹140.19	₹230.54	-
Sericulture Industry	₹95.00	₹122.00	₹217.00	-
Shops and Commercial Establishments	₹78.88	₹155.73	₹234.61	-
Silk Twisting Industry	₹97.00	₹188.15	₹285.15	-
Soap Manufacturing Industry	₹122.00	₹254.85	₹376.85	-
Tailoring Establishments	₹70.19	₹119.42	₹189.61	-
Textile mills (Apprentice)	₹110.00	₹212.70	₹322.70	-
Timber Industry	₹132.50	₹261.75	₹394.25	-
Tin Container Manufactory	₹91.00	₹179.96	₹270.96	-

	<u>Basic per</u> <u>day</u>	<u>VDA per</u> <u>day</u>	<u>Total per</u> <u>day</u>	<u>Piece</u> <u>rate</u>
	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>	<u>₹INR</u>
Tobacco Manufacturing - Beedi Making (other than beedi rolling)	₹96.15	₹206.08	₹302.23	-
Tobacco Manufacturing - Beedi Rolling - Per 1000 beedis	-	₹94.38	-	₹37.20
Tobacco Manufacturing - Scented and chewing Tobacco	₹67.50	₹130.90	₹198.40	-
Tobacco Manufacturing - Snuff Industry	₹78.00	₹147.25	₹225.25	-
Vessels Utensils Manufactory	₹72.00	₹105.00	₹177.00	-
Woollen Carpet and shawl weaving industry	₹57.00	₹114.45	₹171.45	-

LABOUR WELFARE CENTRES IN TAMIL NADU:

Office of the Assistant Inspector of Labour - Chennai
Jeeva Illam, Chennai-600006.

- *Organiser, Labour Welfare Centre*
26/20, Vembuli Subethar Street, Alandur, Chennai-600016.
- *Organiser, Labour Welfare Centre*
16, Kanakkar Street, Gandhiji Lane, Thiruvottiyur, Chennai-600019.
- *Organiser, Labour Welfare Centre*
1/5, 20th Cross St, Venkateswara Nagar, Ramapuram, Chennai-600089.
- *Organiser, Labour Welfare Centre*
1/271, Kalamegam Road, Mugapair West, Anna Nagar, Chennai-600058.
- *Organiser, Labour Welfare Centre*
48/20, First Street, Cheran Nagar, Kennedy Square, Sembium, Chennai-600011.
- *Organiser, Labour Welfare Centre,*
50, K.K.Road, Vengada Puram, Ambuttar, Chennai-600053.
- *Organiser, Labour Welfare Centre*
Thermal Power Station, Camp-1, Community Hall, Ennore, Chennai-600057.
- *Organiser, Labour Welfare Centre,*
Gramma Seeramaippu Sangam, 1 Sanndhi Street, Manali, Chennai-600068.

**Office of the Assistant Inspector of Labour -
Mamallapuram**

*Kovalam Road, Mamallapuram, Kancheepuram District-
603104.*

- *Organiser, Labour Welfare Centre
Govindarajan Street, West Tambaram, Chennai-45.*
- *Organiser, Labour Welfare Centre
29B, Uppalavadi Street, Manjakuppam, Cuddalore-
607001.*
- *Organiser, Labour Welfare Centre
16B, Sengalur Neerodai Street, Kancheepuram 631502.*
- *Organiser, Labour Welfare Centre
7, Chairman Chidiambaram Street, Shanmugapuram,
Villupuram-2.*
- *Organiser, Labour Welfare Centre
13, Chithairai Street. Kallakurichi-606 202.*
- *Organiser, Labour Welfare Centre
32/6, L.I.G. Pallavan Street, N.H.1, Maraimalai Nagar,
Kancheepuram District.*

Office of the Assistant Inspector of Labour - Vellore

*7, Searvai Munusamy Mudali Street, Vellapadi, Vellore-
632 001.*

- *Organiser, Labour Welfare Centre
No.1 First Cross Street, Kamarajar Colony, Hosur-635
109.*
- *Organiser, Labour Welfare Centre
3, Old Post Office Road, Krishnagiri Trunk Road, Ranipet-
632401.*
- *Organiser, Labour Welfare Centre
31-A, Jawaharlal Street, Gudiyatham -632602.*

