

IMPLICATIONS IN NEW CONCEPT OF SOCIAL SECURITY*By*

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In India all the social security measures are meant only for the industrial workers working in organised sector. As against a total work force of 180 million at the beginning of the seventies, the number of industrial workers stood at about 14 million and the schemes did not cover them all. Employees of smaller establishments having salaries beyond certain limits are excluded from the benefits of the various social security programmes. The ESI Act covers about 5.15 million workers and the EPF schemes about 8.50 million. In fact, only 8.00 million workers were covered under the two schemes. Whereas other schemes cover 2.00 million more. The total figure thus comes to about 10 million. Thus about 88 percent of total workforce in the unorganised and agricultural sectors remains deprived off the coverage¹. The legislation on social security of the Socialist and the Communist Countries and most of these countries give their unorganised persons medical and sickness benefits, employment injury and maternity benefits, old age invalidity and survivors' benefits. Unemployment benefits are also provided to the people in the unorganised sectors. The Social Security law is not extended to the self-employed persons, casual labourers, employees in small establishments, domestic servants and home workers, *etc.*, who usually face many more contingencies. A new concept of social security has to be evolved. 'Social Security' is the protection furnished by society to its members through a series of public measures against the economic and social distress, otherwise

would be caused by the absence of earnings or substantial reduction or stoppage of earnings resulting from sickness, maternity, employment injury (including occupational disease), unemployment (including absence of employment) and under-employment invalidity, destitution, social disability and backwardness, old-age and death and further to provide for health care including preventive measures².

Many implications are involved in the new concept of social security:

1. Provisions for meeting basic needs of life (including essential services) should form part of social security.
2. Employment guarantee should constitute an integral part of Social Security.
3. Social Security programmes are correlated with and linked to family welfare services. They are also conducive to the acceptance of the Small Family norm.
4. In keeping with the principle of equality and solidarity involved in social Security, all employees in all establishments should be covered irrespective of their levels of wages and salaries, if necessary with an appropriate ceiling for computation of contributions and benefits.
5. It is necessary that the State make adequate financial contributions to Social Security.

1. P.K. Sinha, Social Security Measures in India, 1980. Pp. 216 – 219.

2. ILO: 'Social Security and National Development'. Report of a National Seminar in India, 1977, p.83.

6. Studies and research are necessary to determine social security needs of the population, beginning with more vulnerable groups and to find out the most effective methods of meeting them.
 7. With a view to achieving uniformity in the standards of services, it is essential that appropriate norms and standards should be laid down for different types of contingencies particularly medical care in the country as a whole.
 8. Steps should be taken to link up long-term Social Security benefits with the cost of living index (Consumer price index numbers) and increase in wage levels from time to time or reasonable intervals.
- (a) Agricultural/betterment levy, where appropriate;
 - (b) Indirect taxes on selective items such as luxury Goods.
 - (c) Direct taxes like professional tax;
 - (d) Suitable contributions from the existing established social security funds;
 - (e) Contributions from charitable and religious institutions/endowments;
 - (f) Subscriptions from the local bodies to the extent possible.

For the benefit of rural people in India, adequate and effective measures should be initiated to formulate and implement programmes of Social Security, suitable to the needs of the rural population. These programmes will have to be started in phased manner. Pending starting of comprehensive Social Security measures for the entire rural population, there is immediate necessity of providing a minimum level of social security protection to workers and their families in the rural area which is to be always stressed. The rural social security scheme must cover all sections of rural society. These would include agricultural workers (including small landowners) and artisans, tenant farmers, fishermen and foresters, share-croppers and persons employed in agriculture on permanent, seasonal or casual basis. It is suggested that the individual's contribution in the rural areas must be according to their capacity but the benefits to each of them should commensurate with their needs or requirements. The seminar on Social Security and National Developments held in 1977 (India) recommended the following resources for financing rural social security:

