Chapter-III

SOCIAL SECURITY LEGISLATIONS AND THEIR IMPLEMENTATION

Social security is as old as man itself but in India it started very late. It can be said that non institutional measures of social security were working since time immemorial. They are in fact the backbone of present social security programmes and schemes. Such measures had been provided by joint families, community, creed, caste panchayats, orphan ages, widow homes and religious institutions. Then in 19th century industrialization started in India and this modern industrialization developed a new class of industrial proletariat. Due to the start of industries, new problems arose and with the growth of modern factory system, various safety and health problems raised a demand for institutionalization of protection measures. Union activities increased to pressurized government to enact some social security legislations.

Before independence, British Government was not much interested in the welfare of working class so less legislations existed at that time. Fatal Accident Act, 1885 and Workmen’s Compensation Act, 1923 were in force for the protection of workers and to compensate after any kind of mishappening, but the provisions of these Acts provided limited help to workers and it was very expensive and complicated to claim compensation under these Acts.

After independence, Indian Government took keen interest to provide social security to workers. So, the parliament amended the existing legislations to make them more suitable and beneficial for the workers. The social security legislations enacted were:

Employees’ State Insurance Act, 1948;
Employees’ Provident Fund Act, 1952;
Maternity Benefit Act, 1961;
Payment of Gratuity Act, 1972.
WORKMEN’S COMPENSATION ACT, 1923

The proper beginning of social security in India started with the passing of the Workmen’s Compensation Act. Before this Act, it was very difficult for any injured workman to get any compensation or recovery of damage during his job. There were rare occasions when the employers were liable for compensation. Prior to passing of this Act there was only one enactment to provide compensation to workers and it was the Indian Fatal Accident Act, 1885. Only in rare cases the dependents of a deceased worker could claim damages. If it was proved in court that accident was occurred due to wrongful act or negligence of worker, compensation could not claim.

Then in 1921, government made proposals for the grant of compensation and circulated them for opinion. The proposals received public support and as a result, the Workmen’s Compensation Act was passed in the March 1923 and was put into force on July 1st, 1924. With the growing complexity of Indian industries, increasing use of machinery and consequent danger to workmen, it was felt that there should be a legislation to protect the workmen from hardship arising from accident. It was also a ground to consider about the enactment. This legislation was constituted to provide monetary compensation to industrial workers at the time of injury, accident or occupational disease. Industrial workers had to work in dangerous and unsafe working conditions. There was even not any certainty of there lives so it was necessary to provide them protection against various hazards and this Act was a source of protection for them.

The Workmen’s Compensation Act is a mechanism for providing relief to victims of work-connected injuries. It places the cost of these injuries only upon the employer which ultimately lies on consumers of product whose wants call his business into existence.

Since the passing of this legislation, a lot of amendments have been made in this Act to make it up to date. The Act was subsequently amended in 1987, 2000 and in 2008. Recently in August 8, 2008, Union Cabinet gave its approval to present the Workmen’s Compensation Act (Amended) Bill 2008 in Parliament and the amendments are as follow:

(i) The approval is given to the recommendation of Second National Labour
Commission to change the name of the Act to make it gender neutral. The term 'workmen' is substituted by the term 'employees'.

(ii) The restricted clauses in schedule II are removed to make the Act applicable to all classes of employees.

(iii) This amendment enables the central government to revise the wage ceiling and enactment of funeral expenses from time to time.

**Objective of the Act**

The main objective of the Act is to make provision for the payment of compensation in case of injury caused by accident arising out and in course of employment. It provides a kind of guarantee against the various hazards of employment.\(^4\)

Second objective of the Act is to impose an obligation upon employers to pay compensation to workers and make them satisfied that they will get necessary help at the time of problem.

The Act also ensures the dependents of the workers that financial help will be provided to them as compensation after the death of bread winner.

So compensation is not the only benefit given through this Act but it also provides a greater freedom to a workman from anxiety arise out of accidents which makes the industries more attractive place to work.

**Scope and Coverage**

The Act extends to whole of India except the state of Jammu and Kashmir. According to this Act it is not necessary that accident should have been caused by some wrongful act of employee but it is given to every employee who received any mishappaning. It applies to all persons covered under the definition of the workmen given in section 2(1) of the Act.

It includes all persons employed in factories, railway, mines, plantation, mechanically propelled vehicles, construction works and certain other hazardous occupations.\(^5\) Before 1984, the persons getting the wages not exceeded ₹1,000 per month were under the coverage area of this Act but after 1984 amendment the wage limit under this Act and restricted provisions of schedule II for the coverage of certain
category of workers have been abolished. Presently, all the permanent workers are covered by the Act yet the members of armed force are exempted from the criteria of the Act. State government is empowered to add any class of factories or establishment in schedule II but if Employees’ State Insurance Act is existed in any establishment then Workmen’s Compensation Act can not be applicable there.

Risk Covered

Under the Workmen’s Compensation Act, all the injuries emerging out of, during the course of job or any occupational disease are covered. Apart from it, the Act also compensate for economic loss and medical expenses. In 2010, it is approved by parliament that medical expenses will be given to every worker without any wage ceiling.

Various diseases for which compensation is given is mentioned in Schedule III which is revised time to time with the growing complexity of modern life and emerging diseases. ILO revised the list of diseases according to international phenomina and India also try to substituted its list according to ILO list.

Exemption

There are some conditions for which no compensation will be paid to affected worker. If any injury or disablement does not continue more then three days, except the death, no compensation will be payable to the worker. During the work, if any worker is working under the influence of drink or if he do willful disobedience of rules and regulations formulated for his safety and health or if he avoids safety guards he will not able to claim any kind of compensation. Another condition is that if a workman does not present for medical treatment or examination immediately after the mishapping he will not entitled for the compensation. So in hazardous work a workman has to work in the several safety measures, and disregard of such measures can be harmful or dangerous for him.

Main Provisions of the Act

The main provisions of the Act are given below:

Disablement

Disablement is one of the very important provision of this Act which provides
help to a workman at the time of disablement. Workers who work in dangerous working conditions sometimes, instead of having certain safety measures, met serious accidents and injuries which may result in loss of earning capacity of the concerned worker. This loss of earning capacity is called 'disablement'. Disablement can be classified as:

(a) Total Disablement; and
(b) Partial Disablement.

it can further be distinguished into:

(i) Permanent Disablement;

(ii) Temporary Disablement.

Total disablement means such disablement, having the permanent or temporary nature, as incapacitates a workman for all work which he was capable of performing at the time of accident resulting in such disablement whereas, partial disablement partly affects the workman. Partial disablement can also be permanent or temporary in nature. Permanent disablement reduces earning capacity permanently however, temporary disablement reduces it temporarily.

Dependent

This provision is mainly enacted for the family of a worker. According to this provision, if any worker dies due to the accident, major injury or any occupational disease the employer is liable to pay compensation to worker's dependents as per the rules formulated in the Act. This provision is enacted to impose a kind of social obligation on employer so that the family of a worker be able to survive after his unfortunate death. In dependents widow, minor legitimate son, unmarried legitimate daughter, widowed mother and other totally dependent persons can be included. Government provides such dependents monetary help for survival purposes.

