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WOMAN AND SOCIAL SECURITY: FROM NEEDS-BASED CHARITY TO RIGHTS-BASED SOCIAL JUSTICE

***Aniruddha Vithal Babar and Garima Dhaka**

Jaipur National University, Seedling School of Law and Governance, Jagatpura, Jaipur, India

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ABSTRACT

Social security is an investment in human resources, which can provide overall security for a person within the family, workplace, and society. The right to social security is an indispensable human right and an essential precondition for the realization of all human rights, which also represents an essential transformation from needs-based charity to rights-based social justice. Social security systems provided for by states consist of social insurance as well as development programs, which provide benefits for employees and their families by employment contributions, and/or social assistance programs which provide non-contributory benefits designed to provide minimum levels of social security to people. The Universal Declaration of Human Rights recognizes the right to "social security" in articles 22, which states that: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. In the light of the wisdom of the philosophy of "Social Security" this paper examines the conceptual framework of social security from 'multi-dimensional gender perspective' and focuses on its missing dimensions with reference to the protection, empowerment, growth and development of women in India; hence the basic purpose of this paper is to understand the right to social security and development from woman's perspective. The Researchers have further attempted to expand the understanding of right to social security as human right from the perspective of "gender" which helped them to reach a conclusion that, "the social safety nets are designed and developed to protect every member of the society irrespective gender, caste, creed, race and unlike many countries, India has yet not realized the dream of a socially secure, and egalitarian society based on the ideals of Justice, Equality, Liberty and Fraternity."

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INTRODUCTION

Social Security in India

"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 a firm and sound basis will promote such progress, since once men and women benefit from increases security and are free from anxiety for tomorrow, they will naturally become more productive."

***Corresponding author: Aniruddha Vithal Babar**

Jaipur National University, Seedling School of Law and Governance,
Jagatpura, Jaipur, India.

~Francis Blanchard in the preface of ILO, 1984

The concept of social security has been very old one, which was first developed and introduced in Germany in 1883, whereby each member of particular trade was required to contribute at regular intervals; the money which would be collected in this fund would be used for food, lodging, hospital, and funeral expenses of aged and disabled members. Though the term, the laws and the institutions build around to institutionalize the entire concept of social security in India may be of recent origin which is certainly not limited to the workers but encompasses EVERYONE irrespective of gender, class, caste and status hence, the Government programmes for the Masses are not only for protection purpose but also for empowerment, development and growth as well. The realm of

social security measures needs to be studied in two parts, one, the fundamentals, or principals involved along with the movement and evolution of the concept. Second, scanning different legislations on social security in India, with a detailed discussion on the Employees State Insurance Act. In view of the impact of the World War II on labour in India, the Government of India accepted the principles of health insurance and passed the Employees State Insurance Act in April 1948. The ESI Scheme is the first health insurance scheme in South-East Asia. Though the Scheme to begin with was not very comprehensive one, it has become the cornerstone of social security for industrial labour in India. The underlying idea behind social security measures is that there is a duty on the society to protect the working class that contributes to the welfare of the society against hazards¹ which not only protects just the workman, but also his entire family in financial security and health care. The social security can be provided by institutional and non-institutional agencies.

The non-institutional agencies existed from time immemorial and they are the back bones of the present social security programmes. India is a good example of having non-institutional form of social security measures in the world. The needy and unfortunate are seen protected in joint family set up and the caste system. The hardship due to unemployment, economic difficulties, old age, widowhood etc., was taken care of by joint family system. It had a religious backing also. An additional help from individual and institutions was provided to them through the guilds, community and Panchayats, orphanages, widow homes and charity centers available during that time. This indicates that India had its own social security system². Since India has always had a Joint Family system that took care of the social security needs. However with rise of migration, urbanization, nuclear families and demographic changes, Joint family system has declined. Hence we need a formal system of social security. The ideals of social security ultimately became a social responsibility largely depending on the resources and needs of the country. India is a country where economic resources are less and needs are more.

