

Legislative Endeavor and Social Security in India

Dr. S. Nuzhat Husain

Assistant Professor, Faculty of Law, Shia P.G. College, Lucknow

Dr. Kamaljeet Mani Mishra

Assistant Professor, Faculty of Law, Shia P.G. College, Lucknow

Introduction

The Preamble of the Indian Constitution is the sole-repository of Social Security measures and provides for establishment of Socialist State. India's social security system is composed of a number of schemes and programs 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. India, being a Welfare State, has taken up on 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. The Constitution of India recognizes Social Security as integral part of Fundamental Rights. It requires that the State should 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 shall inform the institutions of national life. The Constitution of India states that the State should make provision for securing just and humane conditions of work and for maternity relief. It requires the State should raise the level of nutrition and the standard of living of its people and improvement of public health among its primary duties. The obligations cast on the State in the above to constitute Social Security.

What is Social Security?

- Any of the measures established by legislation to maintain individual or family income or to provide income when some or all sources of income are disrupted or terminated or when exceptionally heavy expenditures have to be incurred



- Social security may provide cash benefits to persons faced with sickness and disability, unemployment, crop failure, loss of the marital partner, maternity, responsibility for the care of young children, or retirement from work
- Social security benefits may be provided in cash or kind for medical need, rehabilitation, domestic help during illness at home, legal aid, or funeral expenses
- It acts as a facilitator – it helps people to plan their own future through insurance and assistance.

Social Security and Indian Constitution-

The Preamble-

The Preamble also aims at securing to all citizens Justice: social, economic and political. Social justice, therefore, would mean that all sections of society, irrespective of caste, creed, sex, place of birth, religion or language, would be treated equally and no one would be discriminate don any of these grounds. Economic justice would mean that all the natural resources of the country would be equally available to all the citizens and no one would suffer from any undeserved want Political justice entitles all the citizens equal political rights such as right to vote, right to contest elections and right to hold public office etc.

Fundamental Rights–

The Part-III of the Constitution of India comprising of Article 12 to Article 35 deals with provisions pertaining to fundamental rights. Promotional Social Security schemes are mainly of means tested Social Assistance type, where to guarantee minimum standards of living to vulnerable groups of population.

Directive Principles of State Policy-

- **Article 41**-Right to work, to education and to public assistance in certain cases. State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.



- **Article 42**-Provision for just and humane conditions of work and maternity relief. State shall make provision for securing just and humane conditions of work and for maternity relief.

Concurrent List-

- Social Security and labour welfare fall under Concurrent list, it means both union and state Government can make laws regarding these topics.
- (List III in the Seventh Schedule of the Constitution of India)
- Item No. 23-Social Security and insurance, employment and unemployment.
- Item No. 24
 - a. Welfare of Labour including conditions of work,
 - b. provident funds,
 - c. employers' liability,
 - d. workmen's compensation,
 - e. invalidity and old age pension and maternity benefits.

Social security Laws in India-

- Employees' State Insurance Act, 1948 (ESI Act)
- Employees' Provident Funds Act, 1952
- Workmen's Compensation Act, 1923
- Maternity Benefit Act, 1961 (M.B. Act)
- Payment of Gratuity Act, 1972 (P.G. Act)
- Unorganised Workers Social Security Act, 2008

Social security schemes for unorganised sector-

- National Social Assistance Programme (NSAP)
- Janani Suraksha Yojana (JSY)
- Rajiv Gandhi Shilpi Swasthya Bima Yojana
- National Scheme of Welfare of Fishermen
- Aam Admi Bima Yojana



- Rashtriya Swasthya Bima Yojana (RSBY)
- Atal Pension Yojna (APY)
- Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY)
- Pradhan Mantri Suraksha Bima Yojana (PMSBY)
- Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) Yojana
- Pradhan Mantri Kisan Mandhan Yojana:

Conclusion-

The Constitution of India has recognised Social Security as part of Fundamental Right and made provision for its implementation and enforcement as part of Directive Principles of the State Policy. According to the Supreme Court of India, the principle aim of social is to eliminate inequality of income, status and standard of the life and to provide a decent standard of life to the working people. Further, it is designed to secure social, economic and political justice to all its citizens. The importance of Social Security can be realized from its underlying socio-economic goals like redistribution of income in order to reduced is parities between the poor and the rich the maintenance of income during certain contingencies such as death of breadwinner, illness, maternity, old age, industrial accidents or occupational disease, involuntary state of unemployment etc.

References:

1. The National Food Security Act, 2013
2. The Right of Children to Free and Compulsory Education Act, 2009
3. Mahatma Gandhi National Rural Employment Guarantee Act, 2005
4. Right to Information Act, 2005