Compensation

The Act seeks to compensate the employee for the loss of earning and earning capacity due to an accident. According to Act, injuries have been divided into four categories for the purpose of payment of compensation i.e. death, permanent total disablement, permanent partial disablement and total or partially temporary
disablement. For the temporary disablement half monthly payment has been provided and for permanent disablement or other cases payment is made in lump-sum. Whenever a workman met to death due to injury an amount of equal to forty per cent of monthly wages of the deceased worker multiplied with the relevant factor will be payable to his family and it is fifty per cent in case of permanent total disablement. Workmen’s Compensation (Amendment) Bill, 2009 purposed some amendments in minimum rates of compensation of death and permanent total disablement.

Minimum rates of compensation for permanent total disablement and death were fixed at ₹ 90,000 and ₹ 80,000 respectively but now minimum rate of compensation for death has been replaced by ₹ 1.20 lakhs and it is ₹ 1.40 lakh in case of permanent total disablement. Maximum amount provided in death and permanent total disablement is ₹ 4.56 lakh and ₹ 5.48 lakh respectively that is given according to the age and wage of affected worker.9 While calculating compensation of a worker for death and permanent total disablement his monthly wages considered as one thousand rupees only.

In case of permanent partial disablement specified in schedule I the compensation is considered proportionate to the percentage loss of earning capacity. After temporary disablement whether it is total or partial, compensation is payable as half monthly payment or sum equivalent to twenty five per cent of monthly wages of the labourer. The funeral expenses under the Act have been increased from ₹ 2500 to ₹ 5000 in the amendment made in 2010.

Administration

In the beginning the administration of the Act was entrusted to the executive and judicial officers who were specially trained for the purpose. The Royal Commission on Labour recommended that for the effective and efficient implementation of the Act, the administration should be entrusted to qualified and specialized whole-time Commissioners covering wide area with a power to devalue work in outlying areas as occasion demanded.10 Workmen’s Compensation Act, 1923 is a central legislation but its administration and implementation is the responsibility of State Government. State Government has full authority to appoint Compensation Commissioner. One or more Compensation Commissioner can be appointed as per the burden of work. To discharge the functions successfully Compensation Commissioner
has authorised to appoint one or more assistant. The Compensation Commissioner has a wide range of powers. No Civil Court shall have jurisdiction to deal with any question which is required to be settled by a Commissioner according to this Act.

Presently, Labour Court Presiding Officer is a Compensation Commissioner as per the Act. At district level labour Officer acts as Compensation Commissioner. In 2010, a new section 25A has been introduced in the Act, according to which the Commissioner has to dispose the case within the period of three months from the date of reference.

**Powers of Commissioner**

1. Compensation accruing in respect of workman whose injury has resulted into death shall be deposited with the Commissioner by the employer. The Commissioner then disburses the amount to the bonafide dependent after necessary deduction. So there is no provision in the Act to pay the compensation directly to employee.

2. If the Compensation Commissioner find that compensation payable to a worker is not sufficient or not even deposited at time then he can call employer to show causes.

3. Compensation Commissioner is empowered to short out the question arisen between the parties about the compensation and about the other matters related to this Act.

4. If the compensation is not paid till the due date Commissioner can charge simple interest at the rate of six per cent per annum on the amount and if he feels that delay is not justified, further sum not exceeding fifty per cent of amount can be recovered from the employer by way of penalty.

5. High Court of the State is the superior court for this Act and the Commissioner may refer any question to the High Court for decision or he can seek guidance from it.

**EMPLOYEES’ STATE INSURANCE ACT, 1948**

The E.S.I. Act is treated as landmark in the history of social security in the process of evolution of social security schemes. It was first comprehensive scheme
which provided social insurance to all employees. The background of this scheme has made before independence because first time the matter of health insurance for industrial workers was considered by Indian Government in 1927. For this purpose, Royal Commission was appointed in 1929 and it submitted its report in 1931 in which the Commission stressed on health insurance of Indian workers. During the 1940 to 1942 Labour Ministers Conferences invited an expert to frame scheme to provide health insurance to workers. At the same time atmosphere was created by Beveridge Plan of social insurance in the United Kingdom in 1942; the Wagner-Murray-Duigell Bill in United States of America in 1943; Marshall Plan in 1943 on social security proposal in Canada; and also by the necessity of systematic industrialization on increasing scale has encouraged Government of India to take note of important developments overseas and heads for evolving a sound social security system based on the principle of social Insurance at home. This ultimately led to the passing of Employees’ State Insurance Act, 1948. After it Government appointed Prof. B.P. Adarkar on special duty to prepare a plan in March 1943 and he submitted this plan in December 1944. This plan was reviewed by the I.L.O. experts M. Stack and R. Rao and was emerged as Workmen's State Insurance Bill, 1946 which is referred to Select Committee in 1947 and Committee changed its name to Employees’ State Insurance Bill. This Act was passed in 19 April, 1948 and was inaugurated on February 24, 1952 in Kanpur and Delhi. This scheme improved the defects of Workmen’s Compensation Act, 1923. This Act was amended in 1951, 1966, 1975, 1984, 2006 and recently in 2010.

Objective of the Act

The main objective of the Act is to provide a feeling of security to industrial workers at the time contingencies come.

This Act is a major step in the direction of social insurance. It provides for the grant of cash benefits to the employees in the contingencies of sickness, employment injury and maternity. It also provides for medical benefit to the employees and their families. The Act is a legislation which aims at bringing about social and economic justice to poor labour class of the land. It aims at labour welfare. In the context of India where a vast segment of labour working in industrial establishments is still unorganized resulting in neglected a lot subjected to exploitation due to poor
bargaining power, the Act has gone a long way to ameliorate the working conditions of labourers by imposing a duty upon the employers and the government to provide medical aid and assistance to the workers.\textsuperscript{15}

The Act not only provides help to the needy labourers but their families too. It fulfils the concept of welfare state through assistance to labour class.

**Scope and Coverage**

This Act covers whole of the India except Nagaland, Manipur, Tripura, Sikkim, Arunachal Pardesh, Mizoram and J & K. It applies to perennial factories using power and employing ten or more persons and non-power using factories providing job to twenty or more workers. Every employee including casual and temporary, whether employed directly or through any contractor, who is receipt of wages upto ₹15000 per month is entitled to be insured under the ESI. Prior to 1 May 2010, the persons drawing the wages ₹10,000 per month were under coverage of this Act but in the amendment in 2010 this wage limit was increased to cover more and more workers. Seasonal factories are totally exempted from the ESI scheme because the workers of such industries can not qualify themselves to come under the provision of this scheme. The state government is authorized under the Act to extend its provisions wholly or partially to any industrial unit, commercial establishment and even to agricultural workers. This Act covers all the administrative, clerical and other employees of industries. The new geographical areas covered by the ESI were 46 in 2008-09, 53 in 2009-10 and expected to be 60 in 2010-11. As on 31 March 2009 there were 183 hospitals, 42 hospitals/annexes and 1453 dispensaries under the scheme. The total number of insured persons (IP) were 91.49 lakh and total number of beneficiaries were 354.96 lakh in 2006 which increased upto 1.43 crore insured persons and 5.55 crore beneficiaries in 2009-10.

