



Resolution No. 1

Social security for all “Social security”

Social security for all “Social security” is a subject of the concurrent list under the seventh schedule of the constitution of India, in which both the central and the state government can make laws. Human right have been defined in 2 (1) D of the protection of human right act 1993 in which the guarantee of life, equality, dignity of every person is embedded in the constitution. For this reason it is also the responsibility of the government to make laws in this subject. The Honorable Supreme Court Of India, has also given a detailed judgment on article (21) of the constitution, under which the responsibility of social security lies with the government, It is also the responsibility of the state governments to fulfill the obligation of “social security” as mentioned in article (41) and (46) of the constitution. International Labour Organization (I.L.O) has also passed convention (102) and recommendation (202) on “social security” which is applicable to India. In part (7) and (8) of the recommendation of the “Second Labour Commission” constituted by the government of India, a recommendation has been made for unorganized workers and provision of social security for them. In the 45th session of the Indian Labour Conference (ILC) a resolution was also passed for universal social security including pension for organized and unorganized workers. Thus we can say that the social security is the constitutional right of the citizens of the country including 48 crore workers of the country. But till date the central and state government did not take this issue seriously. The laws that have been made for the organized sector are not being implemented properly. It is matter of unfortunate that most of the workers are employed in the unorganized sector, but till date adequate laws have not been made for them. The few laws that have been made for them are also not being implemented. We are of the opinion that social security is a global subject. In which not only the labour force but the entire population of the country is involved. The existing law in India and article (22) of declaration of Universal Human Right at the international level also confirms this subject. That's why all citizens in which the country's children, youth, labours and farmers are included are eligible to get the security of their income for education, health, housing and unemployment, sickness, disability, old age destitution, motherhood etc. In support of the above mentioned topics if we go through the history of the early period we find that Social Security has been mentioned in detail in the books written by ancient scholars And sages in the country of India. These books was written by Acharya, Kautilya, Manu, Sukracharya, Brihaspati, Yakwalya, Vishnu etc. The provision for financial support to general public i.e women virgins, beggars, prostitutes etc. and the pension and provident fund for the factory's workers were mentioned in it. The then king and subordinate rulers as a moral and security concern, fulfilled it. That's why we can say that the India is the originator of “Social Security” in the world. The existing labour laws related to social security i.e. Maternity benefit act 1961, Employee state insurance act 1948, Employees provident fund and miscellaneous provision act 1952, Employee family pension scheme 1971, EPS 95, Employee deposit linked insurance scheme 1976, Workers compensation act 1923, Coal mines provident fund act 1948, Coal mines pension scheme 1998, Industrial dispute act 1947, Employees provident fund 1952, Employee deposit link insurance scheme 1976, Unorganized worker social security act 2008, National ruler employment guarantee act 2005, Inter state migrant workers act 1989, Building and other construction worker act 1996, Contract labour (Regulation and abolation) act 1970 etc, does not full fill the aspiration of Social Security. Therefore the need of the day was to make it more labour oriented. There was ample scope for improvement in this, which is mentioned in the 45th of session of the Indian Labour Conference (ILC) and the recommendation of the Second Labour Commission.

By subsuming all the above mentioned Act/Rules the present government has prepared a code known as



“Social Security code - 2020” in which social security has also been provided for the workers standing in the last row. Earlier there was no provision of social security for many workers, working in unorganized sector. These are Gig and platform workers, Inter state migrant workers, Domestic workers, Agriculture workers etc. Now these workers are also included in the social security code – 2020. Many goods and labour friendly provisions are made such as reducing the eligibility for gratuity from 05 years to 01 year so that contract worker, casual worker and fixed term employee can be included in it. Apart from this, scope of ESIC will be the whole country. It will be implemented without notification. Similarly any accident arising out of and in the course of employment shall be assumed that it is an accident occurring at work place and compensation will be paid accordingly. Occupational disorder will also be assumed equivalent to the accident occurring at the work place. Provision for 26 weeks for maternity leave, Inclusion of Unorganized sector workers in Ayushman Bharat Yojna, making arrangement for a single labour for registration, making provision for tripartite participation in the board etc. Topics of social security have been included in this Code. That's why the “BhartiyaMazdoorSangh” has publicly welcomed this code. At present through Welfare fund and Group Insurance, 05 Acts have been notified for housing, medical, education, etc, for general public and workers in urban and rural areas through which social security is available. But it is very little and applicable for Bidi, Cinema, Iron and Limestone workers. Similarly “Varishth pension BimaYojana 2003”, JanashreeBima – 2000, Unorganised worker social security scheme, Old age pension, Personal accident insurance, Universal health insurance scheme, National family benefit pension scheme, National family benefit pension scheme, National maternity benefit scheme, provides monthly or one time lump sum amount to the beneficiaries for their livelihood, which is inadequate and it characterizes the phrase i.e. “A drop in a bucket”. While reviewing this the government should make provision for allocation of sufficient amount of budget for such schemes so that the beneficiaries can get the benefit according to their need. Similarly for the implementation of the schemes implemented for food security, house security, health security, education security and employment security, there is a lack of strong administrative policy and sufficient fund. In this triennial conference of “BhartiyaMazdoorSangh” organized in Patna Bihar on 7, 8, 9 April 2023, We demand from the government:- 1) The “Social Security Code 2020” should be implemented at the earliest. 2) Strict compliance should be ensured within the time limit for the present labour act. 3) Strong administrative policy should be made so that everyone can get the benefit of education, health, food, house and employment facilities. Sufficient fund should be allocated for this. 4) The recommendation of the 45th session of the “Indian Labour conference” (ILC) should be implemented, under which Anganwadi, Asha, Sarvashikshaabhiyan, National health mission, and other scheme worker can get the benefit of salary and social security along with their service condition. Self – employed worker and scheme worker should be brought under the Ambit of pension and it should be link with inflation. 5) Pension scheme should be reviewed. The anomalies prevailing in it should be removed. Pension should be linked with Dearness allowance and pension amount should be revised time to time. 6) National Social Security Autonomous Institute should be established. 7) Develop social security investment plan with innovative financing method. 8) Universal health coverage scheme should be implemented so that the common citizen can get relief from expensive health related treatment.

