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## THE ROLE OF CONSTITUTION IN SOCIAL DEVELOPMENT AND LABOUR WELFARE

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### ABSTRACT:

*Social development is a broad concept referring to a state of living of an individual or a group, in a desirable relationship with the total environment. It is also an inclusive concept, meaning thereby to seek the development of all sections of the society. The labour class or the working class is one of the largest segments of the society.*

**KEYWORDS:** *theory of Burgess, commercial and industrial areas.*



### INTRODUCTION:

The Constitution of India, which is a great social document, envisages the overall social development of the people of India. The Constitution aims at social development by such means as social legislation. The social legislations aim at equal distribution of burden and benefits of social development. Labour welfare forms one of the important aspects of social development.

### METHODOLOGY OF STUDYING:

This article has been written by using number of studies/secondary data on factory workers, industrial labour, and social welfare.

### LABOUR WELFARE AND THE CONSTITUTION OF INDIA

The concept of labour welfare is a dynamic concept. Its interpretation depends upon degree of industrialization of the country. Labour welfare includes socio-economic aspects of the labourers. According to **K. Ashwathappa** "Labour welfare also referred to as betterment work for employees, relates to taking care of the well-being of workers by employers, trade unions, and governmental and non-governmental agencies. It is rather difficult to the term labour welfare precisely because of the relativity of the concept."<sup>1</sup>

**The Royal Commission on Labour States**, "Labour welfare is a term which must necessarily be elastic, bearing a somewhat different interpretation in one country from another according to the different social customs, the degree of industrialization and educational level of the workers."<sup>2</sup>

**The International Labour Conference at Asian Regional Conference**, defined labour welfare 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 employ in then to perform their work in health, congenial surroundings and to provide them with amenities conducive to good health and high morals.<sup>3</sup>

The Constitution of India, under the following Articles, lays down the mandate for the government to provide for labour welfare:

**Art 38. State to secure social order for the promotion of welfare the people:**

1) 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.

2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor 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.

**Art. 42 Provision for humane conditions of work and maternity relief:**

The State shall make provision for securing just and humane conditions of work and maternity relief.

**Art. 43, Living wage, etc, for workers:**

The State shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas.

Thus, the need for labour welfare in all sectors is clearly enunciated in the Directive Principles of State policy. Empowered by the above provisions of the Constitution the government has enacted several labour welfare laws which provides for the setting up of minimum desirable standard and the provision of facilities like health, food, clothing, housing, medical assistance; education, insurance, job security, recreation, and so on. The idea of labour welfare is to enable the worker and his family to lead a good work life and family life. It operates to neutralize the harm full effect of large scale industrialization.

**SOCIAL DEVELOPMENT OF THE ORGANISED AND THE UNORGANIZED WORKFORCE:**

Out of the total workforce employed in India a majority of them are employed in the unorganized sector. The unorganized sector consists of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers.

According to the results of the National Sample Survey conducted in 1999-2000, total work force as on 1 January 2000 was of the order of 406 million. About 7 per cent of the total work force is employed in the formal or organized sector (all public sector establishments and all non-agricultural establishments in private sector with 10 or more workers) while remaining 93 per cent work in the informal or unorganized sector.<sup>4</sup>

Thus, the unorganized sector plays a vital role in terms of providing employment opportunity to a large segment of the working force in the country and contributes to the national product significantly. The contribution of the unorganized sector to the net domestic product and its share in the total NDP at current prices has been over 60 per cent. In the matter of savings the share of household sector in the total gross domestic saving mainly unorganized sector is about three fourth. Thus social development of the unorganized sector has a crucial role in our economy in terms of employment and its contribution to the national domestic product, savings and capital formation.<sup>5</sup>

Soon after independence, the government at a tripartite conference in December 1947 adopted the industrial truce resolution. Several legislations were enacted to achieve the objectives of social development. The following Acts have been enacted to promote the conditions of labour and regulate the relation between employer and employee keeping in view development of industry and national economy:

- The Apprentices Act, 1961
- The Bonded Labour System (Abolition) Act, 1976

- The Child Labour (Prohibition & Regulation) Act, 1986
- The Children (Pledging of Labour) Act, 1933
- The Contract Labour (Regulation & Abolition) Act, 1970
- The Employees Provident Funds and Misc. Provisions Act, 1952
- The Employees State Insurance Act, 1948
- The Employers Liability Act, 1938
- Employment Exchange (Compulsory Notification Vacancies) Act, 1959
- The Equal Remuneration Act, 1976
- The Factories Act, 1948
- The Industrial Disputes Act
- The Industrial Employment (Standing Orders) Act, 1946
- The Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- The Labour Laws (Exemption from Furnishing Returns & Maintaining Registers by Certain Establishments) Act, 1988
- The Maternity Benefit Act, 1961
- The Minimum Wages Act, 1948
- The Payment of Bonus Act, 1965
- The Mines Act, 1952
- The Payment of Gratuity Act, 1972
- The Payment of Wages Act, 1936
- The Sales Promotion Employees (Conditions of Service) Act, 1976
- The Shops and Establishments Act, 1953
- The Trade Union Act, 1926
- The Workmen's Compensation Act, 1923
- The Weekly Holidays Act, 1942

