

**SHRI R. DHANOWAR, MINISTER  
LABOUR AND EMPLOYMENT ASSAM**

**SPEECH**

Hon'ble Chairman, Esteem **BY** Colleagues & Friends

It gives me great pleasure to participate in today's Conference. Items of agenda being taken up for discussion are covering areas of considerable importance. Security for organised sector workers, safety of labour laws.

2. Consideration of the labour composition, call for a focused and positive approach for the socio-economic development and social security of the unorganised sector workers in the State and hence, the crucial importance of the present preference for our State and its people.

3. I would like to mention that right to social security is one basic human rights. The ultimate object of the social security is to ensure every worker the means of livelihood and basic economic security. Social security programmes provide medical care, sick leave, employment injury benefits, the old and survivors benefit in the form of provident fund accumulation. All these benefits are provided to the organised workers through the different labour legislations in the country. These programmes are yet to extend for the benefit of unorganised workers in the country.

4. It is observed that the appropriate steps have been taken to provide the safety of workers, which is welcome and is a step in the right direction.

**TO BE HELD ON 9<sup>TH</sup> & 10<sup>TH</sup>  
DECEMBER 2005  
IN NEW DELHI**

## **SPEECH BY SHRI R. DHANOWAR, MINISTER LABOUR AND EMPLOYMENT ASSAM**

Hon'ble Chairman, Esteemed Colleagues & Friends-

It gives me great pleasure to participate in today's Conference. The items of agenda being taken up for discussion are covering issues of considerable importance concerning the Social Security for unorganised sectors as also the amendment of labour laws.

2. Considering the Level and nature of economic development in our State and its over all frame work of labour composition, calls for a focused and positive attention for the socio-economic development and social security of the unorganised sector workers of the State and hence, the crucial importance of the present Conference for our State and its people.

3. I would like to mention that right to social security is one of the basic human rights. The ultimate object of the social security is to assure every worker the means of livelihood and basic economic security. Social security programmes in India at present provide for only medical care, sickness benefit, the employment injury benefit and the old and survivors benefit in the form of provident fund and pension. All these benefits are provided to the organised workers through the different labour legislations in the country. These programmes are yet to extend for the benefit of unorganised workers in the country.

4. It is observed that the proposed draft law has endeavoured to provide the safety net for all categories of unorganised workers, which is welcome and laudable.

5. Any law for unorganized workers should cover all workers—those who have not been able to organise themselves on their common objectives on account of constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of employments etc.

6. Due to complexity of various problems of the unorganized sectors it has not been amenable to any statistical accuracy and the precision in the same sense as the organised sectors. The unorganised sectors suffer from seasonality of employment. Majority of the rural workers do not have appropriate avenues of employment. And those who are employed are not gainfully employed in the true sense. The work place of the unorganised labour is scattered. The workers are to do the same job in different branches for which it is hard for them to live together in the same areas.

7. As the economy of Assam is basically agrarian and hence, about 93% of the total labour force in the country is in the unorganised sectors. Assam being the land of agriculture, about 80% of the workers are engaged in the unorganised sector including agriculture. At present there are more than 69 lakhs unorganised workers working in various unorganised sectors/occupation in the State. It is also a pertinent point to mention that due to lack of Industrialisation in the State a sizeable number of workers are compelled to work in the unorganised sectors with a very poor remuneration. From the available statistics and data it appears that the unorganised workers in the State are living below poverty line. Hence I strongly reiterate that it is high time to formulate policy / programmes for the socio-economic protection of the unorganised workers in the country as a whole.

8. We appreciate the initiative taken by the Union Labour Ministry in drafting two legislation i.e. the Unorganised Sector Workers Bill, 2004 and the Unorganised Sector Workers' Social Security Bill, 2005 to provide for social security and welfare of unorganised sectors' workers and to provide for other matters connected therewith.

9. The steps taken by the Government for providing effective measures towards safety and security of unorganised labour is to be appreciated. Our Government is examining the latest two drafts Bills and the endorsement on the two Bills will be given in due course with minor modifications. Considering the complex sociological scenario in the State it must be ensured that only genuine citizens of the country as defined under law should avail of the benefits and be issued identity cards. This crucial aspects needs to be incorporated in the proposed legislation covering definition/ eligibility criteria etc. The definition o employer and wage earner needs to be defined properly considering the issue of migration of different categories of workers to the State of Assam.

10. The proposed legislation should also have an enabling penal provision providing for cognizance of offences like in other labour legislations.

11. As such Assam had already taken the initiative and drafted a legislation viz. the Assam Unorganised Workers' Welfare Bill, 2004 for providing socio-economic protection to the unorganized workers in the State. However, the enactment of the same would be reconsidered in the light of the proposed Central legislation.

12. In the context of the social security programme in the State I would also like to mention that the Assam Gratuity Fund Scheme formulated in 1993 has been made effective from the current year for the Social security of the plantation workers in the State. The Scheme has been inaugurated by the Hon'ble Chief Minister of Assam on 2<sup>nd</sup> October, 2005, the day of "Gandhi Jayanti".