- *Organiser, Labour Welfare Centre
S.No. 319/04, Door.No.588, Poichal Grammam, Lakshmi
Nagar, Thirupathur, Vellore District.*
- *Organiser, Labour Welfare Centre
1062/110, Parameswari Nagar, Trunk Road, Konamedu,
Vaniyambadi, Vellore District.*
- *Organiser, Labour Welfare Centre
21A, Thulasingham Street, Arcot, Vellore District.*

***Office of the Assistant Inspector of Labour -
Coimbatore***

*5/13, Pangaja Mills Road, Ramanathapuram,
Coimbatore-641045.*

- *Organiser, Labour Welfare Centre
1/171, Oour Gounder Veedu, Mariamman Koil Street,
Malumacham Patti, Coimbatore.*
- *Organiser, Labour Welfare Centre
27, Maramanai Veethi, Periyanaickan Palayam,
Coimbatore-641020.*
- *Organiser, Labour Welfare Centre
95, West Colony, Kumarapalayam, Namakkal District.*
- *Organiser, Labour Welfare Centre
Seshayee Paper & Board Colony, Pallipalayam, Erode-
638010.*
- *Organiser, Labour Welfare Centre
1-14-18-H-15, Survey 164/155, Subbugounder Bldg,
Bavani Main Road, Sangagiri-637301.*
- *Organiser, Labour Welfare Centre
9/1, Upplipalayam Main Road, H.M.S. Branch,
Varadharajapuram, Coimbatore-641015.*

- *Organiser, Labour Welfare Centre
1/1, -A, Old Post Office Road, (Roteray Clube of Sakthi)
Sathayamangalam-638401.*
- *Organiser, Labour Welfare Centre
3/186, N.G.G.O. Colony, Thathampatti, Salem-14.*
- *Organiser, Labour Welfare Centre
993, Erode Main Rd, Palani Andavar Koil (Opp),
Kaliyanganarayan palayam, Bhavani-638301.*
- *Organiser, Labour Welfare Centre
H.M.S.Sangam, Arumugabavanam, Saradha Mills Rd,
Sundarapuram, Coimbatore-24.*
- *Organiser, Labour Welfare Centre
5/13. Pangaja Mill Road, Ramanathapuram,
Coimbatore-641016.*
- *Organiser, Labour Welfare Centre
258, Trichi Road, Ondipudur, Coimbatore-641 016.*

Office of the Assistant Inspector of Labour - Valparai

*28/107, Main Road, Singaravellar Illam, Valparai-
642127.*

- *Organiser, Labour Welfare Centre, 27, Kapoorkon Street,
Udumalaipet, Coimbatore-642126.*
- *Organiser, Labour Welfare Centre
Mudis Theatre Near, Mudis Post, Valparai Vattam-
642117.*
- *Organiser, Labour Welfare Centre
7, Pandiyan Street, Madathukulam, Udumalaipet Taluk,
Coimbatore Dist.*
- *Organiser, Labour Welfare Centre
52-A, Chinna kalaiyampudhur, Vijayakumar Mills Post,
Palani, Dindigul Dt.,*

Office of the Assistant Inspector of Labour - Trichy

13/2. Hanifa Colony, Pudukottai Road, Trichy-20.

- *Organiser, Labour Welfare Centre*
63A, Dalmiapuram Main Road, Dalmiapuram -621151.
- *Organiser, Labour Welfare Centre*
Old Mill Colony, Manapparai-621306.
- *Organiser, Labour Welfare Centre*
T.S.No.2564, Pallavan Kulam, Vadimathugu Lane,
Pudukottai.
- *Organiser, Labour Welfare Centre*
3A, 2 nd Street, Senguthapuram, Karur-2.
- *Organiser, Labour Welfare Centre*
BHEL L.C.S. Complex, R.Sector, Kailasapuram, Trichy-14.
- *Organiser, Labour Welfare Centre*
650-A-1, Kallupettai Street, Keelavasal, Thanjavur.
- *Organiser, Labour Welfare Centre*
4/67, Gandhi Nagar, North Kattur, 6th Street, Trichy-9.
- *Organiser, Labour Welfare Centre*
82, Kamarajar Road, (First Floor), Kumbakonam.

Office of the Assistant Inspector of Labour - Madurai

12, Sir Thiyagarajar Colony, Pasumalai, Madurai-4.

