
**AN ANALYTICAL STUDY RELATING TO HUMAN, SOCIAL SECURITY AND
VULNERABILITY IN INDIA: SPECIAL REFERENCE TO DISTRICT OF PURI
(STATE OF ODISHA)**

- Ms. Deepali Rani Sahoo¹

ABSTRACT

Indian society is a hierarchical society, which is based on caste system. There are two dominating hierarchies in our society such as economic and social status which can be defined as class and caste society, the influence of caste society is more prominent and clearer in our country India than class society, the caste system discriminates, scheduled castes and tribes the most. The scheduled caste is at the bottom of both the hierarchies in terms of income and social status.

Their existence at bottom of those hierarchies pull and pushes them to be vulnerable and excludes the group from societal participation and declared as a member of depressed community, and the said community lives in insecurity in our Indian society. This study and my research paper give a bird’s eye view, which is limited to the scheduled caste as a vulnerable group in Odisha special reference to district of Puri. This study also determines and focuses the human security, which is about the condition relating to well being in which every human being is interacted with new institutions, socio-economic programmes and political process.

The main goal and object can be proposed by human security paradigm depending on the conditions, institutions and processes relating to the upliftment of the vulnerable group. The main object of this study is to determine the new economic policies having adverse impact on agriculture and a scheduled caste person as agricultural labourer and his demographic concentration in rural India by providing social indicators, good governance, civility and education level can be catalytic to reduce the vulnerability rural group belongs to the District of Puri, State of Odisha.

Keywords: *Hierarchical societies, Schedule Caste, Vulnerable groups, Social Indicators*

¹ Assistant Prof., Symbiosis Law School, Noida, Symbiosis International (Deemed University).

INTRODUCTION

Poverty is universally recognised as a multidimensional phenomenon, one which extends far beyond a lack of income to encompass the deprivation of the capabilities necessary to live in dignity. This multidimensionality is best encapsulated by the United Nations Committee on Economic, Social and Cultural Rights’ (CESCR) definition of poverty as “*a human condition characterised by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights*”.

The former Independent Expert on the question of human rights and extreme poverty, Arjun Sengupta, further elaborated on this definition, recognising that poverty encompasses “the combination of income poverty, human development poverty and social exclusion.” This definition recognises further that, although the lack of income is a key characteristic of extreme poverty, from a human rights perspective poverty is not limited to economic deprivation but also implies significant and overlapping social, cultural and political deprivations. While poverty may not per se be a violation of human rights, there is no doubt that it is both a significant cause and consequence of human rights violations. Poverty, thus, is a major human rights issue.

There are clear and indisputable causal links between the violation of human rights, and the economic, social, cultural and political deprivations which characterise poverty. It follows, therefore, that the realisation of all human rights and efforts to eliminate extreme poverty are mutually reinforcing, and human rights norms and principles can guide efforts to reduce, and ultimately eradicate, poverty. Global political support for the idea of government funded minimum social protection crystallised in 2009, when the heads of the United Nations (UN) agencies launched the One-UN Social Protection Floor Initiative.²

Finland has been one of the active sponsors of this UN-initiative from the very beginning. Finland also chaired the work in OECD-DAC through which joint DAC-Guidelines were developed for Social Protection as one of the key elements of Pro-Poor Growth. One clear omission in the global discussion about social protection this far has been the lack of a deeper analysis of the human rights-based foundations implications and outcomes of social

² Kumar, Arun. Industrial Law 2 Vols. Set (2003) Atlantic Publishers and distributors, New Delhi .

protection. The Human Rights Based Approach (HRBA) as the cornerstone of development policy and cooperation in quite the same way as we do in our new Development Policy Programme (2012). We are still in the early stages of our learning curve in terms of putting into practice the human rights-based approach to development.

HUMAN, SOCIAL SECURITY AND VULNERABILITY IN INDIA

All people have an equal right to have an influence on and to participate in the definition and implementation of development. The human rights-based approach to development includes civil and political rights and freedoms as well as economic, social and cultural rights. Finland gives special emphasis to the rights of women, children, ethnic minorities and indigenous peoples, the rights of persons with disabilities, those living with HIV and AIDS, and the rights of sexual and gender minorities. It is about the absence or presence of some fall-back mechanisms when in distress of one kind or another, as, for example, unemployment, sickness, accident/death, old age, etc.