It is observed that in some of the advanced countries taxes are imposed on beer, whisky and other luxurious items to meet the Social Security expenditure. Similarly, India can collect Special security tax from rich people, business enterprises, big landlords and private profitable companies, cinema producers, *etc.*, for the benefit of the poor such as beggars, destitute persons, victims of accidents, victims of crimes, children, women and people in the rural areas. The rich people in the society must share the burden of meeting the expenditure on social security. Wherever it is impossible to collect the contributions from the workers in the rural areas small income or unemployed the State will have to contribute more to the Social Security fund. The fund collected from the employees, employers and from the taxation and state subsidies should be placed in an established institution called 'Social Security Corporation' giving it a statutory position as that of ESI Corporation. This corporation will have to identify the sections who need social security and provide them with all types of benefits in all types of contingencies faced by the people in the society. Since the Social Security for organised workers in urban employees already exists and has developed to a certain extent the institutional strengthening of rural Security Scheme is very essential. Mandal

Development officers or District Social security officers appointed should be given powers to identify the people who need social security and collect the contributions. The Panchayat Samithis are located in rural areas and it will be convenient to collect contributions and distribute the benefits either in cash or kind through mobile vans. Separate medical staff for taking health care should be appointed. To provide benefits systematically two separate departments of social security in India under Central Government with coordination of State Governments one for urban people and the other for Rural people should be created. All benefits of social security should be supplied to all the needy people and contributions from the concerned should be collected by the Department of Social Security.

It is a fact that the portion of national income spent on social security to be steadily rising and that in the industrialised countries it has already reached to a very high level. In 1975, as a proportion of the gross national product, Social Security expenditure mounted to 27% in Sweden, 26% in Denmark and Netherlands, 23% in the Federal Republic of Germany and only slightly less in countries such as France, Finland, Belgium and the United Kingdom³. Therefore, in India also considerable amount of percentage of gross national product will have to be spent, then only providing social security to all the vulnerable sections of the society becomes meaningful.

At present in India, different agencies are responsible for disbursal of benefits in different ways and in different places. To have fuller social security and integration of different social security schemes existing

in India. It is suggested that all the schemes must be administered and benefits should be provided to all the sections of society under one common roof. Thus the expensed for the management of different schemes can also be saved. Co-ordination and co-operation with other agencies in providing benefits under social security schemes is all the more essential. Both co-ordination and integration are calculated to improve efficiency avoiding duplication and wastage and effecting economy in cost. Administrative efficiency is achieved by avoiding duplication of paper work and handling the records by one single agency⁴. Integration of all benefits to different people in the society like children, women, young persons and old people under all types of contingencies is beneficial and advantageous to them when they can approach a single agency. The study Group on Social Security in 1957 recommended that the integrated schemes would bring about substantial economy in the cost of administration and convenience to the parties⁵. An ideal arrangement will be gradually to work towards a comprehensive Social Security plan by pooling all the social security resources in a single fund which different agencies can draw upon for disbursing various benefits according to needs. But planning based on the experience in social insurance schemes such as Employees State Insurance and Employees Provident Fund will certainly help in evolving a suitable and comprehensive Social Security Law. The Social Security law proves the importance of the codification, elucidation and uniformity of social security law. Thus, it can be said that the contended labour force is the backbone of a country's economic prosperity. Industrial progress and prosperity of a nation cannot be achieved

3. "Social Security at the Crossroads." An Article based on a talk given by the Director-General of the ILO in Helsinki on 4th September, 1979, ILR Vol. 119, No.2, March - April 1980, P. 140.

4. N. Hasan, *The Social Security System of India*, 1972, p.230.

5. Vide the Report of the study Group, para 54.

without a system of social security and that a belief in the heads of persons that for all the unforeseen contingencies they shall be duly protected by the long arm of the State not as a matter of charity but as a matter of the recognition of their constitutional rights. In American Social Security is one of the Nation's primary weapons in the continuing struggle against poverty. It provides a basis for the economic wellbeing of all Americans regardless of age, gender, race or national origin⁶. Social Security must be seen as the principle vehicle for facilitating individual and collective efforts to achieve security against the risks of modern times.

