



RIGHT TO WORK AND WORKER'S RIGHT WITH REFERENCE TO LABOUR CODES 2020– A SOCIO LEGAL STUDY

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The 20th century witnessed genocide and atrocities. The recognition of humanity is never fully guaranteed. The fundamental rights are not just constitutionally 'proclaimed' but also 'protected'. The normative context of some liberty-rights, going beyond the 'subjective' right includes institutional guarantee. The constitutional rights can be jeopardised if proclaimed rights like dignified existence, medicare, education, livable environment etc., are not properly met or resources adequately distributed. The thesis of 'more market, less state' and the anti-thesis of the constitutional call for social solidarity and welfare seem to merge into a synthesis. The object of fundamental rights should expand to all those who share the state's responsibility either this way or that way. The government is small but clever. It gives up costly micro social intervention, but in its place promotes macro-social stability and progress. Its success relies very much on the experience of regulation, knowing exactly when and where it should abstain from intervention. Communities must be strong and willing to share state responsibility. In short, this synthesis presupposes practising experience of both liberal and social democracy. If the state has never been strong further shrinkage of government will only make it weaker.

Welfarism

At a time, when the whole Indian sub-continent was in a state of, perhaps, contagious fermentation when antiquity had lost all its relevance and all its effect on the minds of men, at the same time that novelty was attended with the suspicions that always will be attached to whatever is new. The Constituent Assembly, the Drafting Committee and Dr. Ambedkar have been anxiously careful, in a rewarding business and an awe-inspiring venture which would give to us – 'WE THE PEOPLE OF INDIA' – the Constitution, so to conduct themselves that nothing in the progress of this great parliamentary process and constitutional exercise shall afford a pretext for its future disuse, misuse and abuse.

Objective of the study

1. To study the historical study of various Labour Legislations during British period as well as free India.
2. To study the nature scope and concept of Right to Work.
3. To study the Worker's Right in maintaining the relations with management.



4. To study the Labour management relations and their regulation through Law.
5. To study the protection of Rights of Workers under Social Security Legislations.
6. To study new Labour Cods 2020 in the perceptive of their suitability at present replacing various existing Labour Legislations.
7. To study the Judicial approach towards Labour issues and the application of Law in solving the problems
8. To carry out some empirical study to understand the social reality about Labour problems with a view to suggest important suggestions for the effective implementation of Labour Laws for Industrial Peace, Social Security and better wages.

To study the problems faced by the workers in both organized and unorganized sectors during Covid – 19 in general and the problems faced by migrant workers in particular.

The Researcher has adopted the empirical method of research and collected data relating to **RIGHT TO WORK AND WORKERS RIGHTS WITH REFERENCE TO LABOUR CODES 2020 – A SOCIO LEGAL STUDY** in Andhra Pradesh and he prepared a questionnaire for the purpose of collecting data with regard to the **RIGHT TO WORK AND WORKERS RIGHTS**.

The Researcher has filled answers of respondents from Visakhapatnam, Srikakulam and Vizianagaram Districts and from each district, the Researcher conducted survey in town and village.

The Researcher has collected filled answers questioners of 100 respondents from each district.

For data representation and analysis, the researcher has utilized the tabular method and graphical method.

The researcher has conducted field survey to know the **RIGHT TO WORK AND WORKERS RIGHTS WITH REFERENCE TO LABOUR CODES 2020** and its awareness among the public.

Organised Labour, Unorganised Labour, Employer and Management, General Public are taken as data for conducting Socio Legal Study through Questionnaire method. 100 respondents from Visakhapatnam, 100 Respondents from Srikakulam and 100 Respondents from Vizianagaram for the purpose of this Social survey are selected.

Analysis of data collected through Empirical Study

The Researcher prepared Questionnaire for the purpose of collection of data from respondent Organised Labour, Unorganised Labour, Employer and Management, General Public. 25 Organised Labour, 25 Unorganised Labour, 25 Employer and Management and 25 General Public are taken as Sample Adopting random Sample method. The Respondents are shown in the following diagram.

Major Research Findings

1. In all the three districts of Andhra Pradesh 75% people are aware about their rights, 90 % Respondents agree with the view that here are too many Labour Laws for few employees working in organized sector (20%)