Proposed By – Sh. Surender Kumar pandey, All India Secretary
 Seconded By- Sh. Jayanti Lal, Co-organizing Secretary



Resolution No 2

CONTRACT LABOUR

Bharatiya Mazdoor Sangh in its Triennial Conference held at Patna on and from 7th - 9th April, 2023 unanimously places the following demands of the workers working on the basis of contract system :

Blind practice of contract labour be stopped immediately and at the same time amendments of some provisions of Contract Labour (Regulation and Abolition) Act, 1970 is the need of the hour. The complicated process of removing the permanent workers at the initial stage gave birth to the contract system but it has become a tool to cut short on spending and investments by the firms. It has now become an easy system of getting more and more workers on contract by keeping minimum permanent employees in the pay-roll. It is notable that even the unions of permanent workers have not raised the voice of the contractual workers. These unions discuss higher wages for permanent workers but approve of minimum wages for the contract workers. Even if unions demand higher wages for the contract workers the permanent employees don't support it in fear of loss of their jobs.

Nowadays engaging contract labour is being done indiscriminately in government, quasi-government and private sectors. According to the place and time, their name and working conditions are changed a little and they are engaged everywhere. The only purpose is to utilize their services by giving a low salary. We can say that by taking advantage of unemployment, exploitation is done in every organization through contract labour as they even have no relation with the Principal employer because the contract workers are not on their payroll.

Due to indiscriminate practice of contractualisation today there are 46% contract workers in industries and 9% in service sectors also. Due to high skills requirement in the services sector the number of contract workers is relatively lesser. According to Indian Staffing Federation (ISF) 1.23 crore are employed in which 43 percent are working as casual/contractual workers and 69 lakh people are employed in the government's flagship programmes who do not get even minimum wages and social security. According to the Annual Survey and Industries released by NSSO there were 59.6 lakhs workers in 2001-2002 in the industry sector and it grew by 105 percent and thus increased to 1.22 crores in 2017-2018.

During the same period the number of contract workers grew by 243% from 13 lakhs to 44.5 lakhs. The latest figures of contract workers are not available but according to an estimate the number of contract workers is increasing rapidly and the number is estimated to be more than 50% of the total work force. There is a huge number of contract workers in the unorganized sector. They do not get the security of both service and wages and are also deprived of social security. Looking at the exploitation of the contract workers, it seems that this section of workers have now become bonded workers in the country.

In order to protect the contract workers from exploitation, the Government of India enacted the Contract Labour (Regulation & Abolition) Act, 1970 but it has totally failed to put an end to the exploitation of contract labourers or stop their exploitation. The present form of the contract labour law, benefits the employers instead of the workers and as a result, contract workers are working in both permanent and core nature of work. It is very difficult to form and run a union of contract workers and they are deprived of even getting the benefits of collective bargaining.