- *Organiser, Labour Welfare Centre*
1/290, Ramasubramania Raja Nagar, Thulukkappatti-
620204.
- *Organiser, Labour Welfare Centre*
Thirusuzhi Road, Ramasamy Nagar, Aruppukottai (Near:
Ramalinga Mills.)
- *Organiser, Labour Welfare Centre*
56-A, Vaigai Nagar, Housing Unit, Gnaolipuram,
Madurai-625016.

- *Organiser, Labour Welfare Centre
26, College Main Road, Karaikudi-2.*
- *Organiser, Labour Welfare Centre
68/1, Railway Feeder Road, Virudhunagar.*
- *Organiser, Labour Welfare Centre
13-5-2-B, Nethaji Subash Bose Street, Palanichettipatti,
Theni (via) Theni District.*
- *Organiser, Labour Welfare Centre
1, Vasugi Street, Aruppukottai Main Road, Villupuram,
Madurai-625012.*
- *Organiser, Labour Welfare Centre
74/20, Gandhi Street, Thirumangalam, Madurai.*
- *Organiser, Labour Welfare Centre
46, Workers Quarters, Highways Post, Chinnamanur -
626515, Theni District.*

Office of the Assistant Inspector of Labour - Courtallam

*Thiru Vi.Ka. Illam, Tiger Falls Road,
Courtalam, - 627802, Thenkasi Taluk.*

- *Organiser, Labour Welfare Centre
Rajapalayam Mills Compound, K.R. Nagar Post,
Rajapalayam-625106*
- *Organiser, Labour Welfare Centre
381, Alamarathupatti, Thiruthangal – 626130.*
- *Organiser, Labour Welfare Centre
Unit-1 Type workers Quarters, Tamil Nadu Cements
Corporation Colony, Alangulam.*
- *Organiser, Labour Welfare Centre
168, Periyasamy Nagar, Pudu Gramam,
Kovilpatti – 628502.*

- *Organiser, Labour Welfare Centre
129-A, Pillaiyar Kovil Street, Sathur- 626203.*

***Office of the Assistant Inspector of Labour - Tirunelveli
1, M.G.P. sannathi Theru, Pettai, Tirunelveli – 627004.***

- *Organiser, Labour Welfare Centre
26-C, 7/2, Kamaraj Nagar, 3rd Mile, Tuticorin-8.*
- *Organise, Labour Welfare Centre
23/15-37, East Street, Vellalar Colony, Nagercoil –
629001.*
- *Organiser, Labour Welfare Centre
Tuticorin Thermal Nagar Workers Colony 1, Commercial
Complex Building, 626006.*
- *Organiser, Labour Welfare Centre
1, Sri Ganapathy Mills Colony, Sankar Nagar,
Thalayuthu, Tirunelveli – 627007.*
- *Organiser, Labour Welfare Centre
10A/14, Georgepuram, Vickramasingapuram,
Tirunelveli-627425.*
- *Organiser, Labour Welfare Centre
N-VII- 16-4A1-1 Nagacode Junction, Kulasekaram,
Kanyakumari.*
- *Organiser, Labour Welfare Centre
4-6-23-E, S.V. Bhavan, Pacode Post, Via Kuzhithurai,
Kanyakumari District.*
- *Organiser, Labour Welfare Centre
40, T.L.K. Hall, Somasundari Amman Kovil Sannathi
Theru, Arumuganeri, 628202.*

HOLIDAY HOMES OF TAMIL NADU LABOUR
WELFARE BOARD

Rent for Rest Houses per day per person:

	Double Room	
	Dormitory	
	Worker / Public	
	Worker / Public	
	INR₹	INR₹
	INR₹	INR₹
1. Mamallapuram	70/-	375/-
40/- 190/-		
2. Valparai	80/-	250/-
40/- 190/-		
3. Courtalam		
a) Ordinary Days	60/-	250/-
40/- 125/-		
b) Season Days	70/-	375/-
60/- 190/-		

Rent for Jeeva Illam per day per person:

	Double Room	
	Dormitory	
	INR₹	
	INR₹	
Trade Union Leaders only	80/-	
50/-		

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IMPORTANT LABOUR-ISSUES RELATED CASE

LAWS

1. Apprentices Act, 1961

(a) UP State Road Transport Corpn vs. UP Parivahan Nigam Shishukh Berozgar Sangh 1995: It was held that other things being equal, a trained apprentice should be given preference over direct recruits. It was also held that he/she need not be sponsored by the employment exchange. Age bar may also be relaxed, to the extent of training period. The concerned institute should maintain a list of persons already trained and in between trained apprentices, preference should be given to those who are senior. A similar view was also made in **UP Rajya Vidyut Parishad vs. State of UP 2000 (SC)**.

