

ABSTRACT

At the dawn of industrialization “Labour”¹ as a concept was considered a mere factor of production along with land and capital. No thoughts were devoted legally or socially for the protection of the workman who contributed his manual, mental, work for production. History is witness to the fact that the first ever “demand” that was put forth by the working community was “just and humane” condition of work and not wages.

Labours, all over the country plays a considerable role in a planned economy as it is recognised as an important source of production, their protection against risks of want, disease, ignorance, squalor and idleness are utmost important. Due to Industrialization, Urbanization and Privatization social security to labour has assumed considerable importance. Social security is one of the basic needs in a welfare state. It is based on the social justice, social equity and human dignity. Legislation, therefore, becomes an instrument of social and economic justice and attempts to secure it. The right of the workers is also protected under the constitution of India and other labour legislation.

Employee’s Compensation Act 1923 is completely employers’ liability where the workers contribution is none and at state level Compensation Commissioners are appointed to execute the Act².

The ESI 1948 is a social insurance and in this scheme both medical and cash benefits are provided by corporation³ to the workers. EPF⁴ and Gratuity are paramount Social security in old age. The Maternity Benefit Act 1961 is especially designed to protect the interest of the women workers. It provides them security at the time of pregnancy for the workers it provides them security at the time of pregnancy and delivery⁵. Social security is a subject of concurrent list so

¹ “labour” as a concept means expenditure of physical, mental efforts contributing for providing goods and services in an economy.” Merriam-Webster Dictionary

² Recent amendment in the Act has replaced the ‘workmen’ word with ‘employee’ to make it gender neutral.

³ the Employees’ State Insurance Corporation (ESIC)

⁴ The EPF Act is handled by the Employees’ Provident Fund Organization (EPFO) which is an autonomous body.

⁵ Twelve weeks leave, medical bonus, one month leave after miscarriage etc. advantages are given through the Act. The Maternity Benefit Act and Gratuity Acts are handled at departmental level and factory inspectors check the proper implementation of these Acts.

the Central Government constituted enactments for the workers and the state government bears the responsibility of their effective enforcement through Labour Department.

India, being a welfare state, has taken upon itself the responsibilities of extending various benefits of Social security and social Assistance to its citizens. The social security legislation in India derives their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India. They constitute an important step towards the goal of a welfare state, by improving the living and working conditions and guarding people against the uncertainties of the future. These measures are also important for every industrialization plan, because not only do they enable workers to become more efficient, but they also reduce wastages arising from industrial disputes. The man-days lost on account of sickness and disability also constitute a heavy drain on the slender resources of the worker as well as on the industrial output of the country. Lack of social security hinders production and prevents the formation of a stable and efficient Labour force. Social security is, therefore, not a liability, but a wise investment, which yields good dividends in the long run. The social security provides protection to working class against contingencies like retirement, illness, maternity, aging, death, disablement and similar conditions. There are numerous legislations that ensure social security that have been active since 1880 during British era.

Feeling of security enhances employee's efforts to develop them for future work change. In the above context this thesis makes an attempt to focus upon whether the available social security law and policy are effective enough to enable the workers to become more efficient.