**Financial Sources**

Employees’ State Insurance is a contributory type scheme based on tripartite contribution principle in which employers, employees and state government is included. Presently, from the 1\textsuperscript{st} January 1997 the rate of employees’ contribution is 4.75 per cent and the employers’ share is 1.75 per cent of an employee’s total monthly wages which includes basic pay and dearness allowance. The medical care and
facilities is administered by State Government who have statutory responsibility in this regard. The total expenditure of medical benefit is shared by the State Government and the Employees’ State Insurance Corporation (ESIC) in the ratio of 1 : 7. Employees in receipt of daily average wage upto rate 50/- are exempted from payment of contribution however, employers’ contribute their own share in respect of such employees.

In addition to contribution the Corporation can accept donation, grants and gifts from Centre and state governments, local bodies and even from any individual too. All the money is deposited in an authorized branch of SBI and uses for medical and cash benefits, officers’ salaries, establishment of new hospitals and dispensaries. Comptroller and Auditor General of India audits the accounts of the Corporation.

Employers’ contribution represents the responsibility of the industries towards its workers. Similarly the workers’ contribution represents their responsibility towards themselves and their dependents, while the State’s subsidy represents the responsibility of a welfare state towards its citizens.16

Benefits

The Employees’ State Insurance Act provides cash and medical benefits to covered employees and their families. Section 46 of the Act envisages following six benefits:

1. **Medical Benefit**

   The ESI Act provides all kind of medical facilities and treatment to insured employee and his family during sickness, injury, accident and every kind of disease arising out of employment. The ESIC has now decided to modernise the ESI hospitals to provide better medical services to the beneficiaries.

   The medical benefit is divided into two categories as under.17

   (i) **Full Medical Care**

   This benefit consists of hospitalization facilities including specialist services, drugs, dressings and diets as required in-patient. All such kind of services are provided to workers and their family during ailment or illness.
(ii) Expended Medical Care

Expended medical care includes the facilities of consultation with the specialists and supply of special medicines and drugs as may prescribed by the doctors during the out-patient care. Special laboratory tests and X-Ray services are also given.

Except all such benefits the Corporation also provides the following amenities to industrial workers and their families:

Immunization

The Corporation also runs the immunization programmes for the young children of insured persons (IP). Under such programme vaccines are given against several diseases like diptheria, polio, tetanus, tuberculosis etc.

Supply of Special Aids

Insured persons under the ESI and their families are given artificial limbs, hearing aids, cervical collars, walking calipers, crutches, wheelchairs and pace makers if they are in need.

The Corporation can make an agreement with state government about the nature of medical treatment for the sharing of the cost of the medical benefit.

2. Sickness Benefit

Sickness benefit represents periodical payment made to an insured person (IP) for the period of certified sickness. This benefit is provided to an employee when he needs medical treatment and attendance is also given with wages on medical ground. Sickness benefit is roughly 50 per cent of average daily wages.

It is a qualifying type benefit and to become eligible to sickness benefit an IP should have paid contribution not less than 78 days during the corresponding contribution period. A newly entered person in insurable job has to wait till 9 months to become eligible for this benefit. Facility of this benefit is payable to 91 days in any two consecutive period. No benefit is admissible for the first two days of the spell of sickness which is called waiting period. This benefits is divided in two parts as follow:
(i) **Extended Sickness Benefit**

Insured persons suffering from long term ailment like T.B., mental diseases etc. and experiencing great hardships on expire of 91 days, sickness benefit period can be converted in extended sickness benefit which is normally 25 per cent more than the sickness benefit rate. The ESIC has a common list of such diseases and it was last reviewed in 5 December 1999 and came in effect from 1 January 2000. Presently, this list includes 34 diseases in 11 groups.

(ii) **Enhanced Sickness Benefit**

This benefit is given to insured men and insured women for vasectomy and tubectomy. It is double the rate of sickness benefit i.e. about the full average daily wages. Duration of enhanced benefit is upto 7 days in the case of vasectomy and upto 14 days in tubectomy from the date of operation.

Any person in receipt of sickness benefit is required to remain in under medical care and treatment at dispensary/hospital or any other institution as recognised in the Act. Cash benefit is paid by local office either personally to an employee or is remitted by post.18

**Maternity Benefit**

Maternity benefit is provided to a woman after being pregnant. An insured woman is entitled to maternity benefit at double the standard benefit rate. This is practically equal to full wages for a period of twelve weeks19 in which 6 weeks shall be before the expected date of delivery and 6 weeks after the actual day of child birth. If a woman wants she can take all the 12 weeks leave after the delivery. The qualifying conditions for this benefit is same as for the sickness benefit except one provision, that at least one contribution is necessary from the respective women between the 36 to 40 weeks before the week in which the confinement takes place or date of delivery is declared by her doctor.

By the amendment in 1966 in this Act, an additional benefit is given in case of miscarriage, on production of such proof for a period of six weeks immediately following the day of miscarriage during which she does not work for remuneration with effect from January 28, 1968.20 If any sickness or complication arises out during pregnancy or premature birth of child or miscarriage a supplementary help is given
for a period not exceeding the one month. Apart all these benefits if a woman dies during delivery, child receives benefit for whole of that period and in case child too dies the nominee is provided for the benefit.

**Disablement Benefit**

This benefit is provided to an employee suffering from employment injury and occupational disease under section 2(8) of the ESI Act. This benefit is provided in both situations whether the accident is occurred inside the factory or outside the limits of the establishment. The benefit is not subject to any contributory or qualifying condition. An insured employee is eligible from the joining day, for the benefit. Worker has to produce medical certificate for temporary disablement benefit. There is no prescribed limit for temporary disablement benefit until sickness stay benefit is given. If spell of sickness continues more than 3 days, excluding the day of accident worker will entitled to receive cash benefit which is 40 per cent extra to the normal sickness benefit and roughly 85 per cent of average wages. In permanent disablement compensation is given according to the percentage of disability.

In case of total permanent disablement the insured person is given life pension. The proper authority for assessing loss of earning capacity for injury is Medical Board and the rate of benefit is decided in proportion of disability. Its amount revised time-to-time to adjust with inflation and latest enhancement is with effect of August 1, 2002. If person is suffering from occupational disease then to become eligible for this benefit he must have been employed at least for a period of six months preceding the date of discovery of such ailment.

**Dependent Benefit**

This benefit is provided to the dependents of such employee who get death after employment injury. The ESI Act divides dependents in two categories and in first category widow and children of the deceased employee are included whereas second category consists of parents, grand parents and others. Pension is given to the family members of expired employee. Widow receives this pension for whole life or until the second marriage however, minor children get it till the age of 18 years.

**Funeral Benefit**

This benefit is payable to the eldest surviving member of the family after the
death of insured person to perform death ceremony. In case of absence of family member the benefit is paid to the person who performs the cremation and do the expenditure. The benefit has to claim within the three months of the day of death or within such extended period allowed by the Corporation. Presently the amount of funeral benefit is ₹ 5000.