2. Contract Labour (Regulation and Abolition) Act, 1970

(a) Steel Authority of India vs. National Union Water Front 2001: It was held that Central / State Government can issue notification abolishing contract labour only after following prescribed procedure regarding consultation, etc. It was also held that even if such a notification is issued, the employees with contractor would not be automatically absorbed in the employment of the company, if the contract was genuine. Company would give preference to them. However, if the contract was not genuine but a mere camouflage, the so called contract labour would have to be treated as employees of principal employer.

(b) Food Corporation of India Workers Union vs. Food Corporation of India and others, 1992: It has been held that workmen can be employed as contract labour only through licensed contractors, who shall obtain licence under Section 12.

As per Section 7, the principal employer is required to obtain Certificate of Registration. Unless both the conditions are complied with, the provisions of Contract Labour Act would not be attracted. Even if one of these conditions is not complied with, the provisions of the Contract Labour Act would not apply. In a situation where in either of these two conditions is not satisfied, the position would be that a workman employed by an intermediary is deemed to have been employed by the principal employer.

3. Employees Provident Funds Act, 1952

(a) RPFC vs. T S Hariharan 1971: *It was held that temporary workers should not be counted to decide whether the Act would apply.*

(b) RPFC vs. Shiv Kumar Joshi 1996: *It was held that the Regional Provident Fund Commissioner is providing service under the Act and hence he/she is liable under Consumer Protection Act. This was confirmed in RPFC vs. Shiv Kumar Joshi 1999.*

4. Payment of Gratuity Act, 1972

(a) Delhi Cloth & General Mills Co. Ltd. vs. Its Workmen 1968. *“Gratuity” as observed by the Supreme Court in its etymological sense, means a gift, especially for services rendered or returns for favours received.*

(b) Indian Hume Pipe Co. Ltd. vs. its Workmen. 1968. *Gratuity has to be considered to be an amount paid unconnected with any consideration and not resting upon it and has to be considered something given freely or without recompense. It does not have foundation on any legal liability, but upon a bounty steaming from appreciation and graciousness. Long service carries with it*

expectation of an appreciation from the employer and a gracious financial assistance to tide over post retrieval difficulties.

(c) B. Mohan Reddy vs. A.P.S. Co-op. Marketing Federation Ltd.

1990: It was held that payment of Gratuity Act does not authorize employer to with-hold Gratuity of employee for any reasons such as negligence and unauthorized leave except where services of employee are terminated for any act of wilful omission or negligence which caused any damage, loss or destruction to employers property or for riotous or disorderly behaviour or for any act which constitutes an offence involving moral turpitude committed in the course of employment.

(d) *It has been held by the Bombay High Court in the case of **Bombay Gas Public Ltd. Co. vs. Papa Akbar and Anr. 1990** that the provisions of Sec. 4 (6) (a) of the payment of Gratuity Act do not come into force unless there is a termination of service. Merely stating that the employee went on strike and thereby caused a heavy loss to the company could not be a ground to deny gratuity to the employees.*

(e) *Re-employment under same employer under fresh contract would not militate against concept of gratuity - When an employee retires and earns gratuity and the same employer offers such employee a job under a fresh agreement and the new agreement provides for the payment of gratuity, that would, in no way, militate against the concept of gratuity if such gratuity is paid on the first retirement - **CIT vs. Smt. Savitaben N. Amin [1986]** 157 ITR (Guj.).*

A GENERAL CHECKLIST FOR AN EMPLOYEE AGREEMENT

1. Details of Employment

- *Full name of employer and employee*
- *Address of employer*
- *Place of work of employee*
- *Title of job or nature of the work or a brief job description*
- *Date of commencement of employment*

2. Pay and Benefits

- *Wages/ salary details*
- *Rate of overtime work (if eligible for overtime pay)*
- *Any other cash benefits that the employee is entitled to*
- *Any payment in kind that the employee is entitled to*
- *Value of that payment (e.g. accommodation)*
- *Any deductions on employee's remuneration (e.g. Pension / Medical Aid)*
- *Method of payment and method of calculating wages*
- *Additional benefits, and conditions (e.g. achievement of targets)*
- *Pension scheme - whether one exists, and if so conditions*
- *Approvals for any deductions (e.g. pension scheme other than those required by law)*

