



Social Security Provisions In India: An Overview

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Abstract: Social Security, irrespective of country has very important role to play in improving the quality of life of people. Whether developed or developing countries, minimum basics requirement or benefits such as medical, education, employment, disability benefits should be ensured and made available by the government to its people. So that an unforeseen can be prevented and such prevention, care, has to be ensured through government policy. Hence, government is expected to formulate better policy and programmes.

Keywords: Social Security, International Labour Organization, Government.

Introduction:

The term Social Security which has an enormous meaning and role to play in the society. It is a kind of programme which has been designed to cope up with the issues like poverty, sickness, health etc. Every society irrespective of its size has their own programme to eradicate the abject poverty and make the people to realize their dream being a human and part of the society.

India, being a welfare State, has taken upon itself the responsibilities of extending various benefits of Social Security and Social Assistance to its citizens. The social security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India.ⁱ

It is an understood and acknowledge philosophy of any democratic state based on popular consent is that it cannot contravene the problems of its population specially in case of India which perhaps is considered as the most demographically diversified country where we witness sixty five per cent of our population is under the age of 35. The ILO (International labour organization) states in 2030 we will have 160 million people on the job with the starting age group of 19 to 23, whereas China will have only 92 million. So, we are going to be, in a sense, in a position to be the dynamic, productive, youthful nation, But all of this will make sense and be a demographic dividend if we can in fact equip these young people to be able to take advantage of the opportunities of 21st century offers. (shashi Tharoor 2018)ⁱⁱ. The government of the country is duty bound to address the problems of its vulnerable sections. Social Security is, therefore, one of the essential factors in good governance. India perhaps one of the largest democracy in the world where we find an exclusive link between the state and the concept of social security. to put in a different way after the adoption of Liberalization , privatization and Globalization (LPG) that basically advocates for the so called, the classical concept of laissez faire state, the issue of social security became further important in one or the other way. In contemporary India, though other non state actor such as NGO, voluntary

organization/association along with the state has acquired a considerable role in determining and implementing the various measures of social security but the state continues to be the prime actor that enjoys pre eminence in term of creating and implementing the new vocabulary of social security. Defining the concept of social security, one needs to look on and critically analyze the factors that affect the very definition. Analysis of social security basically depends on other multi dimensional features such as social attributes, awareness, playing field by decision and policy maker, family structure and units and other parameters, which are in fact interrelated and tends to influence each other. It is therefore, very much essential and at the same time critical to take and consider the adequately the broad as well narrow view on social security. Social Security and its impartial implementation is critically important due to ever increasingly social disparities which with time scaling up and remains in one or another as well. Periodically, wide range of discourse carried out in several forums ranging from international to national and regional to local level with specific attention to the concept of social security and its various related inter linked term social security is structurally needed to be sound. It is equally important to understand the value behind the social security. Social Security perhaps in many ways provides a kind of guarantee to live a life. However, the term is quite dependent in many facets. It is also important to look into the fact that how one approached social security in both short as well as in long term. Strengthening of social security is perhaps a challenge. It needs to provides without jeopardizing the security of current generation (includes people who is retiring, people with disabilities) without slashing the future generation. Similarly, one does not really need to have overall structural changes in order to give social security for the future.

Main argument on Social Security:

As John F. Kennedy said “if a free society cannot help the many who are poor, it cannot save the few who are rich”. A government that believes in governance of the poor and for the poor has necessarily to plan and execute the policies and programmes for social security of the vulnerable sections. Deprivation and vulnerability are integral to the lives of many in poor countries. In developed countries unfavourable outcomes in economic activity frequently mean real hardship but in poor countries they often lead to death or destitution. For many, severe deprivation is not a matter of an unfortunate fall from a previously more comfortable position but is a chronic state arising, for example, from the absence of any asset or resource that can ensure adequate livelihood. A critical policy issue is therefore how lives and livelihoods can be made more secure against adversity and deprivations. Accordingly, we define the objective of social security as being the prevention, by social means, of very low standards of living irrespective of whether these are the result of chronic deprivation or temporary adversity. The term social security may then be viewed as a measure of success in meeting this objectiveⁱⁱⁱ.

