International Journal of Academic Research
ISSN: 2348-7666; Vol.4, Issue-12(1), December, 2017
Impact Factor: 6.023; Email: drtvramana@yahoo.co.in

Social Security and Law, women

K Chandra Reddy,

Assistant Professor in Department of MBA, KKR&KSR Institute of Technology and science Guntur, Affiliated to JNTUK,AP.

Abstract : The aim of this paper is to highlight the existing social security acts, policies and schemes in India. Now a day's Social security may be protective or promotional tool for social welfare. These regulations provide safety nets to enable workers to cope with emergencies that affect families from time to time, such as illness, employment injury, death or old age. In the modern world women getting plenty of opportunities, due to that they are shifting interest from household duties to office duties. They perform more responsibilities in producer of income for her family. Society being male dominated, women workers receive still poor gratitude and value especially for women workers in the informal sector. The twofold burden of combining the tasks of family life and work life is even more difficult despite the statutory provisions to ensure fair working conditions for women in India.

Key Words: social security, protective, employment, living, opportunities, twofold.

Introduction:

In developing countries like India, social security usually reminds the notion of a wide-ranging framework of public policy around several elements including employment generation, food security, housing, land distribution, health care, drinking water and sanitation, education, skill development and social insurance. In the view of social context there are two different characteristics of social security, 'promotion' and 'protection'. While promotion is related to the long-term task of improving normal living conditions, protection is concerned with caring the population from a decline in living standards due to ill-health, accident, death or old age. Labor regulations are generally concerned with the protection aspects of social security, embodying laws and programs that provide emergency mechanisms to enable workers to cope with disasters that confront families from time to time. Regulations covering social security in view of the welfare of society but also from the productivity of the work force in any activity such as manufacturing

Supporting social security is an investment, not a burden. Social security policies in India should be based on the human rights background, and the ILO's directions, and should guarantee 'Prevention, Protection, Promotion and Transformation by integrating applicable fairness of empowerment'.

In the work place women worker, but they are not seen as workers in the real sense of the word. This situation should be answered by expanding the definition of women's work to include: **Objectives:**

- To study the social security system and law in India.
- To know the law related benefits in employment

Existing Social Security programs in India: The Employees' Compensation Act, 1923, Payment of wages Act1936, Minimum wage Act 1948 Employees' State Insurance (ESI) Act 1948, Employees' Provident Funds and Miscellaneous Provisions Act 1952, Maternity Benefit Act 1961, Payment of Bonus Act 1966, and Payment of Gratuity Act1972. Equal remuneration Act 1976, The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act,2013. These Acts have been enacted to provide social security benefits to workers in India. We describe below the principal provisions of these Acts and how to protect and welfare of employees.

The Employees' Compensation Act, 1923: The objective of this act to provide compensation for workmen in cases of industrial accidents/occupational diseases resulting in disablement or death. It was also called the Workmen's Compensation Act, 1923, it was changed based on the recommendations of the Second National Labour Commission to make it gender neutral. Initially, the coverage of the Act included workers only in factories and in the transportation sector, but several state governments have extended the coverage to other areas such as agriculture, horticulture, irrigation, **etc.**

According to this Act all injuries sustained, or occupational diseases contracted during duty of work are covered by the legislation. Apart from temporary disablement of less than 3 days, compensation is denied and a worker if an injury is suffered while under the influence of alcohol or due to disregard of safety rules then compensation is denied. The Act provides for payment of compensation by the employer to employees in the event of death or permanent or temporary disablement. In the event of death, compensation is to be paid to the dependents. It includes not only the spouse, widowed mother and minor children but several other relatives if it can be shown that they were dependent on the earnings at the time of death.

The Act also list out the factors, the factors depend upon the age of the employee and are numerically the highest for an employee aged 16 years and the lowest for one aged 65 and above. In the case of death, an amount equivalent to 50 per cent of wages will need to be multiplied by the relevant factor to calculate the compensation. In the case of permanent disablement, the compensation is higher, and to be multiplied by 60 per cent of the wages. Alternatively, the Act provides for fixed amounts of compensation of Rs.1,20,000 in the case of death and Rs.1,40,000 in the case of permanent total disablement. For permanent, partial disablement such as loss of fingers or toes, the compensation is reduced based on the percentage of loss of earning capacity. The act lays out the assumptions to be made about the loss of earnings capacity for various categories

Payment of wages Act 1936: To make sure, regular and timely payment of wages to the employees to check unlawful deductions being made from wages and illogical fines being imposed on them played persons. The Act guarantees payment of wages on time and without any deductions except those lawful under the Act. It also provides for the responsibility for payment of wages, fixation of wage period, time and mode of payment of wages, permissible deduction. The Act does not apply to persons whose wage is Rs. 10,000 or more per month. It covers tramway service , or motor transport service engaged in carrying passengers or goods or both by road for hire, air transport service dock, mechanically propelled; (e) mine, quarry or oil-field; plantation establishment in which any work relating to the construction, development or maintenance of buildings, roads, bridges or canals, or relating to operations connected with navigation, irrigation, or to the supply of water or relating to the generation, transmission and distribution of electricity