The poorer the country, the greater is the need of its citizens for social security measures but lesser is the Governmental capacity to finance the same. The poverty of masses has made them more prone to the unknown and unpredictable interruptions of life. Any break in the income to the economically weak class of persons who barely live at the subsistence level makes them destitute. They have the least capability of fighting for the adverse situations caused by way of stoppage or breaks in their meagre income. Individually, they have no savings of their own and what can save them is only the collective and coordinated effort of the society that saves them from making deeper and deeper into the morals of economic destitute⁸. Therefore, in India, it is the duty of the State and Society to provide social security to all the vulnerable sections of society and save them from further destitution by enacting a National Social Security Act covering all contingencies and all deserving

people. Thus, we can achieve prosperity in all the fields if we enact the National Social Security Law in India as suggested above sincerely and wholeheartedly. Hon'ble V.V. Giri, the former President of India correctly said long back that 'Social Security' is a wise investment which yields good dividends in the long run⁹. Similarly, Francis Blanchard, former Director- General of ILO wholeheartedly insisted and asserted that Social Security is an instrument for social transformation and progress and must be preserved, supported and developed as such. Furthermore, far from being an obstacle to economic progress as is all too often said. Social Security organised on firm and sound basis will promote such progress, since once men and women benefit from increased security and are free from anxiety for the narrow, they will naturally become more productive¹⁰. In case of India, the ushering in of the comprehensive constitution heralded a new era for the common man by the provisions of a detailed charter of socio-economic justice in the preamble. Fundamental Rights and Directive Principles of State Policy which are to be translated into reality by Social Security and social assistance legislation. Towards this end legislative steps are already taken but there is a long way to go to ensure human dignity for all, by providing minimum material conditions. The sections to whom the social security such (organised and unorganised workers, Children, women, Old people, *etc.*) is required are stated below. The Government will have to take steps for passing Social Security Laws

1. Scavengers
2. Home Workers (Domestic Servants).

6. W. Andrew Achenbaum, Social Security, Visions and Revisions, 1986, p. 186.

7. W. Andrew Achenbaum, Social Security, Visions and Revisions, 1986, p. 182.

8. Deepak Bhatnagar, Labour Welfare and Social Security Legislation in India, p.85.

9. V.V. Giri Labour Problems in India, 1972, p. 248

10. ILO : Into the Twenty First Century : The Development of Social Security, 1984, Page X.

3. Self-workers (street vendors, cooks, waiters, sweepers, security guards, plumbers, architects in small Temples, Churches, Mosques, etc)
4. Legal Aid and Legal literacy workers
5. Sex Workers (Prostitute)
6. Hotel Workers
7. Transport Workers
8. Migrant Workers
9. Cinema Workers including theatre workers
10. Tribal Workers
11. Forest Workers

There is very little legal research done in India on the above categories of workers. With a view to cover all the sections of society under social security laws in India including the workers identified, the Government will have to take steps for passing of suitable social security laws as suggested by the ILO, UNO, Indian Constitution and various Labour Laws.

Law will have to play an important role for social change in India. Social Change involves an alteration of society, its social structure values and beliefs and its economic, political and social dimensions also undergo modifications. The Government will have to establish social security department for each category of the above specified workers with a view to provide social security to them in cases of various contingencies faced by them from time to time. The existing machinery or administration or police is inefficient and inadequate to meet the challenges of insecurities. Therefore, there is a necessity of establishment of independent voluntary police centres to tackle the issues relating to rapes, criminal activities, motor accidents in the society, because the existing machinery is corrupt and inefficient. It is suggested that

for each and every category of Workers with a view to take care of their problems Social Security Officers can be appointed. It is very shocking to know the recently women are being exploited by male domination and doing criminal activities against them like kidnapping in the name of Love, raping the little girl children, chain snatching, eve teasing, sexual harassments at work places, gang rapes, *etc.* Now, the women and girl children are scared to walk on the roads. Many car accidents are taking place on the roads daily and the dependents of victims are being thrown into poverty by not paying reasonable compensation to lead their lives and educate their children.

The laws which are inexistence in the Society will have to play greater role to regulate the behaviour of all the members of the society such as children, young persons, women, old people, political leaders, Government employees, members of social voluntary organisations, etc. To wipe out the poverty, inequalities, *etc.*

All human societies, Tribal peasant or industrial workmen shall have laws or legal rules whose scope is co-extensive with human life. In other words, human activity be it economic, social or political is controlled by laws of procedures of various types. In order to have effective laws they have to have moral sanction of society and be enforced in the people by the power of the State. The State should be the guardian of all the poor people from all miseries, insecurities in their lives from cradles to graves or from births to deaths. The people's participation for legal change, to have social justice and social security is very essential. "All men are born equal". This is eloquently true at the time of their birth. They are not born either with caste or religion but they are born into a society in which the caste system and the religious dominations exist.