In countries with endemic poverty such as India, social security also refers to such protective schemes as Public Distribution System (PDS) for essential food, mid-day meals for children in schools, supplementary nutrition for children in pre-school age group, public employment and so on. The first set of measures is for meeting situations of adversity, while the second are measures for meeting situations of deficiency. social security systems have played an integral role in many States for decades, the idea of a compulsory minimum level of non-contributory social protection has really gained momentum only in the last ten years.

In 2001, the General Conference of the International Labour Organisation (ILO) referred for the first time to the original vision of the ILO Constitution, namely the “*extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care*” (emphasis added). It simultaneously affirmed social security as a “basic human right” and noted the importance of improving and extending social security coverage to all. The final resolution recommended that countries with limited resources prioritise pressing needs, and that they consider ways to address those living in the informal economy.

The current political momentum around social protection provides a unique opportunity to reinvigorate the development agenda, which, despite the looming deadline for the achievement of the MDGs in 2015, has clearly stagnated. At the same time, there remains a

pressing need to further evolve the concept of social protection to ensure that its full potential and impact on poverty reduction and development is both understood and realised. One pressing omission to date is the complete absence from the discussion of the human rights implications and outcomes of social protection programmes. This is a significant analytical gap that must be filled.

Human rights also establish a clear legal duty upon States to ensure enjoyment of human rights equally and without discrimination of any kind. Poverty and discrimination are inherently linked, each being a cause and consequence of the other. People living in poverty experience discrimination not only on grounds such as birth, property, national or social origin, ethnic origin, colour, gender and religion, but also because they are poor. From a human rights perspective, States are under a clear obligation to ensure that all individuals can enjoy access to a minimum essential level of economic, social and cultural rights, including an adequate standard of living, equally and without discrimination.

The adoption of a human rights approach to social protection not only responds to international obligations and commitments but also improves the effectiveness of poverty reduction efforts and aligns them with the holistic perspective required to tackle the various dimensions of poverty. Those most in need of assistance are more likely to be reached by a human rights-based social protection programme, and the assistance they receive is more likely to be appropriate and effective in addressing their deprivations. Poverty reduction is more effective and more sustainable, as participatory and accountability mechanisms ensure that the voices of social protection beneficiaries are considered, and programmes are designed to respond to their needs accordingly.

Orissa is one of the 35 States and Union Territories of India. Orissa attained statehood in 1936 on the basis of language but the princely states were merged after 1948 to form 13 districts. Later in 1990 these districts were bifurcated to form 30 districts having 314 blocks. As per the 2001 Census there are a total of 51,349 villages. The number of towns in the State has increased from 124 nos in 1991 to 138 as per the 2001 Census. The districts of Ganjam and Sundergarh have the maximum nos of towns at 19 and 11 respectively. Nine Urban agglomerations have been formed in Orissa during the 2001 Census.

There is no city in the State having a population of 1 million and more. The capital city of Bhubaneswar and Cuttack have population of 6.5 lakhs and 5.8 lakhs respectively. Orissa lies in the east coast of India within 17.5 to 22.5 North latitudes and between 81.5 and 88 East

longitudes. It shares its boundaries with the States of Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, West Bengal and Andhra Pradesh. The Bay of Bengal lies on its east coast.

Two words of 'Social Security' seem to be quite common but most of the people are not completely familiar with the broad meaning. The meaning of social security is the protection that a society provides to individuals and households to ensure access to healthcare and to guarantee income security, particularly in case of old age, work injury, maternity or loss of a bread winner. Social security has a powerful impact at all level of society. In the continuation, social security protects not just the subscriber but also his / her entire family by giving benefit packages in financial security and healthcare.

Social security schemes are designed to guarantee at least long-term sustenance to families when the earning members, retires, dies or suffers a disability. Thus, the main strength of the Social Security is that it acts as a facilitator. It helps people to plan their own future through insurance and assistance. The success of the Social Security schemes however required the active support and involvement of employees and employers.

The meaning of social security in the face of lockdown of human activities due to the COVID-19 pandemic has changed the horizon into one of generalised insecurity in a country like India with a significant proportion of households that are poor and vulnerable. Lockdown implies instant loss of jobs and therefore, wage/earnings loss. This income loss is permanent for those workers whose wages and incomes are contingent on actual performance of work on a day-to-day basis.³

Such workers do not enjoy employment security or social security, and they are called informal workers (NCEUS 2008, 2009). As per 2017–18 employment data, they constitute around 370 million workers in the informal sector and a little more than 40 million in the formal sector are employed as informal workers. The former constitutes 80 per cent of the total work force, and the latter constitutes 10 per cent.

