



NATIONAL LEGAL SERVICES AUTHORITY

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES TO THE WORKERS IN THE UNORGANISED SECTOR) SCHEME, 2010

[Adopted in the Meeting of the Central Authority of NALSA held on 8.12.2010 at Supreme Court of India]

In the Regional Conference of the State Legal Services Authorities of the Western Region organised by the National Legal Services Authority (NALSA) at Ahmedabad on 28-29 August, 2010 the topic of deliberations was '*Workers in the Unorganised Sector and the Role of Legal Services Authorities*'. Detailed discussions took place on the plight of unorganised workers in securing their statutory rights and availing of the benefits of the various schemes put in place by the State Governments.

It is estimated that the workers in the unorganised sector contribute more than 60 per cent of the national economy. Unlike their brethren in the organised sector, they are generally reluctant to come to the forefront and demand for the benefits under the various schemes and other welfare measures put in place by the labour department and other institutions because of their sheer unorganised or loosely organised nature. Such workers are generally not confined to any particular area as their place of work has no permanent status. Quite often their work is seasonal and when the work at once place is finished they migrate to other places in search of work. They do different kinds of work depending on the availability of work. Some stick on to certain avocations on the basis of caste and tradition and yet remain unorganised.

In this scenario, the general problem the authorities and welfare institutions face is that the workers in the unorganised sector are not identifiable. Illiteracy, poverty and the concern for earning their daily bread compel these workers to forsake the benefits of the various social welfare measures. It is the duty of the legal services institutions to reach out to the workers in the unorganised sector for making available the benefits of various schemes and to provide them the protection of law.

Most of the schemes and welfare laws for the benefits of the workers in the unorganised sectors are dispensed through the institutional mechanisms of Boards and Corporations. Such schemes and laws are in the nature of social security measures and provide assistance to the unorganised workers, at least to tide over their difficult times. Legal

services institutions should come to the help of this disadvantaged group to make available the benefits though small in quantum, to ease their struggle against the odds of life.

Legal Services Authorities can come to the help of the workers in the unorganised sector in the following manner:

1. Identifying the unorganised workers within the jurisdiction of each legal services institution by conducting surveys.

State Legal Services Authorities may take steps for conducting surveys for identifying unorganised workers and all other categories of workers included in Central Act 33 of 2008. Services of law students, NGOs and para-legal volunteers also can be availed of for conducting such surveys. Surveys can be conducted in a phased manner, gradually covering entire area within the jurisdiction of the legal services institutions concerned. The beneficiaries may be categorised into groups depending on the different welfare schemes of the State Government implemented through the Boards and Corporations (i.e. Construction Workers Welfare Board, Bidi Workers Welfare Board, Artisans Welfare Corporation etc). The survey should indicate whether the workers belonging to each category have made efforts to avail of the benefits of the scheme or scheme / legislation / programme of the government. The next step shall be to liaise with the Boards / Corporations concerned to make available the benefits of the schemes / programmes. Every effort shall be made to ensure that all deserving unorganised workers are brought to avail of the benefits.

2) Conducting legal awareness programmes for the identified groups of unorganised workers.

After identification of the unorganised labourers in each category, legal awareness programmes may be organised for creating awareness amongst them about the different welfare schemes and social security measures available. For this purpose, awareness programmes may be organised, as far as possible, at the place of work itself (e.g construction work sites, market places in the case of street-vendors etc). Legal awareness classes can be conducted in other places like community halls also. Care shall be taken that the timing of the awareness programmes does not conflict with the work of workers. Lunch intervals and holidays can be utilised for the awareness campaigns.

3) Persuading and assisting the workers in the unorganised sector to avail of the benefits under the different social welfare legislations, administrative programmes and schemes put in place by the State Governments.

Workers in the unorganised sector may be temperamentally not inclined to undergo the hassles for availing of the benefits of the schemes, programmes etc. Most of them being poor, illiterate and belonging to the lower strata of the society may not have the mental capacity to demand for their entitlements. Migrant workers being eager to go back to their villages after the work are unlikely to have support from the local people where they work. They are worst sufferers and victims of exploitation. Any such situation demanding individual will have to taken care of attention and, if necessary, legal aid can be given.

4) Reaching out to the unorganised labourers and facilitating their bargaining capacity with the employers and the institutional mechanisms for their welfare.

Unorganised workers seldom have bargaining capacity for securing their rightful entitlements. This leads to exploitation by the employers. Temporary nature of their work also disables them from using the collective bargaining techniques. Support by the legal services institutions to the unorganised workers will empower them in demanding their legal rights and entitlements. It shall be ensured that the workers are able to approach the Legal Services Authorities with confidence to avail of the benefits under the Central Act 33 of 2008.

5) Providing legal assistance in appropriate cases.

If any particular case requires legal action the legal services institution shall provide necessary legal assistance. For cases of court based legal services the eligibility criteria prescribed under Section 12 of the Legal Services Authorities Act, 1987 shall be kept in mind. The provisions of the Contract Labour (Regulation and Abolition) Act, 1970; The Bonded Labour System (Abolition) Act, 1976; The Inter-State Migrant Workmen Act, 1979; The Child Labour (Prohibition and Regulation) Act, 1986 and other major labour legislations also may be made use of in appropriate cases.

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