

Socio-Legal Conditions of Tribal Labourers Working in the Unorganised Sector of Urban Area: A Study in Odisha

¹Manoj Kumar Sadual and ²Girish Ranjan Sahoo

¹Reader, Department of Law, Utkal University, Bhubaneswar, Odisha (India)

²Ph.D. Scholar, Department of Law, Utkal University, Bhubaneswar, Odisha (India)

Abstract

The unorganised sector of the economy in India is the largest sector in term of employment of the workforce. It consists of agriculture and such related activities as forestry, livestock and non-agriculture. India may be a dominant force in Asia's economic process and home to the world's largest workforce of some 700 million people. It's estimated that only 14 per cent of the workforce in India belongs to the formal sector, leaving quite 86 per cent overflow 547 million people out of 700 million within the informal sector. The scenario among the labour has been changing because the formal sector is shrinking and unable to provide employment opportunities to the growing population. The informal sector has a crucial role to play. The study is mainly focused on the socio-legal conditions of labour within the unorganized sector in the state of Odisha.

Keywords: *Unorganized sector, Tribal labour, Socio-Legal conditions*

Article Publication

Published Online: 14-Feb-2021

*Author's Correspondence

Girish Ranjan Sahoo

Ph.D. Scholar, Department of Law, Utkal University, Bhubaneswar, Odisha (India)

✉ [girishranjan85\[a\]gmail.com](mailto:girishranjan85[a]gmail.com)

© 2021 The Authors. Published by *Research Review Journals*

This is an open access article under the CC BY-NC-ND license

(<https://creativecommons.org/licenses/by-nc-nd/4.0/>)

1. Introduction:

Labour work mainly for economic independence, economic necessity, as some labour are qualified enough to figure way of accomplishment and to supply service to the society. Most Indian labour, undertake “productive work” only under economic compulsion. This is often the rationale put up for top male participation rates in economically underprivileged communities. Organized sector workers are distinguished by regular salaried jobs with well-defined terms and conditions of employment, clear cut rights and obligations and fairly comprehensive Social Security protection. The unorganized sector, on the opposite, has no such clear-cut employer-employee relationship and lacks social protection. Having no fixed employer, these workers are casual, contractual, migrant, and home-based, own-account workers who plan to earn a living from whatever meagre assets and skills they possess. National Commission on Labour (1966-69) has defined unorganized labour as those that haven't been ready to organize themselves in pursuit of common objectives on account of constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments and position of power enjoyed by employers due to nature of the industry. The unorganized sector is characterized by the presence of things viz. long hours of labour, wage discrimination of men and ladies, lack of job security, no minimum wages, lack of minimum facilities at the workplace, ill-treatment, heavy physical work and sexual exploitation etc. The labouring men and ladies are generally working within the unorganized sector. They're outside the reach of Protective Labour Laws and Union Organizations. They're not offered fair wages and decent terms of labour. There are hardly any opportunities to enhance their income because, in this sector, males work generally as Daily Labour. Labourers in unskilled occupations, do agricultural work as daily wagers. The method of globalization, export-oriented industrialization and relocation of industries from the developed to developing countries also causes increase in men and ladies workers within the unorganised sector. The nature of men's work ranges from wage employment of self-employment, family labour and piece rated work. The prevalence of men workers within the urban

unorganised sector is critical in number. They are engaged in activities like domestic work, construction work, small trades like brick making, coir and basket weaving, household industries etc. In rural unorganised sector, men are engaged in agricultural activities like farming, dairy, fisheries etc. As per the Census 2011, the proportion of tribal people engaged in agriculture is two-third of the total population whereas it is 43 percent in the non-tribal population. The STs as such are rapidly moving from being farmers to farm labours. There has been a 10 percent decline in the population of ST farmers during 2001-2011 and a 9 percent increase in farm labourers during this period. Simultaneously, in this period around 3.5 million tribals have entered the non-agricultural labour market. The Union government recognizes forced migration as one of the major causes of this shift. Although migration from tribal areas is prevalent, very less literature is available regarding specific issues of tribal migrants. Therefore, for literature review, the issues concerning the unorganized labourers, in general are referred. Further, the tribal specific challenges, wherever available, have been mentioned. The term unorganized sector when utilized in the Indian context is defined by National Commission for Enterprises within the unorganized sector, Government of India within their Report: 'The unorganised sector consists of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of products and services operated on a proprietary or partnership basis and with but ten total workers'. The Arjun Sengupta Committee's report estimated that there are over 440 million (approximately 38 to 43 crores workers within the unorganized sector in India, and that they contribute around 68 per cent to the national economic output of the country. Around 35 crores add to the agricultural sector, of which an estimated 28 crores are from the agricultural sector. Around 9 crores are in urban areas. Men structure 21-32 crores, of which around 12 crores are engaged in agriculture.