- and less labour laws to large employees in working in Unorganised Sector (80%)
2. In all the three districts of Andhra Pradesh only 50 % of Respondents accept with the view that the present Labour Laws are employment guarantee and Social Securities to workers/ Labour it shows that there dissatisfaction among the labour and trade unions both in organised and unorganised sectors.
 3. In all the three districts of Andhra Pradesh 80 % of Respondents agreed with the view Labour reforms remained untouched for the last 30 Years even after Liberalisation, Privatisation and Globalisation (LPG) introduced in India
 4. In all the three districts of Andhra Pradesh 80 % of Respondents agreed with the view that it is true that New Labour Codes 2020 brings Social Security to both organized and Unorganised workers.
 5. In all the three districts of Andhra Pradesh 80 % of Respondents accepted with the view aware about Labour Code 2020 consists of 4 Labour Codes, Wage Code (4 Laws amalgamated), Social Security code (9 Laws amalgamated), Occupational, Safety, Health and Working Conditions code (13 laws amalgamated) and industrial relations code (3 Laws amalgamated)
 6. In all the three districts of Andhra Pradesh 80 % of Respondents accepted with the view hat the labour reforms brought in the form of 4 Labour Codes 2020 will enhance ease of doing business
 7. In all the three districts of Andhra Pradesh 80 % of Respondents are aware of new Labour codes 2020 provide wage security, social security and health security to 50 crore workers covering organized and unorganised.
 8. In all the three districts of Andhra Pradesh 90 % of Respondents are aware that by registering as Interstate Migrant worker on the national portal, the worker would get a legal identity which would enable them to set benefits of all social security schemes
 9. In all the three districts of Andhra Pradesh all the Respondents agreed with the view that annual health checkup, building and other construction workers cess fund, one nation one ration card, national data base for the interstate migrant workers help the migrant workers and now they are well protected under Labour Codes 2020
 10. In all the three districts of Andhra Pradesh all the Respondents agree with the view that statutory minimum recognition of the trade union with 51% votes and in case of no trade union gets 51%, a recognition of negotiating council of trade union as the sole negotiating union which can make agreements with employers helps avoiding conflict with management and provide both benefit equally

CASE STUDY

SUCCESS STORY OF VISAKHA DAIRY

Sri Vijaya Visakha milk Producers Company Limited popularly known as Visakha Dairy

Majority population in India lives in villages thriving on agriculture operations. The economy is entwined with rural economy forming bedrock of



Nation's economy. The health of Nation's economy rests with the rural economy and how best the rural poor economically empowered. Mere concentrating on agriculture in villages will not be helpful to bolster the national economy unless villagers were involved in gainful avocation subsidiary to their chief occupation of agriculture. Dairying considered to be best alternate bet as was the viable and lucrative job and found acceptable to the villagers. Millions of small and marginal agricultural farmers including landless poor chose dairying as subsidiary source of living as were conversant with cattle rearing and milking. Despite the bottle necks such as cost of production and paucity of grazing lands, increasing cost in feed and fodder, veterinary medical services India has been fortunate having become number one of the highest milk producers in the World.

The human settlements, all over the Globe started domesticating certain animals, which were hitherto wild and untamed. In all over Asia domestication of animals like Ox, Bullock, Cow, Buffalo, Goat, Sheep, Camel, Llama, Horse/ Mule, dog, etc., has developed considerably and their services have been utilized for agricultural production, milk and meat supply, transportation and for load carrying etc. Dogs used to be guides and protectors during travel. Domestication over the centuries led to abundant availability and surplus of these animals i.e., where barter system of exchange between communities/ tribes and families developed (Aristotle, 350 B.C). This exchange system of services and material led to globalization of trade and commerce. Where so ever civilizations settled, these animals also equally popularized and their population started increasing continuously. Colonization of the American continent also led to

colonization of these animals for food, milk and as beast of burden.

Commercialization of Milk Producing Animals (Mammals)

There was no large scale commercialization of either milk or milch animals during ancient times. No doubt, Cow used to be worshiped for millions of years in India and Cowherd used to be a symbol of wealth and social status. Kingdoms used to sustain with this Cowherd wealth. Trading of such wealth *vis-a-vis* barter system between families only to the extent of maintenance of inter family relationships. Selling or purchasing of such milch animals was treated as unethical and not traditional. From the age of the present stage thousands of years passed and the onslaught of tirades of human races across the continents brought out substantial changes in the living conditions of the human beings. Wars and famines brought unprecedented suffering. Shortages were felt by the society and there were no means to meet those shortages. Transgressing traditional customs and systems was the only way adopted for survival of any society.

These processes in turn involved participation of Government, Public & Private enterprises for commercialization of economic growth. As regards India is concerned the then British Government as well as present Independent India did lot of research in identifying and developing superior grade milch animals i.e., both Cows and Buffalos.

Milk Production as an Industry



The dawn of civilization, associated with the social idea "Milkmaid" was the identification that all ancient civilizations became synonymous with the process of milking milch animals: be it a cow, buffalo, camel, sheep, goat, horse and other domesticated milk animals.