The social security measures have played a critical role in reducing the social impact of an economic crisis both now and in the past, basic social security coverage remains out of reach for the most of the world, especially in low-income countries^{iv}. In almost all democratic society, development strategies constitute the social security system which in fact played an important role to alleviate poverty and provide security to individual. At the global level the issue of social security has long been discussed and put to place in different dais since the concept of social security has been approved as fundamental right by (ILO) International Labour organization. The social security has been explicitly defined and accepted by the community of the state in 1919 and extended in 1944 through the platform of International labour organization (ILO) in 1919 and Declaration of Philadelphia in 1944. The International labour organization in 1919 refers to ‘worker’s right and so appears to be restricted in scope, the right to social security was extended to a right belonging to all in need of protection’, and the Declaration of Philadelphia in 1944 characterize social security as ‘universal right’. Similarly Universal Declaration of Human Rights (UDHR) also laid down certain provision such as under article 22 it lays down that “everyone as a member of society, has the right to social security and is entitled to realization through national effort and international cooperation and in accordance with the organization and resources of each state of economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25 speaks, (i) everyone has right to a standard of living adequate for the health and wellbeing of himself and of his family including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability widowhood, old age, or other lack of livelihood in circumstances beyond his control.

(ii) Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection". Similarly one of the earliest definition of the term social security was given in the Beveridge report (1942) where social security is defined as 'freedom from want', where its provision was restricted to children's allowances, comprehensive health and rehabilitations services and maintenance of employment, which implied avoidance of mass unemployment^v. The international Social Security Association (ISSA) defined social security as any programme of social protection established by legislation, or any other mandatory arrangement, that provides individuals with a degree of income security when faces with the contingencies of old age, survivorship, incapacity, disability, unemployment or rearing children^{vi}.

One can reasonably argue that there is not any correct model or paradigm for social security. Social Security grows and evolves over period of time and it basically reflects countries' social and cultural values, their history, their institutions, and their level of economic development. However the social security (minimum standards) Convention, 1952 (No. 102), which in fact the flagship of all ILO social security conventions, as it is the only international instrument, based on basic social security principles that establishes worldwide – agreed minimum standards for all nine branches of social security. These are; i. Medical care, ii. Sickness benefit, iii. Unemployment benefit, iv. Old-age benefit, v. Employment injury benefit, vi. Family benefit, vii. Maternity benefit, viii. Invalidity benefit ix. Survivors' benefit etc.

Social Security in India general idea:

Social security is the action programmes initiated by the government to promote the welfare of its population. Thus the purpose of social security is to provide various support and resources to the vulnerable people such as children, old people, and people with disabilities in order to improve their quality of life. The social security in India refers social insurance, national provident fund, social assistance, employer liability schemes, universal schemes for social security (Maruthi and Mustiary begum, 2011). Why do we need social security? Answering this the ministry of labour and employment in its overview page jot down 'social security protects not just the subscriber but also his/her entire family by giving benefits packages in financial security and health care. Social security schemes are designed to guarantee at least long term sustenance to families when the earning member retires, dies or suffer a disability. Thus the main strength of social security system is that it acts as a facilitator- it helps people to plan their own future through insurance and assistance. The success of social security schemes, however, requires the active support and involvement of employees and employers"^{vii}. Social security is a covenant that promises support to the vulnerable sectors of society, a covenant that cannot and should not be broken by a democratic government. Fortunately, our constitutional framers had built in provisions for social security for various sections of the population in numerous articles in our constitutions. And successive governments have faithfully ensured the upkeep of the spirit of the article (Yojana July 2017 volume-61, page5). India embrace the concept of liberal democracy which basically advocates for the reforms and brings changes in incremental basis and further the constitution has incorporated a number of provisions that dealt with the social security issue.

Article 21 of Indian Constitution stated that state the right to life and liberty, the constitution guarantees fundamental rights to every citizen. The most among them is article 21 which guarantees right to life. The supreme court of India has elaborately considered this article many times and categorically held that right to livelihood is inherent in right to life. The ultimate aim of social security is to ensure means of livelihood to everyone. In other words, right to social security is inherent in right to life.

Article 24 states prohibition of employment of children in factories- no child below the age of 14 years shall be employed work in any factory or mine or engaged in any other hazardous employment.

Article 38 states state to secure a social order for promotion of welfare of the people.

i) State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic, and political etc. shall inform all the institutions of national life.

ii) The state shall, in particular, strive to minimize the inequalities income and endeavor to eliminate inequalities in status, facilities and opportunities not only amongst the groups of people residing in different areas or engaged in different vocations.

