



## CONCEPT OF SOCIAL SECURITY AND INDIAN CONTEXT

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### Abstract

*As we know that since the beginning of the civilization the human being explored to have better ways of living by way of utilizing the resources available in the nature as per knowledge and in the prevailing circumstances.. Our country had a joint family system from the beginning and that was one of the biggest forms of social security as the society had some resources for their utilization. The term Social System was not in existence initially. The society members had a sense of shared responsibility because of their sense of relations with others. This was informal in nature and did not have any system for this. A human being expects basic needs of life as per his needs. After having some satisfaction, the need of governance of management of resources and geographical boundaries was brought in existence. Thus the concept of religion, government, state, Country was formed by society.*

### Introduction

In the past the joint family and caste system provided social security to look after the needs of its members if it had resources. The society has discharged a sense of responsibility towards one another. Hold of both systems is weakening on society following migration, demographic changes, liberalization and individualization as a result of western influence. The western influence in India due to urbanization and industrialization, led to the system of social security. The process of development is not complete without social security.

The main idea behind the concept of Social Security is to get protection against certain contingencies. The basic principle of Social Security can be implemented by collective action by the community to help its members. The Social security has become very essential in the time of unknown insecurities/uncertainties of life. The Social Security can be treated as wise investment & furnished by appropriate organization against certain risks. The beginning of social security can be traced back to the French Revolution when the declaration of rights of man proclaimed which later became preamble of the French Constitution. After end of the First World War, the International Labour Organisation was founded in 1919 for the primary purpose of promoting social justice and improving the living conditions of workers throughout the world. During convention No.102 of 1952 International Labour Organisation has adopted provisions of Minimum Standards of Social Security. Today, the concept of social security has widened including many factors for decent life for workers.

**United Nations Resolution** – The United Nations General Assembly adopted the declaration of human rights which stated that “Every member of a society has a right to social security.” Mr. Francis Blanchard, Director General, ILO, said “Social Security is an instrument for social transformation and progress.”

**Definitions of Social Security** - There is no universal definition of Social Security. Some definitions of the concept of social security are as under:

“Social Security is an instrument for social transformation and progress.” – Francis Blanchard, Director General, ILO.

“Social Security is an attack on five giants names wants, disease, Ignorance, Squalor and illness.” – Sir William Devergidge

“Social Security is controversial and dynamic subject with various facets, philosophical, theoretical, humanitarian, financial, administrative, social, economic, political, statistical, medical and legal.” – Weher and Cohen

“Social security is the security that the state furnishes against the risks which an individual of small means cannot stand the risks which an individual of small means cannot stand up by himself or even in private combination with his fellows.” – Late President Sh. V. V Giri

It is clear from above definitions that in a democratic and welfare state social security are social justice without which we cannot think about any progress of society.

The benefits of Social Security are not limited to the members but include family members. The Social Security is designed to extend the benefits to family in case of retirement, death of member or suffering from disability. The social security system plays the role of facilitator. Without the support of all stakeholders, the social security scheme cannot succeed.

**1. Features of Social security Concept** - From the above discussions, we can arrive on the conclusion about the feature of the social security concept which may be listed hereunder. The social security concept:

- is dynamic concept, reflecting a country specific content and subject to constant change
- consists of comprehensive schemes of social insurance and social assistance and integration of these sectors
- covers wide variety of health and welfare schemes
- must apply to all governmental and social insurance
- must provide protection against ordinary risks as well as special risks of employment provide financial help in case of contingencies to all.

In view of the concept of social security, the approaches may be three fold i.e. Compensation, Restoration and Prevention.

**2. Scope of Social Security –**

The ILO in its convention No. 102 of 1952 defined and divided scope of Social Security into nine components. They are –

- (i) Medical Care

- (ii) Sickness Benefits
- (iii) Employment Injury Benefits
- (iv) Unemployment Benefits
- (v) Old age Benefits
- (vi) Maternity Benefits
- (vii) Family Benefits
- (viii) Individualism Benefits
- (ix) Survivors Benefits

All the countries have to adopt different strategies of implementing difference schemes for ensuring social security to its citizens. All countries cannot borrow social security policy from the developed or developing nation. The borrowed social security policies cannot be implement/adopted for their working community straight way as one policy may be very successful for one country but the same policy may prove to be failed for other country. The particular country need to first evaluate the successful policies of the developing or the developed nation in order to study the insides of the schemes, co-relate with the similar factors, the development ratio and then design the new social security scheme.

