

Labour Laws Related To Social Security**Mr. R.J. Gaikwad**

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Introduction :

Labour law defines the rights and obligations as workers, union members and employers in the workplace. Generally, labour law covers.

- a) Industrial relations – certification of unions, labour management relations, collective bargaining and unfair labour practices.
- b) Workplace, health and safety.
- c) Employment standards, including general holidays, annual leave, working hours, unfair dismissals, minimum wage, layoff procedures and reverence pay.

There are two broad categories of labour law. First, collective labour law relates to the tripartite relationship between employee, employer and union second, individual labour law concerns employees rights at work and through the contractor for work. So, the labour laws are very essential for the organized sector because about 93 percent workforce in India work in this sector.

Objectives :-

- 1] To study the historical background of labour policy and labour laws.
- 2] To study the constitutional framework for social security.
- 3] To study the evolution of labour law in India.
- 4] To study the laws related to social security.

Research Methodology :-

Secondary data has been used for the research. It is collected from NSSO'S several reports, employment reviews of various years, economic survey of India, Internet etc.

Historical Background of Labour Policy & Labour Laws:-

India's labour Policy is mainly based on labour laws. The labour laws of independent India derive their origin, inspiration and strength partly from the views expressed by important nationalist leaders during the days of national freedom struggle, partly from the provisions of the constitution and the international conventions and recommendations.

The labour laws also influenced by united Nations which includes right to work of ones choice, right against discrimination, Prohibition of child labour, just and humane conditions of work, social security, protection to wages, redressal of grevances, right to organize and form trade unions, collective bargaining and participation in management. Our labour laws have also been influenced by various sessions of the Indian labour conference and the international labour conference. Labour legislations have also influence by the recommendations of the various national committees and commissions such as first National commission on labour (1969), National commission of Labour (2002), National commission for enterprises in the unorganized sector (NCEUC) (2009).

Constitutional framework for labour laws:

Under the constitution of India, labour is a subject in the concurrent list where both the central and state governments are competent to enact legislations. As a result, a large number of labour laws have been enacted.

Catering to different aspects of labour namely, occupational health, safety, employment, training of apprentices, fixation, review and revision of minimum wages, mode of payment of wages, payment of compensation to workmen who suffer injuries as a result of accidents or causing death or

disablement, bonded labour, contract labour, women labour and child labour, resolution and adjudication of industrial disputes, provision of social security such as provident fund, employees state insurance, gratuity, provision for payment of bonus, regulating the working conditions of certain specific categories of workmen such as plantation labour, beedi workers etc.

Evolution of Labour Law in India:-

The law relating to labour and employment is also known as industrial law in India. The history of labour legislation in India is interwoven with the history of British Colonialism. The Industrial / labour legislations enacted by the British were Primarily intended to protect the interests of British employers, considerations of British Political economy were naturally paramount in shaping some of these early laws. Thus came the factories act. It is well known that Indian textile goods offered stiff competition to British textiles in the export market and hence in order to make India labour costlier the factories act was first introduced in 1883 because of the pressure brought on the British parliament by the textile magnates of Manchester and Lancashire. Thus India received the first stipulation of eight hours of work, the abolition of child labour and the restriction of women in Night employment and the introduction of overtime wages for work beyond eight hours. While the impact of this measure was clearly welfarist the real motivation was undoubtedly protections.

The earliest Indian statute to regulate the relationship between employer and his workmen was the trade dispute act, 1929 (Act 7 of 1929). Provisions were made in this act for restraining the rights of strike and lock out but no machinery was provided to take care of disputes.

The original colonial legislation underwent substantial modifications in the post-colonial era because independent India called for a clear partnership between labour and capital. The content of this partnership was unanimously approved in a tripartite conference in December 1947 in which it was agreed that labour would be given a fair wage & fair working conditions and in return capital would receive the fullest co-operation of labour for uninterrupted, Production and higher productivity as part of the strategy for national economic development and that all concerned would observe a true period of three years from strikes and lockouts. Ultimately the industrial disputes act (the act) brought into force on 01/04/1947 repealing the trade dispute act 1929 has since remained on statute book.