The social security enactments that we find today in India are an amalgam of the ideals and principles emerged over the years. In the early historical times, people were living in a more secured or protected environment. As stated above, the system of the joint family, the guilds, the caste, and community panchayats and religious institutions have been providing protection to individuals from the evil consequences of various contingencies. The development of modern state totally changed the social set up in India and the state assumed the role of protector of people from evils. The philosophy of welfare democracy has resulted in legislative schemes designed to channel all economic activity for collective good. The innovative Social security and development schemes that have come up from time to time are basically the results of changing nature of Role of Government from the role of protector and defender to welfare and empowerment catalyst.

¹ Prof. Harry Calvert, *Social Security Law*, Sweet & Maxwell, London (1978), p.38.

² Mamuria and Doshi, *Labour Problems and Social Welfare in India*, Kitab Mahal Pvt. Ltd., Allahabad (1966), p.339.

Social security and empowerment: the constitutional justice

The preamble of Constitution of India expresses the essential features of political and economic philosophy underlying the provisions of the Constitution. It declares that India would be a sovereign, socialist, secular democratic republic and to secure to all its people justice, liberty, equality and fraternity.³ It assures a democratic way of life and embraces the ideal of establishing social, political and economic justice in the country. Naturally, the dignity of individual occupied a central place of honor in its scheme. Though the individual rights are protected through Fundamental Rights under Part III, the claims of social good and egalitarianism are enshrined in Part IV. These two parts are rightly observed by Granville Austin as the core commitment to social revolution and the conscience of the Constitution.⁴ Fundamental Rights in the Constitution recognizes the importance of the individual in the affairs of the state and seek to assure every citizen full freedom to enjoy life, liberty and happiness as he likes and the state will interfere with it only if consideration of public good justifies such interference. On the other hand, Directive Principles make precaution to provide inbuilt provisions on the strength of which reconciliation has to be attempted between the rights of individual and the claims of social good.⁵ The framers of the Constitution visualised that the socio-economic policy envisioned in the Directive Principles along with guarantee of freedom and liberty by the state can assure a welfare state. The framers did not make the fundamental rights absolute.

The objectives of Directive Principles can be achieved by making appropriate law by the state. Articles 36 to Article 51 of this Part reflect the socio-economic principles in the governance of the country. The provisions relating to social security of labour lie in Part IV though the right to life and protection from discrimination and exploitation are laid down in Part III, the Fundamental Rights. Dr. B. R. Ambedkar, the Chairman of the Drafting Committee, has categorically stated that Directive Principles “are really instruments to the executive and the legislature as to how they should exercise their power”⁶. Provisions of several constitutions were instrumental in formulating the Directive Principles. German Constitution⁷, Spanish Constitution⁸ and Constitution of Bolivia⁹ are some of them. Charter of League of Nations and

³ The words “socialist, secular” were added to the preamble only in the year 1976 by the Constitution (Forty-second Amendment) Act, 1976, S.2

⁴ Granville Austin, *The Indian Constitution: Cornerstone of Nation*, Oxford University Press, New Delhi, (1966), p.50. According to Granville Austin, Indian Constitution is the first and foremost social document and says, “the core of commitment to the social revolution is in Part III & IV in the Fundamental Right and Directive Principles of State Policy. These are consciences of the Constitution”

⁵ Ibid

⁶ Constituent Assembly Debates, Vol.II, pp.41-42.

⁷ Article 14(2) “Maternity shall have the right to the protection and public assistance of the state.

⁸ Article 14(2) “Maternity shall have the right to the protection and public assistance of the state.

⁹ “The Law shall provide regulations for contemporary instance to cover sickness, accidents, involuntary unemployment, disability, old age, employees and workers, women and minors, the maximum working days, maximum salary, weekly day off, rest and holidays maternity leave with pay, medical and ... attention and other protective benefits for workers”.