3. Nature of Contract

- *Type of contract: permanent, temporary, fixed term*
- *Duration of a temporary contract or termination date for a fixed term contract*
- *Period of notice required to terminate employment, or if employment is for a specified period, the date when employment is to terminate*

4. Hours of Work

- *Number of hours in workweek and workday. Procedure for scheduling.*
- *Alternative work schedules*
- *Definition of overtime & pay or compensatory time off*
- *Advance notice of overtime & right to refuse overtime*
- *Staffing and workload standards.*
- *Meal and rest periods.*
- *Timekeeping and attendance requirements*

5. Leaves

- *Annual leave entitlement*
- *Role of seniority in scheduling vacations.*
- *Conditions relating to taking leave, e.g. present company holidays or notice requirements*
- *Details of any other paid leave entitlements*

6. Disciplinary Procedures

- *Details of the disciplinary procedure*
- *Conditions under which the employer can terminate the contract e.g. gross misconduct*

7. Grievance Procedure

- *Definition of a grievance.*
- *Employees' right to union representation.*
- *Explanations of each step in grievance procedure and time limits at each step.*

8. Health and Safety

- *Employer and employee responsibilities*

9. Protection of Business Information

- *Details of confidentiality requirements*
- *Use and misuse of electronic communications and Internet*

10. Probation Period

- *Purpose & duration of the probationary period*
- *Benefits that would come into effect when the probationary period is completed*

11. Performance Evaluation

- *Criteria & frequency for evaluations.*

12. Retirement Policy

13. Any Other Conditions

14. Acceptance

- *Acceptance clause whereby employees sign that they accept the contract of employment and conditions therein.*

=====XXXXXXXXXX=====

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THE SURVEY QUESTIONNAIRE

Study on the Status of the Unorganized Workers during COVID-19 Lockdown Period and the Challenges faced by them in Labour Welfare Board Registration

Interview Schedule

District: _____ Panchayat Union: _____ Grama Panchayat: _____

1. Name of the worker:

2. Age:

3. Address:

4. Family members: Male Female Children

5. Dependent family members:

6. Educational Qualification:

7. Current Employment:

8. Name of the factory / company / organization:

9. Address of the above Employer:

10. Income / Wages (Monthly / Weekly / Daily):

Rs. _____

11. Are you member of Govt. Labour Welfare Board?

Yes No

11. a) If Yes, which Board:

Membership / Registration No:

11. b) If No, Why?

- | | |
|---|--------------------------|
| 1. Not aware of Labour Welfare Board | <input type="checkbox"/> |
| 2. Not guided by Trade Union | <input type="checkbox"/> |
| 3. Not bothered about membership subscription | <input type="checkbox"/> |
| 4. Others (specify) : | <input type="checkbox"/> |

12. What benefits you have received from Welfare Board:

x

- | | |
|------------------------------------|--------------------------|
| 1. Marriage Benefits | <input type="checkbox"/> |
| 2. Children Educational Assistance | <input type="checkbox"/> |
| 3. Maternity Benefit | <input type="checkbox"/> |
| 4. Accidental Compensation | <input type="checkbox"/> |
| 5. Funeral Benefits | <input type="checkbox"/> |
| 6. Pension / Family Pension | <input type="checkbox"/> |

7. Others (specify) :

13. Have these benefits been utilized by your co-workers?

Yes No

If Yes, specify:

14. Have you received cash benefit in these days? : Directly by cash

Through Bank Nil

15. Do you have a bank account? Yes No

16. What benefits you received during COVID-19 period?

- 1. Cash Benefit
 - 2. Medical Benefit
 - 3. Others (specify):
-

17. Does your LWB card issued by Labour Inspector?
Or by online registration vide www.labour.tngov.in

18. List the document you were required to upload during online registration process

Tick the documents you had:

- 1. Age proof certificate
 - 2. Ration card
 - 3. Aadhaar card
 - 4. photos
 - 5. Service Certificate by your Employer
 - 6. VAO certificate of verification
 - 7. Dependence certificate
 - 8. Others (specify):
-

