ABSTRACT

V B Singh observes that, 'Social Security is a device provided by society against a number of insecurities arising out of natural, (e.g. death or sickness), social (slums), individual (incapacity) and economic (inadequate wages and employment) causes' (V B Singh, 1963)

By 'social security we understand a programme of protection provided by the society against those contingencies of modern life, sickness, unemployment, old age, dependency, industrial accidents and invalidities against which the individual can not be accepted to protect himself and his family by own ability or foresight'

A worker has two components of his life i.e. the social life and the work life. Invariably there is reciprocal influence between the two. The work life enriches the social life while a good social life reinforces the productive capacity of the workforce. Any civilized society expects to blend decent work (ILO 1998) with decent social and family life. In this context, the economic and social component of social security measures needs to be carefully integrated. While the broad trends are in that direction, their management has left certain areas with imbalances, causing major stress and strain for the stakeholders.

Social security for industrial workers refer to security for employment, security in the availability of employment, security of reasonable standard of working conditions, security of some income while unemployed, security of retirement income and recreation of set improvement of medical, ill health or even death.
ILO Convention No.102, Social Security (Minimum Standards), 1952 covers nine branches of social security: medical care and benefits addressed to sickness, unemployment, old age, employment injury, family size, maternity, invalidity, and widowhood.

As of 2005, India has a population of over 10928.3 lakhs, with a labour force of over 4196.5 lakhs. For the past two decades the size of the organized labour force has stagnated at around seven percent of the total labour or about 350 lakhs. The remaining 93 percent of the workforce include the self-employed and those employed in the unorganized sector. Agriculture accounts for 62 percent of the labour force. Besides this, there are the old, the infirm, and the unemployed who form part of the one crore plus population in the country who also need social security.

The whole concept of social security revolves around the socio-economic justice to the workers employed in the industrial establishment.

It is this integral relationship between employment, education and livelihood that has generated a considerable public opinion in favor of amending the Constitution to include the right to work and the right to primary education as fundamental rights. The right to social security too should be included in the Fundamental Rights.

There are countries that regard social security as the inalienable right of the citizen. There are International and Inter-Governmental declarations like the Universal Declaration of Human Rights and the Covenant on Social Economic and Cultural Rights, which define social security as a 'human right' or, a fundamental right of the human being. Our Government is a signatory to many of these Conventions or Declarations.
Whether it is accepted as a Fundamental Right or a Directive Principle or even if the status quo is maintained, the State cannot abdicate the responsibility to provide the minimum of social security that is necessary to maintain the disintegration that will follow if there is a widespread feeling that the State and the regime of law and order and to protect society from the chaos. We therefore, believe that even if the State is not in a position to provide social security in all its amplitude, as it may have to do when it becomes a Fundamental Right, it must provide at least the basic minimum necessary for the survival of its citizens.

Therefore, it is recommended a system in which the State bears the responsibility for providing and ensuring an elementary or basic level of security, and leaves room for partly or wholly contributory schemes. This will mean that the responsibility to provide a floor will be primarily that of the State, and it will be left to individual citizens to acquire higher levels of security through assumption of responsibility and contributory participation. Such a system will temper and minimise the responsibility of the state, and maximise the role and share of individual and group responsibility. Thus, there will be three levels in the system:

a) A basic level where the State or government (including lower levels of governmental authority e.g. local governments) will bear the primary responsibility for providing a minimum level of social security, meeting the cost from subventions from the Exchequer. Of late, this has been described as ‘social assistance’ that forms part of the social responsibility for social security.
b) A level where the beneficiary makes a contribution to the cost of social security. The remaining portion of the cost is met by contributions from the employer or the state or both.

Tripartite schemes will provide for the participation of the employer as well as the State, in addition to the contribution of the beneficiary, i.e. the employee. There can be variations in the proportions of the contributions of these three partners, according to increased paying capacities of the employee and the employer.

Where there is no employer who can be identified, as in the case of the self-employed, or those whose income is too low to permit them to make adequate contributions, the State will substitute the employer, or the employees as the case may be, and assume responsibility to supplement the contributions of the beneficiary workers.

c) Schemes that confer additional benefits beyond the basic levels of security that those who have the means can subscribe to, as subscribers of policies of insurance.