Laws related to social security

1] Workmen's compensation Act, 1923:-

The workmen's compensation Act, 1923 provides for payment of compensation to workmen and their dependants in case of injury and accident (including certain occupational disease) arising out of and in the course of employment and resulting in disablement or death.

2] Employee's State Insurance Act, 1948:-

The promulgation of Employees state insurance Act, 1948 envisaged an integrated need based social insurance scheme that would protect the interest of workers in contingencies such as sickness, maternity, temporary or permanent physical disablement, death due to employment injury resulting in loss of wages or earning.

3] Employees provident fund & miscellaneous provisions Act, 1952:-

The objective of the Act in 1952 was the institution of the compulsory contributory provident fund to the employees to which both the employee and the employer would contribute. The provision of the act extend to whole of India except the state of Jammu and Kashmir and also the state of sikkim where it has not been notified after its annexation with the union of India.

4] Payment of gratuity Act, 1972:-

In India gratuity is a type of retirement benefit and is a payment made with the intention of helping on employee monetarily after his retirement.

5] Employers Liability Act, 1938:-

This act was legislated with the objective of ruling act certain defences arising out of injuries sustained by workmen. This law was enacted to safeguard the interests and for the protection of workmen who bring suit for damages for injuries endured by them.

6] Beedi workers welfare cess Act, 1976:-

This act was enacted on April 7, 1976 for the reason of imposing and collecting excise duty in the form of cess for the production of beedis.

7] Beedi Workers Welfare Fund Act, 1976:-

A person is supposed to be working in an industry, if that person is working in such industry directly or by an agent devoid of the fact that such person is working for remuneration for performing any task related with such industry.

8] Cine workers welfare cess Act, 1981:-

An Act to provide for the levy and collection of a cess on feature films for the financing of activities to promote the welfare of certain cine-workers and for matters connected therewith or incidental thereto short title, extent and commencement.

9] Cine workers welfare fund Act, 1981:-

The Act extend the benefits to the cine-workers and the term is defined as the workers who are either employed or under a contract of employment if have served for at least 5 productions of featured films as an artiste or any performed any skilled, unskilled, manual etc.

10]Fatal Accidents Act, 1855:-

This Act says that when any death caused by a person due to its wrongful default or negligence action shall be made liable to get sued for damages.

11]Iron ore mines, Manganese ore mines and chrome ore mines labour welfare cess Act, 1976:-

An Act provide levy and collection of a cess on iron ore, manganese ore and chrome ore for the financing of activities to promote the welfare of persons employed here.

12]Iron ore mines, manganese ore mines and chrome ore mines labour welfare fund Act. 1976:-

13]Limestone and Dolomite mines labour welfare fund Act, 1972:-

It provides for the levy and collection of a cess on limestone and dolomite consumed in factories and for the crediting of the proceeds of the cess, after due appropriation, to the limestone and dolomite mines labour welfare fund.

14]Mica Mines Labour welfare fund Act, 1946:-

The cost of measures for the benefit of labour employed in the mica mining industry directed towards the improvement of public health and sanitation, the prevention of diseases, the provision and improvement of medical facilities, water supplies, educational facilities, improvement of standard of living, recreational duties, family welfare etc.

15]Personal Injuries (Compensation Insurance) Act, 1963:-

An act to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability.

16]Personal Injuries (Emergency Provisions) Act, 1962:-

An Act to make provision for the grant of relief in respect of certain personal injuries sustained during the period of the emergency.

17]Unorganized workers social security act 2008:-

It is an Act of the parliament of India enacted to provide for the social security and welfare of the unorganized workers (meaning home-based workers, self-employed workers or daily-wage workers)

Reference :-

- 1] Adukia Rajkumar (2011): "A study on labour laws in India" www.unorganized labour. in. P.3
- 2] Ministry of Labour & Employment (2012) : Report of the working group on labour laws & other regulations for the 12th Five year plan (2012-2017), Published by oxford university press, New Delhi, P-1
- 3] Sonal Ashok Ubale (2013): "Social Security in unorganized sector : A case study", unpublished thesis, Dr. B.A.M.University, Aurangabad. P-132.
- 4] <https://en.m.wikipedia.org>
- 5] Pillai K.M. (2003): "Labour and Industrial Law", Allabad Law Agency, Law Publication, Faridabad, P-16.

