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SOCIAL SECURITY AND LABOUR **WELFARE IN INDIA**

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ABSTRACT:

Social security and labour welfare measures are fundamental to ensuring the economic stability and overall well-being of workers in India. This paper delves into the various social security schemes and labour welfare initiatives implemented by the Indian government, aiming to provide protection and support to the workforce. Key social security schemes such as the Employees' Provident Fund (EPF), Employees' State Insurance (ESI), National Pension System (NPS), and Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) are examined in detail, highlighting their role in providing financial security, healthcare benefits, and retirement savings to workers. Labour welfare measures, including occupational health and safety regulations, maternity benefits, gratuity, and workmen's compensation, are explored to understand their impact on improving working conditions and the overall well-being of employees. The study also discusses the role of the International Labour Organization (ILO) in setting standards for social security and labour welfare and assesses the compliance of Indian measures with these international standards.

KEY WORDS: Social Security, Labour welfare, Health, Regulation, International Labour Organization (ILO).

INTRODUCTION:

Social security is a fundamental component of national social policies, ensuring a minimum standard of living for individuals through various programs such as pensions, provident funds, family allowances, health and unemployment insurance, and allowances for widows and survivors. These programs are mandatory and are applicable to certain segments of the

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population. In India, social security has made significant strides since India's independence, with Article 14 of the Indian Constitution requiring the state to establish efficient mechanisms for public assistance in underserved situations like unemployment, old age, illness, disability, and other similar situations. The government has developed social insurance programs for industrial workers and revised the Workmen's Compensation Act of 1926 to meet these obligations. Old age provisions in India include pensions, provident funds, and gratuity plans, which are types of retirement benefits.

EVOLUTION OF SOCIAL SECURITY AND LABOUR

WELFARE IN INDIA:

Pre-Independence Era:

Social security in India was established through joint families, caste, and communities, providing protection during economic calamities. Religion, Vedas, and ancient scriptures encouraged harmony in society. State policies like Kautilya's Arthashastra, Manusmriti, Yagyavalka, and Sukranity outline directive principles of state policy. Islamic religions offered charity in the form of Khairat and Sadaquah, and Zakat was paid at a rate of 2.5 percent for those with a minimum wealth. With industrialization and urbanization, the social structure changed, with the state's duty to provide social security being based on caste. This led to the origin of Industrial legislation.² However, in 1880, the Indian textile was influencing the market and offering an unbendable competition to the British market. Thus this gave rise to the enactment of the Factories Act 1883. This Act was passed by the British Government to make the Indian labour costlier because of the pressure brought by the textile magnates of Manchester and Lancashire.

The working conditions in such mills were deplorable, with workers being forced to work excessively long hours. There were no provisions in place for worker safety, welfare, holidays, or leave. Indeed, social security was renowned for its absence.³ Insufficient safety measures increased the risk of unintentional harm among personnel. Thus, in order to safeguard their interests, the Fatal Accident Act of 1855 was passed. The statute provides compensation to workers and their dependents in the event of death or injury while working.

²The Apprentices Act was enacted to enable children to learn trades, crafts and to seek employment to earn the living after attending the age of major. This was the first law that was introduced in India relating to labour. Also see S.R Samanth, Industrial Jurisprudence, 54 (M/s N.M Tripathi P.ltd., Bombay).

³S.C Srivastav, Social Security and labour laws13 (Eastern Book Company, Lucknow)

In 1859, two legislations were enacted i.e. Indian Merchant Shipping Act⁴ and Workmen's Breach of Contract Act⁵ accordingly in 1860, Employers and Workmen (Disputes) Act were enacted which act as a mechanism to settle disputes between employer and employee.⁶ The workers of the plantation labour rights were protected through Island Emigration Act 1892 and Indian Mines Act, 1901 were subsequently enacted keeping into consideration of the health and safety of the workers in mines.

The British Government's laws were primarily focused on specific industries, not the entire working class. This lack of comprehensive social security laws and policies was evident during the First World War in 1919, which led to the establishment of the International Labour Organization (ILO). The ILO adopted several conventions, including the Maternity Protection Convention 1919, which aimed to provide maternity benefits.

During the Montague-Chelmsford Reforms, significant reforms were made, such as the Employees Compensation Act, Provident Fund Act, Maternity Benefit legislation, and Employers' Liability Act. The Royal Commission on Labour was appointed in 1929 to investigate the working conditions of industrial labor and recommended implementing maternity benefit legislation in other provinces. However, no legislative steps were taken, and committees were appointed to examine workers' health conditions. In the year 1919-1942 marked a major labour reform in history, with amendments to previous legislation and new legislation addressing specific industrial settings. These legislations protected workers' rights, granted intervals during working hours, holidays, and bonuses. India also took note of the development and social security plans in other countries, holding a Third Labour Ministers Conference in 1942 to recommend the implementation of sickness benefits and advance loans for their implementation in industries.