Article 39 states certain principles of policies to be followed by the state shall, in particular, direct its policy towards securing;

- a) That citizen's man and woman equally, have the right to an adequate means to livelihood.
- b) That the ownership and control of material resources of the community are so distributed as best to sub-serve the common good etc.
- c) The prevention of concentration of wealth to the common detriment;
- d) Equal pay for equal work for both of man and woman;
- e) The protection of the strength of and health of workers and avoiding circumstances which force citizens to enter avocations unsuited to their age or strength and
- f) Protection of childhood and motherhood against exploitation or moral and material abandonment.

Article 41, state shall within the limits of its economic capacity and development, make provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement.

Article 42 states that state shall make provision for securing just and human conditions of work and for maternity relief.

Article 47 stated state must raise the nutrition level of its people^{viii}.

These above mentioned constitutional several provision enshrined under it clearly reflect that India also "welfare state". By which it means, almost entire major schemes have been introduced and implemented by both at the centre and at the provisional level i.e. state level. Asa Briggs, A welfare state is a state in which organized power is deliberately used (through politics and administration) in an effort to modify the play of the market forces at least three directions, first by guaranting individuals and families a minimum income irrespective of the market value of their work or their property; secondly, by narrowing the extent of insecurity by enabling individuals and families to meet certain "social contingencies" (e.g. sickness, old age, and unemployment) which lead otherwise to individuals and family crisis; and thirdly, by ensuring that all citizens without distinction of status or class are offered the best standards available in relations to a certain agreed of social services" (Briggs 1961)^{ix}. In post independence India a good number of schemes related with social security has both initiated by the respective government at centre and at the provisional level i.e. state level. For example, pension schemes for the widows, insurance schemes for the poor, health services and care through centre's set up in the rural areas, etc. (Employees Provident Fund Schemes 1952, National Old Age Pension Scheme in centre and FAWLOI in west Bengal). Country like India where population 21.92% (SDG India Index, Baseline report, 2018) are living under deplorable conditions have required social protection.

Social Security programme in India:

India at over 75 years after independence is a nation of young population(with potential for demographic dividend) and a fast growing economy, largely been unaffected by global slowdown. Perhaps, this is the most appropriate time that the existing social security system in India is strengthened. To start with, one of the strength of social security measures in India is that the constitution of India through article 41 and 42, part IV discusses the security right to work, education, and assistance in case of unemployment, old age, sickness, and disability. This is a robust legal framework to expand the social security measures^x. There has been a major expansion of social security programmes in India in recent years. There is growing evidence of their significant contribution to human development. Positive achievement in this field are no longer confined to a few leading states. Despite recent expansion, social spending in India remains low in international perspective. There has been major expansion of social security programmes in India discusses five programme that can be seen as partial foundations of a possible social security system for India: schools meals, child care services, employment guarantee, food subsidies, and social security pensions. The records of these programme varies a great deal between India states, but there is growing evidence that they make an important contribution to human well-being, and also that the achievements of the leading states are gradually spreading to other states as well. Much scope remains for extending these efforts: despite the recent expansion, India's social security system is still very limited in international perspective. The paper also discusses some general issue of social policy in India, such as the arguments for universalization versus targeting and the value of a rights approaches to social security^{xi}. India's social security system is composed of a number of schemes and programmes spread throughout a variety of laws and regulations. Keep in mind, however, that the government – controlled social security system in India applies to only a small portion of the population. Further, the social security system in India includes not just an insurance payment of premiums into government funds (like in china), but also lump sum employer obligations.

Critical evaluation of those:

India has performed poorly in providing social security protections to its people until recently with “very high vulnerability’ to poverty and informal labour practices in the world, according to the International Labour Organization. In India, much of these benefits are extremely limited with a large majority of population ineligible for these benefits. 40 per cent of the population of working age is legally covered by contributory old age pension schemes with Asian countries having only a 20 percent share. More disturbingly, less than 20 per cent of the elderly people receive pension benefits in India and elsewhere as compared to 75 per cent of people aged 65 or over receive some kind of pension^{xii}. Despite the widespread lack of coverage, a number of middle income countries have successfully expanded coverage of their social security system in recent years. India's National old age pension schemes, financed by the central and state resources, reaches one fourth of all the elderly: about half of pensioners who live in poverty. India too has made efforts to cover the informal sector through its new pension schemes. Jacob John Kattakayam, professor Emeritus of University of Kerala and Vice-president – Research Committee on Ageing of the International Sociology Association said , “India's social security is very weak . To change this, the government should allocate more resources to spruce up the social security system on par with the development nations. Also, we need to activate and engage senior citizens in these efforts”^{xiii} .