In addition to all these six benefits, the Corporation also provides some other need based benefits to insured workers which are-

- Rehabilitation Allowance
- Vocational Allowance
- Unemployment Allowance (Under Rajiv Gandhi Sharmik Kalyan Yojna)

Rajiv Gandhi Sharmik Kalyan Yojna (RGSKY)

The Employees’ State Insurance Corporation (ESIC) introduced 'Rajiv Gandhi Sharmik Kalyan Yojna' for insured persons to assist them at the time of unemployment w.e.f. April, 1, 2005. It provides unemployment allowance to the insured persons who have been rendered unemployment involuntarily due to the closure of establishment, retrenchment or permanent invalidity arising out of employment injury. Medical care and health facilities are also provided to affected workers and their families from the ESI hospitals or dispensaries during unemployment period. There was also a precondition to come under this scheme that at the time of retrenchment, a worker should be the member of the ESI scheme and expected to contribute in the ESI for last three to five years but now in 147th meeting of the ESIC held on August 25, 2009, it is proposed to relax in such precondition of contribution. In the same meeting decision also taken to enhanced the unemployment allowance to insured person upto 12 months instead of earlier provision of 6 months.

Rashtriya Swasthya Bima Yojna (RSBY)

A new health insurance scheme is launched in April, 1st 2008 for Below Powerty Line (BPL) families entitled ‘Rashtriya Swasthya Bima Yojna’ (RSBY). This scheme is implemented by the state government whereas, the medical facilities for the scheme is taken from the Employees’ State Insurance Corporation. Central Government through Medical, Health & Family Welfare Ministry contributes 75 per
cent of premium amount. Total five members of a BPL family will be eligible for the cashless transation of ₹ 30,000 through smart cards issued after this scheme. \(^{24}\)

The RSBY is perhaps the largest scheme which is using information technology in rural areas. Till now this scheme is working over the 27 States/UTs of country and 2,23 crore smart cards have been distributed in 24 states under the scheme till December, 2010. Now the scheme will also be implemented on building and other construction workers who are a major part of unorganized sector. The Above Poverty Line (APL) workers, registered under Building and Other Construction Workers Act, 1996 will also be under the coverage area of the scheme. The fund collected through Building and Other Construction Workers Act would be utilized by the state government to pay premium for the scheme. Maternity Benefits are also under consideration for the inclusion in the scheme. During the year 2010-11, according to the order of Cabinet, the street venders also included in this scheme however, the workers of Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) will be considered as beneficiaries soon. This effort for the rural development is getting international acceptance and the World Bank and some other countries are showing interest in it. \(^{25}\) Now government becomes much concerned about the social security of unorganized workers and ‘Unorganized Workers Social Security Act, 2008’ has been passed in Parliament. National Social Security Fund has been set up for unorganized workers with an initial amount of ₹ 1000 crore. It will help the beedi wala, the rickshaw puller, today toppers, weavers etc. The ESIC infrastructure will be utilized to provide the health facilities to the unorganized workers.

**IT Roll-Out Plan**

In August 2009, the ESIC has started IT Roll-Out plan named ‘Project Panchdeep’ to online connectivity of the ESIC branches, offices, dispensaries, hospitals regional/sub-regional offices, State Directorates and the ESIC headquarters with 24 × 365 IT network for better services and fast information. According to this project the workers will provide a pair of ‘Magnetic Plastic Card’ in place of existing paper cards, one for worker and another for his family with the use of this ‘Pehchan Card’ insured person and his family can be able to get the ESI benefits throughout the country. A unique number will also provide so that workers can continue using card
even in change of job. First installment of 25 cards have been released by Union Labour and Employment Minister in 2009 but entire IT project is expected to operationalised till August, 2010 and 2.40 crore smart cards will be prepared under the plan within the amount of 1181.82 crore. This project will facilitate employees as well as employers. The benefits of online registration, submission of online detail of family, online deposit of the ESI contribution and also the medical facilities could be available easily after completing this plan.

Educational Programmes

The ESIC has decided to enter in medical education recently and is deliberating on another programme for educational faculty. It is preparing a programme called Adoption & Introduction of Modified Assured Career Programme (MACP) for the regulation of recruitment of teaching staff in the various ESIC colleges. In addition to this 29 colleges would be set up including medical, nursing, dental colleges, postgraduate institutions and para-medical schools to provide better medical services to the covered workers and their families. One post-graduate institute of medical science and research at Bangalore and one dental college at Delhi have already been started.

Administration

The Employees’ State Insurance Act is administered by the Employees’ State Insurance Corporation which was first organization in whole South-East Asia like itself. It is an autonomous body. It bears necessary state intervention and avoids bureaucratic methods and unnecessary delaying of work. For the proper implementation of the ESI Act the Corporation makes policy and constitutes a Standing Committee among its members. A Medical Benefit Council is also working which is constituted by Central Government.

The Corporation consists of:

- One Chairman
- One Vice-Chairman
- One person each representing the each state in which it is in force
- Ten persons representing employers
- Ten persons representing employees
- Two persons from medical profession
- Three members of parliament two from Lok Sabha and one from Rajya Sabha
- Director General of the Corporation.

All these members are appointed by Central Government. Except all the above members Financial Commissioners are also appointed by the government. Director General and Financial Commissioners are appointed for five years. Director General works as a chief executive of the Corporation.

**Functions of the Corporation, Standing Committee and Medical Benefit Council**

The Corporation mainly look after the proper implementation of the provisions of the ESI Act but in addition to it the Corporation promotes measures for the improvement of the health and welfare of insured persons and also works for the rehabilitation and re-employment of the insured persons who have become disabled or injured during the job. The Corporation did all the work from the Employees’ State Insurance Fund at the prescribed rate of the Central Government. This body also prepares the annual budget and reports and sends them to the Central Government.

Standing Committee is chief executive of the Corporation and bears the responsibility of actual administration of the scheme. Medical Benefit Council advises the Corporation about the proper administration of medical benefits and also do the certification for the purpose of grant the benefits. The Council also investigates the complaints make about medical treatment and approves attendance with wages regard the sickness period. The Corporation can also establish Regional Boards, Local Committees, and Regional and Local Medical Benefit Councils to provide and assess the benefits at local level.

Except all the above bodies, the Employees’ Insurance Courts are also established under the ESI Act to settle the disputes of compensation and other matters regarding the Act’s provisions. Any state according to its geographical conditions or workload, one or more court can establish. Its Judge should be from legal profession with five years experience. These Courts have all authorities like Civil Courts.

Presently, the Corporation is running 677 implementation centers that covers
2.38 lack employers, 1.43 crore employees and total 5.55 crore beneficiaries and 183 hospitals and 1453 dispensaries are working under the Act.

EMPLOYEES’ PROVIDENT FUND AND MISCELLANEOUS PROVISIONS ACT, 1952

The Employees’ Provident Fund and Miscellaneous Provisions Act was constituted to safeguard the future of workers after the retirement, to help the dependents in case of his early death and to cultivate the spirit of saving among the workers.

For the first time in 1925, government enacted the Provident Fund Act but it was only for government employees. In 1931, Royal Commission stressed on old age benefits and the Third Labour Ministers Conference (1942) prepared a model for Provident Fund rules. The model was placed before the Standing Labour Committee in 1944. Further, Labour Investigation Committee in 1946 deliberated on the issue comprehensively. In result to all the former steps, for the first time in 1948, government implemented the Coal Mines Provident Fund and Bonus Scheme. But the scheme was only for the coal mine workers and to extend it to whole workers once again a discussion took place in the Labour Conference in 1948 and in 1950 the Standing Labour Committee recommended for instituting of a provident fund scheme for all workers. Later Government of India approved the Employees’ Provident Funds Ordinance on 15 November, 1951 that provided a compulsory provident funds scheme for the employees of various factories and other establishments. This ordinance was replaced by the Act in 1952.