Social Security Measures:

1. First, the idea of identification and the availability of a list or register of informal workers as the Supreme Court asked in the wake of the exodus of migrant workers. The NCEUS had recommended a system of registration of all informal workers with

³ Agalgatti, Bhooshan B.(2008) Labour Welfare and Industrial Hygiene, Nirali Prakashan, Pune, Maharashtra.

the help of Workers Facilitation Centres (WFCs) at the local level of Village Panchayats and Municipal governments in towns. These WFCs could be designated agencies such as NGOs, trade unions or cooperative organisations/association working among the informal workers in a given locality. In the absence of such organisations, the local government itself should act as WFCs. Registration will be based on self-certification.

2. These registered workers were to come under the State level Social Security and Welfare Boards charged with implementing a national social security scheme. The national scheme would be treated as the basic minimum to which each state government could add depending on their fiscal capacity and other regional context.
3. There would also be a National Social Security and Welfare Board for overall supervision, distribution of a National Fund to the State Boards, policy advice, and monitoring welfare/promotional schemes for the informal workers and their families. Similarly, there will also be a State Fund to enable the state government to contribute, as add on, to the social security scheme, as well as for the activities of the State Social Security and Welfare Board.
4. The National Fund as well as the State Funds will be dedicated ones receiving a pre-determined budgetary transfer from the central/state government(s). This is intended to insulate it from arbitrary allocation of funds by successive regimes as well as year-to-year variations by a given regime.
5. The proposed national social security scheme was intended to create a “social floor” below which no workers should fall. It consisted of, what we may call three pillars. The first pillar is a statutory national minimum wage based on basic needs. As per the most recent expert committee set up by this regime a national minimum wage was worked out based on basic needs and it came to Rs. 375/- a day as the national average in 2018. This would be Rs. 410 today (as against the central government’s non-statutory national minimum wage of recommendation of Rs. 200) which would act as a floor level for any sectoral or state-wise minimum wages fixed from time to time.⁴

⁴ Madhava Rao P. (2007) Social Security Administration in India: A Study of Provident Funds and Pension Scheme, The Icfai University Press, Hyderabad, India.

The second pillar is a social security package for meeting sickness, accident/death (insurance) and/or Provident Fund for those who are in a position to contribute or an old age state pension for those who do not have the capacity to contribute. The third pillar is the enactment of a law governing Minimum Conditions of Work to address the deplorable conditions of work in the informal sector in various parts of the country, across several occupations and activities.

6. For those who are unemployed, the NCEUS recommended an unemployment insurance to meet situations of joblessness up to a year.

Social Promotional Measures

While these elements constituted the larger social security part, there was another part that addressed the question of promotion of livelihoods. This is the social promotion part. It recognised the need for basic social security to meet situations of deficiency such as schemes for housing, food, education and health. But the NCEUS emphasised and elaborated the need for addressing specific areas of deficiency faced by the informal workers and the informal sector. The former focused on workers, while the latter focused on enterprises. The main recommendations may be listed as follows.

1. Skill formation and upgradation was identified as a priority area. A detailed plan of action was developed with recommendations to cover a whole range of workers and potential workers (at the school level). For purposes of policy and funding a National Mission for Development of Skills in the Unorganised Sector was proposed.
2. The role of public employment programmes in a context of a large segment of working poor was flagged as an important agenda under promotional activities. Given the context of the National Rural Employment Guarantee Act of 2005, a number of recommendations were made to extend the scope of coverage of activities, relaxation of the cap of 100 days of employment including changing the per household stipulation into per person, extension of the public employment to urban areas, convergence with other schemes, dovetailing with social development programmes, skill training and so on. The underlying idea was the elimination of not only unemployment but also underemployment and the creation of decent work conditions.
3. As for the specific promotional measures to the informal sector (producers/enterprises), agriculture was separated from the non-agricultural sector.

For the agricultural sector, the NCEUS argued for a focused strategy with respect to marginal and small farmers. A special programme was worked out to build capacity of small-marginal farmers through a group-based approach. These included (a) promotion of marginal-small farmers’ groups, (b) greater access to institutional credit, training and capacity building, (c) support for strengthening and creation of non-farm activities, (d) gender-focused activities and (e) planning for development of marginal and small farmers given the ground reality of marginal and small farmers constituting 84 per cent of all farmers covering 50 per cent of the farm land.