19. Do you posses a mobile number to receive OTP, password and other communication in this regard? :

Yes No

20. Does your mobile number been linked with AADHAAR card? Yes No

If No,

1. Change of SIM card & number:

2. What alternative you had, if you & your spouse are employed under same contractor? (specify) :

21. What are the challenges / losses faced during online registration process?

1. Financially:

- a. For receipt of various certificates cited above
 - b. For photos @ studio
 - c. Expenses @ Browsing centre
 - d. Travelling expenses from native village to town
 - e. Mobile recharges amount
 - f. New SIM card & activation
 - g. Refreshment & Town
 - h. Others (specify)
-

2. Travel & mental agony

3. Loss of pay (for leave taken)

4. Browsing centres' delay due to technical reasons

5. Change of address / cell no etc. in AADHAAR card or Ration card

22. What are the benefits you received as LWB member during COVID-19? How many times?

1. Financial Assistance Rs. 2000

2. Ration Provisions

3. Others (specify):

23. Is there any gender discrimination in LWB benefits distribution? : Yes No

If Yes, (specify)

24. Apart from LWB assistance, did you receive any benefits from government like ration through Family card & the like?

Yes No

If Yes, (specify)

25. Have your regular income been deprived during COVID-19? Yes No

If Yes, (specify)

26. Were you paid by your employer for lockdown period of April to August 2020?

Yes No If Yes, (specify)

27. Did your employer advance you with financial assistance or other benefits during COVID period? Yes

No If Yes, (specify) _____

28. Did your family receive any government assistance during lockdown period?

Yes No If Yes, (specify)

1. Rice, Dhal, others in kind

2. Financial Assistance

3. Other Benefits (specify) :

29. What are all the difficulties / constraints your family met with during lockdown period?

1. Denial of employment
2. Loss of Income
3. Additional debt
4. Unable to meet medical emergency
5. Could not have a square meal a day
6. Couldn't meet out basic needs (specify):

7. Mental agony & depression
8. Could not attend family functions
9. Addition to drinks / drugs etc
10. Others (specify) :

30. How did you overcome your indebtedness & other financial crisis?

- | | |
|--|--------------------------|
| 1. Additional borrowing | <input type="checkbox"/> |
| 2. Mortgaging things | <input type="checkbox"/> |
| 3. Sale of household | <input type="checkbox"/> |
| 4. Assistance from Self Help Group | <input type="checkbox"/> |
| 5. Others (NGO / Voluntary organization) | <input type="checkbox"/> |

31. Interviewer Remarks:

Name of the Interviewer:

Mobile Number:

Date:

Place:

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This is a timely input for the domain of social protection policy-making when the 'precariat' are subject to new vulnerabilities such as the pandemic. It highlights the role of 'demand' and institutions in ensuring better delivery of legislated measures for social protection. Another important point that the report highlights is the need to go beyond sectoral approaches to address vulnerabilities of informal labour.

Prof. M. Vijayabaskar, MIDS, Chennai

The study is surely an in depth and broad based one, contains all information from various dimensions and perspectives. It will serve as a handbook for any kind of reference required, regarding unorganised labourers. It certainly will make one move forward from wherever stands in the process of accompanying the unorganised labourers. Congratulations to every one of you.

**Ms. Christina Samy
National Vice President, Swaraj India**

This study on the status of social protection for the informal workers during the COVID 19 pandemic exposes the emptiness of Tamil Nadu as "Welfare State". It clearly brings out the hollowness of the social protection in the State and much touted social protection in Tamil Nadu is nothing but carefully designed structural difficulties in accessing social protection by the preponderant majority of the informal workers in the state.

**R. Vidyasagar
Former Child Protection Specialist, UNICEF**

This publication titled "Informal Workers and Social Protection in Tamilnadu" is an excellent empirical study of the situation on the ground in relation to the issues of informal labour in the state. During the second wave of the pandemic it has become even more relevant as the situation has become even more difficult in terms of gaps in the access to social security for informal labour all over the country. The booklet makes useful and practical recommendations on how these issues can be resolved. It is clear that the process of collecting the data was also a process of learning for the organisations involved in the study, eg the FGDs. The addendums at the end of the study contain a wealth of information: case law, references, information about Labour Centres, etc, which makes this a functional handbook for activists and researchers working with informal labour in Tamilnadu.

Ms. Meena Menon, WPC

I must congratulate you and all research teams for coming up with such a comprehensive analysis. Very well done.

Mr. Chandan Kumar, WPC