Therefore, the Bharatiya Mazdoor Sangh proposes the following amendments in the Contract Labour (Regulation & Abolition) Act, 1970 :

1. It is not enough for any government to enact a law, but it is also its responsibility to ensure that the provisions of the same law are implemented effectively, strictly and properly.
2. For the Act to be followed there must be at least 20 or more contract laborers working in an organization and due to this the employer hides their actual number. Hence this provision should be removed.
3. According to the constitution of India as well as the directives of the Supreme Court, the principle of equal pay for equal work should be implemented in the cases of contract workers. Though it is mentioned in Central rules (Rule 25) yet it is not followed, therefore, the provision of equal pay for equal work should be made mandatory in the Act itself.
4. Permanent category and core activities be clearly defined so that contract labourer are not engaged in these types of works.
5. Violation of point number 4 mentioned above or contract workers removed after ban on contract work in an establishment must be regularized and the contract worker must be paid the difference between her/his and wage of permanent worker for the period of her/his work to put a halt on violation of existing laws.
6. In section 35 of Contract labour (Regulation & Abolition) Act, 1970, the government has been given the right to waive provisions of the Act in case of emergency. Generally, misuse of this right is more, so it is essential to categorically clarify the emergency situation so that beyond these situations it is not misused under any circumstances.
7. Suitable provisions should be made in the law that the contract workers should get the minimum salary of the pay scale at par with government employees and the provision of increment should be implemented on the basis of their continuous service.

Bharatiya Mazdoor Sangh therefore, demands to implement the above mentioned items and proper amendments as well as suggestions be included in the Act for the welfare of the contractual workers in particular and the nation in general, failing which it has no other alternative but to adopt the path of agitation which will in no way be desirable for healthy industrial relations and harmony of the country.

Proposed By- Sh. V. Radhakrishanan, All India Secretary
Seconded By- Sh. Brij Bihari Sharma, General Secretary, Jharkhand State



Resolution No.3

National labour policy should be made for economic development

There are two main pillars of the economy. Capital and labour. These two are equal stakeholders in economic development. But capital has almost one-sided claim/rights over the profits earned from economic development and labour is neglected. The primary goal of any democratic country is justified distribution of the benefits of economic development. The prosperity of a nation is not possible only with the prosperity of capital. It also requires prosperous and happy labour.

Today our country is moving towards rapid economic development. In this period of economic development, there has been a rapid increase in the wealth of the rich while there has not been a proportionate progress in the economic level of the workers. It is clear from this, that the labourers are being deprived from their legitimate rights. The present labour policy and labour laws in the country are only for 7% organized sector workers. There is no labour policy and labour law for 93 % of unorganized sector workers.

The National Labour Policy of India is mainly influenced by the following points:

1. Constitution of India
2. Standards set by the International Labour Organization
3. Labour policy announced in the Five Year plans of the country
4. Reports and recommendations of National Labour Commissions and Tripartite Committees

The Fundamental Rights and Policy Directive Principles mentioned in the Constitution of India are the basic foundation of the National Labour Policy. In the constitution, labour has been kept in the concurrent list on which both the Centre and the States can make laws.

International labour standards have been settled on many subjects by the International Labour Organization. ILO has passed unanimous resolutions on many topics like Right to Organize, Prohibition of Forced Labour, Creating Employment Opportunities, Industrial Relations, Weekly Rest and Paid Leave, Occupational Safety and Health, Social Security, Women and Child Employment, Migrant Labourers and Hours of Work. It is mandatory for the member countries to follow them.

Many points and laws have been included in the labour policy during the Five year plans of the country. The following deficiencies were found in the labour policy announced in the Five year plans.

1. Existence of difference in wage rates. (Wage rate should be 1:10 proportion)
2. Reduction in worker's share in profit earned from economic development/value addition.
3. Ineffectiveness of minimum wages.
4. Failed to enhance Skill, health, standard of living and efficiency of a worker.
5. Failed to generate employment opportunities



The Royal Commission on Labour and the National Labour Commission have given many reports and recommendations regarding labour. In the form of a tripartite forum, Indian labour conference and Standing Committee on labour have also given unanimous reforms and recommendations to the government. But these were not implemented due to lack of strong will power. This reflects the difference between words and deeds of the governments. Stopping the event of ILC also clearly explains that the government has no faith in tripartite commitment.

The economic development of a country depends on the contribution of the workers of that country. Although the labour policies and labour laws of the Government of India are clear. However, there is a wide gap between policy announcements and implementation. The labour policy is limited to papers only and till date it has not been fully implemented. As a result, there is no solution on the following important points-

1. Still no effective forum could not be formed to solve salary problem
2. No unanimous policy designed regarding collective bargaining.
3. The question of living wage has not yet been formally accepted by the government.
4. No concrete policy to make labour unions strong and effective.
5. The working system of Pay Commissions / Boards is not simple and quick.
6. Even after the appointment of Labour Welfare Officer, adequate labour welfare works were not done in the factories.
7. Laxity in implementation of disciplinary code.