4. Access to credit was another major area. The existing two national institutions for refinancing—National Bank for Agricultural and Rural Development (NABARD) for agriculture and Small Industries Development Bank of India (SIDBI) for small-scale industries—hardly cater to the needs of micro-enterprises in the non-farm sector that dominate the non-farm informal sector. Such micro-enterprises were defined as those with investment of not more than Rs. 5 lakhs (as of 2009). Therefore, a National Fund for the Unorganised Sector (NAFUS) was recommended as a statutory body funded by the central government and financial institutions.
5. Keeping in mind the special difficulties and barriers faced by the informal sector enterprises, a number of recommendations were also made for accessing technology, marketing and raw materials.
6. Pulling together all the recommendations that are focused on the informal sector enterprises; the NCEUS suggested a cluster-based approach to the development of informal sector wherever feasible. By linking the clusters, a Growth Pole approach was also recommended emphasising the collective potential of the informal sector to the growth of the economy while creating decent work conditions for the workers. The creation of Growth Poles involves an upscaling of cluster development efforts through provision of common infrastructure, service centres, etc., designed to take the existing cluster development approach to the next level.

It is based upon strengthening natural clustering of industrial units to achieve economies of scale in skill acquisition, technology development, marketing, etc., assuming that clusters once developed would lead to a multiplier effect on production and employment as also a spread effect in rural areas

CONCLUSION AND RECOMMENDATIONS

The two major reports on (1) Conditions of Work and Promotion of livelihoods in the Unorganised Sector and (2) The Challenge of Employment: An Informal Economy Perspective (NCEUS 2008 and 2009) have discussed in detail the increasing dualism in India’s economy as between the informal and formal economies and argued for a strategy of “levelling up” the informal economy. It is on this perspective that it developed a set of recommendations that have also been discussed in detail. In fact each set of major recommendations were followed with detailed reports. Two bills were drafted (one on “*Agricultural Workers’ Conditions of Work and Social Security Bill, 2007*” and another on “*Unorganised Non-Agricultural Workers’ Conditions of Work and Social Security, 2007*” and submitted to the Government of India to ensure that the proposals on social security and conditions of work are to be legal rights and the schemes envisaged as entitlements to the workers qua workers. But these were quietly ignored despite procedural scrutiny and a health-related social insurance system in the form of Rashtriya Swastha Bhima Yojana (RSBY) was enacted and implemented. It was a right-based one for the poor rather than as workers in the informal sector or informal employment. The work dimension was deliberately ignored by flagging the poverty alleviation/welfare dimension.⁵ It anchored all its recommendations in a larger macroeconomic objective of privileging decent employment as the overarching objective of economic development with growth as an enabler.

1. States must ensure, at the very least, minimum essential levels of non-contributory social protection – not as a policy option, but rather as a legal obligation under international human rights law.
2. The right to social security should be incorporated in domestic laws and, where possible, enshrined in the Constitution.
3. Social protection systems must be established and defined by law, supported by a long-term strategy, and reinforced by an appropriate and adequately-funded long-term institutional framework.
4. States must adopt legislation to ensure equity and access to services without discrimination of any kind. States must take positive actions to enable access by those who suffer from

⁵ Sivarethinamohan , R. (2010) Industrial Relations And Labour Welfare: Text And Cases PHI Learning Private Limited, New Delhi.

structural discrimination such as women, persons with disabilities, indigenous peoples, minorities and older persons.

5. Social protection programmes should be viewed as one essential part of a broader development strategy which adopts a comprehensive and holistic approach to poverty reduction aimed at the realisation of all economic, social, cultural, civil and political rights.

6. States must design an integrated and coordinated social protection strategy that reduces fragmentation and ensures capacity building of all stakeholders implementing social protection programmes.

7. States must ensure that social protection programmes are sustainably and reliably financed in annual budgets and receive progressively greater resource allocation.

8. States must acknowledge that the impacts of social protection programmes are not gender neutral, and accordingly should design and implement social protection strategies which recognise the multiple forms of discrimination that women experience and ensure that programmes address women’s specific needs throughout their life cycle (childhood, adolescence, adulthood and old age).

9. Social protection programmes must respect and acknowledge the role of women as providers of care without reinforcing patterns of discrimination and negative stereotyping. Measures must be taken to promote the value of care, and to combine society and State responsibility for care work, encouraging men to participate more actively in the support and care of family members.