The contributions of employees as well as employers can be graded according to their paying capacity. Where the income of the employee is too low or inadequate, the state will take over the responsibility for the remainder.

The contribution of the employer too can be graded, the state taking over the responsibility for the remainder of the contribution, where the scale of operations of the employer is too low and marginal, or where the employer cannot be identified. The area in which the state takes the sole responsibility and provides the 'floor' security that every citizen receives, is termed the area of social assistance, the State discharges its
responsibility in this area through ‘area-based’ schemes – as distinct from individual or group-based schemes, since all residents of the concerned area are beneficiaries, and there is no need to identify or include or exclude.

As a wider concept social security covers in it social insurance and social assistance schemes. On the one hand, it refers to a complex of measures designed to provide medical care, on the other, to income security of the covered population in cases of sickness, maternity, unemployment and employment injuries.

Strong socio-economic position enjoyed by the employers often enables them to defeat the very object of law through legal process. Naturally this state of affairs requires deep striking vigorous efforts to evil a system which eradication the said evils to extent the practical consideration permits.

Such efforts must be carried on as a regular periodical exercise to bring law in life near to each other where by the object of legislative measures is attained to an extent the socio-economic condition of the country make possible.

The Supreme Court of India has played vital role in this direction. In Peoples Union for Democratic Rights the Supreme Court observed that labour laws are enacted for improving the conditions of workers and the employer, can not be allowed to buy off immunity against violation of labour laws by paying a paltry fine which they would not mind in paying, because by violation of labour laws they would be making profit which would be for exceed the amount of fine.
If violation of labour laws is going to be punished only by meager fines it would be impossible to ensure observance of labour laws and labour laws would be reduced to nullify. They would remain paper tiger without any teeth or laws. Violation of labour laws must be viewed with strictness and wherever any violation of labour laws established imposing adequate punishments should punish the errant employer.

Therefore, the Supreme Court of India has evolved industrial jurisprudence wherein the interest of weaker sections of the society finds adequate protection against the exploitative efforts made by the capital.

The judiciary interpreted the provisions of labour laws relating to the social security so as to provide maximum benefit to the working class but at the same time it also made an attempt not to unnecessarily harass the employers. It played and still playing a balancing role in conflicting interest of employer and employees.

Present study is confined to study the problem of social security among industrial workers in the organized sector only. Though, the problem of social security of unorganized sector has been discussed briefly in chapter number 4. Incorporation of the unorganized sector was difficult basically due to non-availability of reliable data. Moreover, a number of research works at present is already going on for the unorganized sector.

The present study has been divided into 5 chapters. The first chapter comprises of the concept of social security as well as a brief introduction of the whole work done in the thesis. It deals with the methodology used in the research viz. purpose of the study,
hypothesis taken, research objectives, nature of study, sources of research data, data interpretation and analysis, research methodology and scheme of the study

The second chapter deals with the review of literature including the work done by others. In this chapter, it has tried to incorporate the relevant thesis, reports, and articles published in India as well as in different countries.

The third chapter comprises the brief introduction of social security in the global context. The issue is the growing coverage gap of social security programs in many parts of the world. The harsh reality is that most of the world's citizens do not enjoy neither health insurance nor retirement benefits. The efforts have been made to suggest suitable measures to improve the social security system all over.

The fourth chapter consists of basic legislative problems exist in various laws provided by the Indian Government and how they are being implemented and tackled in India. The legislative provisions have been discussed that are provided for the betterment of the overall industrial workers engaged in economic activities of the country. After critically evaluating the various provisions with given benefits to the labor force, the study has analyzed the coverage gap between the amount prescribed in the legislative provisions and actual amount given to the beneficiaries.

The fifth chapter has gone through the conclusions, which has further followed by the suitable suggestions, useful in amending the laws and improving schemes and programmes of social security in India.
PROBLEM OF SOCIAL SECURITY AMONG INDIAN WORKERS

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