Whereas, the social development of the organized workforce is achievable through the above set of laws, it is the unorganized workforce which needs the impetus of the law to achieve the desired level of social development as enunciated in various five year plans. Over the years, since independence the governments have been concentrating on establishing industries and enacting laws for the benefits of those employed in these organized industries. However, it is important to forcefully pursue the agenda for social development of the unorganized workers for the following reasons:

1. The unorganized labour is the largest segment of the workforce in India like the agriculture workers, constructions workers, home based workers.
2. Majority of the unorganized workforce do not have continuous employment.
3. Unorganized workers, due to illiteracy are bound to be exploited by the employers.
4. Lack of trade union support due to the scattered nature of employment
5. Among the unorganized workers majority of them migrated population.

'The extent of workforce in the organized and unorganized sectors, and their changes over time could be understood by the information provided by the Ministry of Labour and Employment, Director General of Employment and Training, Government of India and published in the Economic Surveys. Accordingly, the share of organized workforce was about 8 per cent by 1983, which declined to 7.54 per cent by 2004-2005. The corresponding share of unorganized workforce was about 92.07 per cent by 1983, which increased to 92.46 per cent by 2004-2005. The table below explains the above statement:

**Table 1: Trends in Employment in Organized Unorganized Sectors in India (in million)**

Year	Organized	Unorganized	Total workforce
1983	24.01 (7.93)	278.74 (92.07)	302.75
1987-1988	25.71 (7.93)	298.58 (92.07)	324.27
1993-1994	27.37 (7.31)	347.08 (92.69)	374.45
1999-2000	28.11 (7.08)	368.89 (92.91)	397.00
2005-2006	26.46 (7.54)	358.45 (92.46)	384.91

**Source :** Ministry of Labour and Employment, Director General of Employment & Training and Economic Survey (various years).

**Note:** Figures in brackets are percentages to the respective totals.

The government of India enacted the Unorganized Workers Social Security Act in the year 2008, which as per government estimates would benefit 94 per cent of the working class in the country employed in the unorganized sector would get the benefit of health, life and disability insurance, old-age pension and the group accident scheme. The new law can be considered as a beginning for the overall social development of the majority of the working population. As per the Act, every unorganized worker shall be registered and issued an identity card by the district administration, which shall be a smart card carrying a unique identification number. Through the various beneficial provisions of this legislation the unorganized workers struggles could be mitigated to a large extent. According to Labour Investigation Committee<sup>6</sup>, there are three main benefits of labour Welfare activities:

- a) Educational facilities, sports, entertainment, etc. make the worker feel that the employer is interested in their day-to-day life and therefore, their tendency to grouse and grumble will gradually disappear.
- b) Housing, canteens, sickness and maternity benefits, provident fund, gratuity, pensions, etc. make the worker feel that they have a stake in the industry as much as anyone else has.
- c) Provisions of good and clean food in the canteens improve their health entertainment reduces the incidence of vices, medical and maternity benefits fret the workers of worries.

### FINDINGS OF THE STUDY:

- i) It is found that the constitution of India under the Articles number like 38, 42 and 43 laid down the mandate for the government of provide secure a social order for the promotion of welfare of the people, provision for just and humane condition of work and maternity Relief and secured living wages, decent standard of life and full enjoyment of leisure etc., for workers.
- ii) It has been observed that after the enactment of the un organized workers social security Act in the year 2008, which as per government estimates would benefit 94 percent of the working class in the country employed in the unorganized sector would get the benefits of health, life and disability insurance, old-age pension and the group accident scheme. The new law can be considered as a beginning for the overall social development of the majority of the working population.
- iii) It is observed that the unorganized sector plays a vital role in terms of providing employment opportunity to large segment of the working force in the country and contributes to the National product significantly, it has been over 60 percent. Thus social development of the unorganized sector has a crucial role in our economy in terms of employment and its contribution to the National domestic product, savings and capital formation.

### CONCLUSION AND SUGGESTION

From the discussions presented above it can be concluded that the real social development can only be achieved if the objective of our laws and policies is to secure the welfare the unorganized workers who form the major chunk of the working population, Labour welfare improves the quality of labour and its productivity. If the state has to hold on to its tag of being called a welfare state, then it cannot ignore the largest workforce in India. The following are some suggestions for implementation of a better labour welfare programme which in turn would make social development possible.

1. The government must execute all the policies and programmes framed for the; welfare of the labour.
2. In every industry, labour welfare activities must occupy top priority.
3. The trade union and the managements must jointly seek to enforce each other's commitment on labour welfare. There should not be any bargain on labour welfare,
4. The industry must realize that labour welfare is a social obligation.

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