Labour policy and labour laws will be effective only when they are universally applicable, including workers in both organized and unorganized sectors. Legislative intervention is not possible without developing a national labour policy. In this way, the Government of India should first focus on building a consensus on the framework of the National Labour Policy on labour issues, instead of moving ahead with the vision of implementing some provisions in the labour laws to please the industries. Many different studies, suggestions and improvements have come to the fore-front within the last 25 years. Therefore, it will be easy to draft a consensus national labour policy. Unemployment in the country is rising rapidly due to the high automation in the manufacturing sector. The economic policy adopted to attract foreign investment has also not led to the expected increase in employment opportunities. Ultimately, it is necessary that the Government of India should create new employment opportunities. This can be achieved by adding practical training after higher education.

Therefore, the Bhartiya Mazdoor Sangh demands the government to make and implement a National Labour Policy in the present context, which includes the following points :-

1. Labour policy and laws should be made for the entire unorganized and organized labour sector.
2. Mutual agreement and collective bargaining should be encouraged.
3. Priority should be given to maintaining industrial peace.
4. Appropriate standards of social security should be determined.
5. Compliance with labour laws and timely arrangement for settlement of labour disputes be assured.



Resolution No. 4

Fixation of Living Wages instead of Minimum Wages

Indian economy is emerging as the fastest growing economy in the world. Its ranked 5th amongst all the economies in the world and we in India should be proud of this. The World Bank has also predicted that GDP of India will be between 6 to 7% in the financial year 2022-2023, which is normally better than any other developing country. In this way, India is going to become an economically powerful country of the world. On the contrary, according to the World Poverty Index of Year 2021, India is ranked 66th amongst 109 countries. 22 Crore poor people are staying in India which is the largest population of poor people in the world.

According to a Govt survey, the richest 10% people in India hold more than 64% property whereas the poorest 50% people hold just below 10% property. 1% of the richest people hold 33% of all wealth of the country. This indicates that there is a sizable disparity between distribution of fruits of economic development between the rich and the poor. Rich people are becoming more rich and poor people are becoming poorer. Therefore, it is absolutely necessary to curtail this gap to form a really powerful economic and developing economy. The population which is below poverty line needs to be brought up for which strong will power of national leaders is the need of the hour and it is the right time to implement Living Wages instead of Minimum Wages.

Primarily, there are three kinds of wages. Minimum Wages, Fair Wages and Living Wages. Minimum wages are supposed to be given to the labourers statutorily by the employer which cannot be curtailed on any ground. The labourers are protected from any other curtailment in their wages in the minimum wages Act. Fair wages are just below Living wages. Minimum wages are fixed to meet the fundamental human needs, whereas Living wages are fixed as per the cost of living and this is required to bring the people who are below poverty line. In general, the political and economic focus of wage determination in any country should be to determine the Living wages. The need of Living wages is also indicated under Article 43 of Constitution of India. It is mentioned that all out efforts are required to be taken by the concerned for the betterment of the society. Hon'ble Supreme Court has also impressed on the need to fix the Living wages.

In the International Labour Conference held in June, 2022, it was indicated that in some labour issues, ILO has to play an important role which includes fixation of Living wages also. Under Minimum wages act, the primary needs such as food, cloth and shelter are protected. According to the National Labour Commission, in the fixation of Minimum Wages act, it is divided into three parts, in which for food 2700 calories per family, 72 mtr cloth and 10% room rent and 20% towards other miscellaneous expenditure is shown. Whereas, under Living wages, the factors such as medical requirements, education, entertainment etc. are included which is more than about 25% of minimum wages. In India, it is now highly required to fix the Living wages act. In India to eradicate poverty from the grass root level it is the primary need of the hour to replace the present Minimum wage act with the Living Wage Act.

In view of the above the 20th All India Conference of the Bharatiya Mazdoor Sangh being held at Patna from 7th to 9th April 2023 is demanding the Government of India to fulfil the statutory obligation of public welfare. The Government of India should fix Living wages instead of minimum wages. In case, the Govt. fails to do so, then BMS will be left with no other option but to undertake a Massive, nation-wide Movement at national level.

Proposed By: Sh. S. Mallesham, All India Vice President
Seconded By: Sh. Somesh Bishwas, All India Secretary



6. The participation of labour in the management system be ensured.
7. An effective forum should be made for tripartite discussion. The consensus given by the tripartite forum should be implemented and the ILC must be restarted.
8. Effective and Result-oriented system should be implemented in higher education as well as vocational skills and training.
9. In order to control the rapidly increasing unemployment in the country, new employment opportunities should be created.
10. Living wage should be fixed in place of minimum wage.
11. Proportionate share of labourers should be ensured in the benefits of economic development.
12. Difference in wage rate should be abolished.
13. Standards of occupational safety and health should be fixed.
14. Compliance of labour laws should be ensured.
15. A tripartite forum should be made for formulation of National Labour Policy.

Proposed By: Sh. Raj Bihari Sharma, Zonal Organizing Secretary
Seconded By: Sh. Anish Mishra, State President, Delhi