Universal Declaration of Human Rights were also influenced the drafting of Directive Principles. Article 38 (1) directs the State to promote the welfare of the people by securing and protecting as efficiently as it may a social order in which justice –social, economic and political shall inform all institutions of national life. This is a re-affirmation of the preambular objective of securing socio-economic and political justice. The 44th Amendment added clause (2) to Article 38 which directs the state to minimize the irregularities in income, and to endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also groups of people residing in different areas or engaged in different vocations¹⁰. This clause represents the group equality. Article 39 lays down certain specific objectives. Clauses (a) (b) and (c) particularly lay down the norms for an egalitarian operation of economic and social system of the country. Securing of adequate means of livelihood for citizens, preventing the concentration of economic power in few hands and ensuring the operation of the economic system for the general good are stated as the guiding principles. Ensuring of equal pay for equal work and protection of health and strength of workers from abuse are some other objectives of the Article¹¹. Many of these provisions in Part IV of the Constitution (Article 38, 39, 40 and 41 are examples) are intended to bring about a socialistic order in the Indian society. These objectives have been later summed up in the phrase “socialistic pattern of society” and have been explained in length in the Fifth Five Year Plan Documents.¹²

Comprehensive Social Security - meaning and implications, Elements that make legislation 'comprehensive'

The Constitution guarantees rights including the right to life, health, food, education and work to all its citizens. These rights ensure an adequate standard of living for everyone in order to lead a dignified life. Work and livelihood are means through which women realise most of these rights for themselves and their families. In the Indian context, social security is a comprehensive approach designed to protect deprivation i.e., to protect the individual from any uncertainties in income. The State bears the primary responsibility for developing appropriate system for providing protection and assistance to its citizens-‘the workforce’, backbone of Indian Economy. The workforce in India is increasing though the workforce in organized sector is not increasing proportionately.¹³ The organized workers constitute 7% of the total workforce of about 400 million in the country. They are covered by various legislations providing to social security to workers. The principal social security laws enacted in India are¹⁴(1)The Employees State Insurance Act, 1948 ,

(2)The Employees’ Provident Funds & Miscellaneous Provisions Act, 1952, (3)The Workmen’s Compensation Act, 1923, (4)The Maternity Benefit Act, 1961 and (5)The Payment of Gratuity Act, 1972. Etc. however; WE are of the opinion that an interpretation of the concept of ‘social security’ should not be confined to its existence only for the welfare of workers or employees. In fact, the word social security supposed to encompass all those protective measures and schemes launched by Government to protect the constitutional rights of people and also their growth prospects irrespective of religion, caste, gender and employment factor.

Social security for women- a step towards gender justice

India does not have an existing universal social security system. 92% of the workforce is in the informal sector which is largely unrecorded. Today 1/8th of the world’s older people live in India. The overwhelming majority of these depend on support from their children. Addressing social security concerns with particular reference to retirement income for worker. In India the coverage gap i.e. workers who do not have access to any formal scheme for old-age income provisioning constitute about 92% of the estimated workforce of 400 million people. Social security for women in India, despite the existence of multiple Government sponsored schemes, is an issue that has not yet been tackled efficiently as these schemes still fail to reach the most marginalised women in society.¹⁵ Due to a series of systemic failures, women’s lives and work are adversely impacted in both the productive and reproductive domains. There is, thus, an urgent need to efficiently implement social security schemes for women in order to counter their vulnerability in our society. The right to social security is recognized as a human right and establishes the right to social security assistance for those unable to work due to sickness, disability, maternity, employment injury, unemployment or old age. Social security systems provided for by states consist of not only social insurance programs, which provide earned benefits for workers and their families by employment contributions, and/or social assistance programs which provide non-contributory benefits designed to provide minimum levels of social security to persons unable to access social insurance¹⁶ but also includes various development and empowerment schemes. India’s growth story of the last two decades has had one recurring theme: that the pattern of economic growth is accentuating insecurities. Yet, there continues to be a deep divide over whether the gains from growth ought to be ploughed back to achieve social security for everyone including women and socially backward communities. Social security has come to be linked to job benefits, correlating it to one’s status as a worker in the formal or the informal job sectors when, fundamentally, it originates from the notion of ensuring everyone protection against discrimination, vulnerability and deprivation to defend equality on the foundation of equity.¹⁷ Women in society be