The ‘Employees’ Provident Fund Act’ was further amended in May, 1958 to extend the benefits of provident fund to establishments belonging to government or local authority.\(^2\) The EPF Act has amended a lot of time to make it more beneficial and practical.

On a review of working of the scheme over the year it was found that provident fund is undoubtedly an effective old age benefit but if bread winner dies during and after the job this money can not be sufficient for long term protection of the family so this led to the constitution of Employees’ Family Pension Scheme with effect of March 1, 1971. Further, in 1976 the Act was amended to link the scheme to
insurance and the Employees’ Deposit Linked Insurance was framed which worked from August 1, 1976. But in 1995, government made some changes in Employees’ Family Pension scheme and replaced it with the Employees’ Pension Scheme, 1995 (EPS, 95)

Objective of the Act

The chief objective of the Act is to provide an employee financial security after retirement or during his old age. Not only after retirement but this Act also gives monetary assistance before the retirement for specific work. Prior, Family Pension Scheme but now Employees’ Pension Scheme is constituted to provide financial security as pension to the family of worker after his death.

Scope and Coverage

The Act extended to whole of the India except the state of Jammu & Kashmir. It applies to every establishment specified in schedule I in which twenty or more persons are employed. But the cinema and theaters employing 5 or more persons can be covered under the Act.

Before the amendment, a worker have to complete one year continuous service to become eligible under the Act but now an employee is eligible for the membership of the Act from the day he joins the covered establishment. The Central Government by notification in the Official Gazette may specify, any other establishment employing twenty or more persons or class of such establishment, to which the Act shall apply. Till the March 2009 the Act covers 5.73 lack establishment and approximately 4.71 crore subscribers under three schemes in both public and private sectors.

An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed there in any time falls below twenty.

Exemption under the Act

The establishments registered under Co-operative Societies Act and employing less than 50 persons working without the aid of power are exempted from the implementation of the Act.
An establishment which has its own provident fund scheme or any other retirement benefit scheme which is not less favourable than the statutory scheme can get the exemption from the operation of the Provident Fund Act, but the majority of workers should be in favour of it and enjoying the benefits. The exemption is granted by ‘Appropriate Government’ through a notification. If the workers of exempted establishment are not satisfied with existing provident fund scheme of their establishment and majority of them are in favour of the Act, then the Act may be applicable to such establishment and the employer can get voluntary coverage under section (4).

**Duties of Employer**

1. Enroll the eligible employees as the beneficiary of the Employees’ Provident Fund Act from the right date.

2. Send initial returns.

3. To maintain the inspection note book for an inspector to record his observation.

4. Discuss the various matter with Central Board for proper implementation.

5. Pay to the fund the shares of the contribution and administrative or inspection charges within 15 days of close of the month.

**Schemes**

The Employees’ Provident Fund and Miscellaneous Provisions Act has three scheme under it.

1. **Employees’ Provident Fund Scheme**

   The Employee’s Provident Fund Scheme, 1952 (Sec. 5) provides financial security to the employees in a covered establishment by providing a system of compulsory saving. The scheme covers the employees getting wages not exceeding ₹ 10000 per month. From November 1, 1990 onwards the employees are eligible to become the member of the scheme from the date of joining the factory. Both employees and employers contributes in this scheme. Employee pays 12 per cent of his emoluments (basic wages, dearness allowances if any) in the provident fund and employer also contributes equivalent to employee in this fund but a major part of his
share of contribution is to be remitted toward pension fund. But in some establishments viz. brick, beedi, jute, guar gum etc. the rate of contribution is 10 per cent. 1.10 per cent of total wages of employee on which provident fund is recovered shall be payable as administrative charges in this scheme by the employer every month and 0.18 per cent is paid as inspection charges. Employee can make higher contribution voluntarily but both employer and employee should in favour of it. This higher contribution can not exceed 20 per cent of total wages.

The rate of interest of provident fund is fixed by Central Government in consultation with the Central Board of Trustees. Presently, interest of the provident fund amount of the employee is 9.5 per cent. Every year the provident fund member gets its balance record if he found any error in it he can approach to P.F. Commissioner.

A Death Relief Fund (DRF) has been set up under the Employees’ Provident Fund Scheme. As a measure of immediate relief, upto ₹ 2000 is given to the nominee/heirs of the deceased member, but the pay of the employee does not exceed ₹ 1500 per month at the time of death, in case the death has occurred on or after April 1, 1988. As on 2006, the total number of establishments covered under the scheme was 444464 in which total number of membership were 429.53 lakh.27

2. The Employees’ Deposit Linked Insurance Scheme, 1976

Another important social security measure, Employees’ Deposit Linked Insurance Scheme (Sec. 6C) was introduced for members of the Employees’ Provident Fund and exempted provident fund with effect of 1st August, 1976. No amount is recovered from employees for insurance fund. Employer is required to pay a contribution of 0.5 per cent of the pay of the employee in insurance fund. In addition to this, employer has to pay 0.01 per cent as administrative charges and 0.005 per cent as inspection charges of the employees’ total pay in this scheme.

This scheme is administered by Central Board of Trustees (CBT) constituted under Section 5 A of the Act. The Regional Committee set up under EPF scheme advises the CBT for the effective administration of this scheme.

On the death of an employee, while in service who is a member of Employees’ Provident Fund or of the exempted provident fund would be paid an
additional amount equal to the average balance in the provident fund account of the deceased during the preceding 12 month. The maximum amount of benefit under the scheme is ₹ 60000.

3. **The Employees’ Pension Scheme, 1995**

The Employees’ Pension Scheme, 1995 (Sec. 6A) come into effect from 16 November 1995 and aims at providing for economic sustenance during old age and survivorship coverage. The new entrants to the membership of provident fund from November 16, 1995 will also get the membership of the scheme on the compulsory basis. On the introduction of EPS, 95 the erstwhile employees of the Family Pension Scheme, 1971 ceased to operate and its almost members compulsorily became the member of new scheme. A minimum 10 years service is required for entitlement to pension. Out of 12 per cent share of employer’s contribution 8.33 per cent goes towards pension fund. No administrative and inspection charges are paid by employer and the entire cost of the administration is met by the Central Government and it contributes at the rate of 1.16 per cent of employees’ total wages in this scheme. This scheme provides life time pension to employee after superannuation and his family after his death. So it is a very beneficial and long term social security scheme for industrial workers. Total number of beneficiaries as on 31st March 2004 is 23.36 lakh under the scheme.

**Benefits**

All the three schemes running under Provident Fund Act provides various benefits i.e. retirement benefits, medical care, housing, fulfilment of family obligations, education of children, finances of insurance policies etc. Two types of advances, refundable and non-refundable are provided under E.P.F. scheme. Refundable advances have to pay back in fund but non-refundable advances are deducted at the time of retirement from P.F. An employee can get advance for construction of house, marriage of children, education of children and any surgical operation. A member of P.F. can withdraw full amount of fund on retirement, at the time of termination of service, at permanent and total disablement due to the bodily or mental infertility, on migration from India for permanent settlement in abroad and in case of mass and individual retrenchment. The withdraw of upto 90 per cent of the provident fund amount can be done after attaining the age of 54 years or from one
year before actual retirement. When an employee changes his service from one
establishment to other the transfer facility of provident fund accumulation is also
provided to him. Except all these benefits insurance facility is given through
Employees’ Deposit Linked Insurance Scheme.