It is important to note that demographic changes are place in the context of existing social security laws, institutional structures, and benefits programme. Although the scale and scope of social security provision can vary greatly between countries, the demographic changes already in play will affect nearly all countries significantly and India is not an exception. The very impact of demographic change on the future, nature, and roles of social security programmes there is a relative degree of uncertainty largely because social security reform is often out of step with evolving demographic structures and the pace of the population dynamics. And under such circumstances state is expected to remain integral to social security both in present as well as in future^{xiv}.

Conclusion:

By and large, enormous efforts are necessary to increase the coverage of social security system in developing countries specially in India which perhaps demographically most diversify country in the world. Develop and agree on a road map for universalization of the concept of social security so that. Consider establishing an autonomous national social security organization. Develop a social sector investment plan with innovative financing mechanism and role of the state government (provisional government) is critically important to make thing happen. Focus on solidarity as well as public awareness and engagement with the help of local authorities and also included the NGOs and other social institutions that are on field. Consider universal health coverage (UHC) as part of social security measures proactive leadership by the state governments. A well and constructive framework both in legislative act and legal reforms need to allow in deliberative discourse before finalizing the policy and implementation of the same. At the same periodic reappraisal of social security system should be done because success of any social security also depends on how far people substantially enjoy that social security schemes. In order to better respond to the current and emerging substantive policy challenges that confront social security, more and better data and analysis, as well as more institutional collaboration, is sorely required.

Social security is very for the well-being of workers, their families, and the entire community. It is a basic human right and a fundamental means for creating social cohesion, thereby helping to ensure social peace and social inclusion. It is an indispensable part of government social policy and an important tool to prevent and alleviate poverty. It can, through national solidarity and fair burden sharing, contribute to human dignity, equity, and social justice. It is also important for political inclusion, empowerment, and the development of democracy. Social security, if properly managed, enhances productivity by providing health care, income security, and social services. In conjunction with a growing economy and active labour market policies, it is an instrument for sustainable social and economic development. It facilitates structural and technological changes which require an adaptable and labour force. It is noted that while social security is a cost for enterprises, it is also an investment in, or support for, people. With globalization and structural adjustment policies, social security becomes more necessary than ever^{xv}



ⁱ report of the working group on social security for the tenth five year plan (2002-2007) Government of India Planning Commission October- 2001,P 4

ⁱⁱretrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/india-staring-at-demographic-disaster-shashi-tharoor/articleshow/66367310.cms>

ⁱⁱⁱ Social security in Developing countries by Ehtisham Ahmad, jean dreze, john hills, and Amartya Sen in 1991

^{iv} retrieved from <https://globalmarch.org/world-social-security-report>

^v social security system and informal sector in India : A review Athours: Ashima majumdar and saundarya Borbora source: Economic and political weekly , Vol.48, No. 42 9october 19,2013) retrieved from <https://www.epw.in/.../2013/42/notes/social-security-system-and-informal-sector-india>

^{vi} ISSA(nd), ‘About Social Security : Social Scurity a fundamental right ‘, retrieved on 15 july 2011from <https://www.issa.int/topics/About-Social-Security>

^{vii} retrieved from <http://labour.gov.in/general-overview>

^{viii} social security schemes in India by Dr. U.N. Shukla and Dr. Sanjay Tiwari

^{ix} welfare states and welfare state theory by Jorgen goul Andersen, centre for comparative welfare studies (CCWS), working paper,2012

^x social security ; global scenario , page 48 Chandrakant Lahariya Yojana july 2017 vlume-61, retrieved from Yojana.gov.in/Yojana%20English%20july%202017%20final.pdf

^{xi} jean Dreze Reetika Khera world development volume 98, October 2017, pages 555-572 recent social security initiatives in India.

^{xii} retrieved from <http://www.thehindu.com/news/national/india-needs-to-do-more-in-social-security-space/article15690118.ece>

^{xiii} the hindu business line February 24,2019 published on February 2019 retrieved from <https://www.thehindubusinessline.com/economy/government-should-spur-up-social-security-system/article26356221.ece>

^{xiv}(social security and the challenges of demographic change by David E. Bloom and Roddy McKinnon, 27 september 2010, international social security review retrieved from <https://www.onlinelibrary.wiley.com/doi/full/10.1111/j.1468-246X.2010.01368.x>)

^{xv} Issues in social protection discussion paper 16 social security for all: Investing in global social and economic development A consultation august 2006 global campaign on social security and coverage for all social security department international labour organization.