¹⁰ Constitution (44th Amendment) Act, 1978, S.9

¹¹ According to Prof. M.V.Pylee “the concepts of socialism and secularism was explicit in the Constitution as it was originally passed” M.V.Pylee, Indian Constitution, Asia Publishing House (P) Ltd., (1974), Bombay, at p.55.

¹² Ibid Chapter 4.

¹³ Workforce Estimates in National Accounts, Chapter 7 Study conducted by National Samples Survey Organisation available in <http://www.mospi.nic.in>. The survey shows that in 1991, the total workforce was 314 million and out of which 27 million were in organized sector, in 2000, the total workforce has increased to 397 million and out of which 28 million were in organized sector.

¹⁴ These are the enactments mentioned by Social Security Division, Ministry of Labour, Government of India See, Synopsis of Social Security Laws,

<http://labour.nic.in/ss>, accessed on 24th September, 2007

¹⁵

http://www.academia.edu/4277328/INDUSTRIAL_RELATIONS_AND_LABOUR_WELFARE

¹⁶ Weissbrodt, David S; de la Vega, Connie (2007).International human rights law: an introduction. University of Pennsylvania Press. p. 130. ISBN 978-0-8122-4032-0.

¹⁷ <http://www.thehindu.com/news/national/how-effective-are-social-security->

they workers, producers, consumers, wives, or mothers, are considered as the shock absorbers of economic and structural adjustment programmes.¹⁸ By cutting public services, the governments implicitly rely on the “invisible” women to pick up the slack. A hospital, for example, may become more efficient by streamlining its costs and releasing patients early to be looked after at home. But, in effect, the efficiency of the medical institution is achieved by transferring costs and labour from the productive to the reproductive economy, where women’s additional and unpaid work in caring for patients at home enables the hospital to declare itself efficient in being able to manage more patients with less hospital care, considering the aspect of which the concept of Social security should essentially be understood which is also envisaged as a universal right by Article 9 of ICESCR, which accrues to everyone.¹⁹

Percentage of Workers In Unorganised Sector And Unorganised Workers By Gender Across The States 2004-05

Name of the state	Workers (male)	Workers (female)	Total
Andhra Pradesh	92.5	96.1	94.0
Arunachal Pradesh	83.9	96.4	88.9
Assam	89.8	91.4	90.2
Bihar	97.1	99.2	97.5
Goa	71.9	75.0	72.8
Gujarat	88.6	97.6	91.6
Haryana	87.4	96.6	90.2
Himachal Pradesh	85.5	95.8	90.2
Jammu & Kashmir	85.7	96.3	88.5
Karnataka	90.0	95.3	91.9
Kerala	82.0	79.6	81.3
Madhya Pradesh	93.1	98.2	94.8
Maharashtra	86.6	95.0	89.6
Manipur	84.8	95.5	88.8
Meghalaya	88.4	91.1	89.6
Mizoram	81.0	92.9	85.5
Nagaland	76.0	94.7	83.9
Orissa	92.9	97.7	94.5
Punjab	89.5	94.3	90.9
Rajasthan	93.0	98.5	95.2
Skikkim	82.2	90.5	84.8
Tamil Nadu	87.2	94.3	89.9
Tripura	89.5	88.5	89.4
Uttar Pradesh	94.6	98.8	95.8
West Bengal	90.5	93.8	91.2
Delhi	77.0	64.5	75.6
Jharkhand	91.8	91.8	94.0
Chhattisgarh	92.7	98.6	95.2
Uttaranchal	87.0	97.1	91.0
All India	90.7	95.9	92.4

