



ISSN: 0976-3031

Available Online at <http://www.recentscientific.com>

CODEN: IJRSFP (USA)

International Journal of Recent Scientific Research
Vol. 9, Issue, 1(E), pp. 23208-23209, January, 2018

**International Journal of
Recent Scientific
Research**

DOI: 10.24327/IJRSR

Research Article

SOCIAL JUSTICE FOR SOCIAL DEVELOPMENT OF WORKERS IN UNORGANIZED SECTOR AND LEGAL RESPONSE

N.Dasharath*

University Law College and Department studies in Law Jnanabharathi Campus, Bangalore University
Bangalore-560056

DOI: <http://dx.doi.org/10.24327/ijrsr.2018.0901.1419>

ARTICLE INFO

Article History:

Received 20th October, 2017
Received in revised form 21st
November, 2017
Accepted 05th December, 2017
Published online 28th January, 2018

ABSTRACT

The word justice "Is a complex term which is difficult to define and also describe. Everyone in society aspire for justice either in form of social justice, economic justice and political justice. Of course the terms moral justice and natural justice also are important for everyone in society. Through this article the author wish to focus the role of International labour organization, constitution of India and the law for social development of workers through the concept of social justice.

Key Words:

Social Justice, Social Development, Decent work, Law

Copyright © N.Dasharath, 2018, this is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution and reproduction in any medium, provided the original work is properly cited.

INTRODUCTION

The contribution of International Labour Organization (ILO) through its various conventions, recommendation and declarations are were much responsible for drafting the constitutions of different countries including India for ensuring social development of workers in unorganized sectors for providing social justice especially in the Areas of freedom of association, right to corrective bargaining and the protection of children women, contract workers (precarious workers) and migrant workers. On the basis of ILO intervention and constitution of India the Parliament enacted the unorganized workers social security act 2008 for providing social security due to increasing number of contract workers emerging due to adopting the policy of liberalization, privatization and globalization and for ensuring decent work standards for workers at their workplace.

Concept of Social Justice

Justice means both distributive justice and corrective justice. Distributive justice urge for equal distribution of resources in society for attaining social equality for social development of human beings including workers.

Collective justice means imposing penal provisions in event of violation of law by man in society.

Contribution of International labour organization for social justice to unorganized workers

While recognizing a number of countries had benefited from globalization with high rates of economic growth and employment creation, the ILO also Stated globalization had caused many countries and sector to face major challenges of income inequality, continuing high level of employment and poverty, with the result that they had increased vulnerability to external economic shocks. The ILO adopted a Declaration namely 'Declaration on Social Justice for a Fair Globalization. This declaration enshrined the goals of the Decent Work Agenda which the ILO had been promoting since the late 1990s. Decent work refers to opportunities for men and woman to engage in productive work in condition of freedom, equality, security and human dignity. The Declaration sets forth four objectives: creating jobs, guaranteeing rights in work, extending social protection and promoting social protection and promoting social dialogue. While the Declaration is aimed at member states, it reiterates and re-affirms the 1997 Tripartite Declaration on Multinational Enterprises and the Foundation Principles and Rights at Work, and calls for the ILO to partner

*Corresponding author: **Dr.N.Dasharath**

Department studies in law Jnanabharathi Campus, Bangalore University Bangalore-560056

with enterprises where possible to promote the goals of the Declaration. The Declaration underscores the particular significance of the fundamental Principles and Rights at Work as enabling condition for the realization of the ILOs strategic objectives. The Right to organize is a key enabling right and gateway to the exercise of a range of other rights at works. In others work, organizing is the entry point to the achievement of decent work.

The declaration includes a follow –up mechanism to ensure the means by which the Organization will assist the Members in their efforts to promote the Decent Work Agenda, including a review of the ILOs institution practices and governance regular discussion by the ILC responding to realities and needs in member States and assessing the results of ILO activities voluntary country reviews, technical assistance and advisory services and strengthening research capacities, information collection and sharing.

Constitutional and Legal Response For Social Justice To Unorganized Workers

The constitutional obligation of the state to protect the rights of all sections of workers, the state ought to make the protection of the rights of workers in the sector a matter of priority. Rigorous implementation of the law in letter as well as in spirit would be necessary to ensure that the constitutional and statutory rights of precarious workers are protected and that their exploitation is prevented. The state should have the political will to enforce the law in respect of MNCs as well as domestic industries. The labor law inspection and enforcement machinery would need to act effectively to protect workers' rights and also should be suitable strengthened and equipped for the purpose. Ratification by Government of India of ILO Convention Nos.87 and 98 would also help improve compliance with laws relating to the freedom of association and collective bargaining rights of workers, in letters as well as in spirit.

The Supreme Court of India through its landmark judgment in Vishaka vs. State of Rajasthan issued guidelines for the first time for preventing sexual harassment at work place for woman¹. Pursuant to Indian Constitution articles² the parliament enacted the prevention sexual harassment of women act 2013. On the bases of ILO conventions and recommendation the parliament enacted the unorganized workers social security act 2008 and Contract Labour (prohibition and regulation) 1970.

COCLUSION

It is high time for India to ratify the two ILO convention namely freedom of association and right to organize convention and protection of right to organize and collective bargaining convention³. For ensuring rising of voice by workers for social justice especially for descent work at work place for contract labour and migrant labour.

Reference

1. International Labour Organisation and India A Book by Tripathi
2. Labour and Industrial Law A Book by Mishra
3. Indian constitutional Law A Book by Jain and Jain
4. All India Reports(AIR)
5. Supreme Court Cases Reporter(SCCR)

How to cite this article:

N.Dasharath.2018, Social Justice For Social Development Of Workers In Unorganized Sector And Legal Response. *Int J Recent Sci Res.* 9(1), pp. 23208-23029. DOI: <http://dx.doi.org/10.24327/ijrsr.2018.0901.1419>