The Employees’ Pension Scheme provides the amenities such as monthly
pension of the member, pension to widow, children, orphan, disabled children,
nominee, father/mother upon death of the member, facility of capital return,
commutation of pension upto 1/3rd.

Administration

The administration of Provident Fund Act is handled by the Employees’
Provident Fund Organization (EPFO) or Central Board of Trustees which is a
tripartite organization having the representative of Central and State Governments,
employees and employers. Central Board of trustees consists of –

a) A Chairman
b) A Vice-Chairman
c) Five Central Government Representatives
d) Fifteen State Government Representatives
e) Ten from Each Employers and Employees

Hon’ble Union Labour Minister is the chairman and Minister of State for
Labour is the Vice-Chairman of the Board. Central Provident Fund Commissioner is a
chief executive of the Board and works as a whole time member. A Executive
Committee is also constituted to dispose day to day work. Central Government is
authorized to constituted the State Board with consultation of state government and
exercise such powers and duties as the Central Government may assign to it.

As a measure of decentralization so that the service can provide nearer to
doors of the members regional, sub-regional and sub accounts offices are opened by
the EPFO. There are 32 Regional, 75 Sub Regional Offices. Besides these offices 12
service centers are functioning in all over the country to provide education and
guidance to members.

Apart from all these officers Central Government may appoints Financial
Advisers and Chief Accounts Officers to assist Central Provident Fund Commissioner. Appellate Tribunals can be established to hear the complaints. This administrative staff works hard to implement the Act properly.

**Computerization Plan**

The Employees’ Provident Fund Organization (EPFO) was started as a new computerized plan in 2009 to connect all the EPFO offices with internet and to provide better services to its members. There is a plan to cover near about 27 EPFO offices till March 2010 ₹ 96 crore have been approved for the first phase of implementation of this plan. The EPFO has covered 5.73 lakh establishment of both category (exempted and unexampled) and 4.71 crore members till March, 2009. ²⁸

This plan is formulated for the help of both (employees and employers) after the proper implementation of the plan an employee can check his provident fund money time to time through internet, he can receive more and more information about this scheme. Even in the new system the workers can apply for advances or loans through internet and electronic payment would be paid through National Electronic Fund Transfer (NEFT) mode. This will be ensure that claims once done will be credited to members’ account within 2 days instead of sending cheque by post which is time consuming. Thus the new computerized system will increase the efficiency and transparency in the implementation of the scheme.

**MATERNITY BENEFIT ACT, 1961**

Nature has made woman to bear child in order to keep the generations going on. Bearing of a child is also a family as well as social obligation of married woman and an employed married woman cannot be an exception, or immuned from this obligation. Thus maternity is unavoidable.²⁹ Pregnancy is a special occasion for a woman and it is that time when she needs best care so that she can deliver a healthy child. It can be possible in the supervision of an expert. Normaly it is said that woman should stay home at that period but for professional woman it cannot be possible. So it becomes the responsibility of an employer also to make provisions for her welfare and provide her maternity benefits. It is his social obligation.

The convention on “Protection Motherhood” was adopted in 1919 by the I.L.O. and in 1921, the Goverment of India reported that it was not possible to adopt
the decisions of convention due to various reasons. A Bill was brought before the Parliament by a private member in 1924 urging the government to make it compulsory for the employers to provide maternity benefit to women workers. However, the Bill was opposed by government on the ground that it will adversely effect the employment of women. Further, the Royal Commission on Labour (1931) has also made its recommendation on the necessity of suitable legislation for female workers so that they can be protected at pregnancy time. But in India, state government took initiative and the Government of Bombay passed first Maternity Benefit Act in 1929. Subsequently, many of Indian states passed a lot of legislations for motherhood protection but these legislations were slightly different in their benefits, qualifying conditions and leave period. Besides, state legislations there were three central legislations i.e. Mines Maternity Benefit Act, 1941; Employees’ State Insurance Act, 1948 and the Plantation Labour Act, 1951 which also provides some benefits as provided by state legislations, for the maternity period. After a long discussion and to abolish the disparities in various Maternity Benefit Acts Central government constituted a Central Act, the Maternity Benefit Act, 1961. This Act is a mile stone for woman workers and protects their job during the period of maternity.

After its constitution the Act was amended in 1972, 1973, 1976, 1988, 1995 and recentaly in 2008 to provide better maternity facilities to woman employees.

Objective of the Act

The objective of the Maternity Benefit Act is to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child.

It regulates employment of women in certain establishments for a certain period before and after child birth and provide for maternity and other benefits. If the Act will not in force it become difficult for poor woman workers to survive during pregnancy period and they can also be discharged from job being absent for delivery. So it also provides a feeling of security to female workers. The Act is also enacted to fulfil the social obligation towards women workers during the period of reproduction.

Scope and Coverage

The Act is extended to whole of the India and applies to every factory, mine,
plantation, establishment, for the exhibition of equestrian, acrobatic and other performance employing ten and more persons, except employees covered under the Employees' State Insurance Act, 1948. The state government can extend it to any other establishment or class of establishments which are not covered yet. There are no wage limit for the coverage under Act however, a woman shall be entitled to maternity benefit only when she has actually worked for a period not less than eighty days in twelve months immediately proceeding the day of her expected delivery.

Before the amendment 1976, the ESI covered factories could not apply the Maternity Benefit Act due to the same benefits but after this amendment both can work simultaneously in a factory because the ESI Act has always wage limits for its coverage so the women receipt of wage exceeding were now eligible to entitle the benefits under this Act.

**Benefit**

The Maternity Benefit Act provides the pregnant working women 12 weeks maternity leave with wages, 6 weeks before the child birth and 6 weeks immediately after the day of delivery. However, the employee also has the option of taking the full 12 weeks leave after the delivery. It is prohibited to employ female employee during the six weeks after delivery, miscarriage or termination of pregnancy. A pregnant woman can request her employer for light work or not to give her work which involves long hours of standing which can become the cause of miscarriage, before the 10 weeks of her expected delivery date and employer cannot deny. For the 12 weeks leave the woman employee is paid at the daily average wages calculated with three months preceding absence on maternity leave. The maximum period for leave is 12 weeks in normal cases but if any woman suffering from any illness arising out of pregnancy, delivery, pre-mature birth of child, miscarriage, termination of pregnancy is also entitled, in addition to the normal leave, maximum one month leave with wages at the rate of maternity leave. Woman has to produce proof such as medical certificate in favour of her illness. The Act also bears or provides medical bonus of ₹ 1000 if woman does not receive any pre or post-natal care. Before 2008 amendment, this amount of medical bonus was only ₹ 250 but it was very little and this amendment also empowered Central Government to increase the amount of Medical Bonus subject to the maximum of twenty thousand rupees before every three
years, by notification in Official Gazette.