The adoption of the International Labour Organization brought changes to labour legislation, and after World War II, the British Government's outlook towards Indian workers changed. They offered them an opportunity to join the Exchanged Subjects organization, which facilitated industrialization. Social security became more robust after World War II, with the Defence of India Rule extending government authorities' duty to protect workers' interests. The

⁴This Act was envisaged for regulating employment of seamen and to provide for their better health

⁵This Act was passed which provided for criminal penalties for workers for breach of contract of service.

⁶This Act was the forerunner of the Industrial Disputes Act, 1947 which played an important role in modern industrial life.

government initiated labor policy, with committees appointed to report on labor conditions and recommend policies or legislation.

Post-Independence Era:

After Indian Independence, worker rights were protected through various labour laws governing various aspects of work. The labour welfare movement gained new dimensions, with social security provided by various schemes. These schemes should include provisions for providing monetary benefits to individuals in case of loss due to certain events, be endorsed by the government, clearly mention the obligations or duty of the state and any enforcement agency towards implementation, be managed by both public and private organizations, and be available as needed. The Indian Government took keen interest in providing security to workers and passed several legislations, including the Employee's Compensation Act 1923, the ESI Act 1948, EPF, and Gratuity. The government has also enacted legislation for the protection of workers working in mica and coal mines, and the Maternity Benefit Act 1961 for women workers. Social security is a subject of concurrent list, with the Central Government enacting enactments for workers and the state government bearing the responsibility of their effective enforcement through the Labour Department. The constitution of India enriched a list of Fundamental Rights and Directive Principles of State Policies for the achievement of social order based on justice, liberty, equality, and fraternity. Two fundamental rights relating to the working class are under Article 23 & 24 which lays down provisions against exploitation of weaker sections of society and prohibition of employment of children in factories. Articles 38,⁷ 39⁸ 41,⁹ 43,¹⁰ and 47¹¹ of the Directive Principles of State Policy of the Indian constitution in Part IV refer to the state's obligation to make laws, ensuring social security and socio-economic

⁷According to the Constitution of India, Art. 38 “the state should strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice-social, economic and political shall inform all the institutions of the national life”. M.P. Jain, Indian Constitutional Law, (Wadhwa and Co., Nagpur, 2003).

⁸According to the Constitution of India, Art. 39 “the state should in particular direct its policy towards securing, inter alia, that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength”. M.P. Jain, Indian Constitutional Law, (Wadhwa and Co., Nagpur, 2003).

⁹According to the Constitution of India, Art. 41 “the state shall make provision for securing just and humane conditions of work and for maternity relief” M.P. Jain, Indian Constitutional Law, (Wadhwa and Co., Nagpur, 2003).

¹⁰According to the Constitution of India, Art. 43 “the state should endeavour to secure to all workers work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, etc”. M.P. Jain, Indian Constitutional Law, (Wadhwa and Co., Nagpur, 2003).

¹¹According to the Constitution of India, Art. 47: the state should regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. M.P. Jain, Indian Constitutional Law, (Wadhwa and Co., Nagpur, 2003).

justice to the citizen.

However, it is evident that the Britishers enacted laws only dealing with particular categories of industries, not the whole working class. It is the duty of the government to sensitize workers about all available facilities and schemes for the benefit of workers.

SOCIAL SECURITY IN INDIA:

Social security is a human right that addresses the universal need for protection against specific life hazards and social demands. It includes events such as illness, maternity, disability, death, unemployment, and old age. Social security in India includes treatment, rehabilitation, and compensation. Lack of social security in India or any other nation can lead to starvation, criminality, child labor, and so on.

Objectives of Social Security:

Compensation, Restoration and Prevention are the three major objectives of Social Security.

- Compensation means a guarantee of income. It is based on this concept that the person and his or her family should not suffer a double tragedy, resulting in impoverishment and loss of health, limb, life, or employment.
- Restoration involves curing one's illness and resuming employment in order to return to one's previous state. In a way, it's an extension of compensation.
- Prevention methods are intended to avert a loss of productive capacity owing to illness, unemployment, or inability to earn.

Social Security Measures in India:

The Government of India commenced to consider developing a health insurance plan in 1927. The Royal Commission on Labour also emphasized the importance of health insurance for industrial workers. The issue of health insurance was debated in the Labour Ministers Conference in 1940, 1941, and 1942, resulting in the formation of a commission chaired by Professor B.P. Adarkar in 1943.