Collection of milk from domesticated cows estimated to be around 10,000 years ago and such process of feeding, rearing and milking of cattle had been mostly the exclusive job of woman folk in all communities world over. Other domesticated animals, which were not reared for the purpose of milk were only reared as animals / beasts of burden, are taken care by men folk. The entire range of outdoor jobs used to be shared by the male genre of the family and the entire domestic chores were attended to by woman folk. This was the pattern of settled human habitations in all the continents. Thousands of years passed with this accepted division of labour (Kaur and Sharma, 1991). Generation to generation, the art and science of milkmaid improved and turned out to be a built-in accepted social setup.

The catchment area of Visakha Dairy

The present study setting namely Sri Vijaya Visakha Milk Producers Company Limited is popularly known as Visakha Dairy. The Northern Andhra coastal districts comprising of Srikakulam, Visakhapatnam and Vizianagaram were declared as socially and economically backward. These three districts were also known as Circar districts. The substantial source of livelihood was agriculture. Rice was the main staple food with one or two other cereals and some commercial crops like jute, groundnut and chillies', etc. Most of the arable land was rain fed lacking infrastructural irrigation facilities even after attaining independence in 1947,

though one of the national highways and a major railway track passes through these districts. Industrial growth was almost extinct till early seventies of last century, except installation of one or two major industries in and around Visakhapatnam city. These Districts were bestowed with several natural resources like long serene and salubrious sea coast. A ship building yard with a natural harbor in Visakhapatnam city adds to the advantage. The Central and State Governments did not bring out any projects meant to improve the economic life of these backward Districts despite being economically backward. Though perennial rivers and water resources existed naturally, were not harnessed to bring in benefit to the local people. Only one or two medium irrigation projects launched during the second part of the last century and that small effort gave fillip to agricultural growth and livestock rearing. Cultivation remained traditional animal haulage. Deplorable economic conditions in the backward geographical region was conspicuous. Local resistance to industrial growth was predominant everywhere, even after six decades of independence.

Sri Vijaya Visakha Milk Producers Company Limited (Visakha Dairy) was established in the year 1973 under Co-operative Societies Act and commissioned dairy plant at Akkireddipalem, Visakhapatnam with 50,000 LPD handling capacity in the year 1977.

With the introduction of MACS Act in 1995 by A.P State Government, Visakha Dairy was converted in to the said Act in the year 1999 and registered as "Sri Vijaya Visakha District Milk Producers Mutually Aided Cooperative Union Ltd". To fulfil the growth aspirations while retaining cooperative ideology as core principles of



governance, Visakha Dairy got converted into Producer Company with effect from 06 Jan 2006 under the name and style of "Sri Vijaya Visakha Milk Producers Company Limited". This could be possible with the initiative taken by Government of India by introducing Companies (Amendment) Act 2002, cooperative form of enterprises known as Producer Companies to be registered under Part IXA of the Companies Act 1956, to enable co-operatives grow & operate on competitive platform.

Visakha Dairy is giving employment opportunity to more than 1500 employees directly an indirectly another 1000 employees including contract labour.

Visakha Dairy through its Milk Producers Employees Educational Health and Medical Welfare Trust is extending Medical facilities to farmers and their families at subsidised rates in the 400 bed Modern Hospital, apart from education to the farmer's children, irrigation projects, culverts, kalyanamandapams, bridges, canals etc.

Visakha Dairy is growing consistently and paying highest procurement price to milk producers. Visakha Dairy aims procurement of 10 Lakh litres per day and turnover of Rs.2000 crores by the year 2025.

There are 1637 permanent employees and 960 Contract, Hamali and Piece rate workers are working in the organisation.

Apart from Regular Social Security Measures like Provident Fund (PF) Scheme, Employees State Insurance (ESI) Gratuity etc., extra Social Security is provided to workers and Milk Producers and Milk Suppliers.

Fixed Deposit for the welfare of the children (Both Boys and Girls) as Social Security measure.

For the male children (near about 800) of Employees Rs. 27 thousand is deposited and the amount with interest accrued at the attainment of 25 years age (Approximately 10 to 15 Lakhs) will be paid.

For the Female children (near about 800) of Employees Rs. 50 thousand is deposited and the amount with interest accrued at the attainment of 25 years age (Approximately 20 to 30 Lakhs) will be paid.

The expenditure under this head for the company is near about Rs. 8 to 12 crores.

Health insurance

Health insurance is provided through Milk Producers and Employees education health and medical welfare trust created for the welfare of Employees and Milk Producers. Health Cards are issued to the tune of Rs. 60 thousand per annum per employee and Milk Producers families.

Education facilities to the children of employees

From L.K.G. to X class fees is reimbursed (Including Books and Dress cost) to the tune of Rs.75 Lakhs per year.

From Intermediate to Higher Education employees and former children are given some Scholar Ships to the tune of Rs. 1.50 crore.

Housing facility provided

200 employees so far now are provided housing facility and loans are given at 6% interest per annum