13. One of the agenda items of the august Conference for deliberation is on the amendment of labour laws but it takes pain to mention that the amendment to the Plantations Labour Act, 1951 has not been included in the agenda. This is an issue of utmost importance for our State and for the welfare of plantation workers. The State of Assam, which is famous for Assam tea all over the

world has as many as 1000 nos. of established garden and more than 50,000 nos. of newly grown tea gardens where more than 10 lakh workers are employed therein. Nearly 55% of the total production of country's tea is from Assam and the State Government have been submitting numerous important proposals with detailed justification since 1989 for expediting necessary amendments. Unfortunately, though there have been discussions no decision has been taken as yet to that affect and the position remains as it is. It is further observed that the proper weightage is not given in forums where the amendment related matters of the Plantations Labour Act is deliberated. Since Assam alone happens to be a State producing a major bulk of Indian tea and remains to be a highly labour intensive industry, the said Act still remained unattended barring the amendment of very few provisions effected in 1981. As a result, the vast number of working force numbering about millions of workers being employed on an average per day have virtually remained where they were during the pre-independence era. It is a pity that these workers are not even covered by the definition of term "workers" since their average monthly wages has exceeded the ceiling prescribed under Section 2 (k) (ii) of the aforesaid Act. The State of Assam therefore, suggest that the Plantations Labour Act should be amended Expeditiously to do away with the existing wage ceiling of Rs.750 by removing the ceiling in question on the line of recommendation of the Second National Commission Labour, 2002 (recommendation No. 6.18 of the Commission enclosed as Annexure- A). That apart, the First National Commission on Labour (1969) recommendations No. 10.23 and 10.27 have remained unattended to and unimplemented for the last 36 years to the utter misfortune of the vast work force (recommendation no. 10.24 enclosed as Annexure-B).

14. So the august Conference is sincerely urged upon for ensuring early amendment of the said important Act in the greater interest of plantation workers.

15. The plantation workers in the State are suffering from waterborne diseases during the summer season and many lives have been lost consequently. Hygiene and sanitation are in a pathetic state due to weak laws and indifferent management. Considering the facts, special emphasis needs to be given for ensuring safe drinking water with proper scientific treatment before supplying to the workers for consumption under Section 8 of the Plantations Labour Act, 1951.

16. I would like to place before the august Conference that a provision under Section 10(2) of the Plantations Labour Act, 1951 be provided for constitution of a revolving fund for realisation of cost of medical treatment of the workers from the fund instead of from defaulting employers.

17. I sincerely hope that the Conference will consider our proposal under Section 2(k) of the Plantations Labour Act, 1951 to bring the L.P.School teachers of the plantations within the ambit of definition of "worker" because of equity and social justice.

18. On the proposed amendment of the Minimum Wages Act, 1948, the State Government would seek for reviewing the new provision of Section 20(8) to facilitate recovery of claims on minimum wages by the judicial authority in the place of District Collector since recovery procedure by the District Collector under Bengal Public Demands Recovery Act, 1913 appears to be cumbersome and time consuming affair that delays recovery process and does not help in granting immediate relief to the employees.

19. The eligibility ceiling proposed to raise upto Rs.7500 by further amendment in the Payment of Bonus Act, 1965 appears to be a limiting constraint to deprive a section of employees of bonus because of the higher wages by periodic wage agreement. The State Government therefore submits for reconsideration to delete the eligibility ceiling of wages for bonus. In this regard we would like to

21. It is observed that the amendment to the Payment of Wages refer to the Notification in the Gazette of India (Extraordinary) No. 22, Part-II, Section-2, Pages-75 dt. 05-09-2002 wherein the ceiling for entitlement of bonus upto the salary of Rs.3500 is sought to be removed in the proposed amendment Bill enabling all the employees to receive bonus. In the context of present world of high prices and salaries, imposing ceiling on the salary for the purpose of bonus is highly unjust since a section of workers and Supervisors are being deprived of getting share of profit. Therefore, all the employees in an industry should be entitled to get bonus irrespective of their salaries and wages. The State Government therefore submits for reconsideration to delete the eligibility ceiling of wage for bonus.

20. Regarding proposed amendment of Section 25 of Chapter V-B in the Industrial Disputes Act, 1947, the State Government submits that Assam being an industrially under developed State where industries employing 300 numbers of workmen on average are very few in number, this amendment is likely to encourage the unsuccessful and other employers to resort to unwarranted lay-off, retrenchment and closure and therefore, request for further reconsideration of the proposal in the greater interest of industrial workmen and industrial peace.

It has been observed that affected workmen do not find immediate relief because of years of time taken by the Labour Court and Industrial Tribunal while disposing the industrial disputes. Therefore, the State Government considers it expedient that a time of shorter duration is prescribed in the relevant provision of the Industrial Disputes Act 1947 for disposal of Industrial disputes by the adjudicating authorities.

Further, the State Government would like to put forward certain proposals for amendment of the said Act (proposals enclosed as Annexure-D).

21. It is observed that the amendment to the Payment of Wages Act, 1936 is amended by enhancing the monthly wage ceiling from Rs.1600 to Rs.6500. It is a fact that the subsequent wage revisions render ceiling limit of Rs. 6500 irrelevant. Hence, the State Government suggest that there should not be any wage ceiling in the said Act or in any other wage related labour laws since such ceiling limit of wages has already been removed from the Payment of Gratuity Act, 1972 and the Workmen's Compensation Act, 1923.

22. And at the close of my deliberation, I would like to express my sincere gratitude to the august Conference for allowing me to share my views on the issues of national importance at this Conference and offer my warm wishes of Happy New Year to the Chairman, members and other dignitaries present in the Conference.

“ JAI HIND ”

**RAMESWAR DHANOWAR**

MINISTER, LABOUR AND EMPLOYMENT,

ASSAM, DISPUR, GUWAHATI – 6

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