BP Adarkar Committee (1943):

The committee's task was to draft the specifics of the mandatory insurance for industrial workers. The Adarkar Committee published a report in 1944 with proposals based on compulsory contribution principles, with workers' contributions determined by their wages in

slabs. ILO specialists updated Adarkar's recommendation, which was eventually enacted as the Employees' State Insurance Act of 1948. Professor B. P. Adarkar created India's first social security scheme in 1944.

Some of the Social Security Schemes:

- The government passed the Employees' State Insurance Act of 1948 (ESI Act) to establish the Employee State Insurance Corporation (ESIC). Employees' State Insurance (ESI) is a social security and health insurance scheme for workers, providing medical care, cash benefits during sickness, maternity benefits, and compensation for work-related injuries.
- The Employees Provident Fund Act of 1952 was passed to establish the Employees Provident Fund Organization (EPFO). Employees' Provident Fund (EPF) is the retirement benefits scheme for employees, where both the employer and employee contribute a percentage of the employee's salary to the fund. The accumulated amount is paid out to the employee upon retirement or to their family in case of the employee's death.
- Some previous programs, such as the Workmen's Compensation Act of 1923, provided workers and their families with benefits in the event of an injury.
- The Maternity Benefit Act, 1961 provides for 12 weeks' wages during maternity plus paid leaves.
- The Payment of Gratuity Act, 1972 The Payment of Gratuity Act, 1972 directs establishments with 10 or more employees to provide the payment of 15 days of additional wages for each year of service to employees who have worked at a company for five years or more. Gratuity is provided as a lump sum payout by a company. In the event of the death or disablement of the employee, the gratuity must still be paid to the nominee or the heir of the employee.
- National Pension System (NPS): A voluntary retirement savings scheme that allows individuals to contribute towards their retirement savings, with the government providing tax benefits and incentives.
- Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM): A pension scheme for unorganized sector workers, providing a monthly pension of ₹3,000 after the age of 60, with contributions from both the worker and the government.
- The Pradhan Mantri Kaushal Vikas Yojana (PMKVY) is a flagship scheme of the Ministry of Skill Development and Entrepreneurship (MSDE) in India. It aims to

provide industry-relevant skill training to Indian youth to enhance their employability and secure better livelihoods.

LABOUR WELFARE IN INDIA:

Labour welfare in India encompasses a range of services, facilities, and amenities provided to workers to ensure their well-being and improve their working conditions. This includes efforts by employers, trade unions, governmental and non-governmental institutions. The concept of labour welfare has evolved over time and now includes various aspects such as health, morale, and social security.

According to ILO, labour welfare can be defined as a term, which is understood to include such services, facilities, and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale.

The Ministry of Labour & Employment in India oversees several laws and regulations related to labour welfare, including the Unorganised Workers Social Security Act and the Bonded Labour System (Abolition) Act. These laws aim to provide social security and improve the standard of living for workers.

The Labour Welfare Fund (LWF) Act is another significant piece of legislation that focuses on the welfare of workers. It provides housing, medical care, educational, and recreational facilities to workers and their dependents. The fund is contributed by employers, employees, and in some states, the government.¹²

Evolution in India:

The Indian labour welfare system has evolved through various organizations, including philanthropists, religious leaders, social workers, and voluntary groups. The industrial revolution led to the establishment of large-scale industries in cities, attracting workers who were exposed to poor working conditions, long hours, low wages, health hazards, and unsatisfactory living conditions. The First Factories Act was passed in 1981, which is now applied to factories employing 10 or more workers with power and 20 or more without power.

¹²<https://www.greylth.com/wiki/acts/labour-welfare-fund-india/>

In 1907, a committee was appointed to review industrial labor conditions, leading to the introduction of the Indian Factory Act of 1910. This Act specified the hours of work for adult male workers from 12 to 8 hours a day. Voluntary efforts by the amalgamated society of Railway servants of India and Burma, the Printers Union, Calcutta, and the Bombay Postal Union, also contributed to worker welfare. The First World War 1914 saw an increase in factories and employment, but wages did not keep up with rising prices and profits. The International Labour Organization (ILO) was established in 1919, creating unity among workers. The All-India Trade Union Congress (AITUC) was established in 1920, and the Indian Factories Amendment Act of 1922 was passed. Children below the age of 12 and 14 were not allowed to work more than 6 hours a day, and children and women were not employed between 7.00 p.m. and 5.30 a.m. The Royal Commission on Labour was appointed in 1929, and the Labour Investigation Committee (Rege Committee) was appointed in 1949. After the Second World War, different central trade unions were established, and the Factories Act was enacted in 1948. The state policy principle of the constitution of India emphasizes promoting the welfare of the people by securing and promoting a social order that informs all institutions of national life.