If a woman dies during leave period, the benefit will be payable till the day and including the day of her death and if she leaves behind child the benefit is payable for the entire period of 6 weeks immediately following the day of delivery. In the case of child death the benefit is payable up to and including the day of death. The amount of maternity benefit will be payable to nominee or legal representative in case of women death. Under section 11 of the Act the nursing breaks are to be provided twice daily until the child is 15 months old.

No dismissal or discharge can be done by employer while any woman worker is on maternity leave. If due to any reason dismissal happen during pregnancy, it does not deprive her right of maternity allowance except in the case of misconduct. Employer cannot made any deduction for maternity leave, for lighter work before delivery or for nursing breaks because it is a legal right of a woman to avail all these facilities. A woman employee is prohibited to work in any other organization during her pregnancy leave.

**Administration**

The administration of Maternity Benefit Act is not handled by any specialized agency or autonomous body like other social security enactments rather it is handled departmentally. The administration of this Act in various states is a responsibility of Factory Inspectors. In connection of coal mines the administration of it, is total responsibility of coal mines Welfare Commissioners. The Director General of Mines Safety administers the Act in mines and other than coal mines.

Any claim due under this Act may file to the inspector. If any woman want to appeal against the decision of Inspector it can be preferred to Deputy Labour Commissioner, who works as prescribed Appellate Authority under Maternity Act.

Employers shall in each year submit a return to competent authority about the particulars concerned to Act in respect of preceding year. The punishment for offences is also decided in Act, which is imprisonment not less than three months but it may be extended to one year with fine which shall not be less than two thousand rupees and it can extend to five thousand rupees.
PAYMENT OF GRATUITY ACT, 1972

The payment of gratuity is a type of retirement benefit which provides financial assistance to an employee to secure his old age. It is an additional benefit order than provident fund and pension. The main feature of this Act is that it is a non-contributory type of scheme. Employee has not to deposit any amount to avail it but only employer deposits money for his employee at the prescribed rate.

It is not a new concept its roots found in ancient Indian society. At the time of kings, hard working and efficient workers got the reward after completing their service to live with ease and comfort. After passing time, many industries were established and some of them provided cash gratuity to its employees, but at that time it was voluntary in character. So any strong legislation was needed to make it compulsory for every employer.

To regulate the payment of gratuity the Working Journalists (Conditions of Service) and Miscellaneous Act, 1955 was passed, subsequently, Kerala passed Gratuity Act in 1971 for its Employees and West Bengal also follow it with constitution of Employees' Payment of Compulsory Gratuity Act, 1971. Further, some other states also enacted Act in this respect but a integrated central legislation was necessary for the uniformity in payment of gratuity throughout the country.

In the State Labour Ministers’ Conference and also in the Indian Labour Conference held at New Delhi on August 1971, and October 1971 respectively discussed about the matter. After this discussion the then Labour Minister placed the Payment of Gratuity Bill, 1971 in Parliament on December 10, 1971. Then the Bill was referred to the Select Committee and after its recommendations Parliament passed it in the same form as Select Committee suggested. The Act came into force from September 16, 1972 and implemented wholeover the India. This Act is amended in 1984, 1987, 1994, 1998 and 2008 and recently in 2010.

Most of the Gratuity schemes are tenable under the following circumstances.

(a) On retirement or superannuation;

(b) On voluntary retirement or resignation after a specified periods of service;

(c) On physical or mental incapacity which may under an employee unfit to continue in service;
(d) On termination of service by the company for the reasons other than misconduct or indiscipline; and

(e) On death in permanent service.

Thus this Act is an important measure of social security for the employees at that time whenever necessity is before them but resources are greatly reduced.

**Objective of the Act**

The aim of the Act is to provide benefit to those workers who rendered long but now they are retired or unable to work however, financial necessity is still before them. At that time economic assistance is given through this Act so that aged workers can survive in a better manner in the society and be self dependent.

**Scope and Coverage**

The Act is applicable to whole of India but so far as it relates to plantation or ports, it shall not extended to the State of Jammu & Kashmir. It shall applicable to every shop, plantation, port, oilfield, railway company, motor transport undertakings or other establishment employing ten or more persons but in the amendment in 2010, it can also cover the educational institution. A shop and establishment to which this Act has become applicable shall continue to be governed by this Act even then whenever the number of the workers falls below ten.

**Benefits**

The Act provides cash benefits after superannuation. The employees have to complete five years continuous service in the establishment to become eligible for the benefits of this Act but if he has fired out from work before five years not due to his own fault but because of lay-off, lockout, strike he can claim gratuity. Except it, the completion of five years shall not be necessary where the termination of any worker is due to death or disablement. In case of death the nominee get the amount of gratuity, if he/she is minor, then employer deposited the money in bank till his/her getting the age of 18 years.

If the termination of employment is due to any act of willful omission or negligence causing any damage and loss to employer, the gratuity can be forfeited to the extent of the damage caused.\textsuperscript{35}
The section-2(A) of Gratuity Act explains if a worker works below the ground in a mine he has to work for 190 days in a year and 240 days in another cases for the claim of gratuity of completed year. Permanent workers receive 15 days wages as gratuity, however, seasonal workers get seven days gratuity for every completed years of service. If a worker works less than prescribed days in a completed year he will not be eligible for this year gratuity. The total amount of gratuity payable to any employee was ₹ 3,50,000, till 2010 but now it can be exceeded ₹ 10,00,000.

While giving the gratuity to an employee following days have also been included during the year:

(i) Absenteeism due to lay-off or lock out;
(ii) Earned leave with full wages;
(iii) Absent from work due to temporary disablement;
(iv) Maternity leave of a female worker.

**Exemption**

Those employers or establishment which is not under the control of Central or State Government is liable to obtain insurance in the manner prescribed. The employer can deposit the gratuity amount in LIC of India established under LIC of India Act, 1956 or any other prescribed insures.

Appropriate government can exempt any establishment from the implementation of this Act but only when an establishment has already running any such type of gratuity scheme and employee working over there are quite satisfied with this scheme. An establishment, having the strength of 500 workers can adopt this scheme only. Government can constitute a Board of Trustees for the proper implementation of such scheme. If an employee becomes unable to pay premium of insurance timely then he has to pay the amount to Controlling Authority of Gratuity Act including the interest.

**Administration**

The Payment of Gratuity Act is not administered by any autonomous and independent body like ESI, EPF but any appropriate government can appoint Controlling Authority to administer the Act. Different controlling authorities can also be appointed for different areas.
The Central Government is the appropriate government in relation to an establishment, factory having the branches more than one state and also various mines, Railway Company, major ports work under the control of Central Government. Apart from these establishments, state government work as appropriate government.36

Appropriate government can appoint inspectors for the proper implementation of Gratuity Act. If more than one inspector has been appointed for any area then appropriate government can distribute areas and allocate work to them. Every inspector is considered as a public servant under Indian Penal Code, 1860 (45 of 1860).

An inspector can ask for proper information to employer. He can inspect any establishment with any public authority or assistant to check the necessary registers and records which is required to maintain for the Gratuity Act. An inspector is powered to examine any matter took in his notice by employee or employer of any factory. Controlling Authority also handles all the disputes raised in the matter of gratuity payment.