2. Categories of Workers within the Informal Sector:

The biggest problem with the informal sector in India is that there's no precise information about the entire number of workers what to mention of labour engaged in this sector and also their respective ratios in various diversified occupations. The report of the National Commission for Enterprises within the unorganised sector highlights the existence and qualification of unorganised or informal workers, defined as those who don't have employment security, work security and Social Security. This universe of informal workers now constitutes 92 per cent of the entire workforce. Whatever data is out there, there's no precise and authentic information about the entire number of men workers engaged in the informal sector, and still, an estimate is drawn on the idea of obtainable information. Informal wage employment is comprised of employees of informal enterprises also as various sorts of informal wage workers who work for formal enterprises, households, or who don't have any fixed employer. These include casual day labourers, domestic workers, industrial outworkers (notably home workers), undeclared workers, and part-time or temporary workers without secure contracts, workers benefits or social protection. Home-based workers and street vendors are two of the most important subgroups of the informal workforce: with home-based workers the more numerous but street vendors the more visible of the 2. Taken together they represent an estimated 15-30 per cent of the non-agricultural workforce in developing countries and over 9 per cent of the entire workforce in developed countries. On basis of previous researches and other reports, the following categories of men and women workers within the informal sector are identified:

- 1) **Daily Labour** :This category of labour working always as unskilled labour carrying constructions material on their heads to the development site, while the skilled / semi-skilled work is completed by men.
- 2) **Domestic Workers**: This category of employment goes mainly to women especially young girls, in 1997-1998, there have been some 1.68 million female domestic workers, while the number of male workers was only 0.62 million. Household workers include part-time and full-time workers.
- 3) **Garment Workers**: These men work with some big drapers, Boutiques and stores, the same bias is clear that the lads work as helpers to female tailors. These workers include those involved in knitting (woolens).
- 4) **Vendors**: this is often the foremost scattered category it includes men engaged in selling (different) types of commodities, like broomsticks, cane baskets, utensils, petty cosmetics, bangles, vegetables and people running roadside tea stalls, etc., nearly 40 percent of total vendors are men and 30 percent of those men are the only earning members in their families.
- 5) **Sales Boys**: These workers are further divided (into) two categories, one, those moving from door to and place to put, other, those working in shops (mostly men related items like newspaper, magazine, Garment and daily labour etc.

3. Objectives:

To study the socio-legal background of the respondents.

4. Methodology:

Profile of the study area

Odisha is a very crucial state for our country India. It has the maximum scheduled tribe and scheduled caste population. According to the census acquired date of 2011, Odisha got 3rd position in acquiring the ST population and eleventh position in term of SC population in India. Concerning the fact both the scheduled tribe and castes (hold) at least 40% of the total population of the state with STs and SCs contributing 22.8% and 17.13% respectively.

Collection of Data:

The data for this study was collected from primary sources. An easy interview schedule was used for collecting data from 500 respondents by using a simple sampling method.

5. Analysis

Table 1: Socio-Economic Characteristic of the Respondents

Sl.No	Respondents	Factors	Frequency	Percent
1	Age	20-30	212	42.4
		30-40	154	30.8
		40-50	80	16
		50-60	54	10.8
Total			500	100
2	Education	Illiterate	92	18.4
		Literate	408	81.6
Total			500	100
3	Occupation	Construction workers	112	22.4
		Tailors	34	6.8
		Garment workers	38	7.6
		Daily Labourers	142	28.4
		Vendors	42	8.4
		Agricultural workers (Including farming, oil mill and saw mill)	132	26.4
Total			500	100
4	Family Type	Nuclear	366	73.2
		Joint	134	26.8
Total			500	100
5	Family Size	1-4	164	32.8
		4-8	202	40.4
		8-12	104	20.8
		Above 12	30	6
Total			500	100
6	Wage(Per month)	Below Rs. 2000	238	47.6
		2001-4000	190	38
		4001-6000	72	14.4
		Above 6001	-	-
Total			500	100

Source: Primary data

Table 1 shows the socio-economic characteristics of the respondents in the state of Odisha. 42.4 percent respondents belong to the age group of 20 to 30 years. 81.6 percent of the respondents are literates. 73.2percent of the respondents belong to nuclear

family and their family size ranges between 1 to 8 members. 47.6 percent of the respondents are getting wage below Rs. 2000.