Objectives of labour welfare:

- To address the social, economic, and health needs of workers and their families.
- To ensure a better standard of living for the workforce.

Some of the Labour Welfare Measures:

- 1. Occupational Health and Safety:** Ensuring safe working conditions and preventing workplace accidents through regulations, inspections, and training programs.
- 2. Maternity Benefits:** Providing paid maternity leave, medical benefits, and job protection for pregnant women and new mothers.
- 3. Gratuity:** A lump-sum payment made to employees upon retirement or resignation, as a token of appreciation for their service.
- 4. Workmen's Compensation:** Providing financial compensation to workers who suffer injuries or disabilities due to work-related accidents.
- 5. Beedi Workers Welfare Scheme:** the objective of the scheme is to improve the living and working conditions of beedi workers. Further it provides housing, education, healthcare, and other welfare benefits to beedi workers and their families.

6. **Construction Workers Welfare Scheme:** it is to provide welfare benefits to construction workers. It includes accident insurance, pension, healthcare, and education assistance for workers and their families.
7. **Unorganized Workers' Social Security Act, 2008:** The objective of the Act is to provide social security to workers in the unorganized sector. It has a range of benefits, including life and disability cover, health and maternity benefits, and old-age protection.

ROLE OF ILO IN SOCIAL SECURITY AND LABOUR

WELFARE IN INDIA:

The International Labour Organization (ILO) plays a significant role in promoting social security and labour welfare in India. As a specialized agency of the United Nations, the ILO works to set international labour standards, develop policies, and devise programs that promote decent work for all.¹³

Key Contributions of the ILO in India:

1. **Setting Labour Standards:** The ILO establishes international labour standards through conventions and recommendations. India, as a member state, adopts and implements these standards to improve working conditions and protect workers' rights.
2. **Promoting Social Dialogue:** The ILO encourages tripartite dialogue among the government, employers, and workers. This dialogue helps in formulating policies and programs that address the needs and concerns of all stakeholders.
3. **Technical Assistance and Capacity Building:** The ILO provides technical assistance to India in areas such as occupational safety and health, social security, and labour inspection. It also conducts training programs to build the capacity of government officials, employers, and workers' organizations.
4. **Research and Data Collection:** The ILO conducts research and collects data on various aspects of labour and employment in India. This information helps in understanding the labour market dynamics and formulating evidence-based policies.
5. **Advocacy and Awareness:** The ILO advocates for the rights of workers and raises awareness about issues such as child labour, forced labour, and gender equality. It works with the Indian government and other stakeholders to address these issues and promote decent work.

¹³ <https://labour.gov.in/lcandilasdivision/india-ilo>

- 6. Supporting Social Security Initiatives:** The ILO supports the development and implementation of social security schemes in India. It provides guidance on designing and managing social security systems to ensure that workers have access to benefits such as pensions, healthcare, and unemployment insurance.

Examples of ILO Initiatives in India:

- **Decent Work Country Programme (DWCP):** The ILO collaborates with the Indian government to implement the Decent Work Country Programme, which aims to promote decent work opportunities, enhance social protection, and strengthen social dialogue.
- **International Programme on the Elimination of Child Labour (IPEC):** The ILO's IPEC initiative works to eliminate child labour in India by providing technical assistance, raising awareness, and supporting rehabilitation and education programs for child workers.
- **Better Work Programme:** The ILO, in partnership with the International Finance Corporation (IFC), implements the Better Work Programme in India. This program aims to improve working conditions and promote competitiveness in the garment industry.

The ILO's efforts in India contribute to creating a more equitable and supportive environment for workers, ensuring their rights are protected, and promoting social security and labour welfare.

RECOMMENDATIONS:

- Increase awareness and outreach efforts to ensure that workers are informed about their rights and benefits.
- Streamline administrative processes to improve the efficiency and effectiveness of social security and labour welfare programs.

CONCLUSION:

Social security and labour welfare in India are pivotal in safeguarding the rights, well-being, and financial security of the country's workforce. Through comprehensive legislation and various welfare schemes, such as EPF, ESI, and PMKVY, the government aims to ensure that workers have access to essential benefits like pensions, healthcare, skill development, and

financial support. While challenges such as the informal sector and effective implementation persist, opportunities in digital platforms and public-private collaborations offer promising avenues for improvement. Continuous efforts to enhance labour welfare are crucial for fostering a supportive and equitable environment for all workers in India.

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