3. **Indian Context:** The social security system of India got recognition due to western influences and rapid industrialization. The joint family and caste system was the only source of social security in India which started weakening after development of liberalism and individualism as result of western influence. Further, the basic features of secular state of the constitution of India has advanced the erosion of caste system. The development of social security in India can we termed as obedient impact of western influence, growth of individualism, liberalism and industrialization.

The element of Social Security might have been present in mild and informal form in ancient social system of India due to sense of relationship with each other. There was no specific system of law related to social security. The formal concept of social security was not available in India before 1920 and was first introduced by M/s Tata Iron & Steel Company Ltd. (TISCO) in 1920. Thereafter, The Govt of India initiated some steps to introduce various Labour Laws as a result of Nationwide strike by Industrial Labourers in different industrial clusters and finally the Government took steps to introduced the institution of Provident Fund enacting Provident Fund Act, 1925. This was voluntarily in nature and not compulsory for the labourers or the employees.

In 1937, The Govt set up Cawnpore(Kanpur) Labour Commission and proposed to introduce Contributory Provident Fund for industrial workers but not taken up in priority. In 1942, 3<sup>rd</sup> Labour Minister's conference discussed this issue and in 1944, the draft Provident Fund Rules were finalized and circulated amongst different states(the then provincial) Governments for approval, but could not be materialized. The labour Investigation Committee, 1946 summarised the position of provident funds in private industries.

Constitution of India envisaged many provision related to social security to the worker which

are mentioned in the \*Constitution of the directive principle of the state policy. Article 246 of the constitution of India also mentioned about provision of social security for worker.

About 1/6<sup>th</sup> population of the world lives in India. For promoting the social justice and improving the living conditions of Indian workers, several legislation have been enacted providing social security to workers from each and every contingency like risk and mishaps. All the legislation have been enacted keeping in view the spirit of the provisions of Social Security as mentioned in Article 38, 41, 42, 43 and 246 of the Constitution. Some of the legislation also formulated prior to independence. The various social security legislation existing now may be listed as under :

(i) <sup>1</sup>**The Workmen Compensation Act, 1923** - This act provides for payment of compensation to the workman or his family in case of employment related injuries resulting in death or disability.

(ii) <sup>2</sup>**The Maternity benefit Act, 1961**- The Act provides for 12 weeks wages during maternity as well as paid leave in certain other related contingencies.

(iii) <sup>3</sup>**The Payment of Wages Act, 1936**- An Act to regulate the payment of wages of certain classes of employed persons.

(iv) <sup>4</sup>**The Minimum Wages Act, 1948**- This Act sets the minimum wages that must be paid to skilled and unskilled labour.

(v) <sup>5</sup>**The ESIC Act, 1948** - This Act covers factories and establishment with 10 or more employees and provides for comprehensive medical cares to the employees and their families. Under this Act, the provisions of cash benefits during sickness, maternity and monthly payments in case of death or disablement are available

(vi) <sup>6</sup>**The EPF & MP Act, 1952** - This Act applies to factories and establishments employing 20 or more employees. Under this act three schemes have been framed which ensure terminal benefits of provident fund, different pensions and family pension in case of death of member in case of death during service or after commencement of pension to the member. The benefits of insurance is also payable to family members in case of death during service.

(vii) <sup>7</sup>**The Payment of Gratuity Act, 1972** - This act provides for 15 days wages for each year of service to employees who have worked for five years or more in establishments having a minimum of 10 workers.

(viii) <sup>8</sup>**The Factories Act, 1948**- This Act regulates the working condition in factories and ensures basic minimum requirements for safety, health and welfare of the factory workers.

(ix) <sup>9</sup>**The Industrial Disputes Act, 1947**- The provisions of the Act provides provisions dealing with lay off, retrenchment and closure of any industrial unit.

(x) **Other Legislations** – Besides these important Acts, social security is provided to different segments of employees by the following sub Acts like:

- a) Coal Mines Provident Fund and Bonus Scheme, 1948
- b) The Plantation Labour Act, 1951
- c) The Assam Tea Plantation Provident Fund Act, 1955
- d) Personnel Injuries (Compensation Insurance) Act, 1963
- e) Seaman Provident Fund Act, 1966.



It can be seen that

1. Social Security benefits have been expanded rapidly after independence
2. Social Security in India has been supported by laws enacted from time to time during last seven decades.

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1. Act 08 of 1923
  2. Act 53 of 1961
  3. Act 4 of 1936
  4. Act 11 of 1948
  5. Act 34 of 1948
  6. Act 19 of 1952
  7. Act 39 of 1972
  8. Act 63 of 1948
  9. Act 14 of 1947