Employees' State Insurance (ESI) Act 1948: The objective of this act to provide for health care and cash welfares in the case of sickness, maternity and employment injury. The ESI Act, 1948, covers the whole country. Although the ESIS is not universal and has important segregations even within the organized sector, it still has substantial coverage. As on march 2016, there were 17.9 plus million employees covered by the ESIS and about 1.3 million coverable employees in geographical areas India. The Government of India has established a corporate body, known as the Employees' State Insurance Corporation (ESIC). Employees of covered establishments are referred to as insured persons. It is covering medical care, sickness, maternity, employment injury, disablement, dependents and unemployment. It applied initially to non-seasonal factories but has subsequently been extended to other categories of establishments, particularly in the services sector. At present-day, it also applies to shops, hotels, restaurants, cinemas, road transport undertakings, newspaper establishments, and educational and medical institutions with more than 20 employees. Recently the number is reduced by 10 employees. The maximum wage of employees covered by the Act is Rs 15,000 per month, which has been relaxed to Rs 25,000 per month for employees with disability. it is revised from time to time to take care of inflation, but once an employee has been covered, she remains covered for the entire service period. The ESI scheme is financed by contributions mainly from employers and employees, with the previous paying 4.75 per cent and the latter 1.75 per cent of the wages. Expenditure on medical care is collective between the ESIC and state governments in the ratio of 7:1, The ESIC has set up a network of hospitals, including super-specialty hospitals, and is in the process of setting up new ones. The Corporation also has tie-up arrangements with private hospitals for investigation and treatment

Medical benefit: Medical care under the ESIS includes preventive, curative and rehabilitative services, and is provided in clinics for outpatients and in hospitals for in-patients. Medical care is also provided in lieu of a small charge to retired persons as well as to permanently disabled persons.

Sickness benefit: Sickness benefit is paid @ 70 per cent of the daily wage, provided qualifying contribution has been paid for a minimum period of 78 days. The maximum duration of sickness benefit is 91 days spread over two benefit periods. Persons suffering from diseases like tuberculosis or mental diseases can get extended sickness benefit for a period of two years at a higher rate of 80 per cent of the average daily wage,

Maternity benefit: Maternity benefit is payable @ 100 per cent of the daily wage for a maximum period of 12 weeks for confinement, six weeks for miscarriage, and another one month for sickness arising from pregnancy.

Disablement benefit: When the disability is temporary, cash benefit is payable @ 90 per cent of the average daily wage for the period of such disability, after the initial period of three days. When the employment injury is permanent, whether partial or total, a periodic cash payment is made for the whole life, on the loss of earning capacity as certified by a medical board constituted for the purpose.

Employees' Provident Funds and Miscellaneous Provisions Act, 1952: The Object of this act to provide compulsory provident fund, pension, deposit linked insurance. It is a central legislation, now there are three schemes in operation for giving old age benefits to employees of enclosed organizations, namely, Employees' Provident Fund Scheme, Employees' Pension Scheme and Employees' Deposit Linked Insurance Scheme. They are all administered by the Employees Provident Fund Organization (EPFO).

Employees' Provident Fund Scheme It is valid forcibly to 187 industries and classes of establishment specified in Schedules of this act and activities notified by the central government, which employ minimum 20 persons or more of the employees in these establishments, only those receiving wages of Rs 15,000 or less have the obligation to subscribe to the provident fund and also higher monthly earnings may join voluntarily with the employer's agreement.

According to the Ministry of Labour and Employment, 8,40,827establishments and factories were covered under the scheme as on April 2014, with a membership of 1200.13 lakh. Both the employers and employees are compulsory to contribute to the Fund @12 per cent of the wages each, it has been reduced to 10 per cent for establishments manufacturing brick, beedi, jute, coir and guar gum. Any employee can withdraw the full or partial amount in their account with interest at the end of service, for meeting obligations such as education or marriage of children

Employees' Pension Scheme: Who are paying to the Provident Fund Scheme are also eligible for the pension scheme, which is financed by transferring 8.33 per cent of the employers' contribution from the provident fund. The central government also contributes to the pension fund @ 1.16 per cent of the employees' wage. Pension is admissible to employees on superannuation at the age of 58, provided they have rendered service for a minimum period of 10 years of service. Pensionable salary is the average monthly pay drawn during the period of 12 months preceding the date of exit from the membership of the Employees' Pension Fund. The rate of pension is determined based on the pensionable remuneration and the length of service rendered. In the event of death of the pensioner, pension is payable to the family at the prescribed rate. For a pensionable service of 33 years, the pension works out to about 50 per cent of the wages being drawn at the time of retirement