Source: Nceus report 2004-05

Every individual should get social security irrespective of the nature of work, gender, socio-economic status and whether they are engaged in paid work or not. Apart from its obvious economic and social value, much of the work that women do remains ‘invisible’ in national accounting i.e. Gross Domestic Product and Gross National Product simply because It is not recognized as ‘productive’ work and is not taken into account while defining the ‘informal sector’ and assessing its contribution to the GDP. Several categories of paid work

where women dominate are also generally excluded. Social security regime in India, for example, covers only workers in the formal sector, who constitute a mere 8% of the total workforce.²⁰ There have been debates all over the world regarding the economic status of woman especially house makers in the economy of state. Social security programmes should necessarily have gender perspective as well that could cover those ‘invisible’ women hidden in the chaos of gender-prejudices.

(National Commission for Enterprises in the Unorganized Sector (Ministry of Small Scale Industries, Government of India)

The aforementioned table shows the details of the unorganized workers by gender across the states in the year 2004-05. The Male workers are 99.7% and Female workers are 95.9% in unorganized workforce. The female workers are more than male workers in unorganized sector as well as unorganised workers. The unorganized workers of male and female are higher in Bihar. It is very low in Goa state. In Tamil Nadu male and female representation under unorganized workers are 87.2% and 94.3% respectively. Let us understand and agree on the fact that, Women and men face different risks and vulnerabilities, some specific to their gender and others exacerbated by gender inequalities and discrimination. The design and implementation of social protection programmes should address such gender-related constraints, including barriers to women’s economic advancement. Social transfers in the hands of women, improve children’s health and nutritional status and school attendance, and can be an effective way of reducing hunger and intergenerational poverty. Progress on gender equality is recognised as a critical factor in achieving the socio-economic equality. Women and men face different constraints and barriers that can limit opportunities for women and girls According to Naila Kabeer’s²¹ typology, these constraints can be:

Gender-Specific (i.e. societal norms and practices that apply to women or men by virtue of their gender);

Gender-Intensified (i.e. inequalities between household members reflecting norms and customs on the distribution of food, health care, access to property, etc.);

Gender-Imposed (i.e. forms of gender disadvantage that reflect discrimination in the wider public domain). Such constraints prove that girls and women are disproportionately represented among the extreme poor in many parts of the world.²² They not only limit women’s access to the labour market, but also often confine working women to more poorly remunerated, more casual and more insecure forms of waged and self-employment, particularly in the informal economy, without access to social protection. Increasing informalisation of women’s work and growing sources of vulnerability (e.g. due to rising food prices and climate change) affect women’s ability to provide for their families and cope with insecurity.

²⁰ According to the National Sample Survey 1999-2000 (Government Of India)

²¹ <http://nailakabeer.com/category/articles/gender-and-labour-markets/>

²² “Social Transfers and Chronic Poverty: Emerging Evidence and the Challenge Ahead”, A DFID Practice Paper, DFID, London.

Moreover, women are particularly affected by the human rights violations, pervasive poverty and physical insecurity that often characterise fragile states. These factors underscore the universal need for greater understanding about the rationale and policy and programme implications of a gendered approach to social protection mechanism. Social transfers i.e. investment in human capital by state particularly education and health, improving the underlying micro-level determinants of growth.²³

Design of Social Protection policy mechanism to tackle the gender-related risks and hazards

Social protection measures need to be designed to respond to different gender-specific categories of risk, which include²⁴: Health risks (e.g. infant mortality, disease); Life cycle risks (e.g. childbearing, divorce, widowhood); Household economic risks (e.g. increased expenditure for social obligations such as marriage and funerals); Social risks (e.g. exclusion, discrimination, domestic violence, crime). Many social protection programmes are designed by Government of India to have multiple objectives, tackling different gender-related risks. The following table illustrates how various instruments deals with life-cycle and work-related vulnerabilities of women in the informal economy.