IMPLEMENTATION

Social security of working class is placed in concurrent list so both centre and state governments have the authority to constitute legislations about it. Autonomous bodies are also working to make various policies and schemes. They are with the coordination of State Labour Department working to ensure the proper implementation of the Acts. In this portion of study we are examining the views of Labour Officials about labour matters.

Enforcement Machinery

The officials of Labour department were asked about adequacy of enforcement machinery and the data has been illustrated in the following table.

<table>
<thead>
<tr>
<th>Sr No.</th>
<th>Opinion</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adequate</td>
<td>36</td>
<td>75</td>
</tr>
<tr>
<td>2.</td>
<td>Inadequate</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>
The table 3.1 shows that majority 36 (75%) official opined about the adequacy of enforcement machinery however, only 12(25%) were in favour of inadequacy. Those who responded negatively said that a lot of posts are laying vacant since long ago.

**Visit in Factory**

To check the proper implementation of labour laws various inspectors are being appointed at district level. Headquarter officers also do the timely visit in factories. The views of the officials about visit in establishments are shown in table 3.2.

### Table 3.2
Views of Officials about Visit in Factory

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Visits</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Weekly</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Monthly</td>
<td>29</td>
<td>60.5</td>
</tr>
<tr>
<td>3.</td>
<td>Bi Monthly</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>Quarterly</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>Half Yearly</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>Yearly</td>
<td>19</td>
<td>39.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>48</strong></td>
<td></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The above table 3.2 reveals the perceptions of officials about the frequency of visit in various factories come under their coverage area and out of total officials 29(60.5 %) responded about monthly visits and remaining 19 (39.5%) opined about yearly visits. So a majority of respondents were in favour of monthly visits.

**Meeting with Workers**

Labour officials normally visit in factories to know the problems of the workers but sometime they only meet management members and trade union leaders. The views of the officials whether they meet workers or not are explained in table 3.3.
Table 3.3
Views of Officials about Meeting with Workers

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Views</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Yes</td>
<td>43</td>
<td>89.5</td>
</tr>
<tr>
<td>2.</td>
<td>No</td>
<td>5</td>
<td>10.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table 3.3 depicts that overwhelming majority of officials 43(89.5 %) have positive opinion to meet the workers on the other part a minor part 5 (10.5 %) negatively responded. Those who responded positively told that every time they meet the workers and another fraction viewed that due to the lack of time they meet the management.

Working of Labour Welfare Officers

Government has appointed Labour Welfare Officers to check the welfare provisions being implemented in factories or not. Labour Welfare Officers are expected to be active in their working. Factory administration also recruits Welfare Officers at factory level to solve the problems of workers. The response of state labour officials about the satisfaction of working of Welfare Officers is described in the table 3.4.

Table 3.4
Views of Officials about the Satisfaction of the Working of Labour Welfare Officers

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Response</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>38</td>
<td>79.2</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>10</td>
<td>20.8</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table 3.4 reflects the views of the officials on the working of Labour Welfare Officers at the factory level and majority of officials 38 (79.2 %) reported satisfaction, however opposite to it only 10 (20.8 %) expressed dissatisfaction with the working of Welfare Officers.
Effectiveness of Coordination

Coordination is very much necessary to run the activities of any organization or department. The opinion of the Labour Officials about the effectiveness in the coordination in Labour Department is expressed in table 3.5 given below

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Response</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Yes</td>
<td>43</td>
<td>89.5</td>
</tr>
<tr>
<td>2.</td>
<td>No</td>
<td>5</td>
<td>10.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Observations with regard to the effectiveness of the coordination in the Labour Department are illustrated in the above table. The overwhelming majority 43(89.5 %) positively responded whereas, only 5(10.5 %) have negative views about the effective coordination.

Competence of Administrative Machinery of Social Security

To implement the social security provisions, administrative machinery works at factory level and the labour officials were questioned about their efficiency of work. (Table 3.6)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Response</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Yes</td>
<td>29</td>
<td>60.5</td>
</tr>
<tr>
<td>2.</td>
<td>No</td>
<td>19</td>
<td>39.5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 3.6 indicates the respondents views about the competence of administrative machinery working for the ensurance of social security and more than half respondents 29(60.5 %) represented the positive views about it while 19 (39.5%) had reported negatively.

Control Over Staff

The table 3.7 interprets the official’s views about the control over the staff working under them. Most of them said that their staff is much disciplined so they need not to exercise strict control over them.
Table 3.7
Views of Officials about the Control Over Staff

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Opinion</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adequate</td>
<td>46</td>
<td>95.9</td>
</tr>
<tr>
<td>2.</td>
<td>Inadequate</td>
<td>2</td>
<td>4.1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The above table 3.7 presents the data about the control exercise by officials over staff and the overwhelming majority 46 (95.9 %) reported about the adequate control however, only 2 (4.1 %) has negative response.

Adequacy of Social Security Measures

Social security is considered as an integral part of labour welfare. The ILO has classified the labour welfare activities in two parts i.e. intramural and extramural activities and the social security placed in extramural activity, which is provided outside the factory. Labour officials were asked whether the social security measures provided by government are adequate or not. (Table 3.8)

Table 3.8
Views about adequacy of Social Security Measures

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Opinion</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adequate</td>
<td>22</td>
<td>45.8</td>
</tr>
<tr>
<td>2.</td>
<td>Inadequate</td>
<td>26</td>
<td>54.2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The data shown in table 3.8 indicates that more than half 26 (54.2 %) respondents were in favour of inadequacy of social security measures while 22 (45.8 %) have opined about adequacy. Those who opined about inadequacy replied that the social security measures are insufficient because they do not increased according to change the time.

Social Security Provided By Factory Owners

Opinion of the official is interpreted in table 3.8 about the ensurance of social security given by the factory owners to their workers. Government has constituted a lot of Social Security Acts but they have no use if the factory administration doesn’t apply them.
Table 3.9

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Opinion</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Very Good</td>
<td>5</td>
<td>10.5</td>
</tr>
<tr>
<td>2.</td>
<td>Good</td>
<td>36</td>
<td>75.0</td>
</tr>
<tr>
<td>3.</td>
<td>Worst</td>
<td>7</td>
<td>14.5</td>
</tr>
<tr>
<td>4.</td>
<td>Bad</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>48</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The above table 3.9 depicts that majority of officials 36(75%) opined that the factory owners are good in ensuring social security measures which is followed by 7(14.5%) and 5(10.5%) respondents having the opinion of worst and very good respectively.

**Role of Trade Union Leaders**

The trade unions work as backbone of an establishment and well wisher of workers. Through union leader management can get the information about the problems of workers in its establishment. The question was raised before officials whether they get the help of union leaders in formulation and implementation of labour policies or not. (Table 3.10)

Table 3.10

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Opinion</th>
<th>Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Yes</td>
<td>27</td>
<td>56.3</td>
</tr>
<tr>
<td>2.</td>
<td>No</td>
<td>21</td>
<td>43.7</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>20</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table 3.10 presents that more than half 27 (56.3 %) responded that they get the help of union leaders at the time of necessity whereas, 21(43.7 %) respondents said they did not get their help in policy formulation and implementation. Thus majority of officials get the help of union leaders.

In India, social security legislations achieved a great speed after independence, because government passed four major Social Security Acts after independence. All these Acts providing a lot of benefits to the working class. The officials of the Labour Department are working efficiently to implement these Social Security Acts.
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