10. Policy makers should invest in capacity-building to ensure that those designing and implementing social programmes at both the national and local levels are aware of gender issues, and should adopt measures to ensure greater participation of women in the administration of social protection programmes.

11. Social protection mechanisms must be accompanied by culturally and gender-sensitive good quality social services which take into account the obstacles faced by women in accessing such services.

12. States should ensure that all social protection programmes are subject to gender-sensitive eligibility criteria which take into account intra-household dynamics to ensure that women are reached by and able to benefit from social protection.

13. Participatory and accountability mechanisms must be designed and implemented taking into account gendered power relations, in order to facilitate the meaningful participation of women in all stages of the programme.
14. States must develop and collect disaggregated data in regard to gender, age, ethnicity and disability to monitor and evaluate social protection programmes
15. Targeting methods should only be employed with the aim of progressively achieving universal coverage. Measures should be put in place to build the capacity of the State and to ensure sustainable resources for progressively increased coverage.
16. Targeting methods must be reasonable, objective, transparent, and gender-sensitive, and must, to the maximum extent possible, avoid exclusion errors.
17. Where poverty targeting methods are employed, policy makers must ensure that the poorest of the poor are not going to be excluded as a result of inaccurate targeting. In the case of proxy means testing, active measures must be taken to ensure a broad understanding of the methodology and the proxies used. In the case of community targeting, policy makers must provide adequate training to community members to ensure that eligibility criteria are applied equally, and without discrimination and/or stigmatisation. Where geographical targeting is employed, the criteria for selecting localities must be transparent and objective; the selection must be based on the local needs and not on the basis of political/electoral interests.
18. Targeting processes must be supported by appropriate outreach programmes and accessible mechanisms for redress in case of exclusion errors.
19. The design and implementation of social protection programmes should take into account the economic, legal, administrative and physical obstacles that individuals face in accessing social protection, giving particular consideration to the needs of those groups which face added obstacles, including women, persons with disabilities, the elderly, indigenous peoples, minorities or people living with HIV/AIDS.
20. All stages of social protection programmes, from the delivery of benefits to outreach efforts, must be specifically designed to overcome cultural barriers and to reach groups that are particularly vulnerable or excluded.
21. Benefit levels must be adequate to improve the standard of living of the beneficiaries, and benefits must be complemented by free or affordable quality public services.

22. To the greatest extent possible, States should refrain from imposing co-responsibilities or conditionalities on receipt of social protection, and instead should channel financial and human resources into improving the level of benefits provided and the quality and accessibility of social services available. Where conditionalities are imposed, they must be accompanied by measures to protect against abuses by those monitoring compliances with conditionalities, and by measures to ensure the capacity of the health and education services to meet increased demand.

23. Failure to satisfy imposed conditions should never result in the automatic exclusion of an individual or household from social protection programmes, but rather should be used as a facilitative tool to assist the State in identifying the most vulnerable families, providing supportive social work and/or community development, and addressing failures in public services.

24. Protections must be put in place to ensure that conditionalities do not create an unnecessary burden on women, expose them to abuse, or perpetuate traditional gender stereotypes within recipient households.

25. Laws should be put in place to ensure that individuals and organisations have the right to seek, receive and impart information about social protection programmes in a simple, accessible and rapid manner.

26. When collecting and processing information belonging to beneficiaries, States must ensure that they observe internationally accepted standards of privacy and confidentiality, and do not disseminate such information to other authorities or use it for other purposes without the consent of the beneficiary.

27. States must put in place adequate mechanisms for beneficiaries to participate in the design, implementation, monitoring and evaluation of social protection programmes.

28. Participatory mechanisms must ensure that participation is authentic, takes into account the existing asymmetries of power within the community, and is tailored to ensure the broadest participation possible by vulnerable and disadvantage groups.

29. Social protection programmes must incorporate accessible and effective complaints mechanisms which guarantee anonymity, allow for individual and collective complaints, and are sufficiently resourced and culturally appropriate. Complaints procedures should include an appeal process that is independent, accessible, simple, fair and effective.

30. Social protection programmes must periodically review decisions taken on at least three key elements: (a) the procedures utilised to register beneficiaries (in particular to identify the possible wrongful exclusion of beneficiaries), (b) the implementation of the programme (to monitor all sorts of possible abuses occurring when assistance is provided at the local level, e.g. sexual harassment) and (c) the overall payment procedures (to monitor misappropriation of financial resources throughout the different stages of implementation).