Table 2: Reason for Doing the Work by the Respondents

Reason	No. of Respondents	Percentage
Financial problem	368	73.6
To earn more	14	2.8
By force	26	5.2
Husband is idle	72	14.4
Others	20	4
Total	500	100

Source: Primary data

Table 2: From the above table it is inferred that 368 (73.6 %) respondents are in the financial problem, 14 (2.8 %) are saying to earn more, 26 (5.2 %) are telling by force, 72 (14.4 %) respondents husbands are idle and 20 (4 %) are having some other reason such as Education, Marriage and Treatment for dependents.

Table 3: Ages and Occupation of the Respondents

Occupation	Age				Total
	20-30	30-40	40-50	50-60	
Construction workers	42	36	20	14	112
Tailors	6	10	12	6	34
Garment workers	14	12	8	4	38
Daily Labourers	36	62	28	16	142
Vendors	4	6	22	10	42
Agricultural workers	28	42	36	26	132
Total	130	168	126	76	500

Source: Primary data

Table 3: From the above table it is inferred that 112 respondents are Construction workers, 34 are tailors, 38 are Garment workers, 142 respondents are Daily labours, 42 are vendors, and 132 are Agricultural workers and highest numbers of labourers are working as daily labourers.

Table 4: Legal Problems Faced at the Workplace by the Respondents

Problems	No. Of Respondents	Percentage
Work load	340	68
Humiliation	74	14.8
Mental Harassment	64	12.8
Physical Harassment	22	4.4
Total	500	100

Source: Primary data

Table 4: From the above table it is understood that 340 (68 %) respondents have heavy workload, 74 (14.8 %) are affected by

humiliation from the employer, 64 (12.8 %) are suffered by mental harassment by the employees and owners and 22 (4.4 %) are affected by physical harassment by their male co-employees.

6. Conclusion

Labours need to perform dual role of both outside employment with or without violent working conditions and also manage their homes. Lack of education and low income of the family is the compelling factor for the lads and ladies folk to choose seeking jobs in unorganised sectors to reinforce the family earning to sustain livelihood. Unemployment and temporary work are more common among men. Most men workers don't have any Social Security or access to health care benefits. It's strongly recommended that mere framing of policies and acts might not serve any purpose and work needs to be done at the grass root level with proper feedback system to make sure those policies of equal treatment. Most of the people engaged in Construction Work have permanently settled in most of the nearby slum or any low-cost residential area. They have brought their family members from their native place and engaged them in different other jobs. Some of the bachelor workers are also provided with tents or asbestos house. Generally, the males prefer this sector but females are only used as a labour. They are not aware about their legal rights. The unorganized sector is characterized by the presence of things namely, long working hours of labour, wage discrimination of men and ladies, lack of job security, no minimum wages, lack of minimum facilities at the workplace, ill-treatment, heavy physical work and sexual exploitation etc.

References

1. Census Report 2011, Govt of India
2. Arjun Sengupta, 2011, " Women Working in Informal Sector in India: A Sage of Lopsided Utilization of Human Capital", International Conference on Economics and Finance
3. Report of National Commission of Labour, 2018
4. http://dcmsme.gov.in/Condition_of_workers_sep_2007.pdf
5. Report of the second National commission on Labour,,http://dcmsme.gov.in/Condition_of_workers_sep_2007.pdf
6. Basu, M. (2006): Unorganized Labour, Delhi Twin Tragedies, Economic and Political Weekly, Vol. XLI, No.9, pp. 784-787.
7. Bagchi, Y. and Mukhopadhyay, A. (1996): ChildLabour in Bidi Industry in Murshidabad District in West Bengal, School of Women Studies, Jadavpur University Kolkata.