Employees' Deposit Linked Insurance Scheme: Who are paying to the Provident Fund Scheme are also eligible for the Deposit Linked Insurance Scheme. in this scheme, employers contribute at the rate of 0.5 per cent of the basic wage plus dearness allowance; employees are not required to any kind of contribution. The insured amount payable to the employee's dependents in the event of death is 20 times the wages or the deposit in the provident fund, whichever is less. Since the maximum salary covered by the scheme is Rs. 15,000, the maximum amount payable is now Rs.3 lakh. In addition, the beneficiary is also entitled to 20 per cent of the calculated amount.

Maternity Benefit Act 1961: This Act applies to factories, mines, plantations and circus, shops establishments having a minimum of 10 employees. There is no wage limit under the Maternity Benefit Act 1961. As in the ESI Act, the Maternity Benefit Act, 1961, entitles women employees to leave at full pay for a period of 12 weeks, out of which six weeks must be prior to and including the date of delivery and the remaining after that period. To be eligible for the benefit, the employee must have worked for a minimum period of 80 days. Other benefits include immunity from termination of service during pregnancy, except on charges of grave misconduct and a medical bonus of Rs 3,500.

Payment of Gratuity Act, 1972: The Act applies to factories, mines, oilfield, plantations, ports, railways and shops and establishments having a minimum of 10 employees. the employee must have a minimum service of five years to get benefit. It is paid by the employer to the employees at the end of service is 15 days' pay for every completed year of service, it is calculated by dividing the monthly rate of wages last drawn by 26 and multiplying the quotient by 15. The maximum privilege of Rs 10 lakh.

Equal remuneration Act 1976: The implementation of the Equal Remuneration Act, 1976 is done at two levels, Central level Sphere level.it applies to Employments in Hospitals, Nursing Homes and Dispensaries, Employments in Banks, Insurance Companies and other financial institutions Employments in Educational, Teaching & Training and Research institutions ,Employments in Mines and Food Corporation of India established under the Food Corporation Act, Employments in the manufacture of textiles and textile, Manufacture of Jute, Hemp and Mesta Textile.

The Sexual Harassment of Women at Work Place Act,2013 (Prevention, Prohibition and Redressal) *Objective of this Act* is enacted by the Indian Parliament to provide protection against sexual harassment of women at workplace and prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Sexual harassment is called as abuse of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and right to life and to live with dignity under Article 21 of the Constitution of India. Sexual harassment is also considered abuse of a right to exercise any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Sexual Harassment: The Act has adopted the definition of 'sexual harassment' from Vishaka Judgment and the term sexual harassment includes any unwelcome acts or behavior such as physical contact and advances, demand or appeal for sexual favoritisms, making sexually colored remarks, showing pornography or any other unwanted physical, verbal or non-verbal conduct of sexual nature. "the act of the respondent was improper of good conduct and behavior expected from a superior officer and undoubtedly amounted to sexual harassment...".

Internal Complaints Committee: The Act makes it compulsory for every employer to create an internal complaints committee ("ICC") which entertains the complaints made by any aggrieved women. Local Complaints Committee: Provisions are providing under the Act to form Local Complaints Committee (LCC) for every district for receiving complaints of sexual harassment from establishments where the ICC has not been formed due to taking less than 10 workers or if the complaint is against the employer himself.

Complaint process: the Act instructs that angry woman can make written complaint of sexual harassment at workplace to the ICC or to the LCC (in case a complaint is against the employer), within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident. If the aggrieved woman is unable to make complaint in writing, reasonable assistance shall be rendered by the presiding officer or any member of the ICC for making the complaint in writing.

Conclusion

Social security policies in India should be based on the human rights framework. 'Prevention, Protection, Promotion and Transformation by incorporating substantive equality framework of empowerment'. The government should provide platforms and mechanisms for raising awareness of social security frame work among women and for organizing them on the issue of social security.

It must include the measures designed to ensure that all citizens meet their basic needs like an adequate nutrition, shelter, health care and clean water supply, guarantee of work and adequate and fair wages, protection during child birth, child care, illness, disability, death, unemployment, widowhood and old age benefits etc. The idea must be to create a setup where all the people could maintain an adequate standard of living consistent with social norms. The gender equality and women's empowerment can be realized in India only when the traditional practices like female infanticide, dowry deaths, honor killings, domestic violence, or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become a reality. Women are part of society, part of the family as daughter, sister, wife, mother and she is present in different forms in our life. Without her it's tough to imagine life. Our Nation can only progress when we give them the right to live freely, allow them to make their independent decision; give them equal opportunity in every aspect.

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