Insurance and Social Security in India

India has a very basic social security system catering to a fairly small percentage of the country's workforce. Traditionally, as mentioned before, Indians relied on their extended families for support in the event of illness or other misfortunes. However, due to migration, urbanization, and higher social mobility, family bonds are less tight and family units much smaller than they used to be. So far, neither the state nor private insurance companies have quite stepped up to fill this gap.²⁵ There are two major traditional social security plans available in India, the Employees' Provident Fund Organization (EPFO) and the Employees' State Insurance Corporation (ESIC). The EPFO runs a provident fund, which is also known as a pension scheme, and an insurance scheme. All of these are supposed to grant EPFO members and their families benefits for old age, disability, and support in case the primary breadwinner dies. The ESIC, on the other hand, covers low-earning employees providing them with basic healthcare and social security schemes. Originally aimed at factory workers, the coverage is being gradually extended to include greater parts of the population, e.g. employees in hospitals or educational institutions. However, it is seen that the government enforcement strategies are not very efficient, and many employers who should be paying contributions for their staff fail to do so.

Types of government policy	Gender related risk factors	Objectives and goals	Gender-related impact analysis
Various schemes and programmes for mothers and children (mainly targeted at mothers/ primary carers).	1. Insufficient and/or unequal allocation of resources and opportunities between boy and girl children 2. Child labour, especially boys. 3. Female foeticide and child marriage. 4. Insufficient nutrition and pre- and post-natal care, and risks for working mothers.	1. Promote investments in children's health, nutrition and education. 2. Reduced maternal and infant mortality	1. Improves survival, nutrition, health and education of girl children 2. Promotes and expands women's livelihood options. 3. Increases women's bargaining power in household and community. 4. Can bring excluded women into the circle of citizenship. 5. Improves nutrition and health of newborn and mother.
Childcare support for working mothers.	Children may be left alone in the house or with an unreliable carer when mothers go out to work.	Reduce reliance on poor care arrangements and likelihood of adverse effects for children.	1. Improves access to education for girl children. 2. Expands women's employment opportunities. 3. Increases women's participation in public life.
School feeding programmes (Mid-Day Meals)/afterschool training.	Children may not attend school due to domestic chores/home-based work (mainly girls) and child labour (mainly boys)	Promote investments in children's health, nutrition, and education.	Better nutrition and uninterrupted education promotes employability and productivity of next generation of workers.
Secondary school scholarships or additional stipends for girls.	1. Double burden of work/ school leads to low productivity, fewer opportunities in adulthood, more likelihood of entering high-risk employment (e.g. hazardous industries, prostitution).	School retention for girls	1. Can delay marriage of daughters aged 11-19. 2. Positive impacts for future health and well-being. 3. Overcomes parental indifference/reluctance over girls' education.
Employment generating public works programmes.	1. Gender-related inequalities in access to employment. 2. Loss of employment/ employment insecurity because of pregnancy or time taken out for childcare	Cope with threats to income and consumption flows	1. Can help to break inertia of ongoing unemployment. 2. Creates infrastructure that may enable women's mobility or reduce workloads.
Social pensions	1. Costs of retiring or withdrawing from work in the absence of any work related provision for retirement. 2. Widow's loss of assets to late husband's family; dependence on good will of children/family members. 3. Heavy childcare responsibilities where HIV and AIDS lead to high numbers of absent middleage adults and vulnerable children.	Meet basic needs of elderly and destitute.	1. Can give elderly men and women some bargaining power. 2. Can act as recognition of women's unpaid work. 3. Improves security, dignity, self worth, status, particularly for elderly widows.
Legislation.	Discrimination (e.g. inheritance, land ownership).	Women's empowerment and all inclusive justice.	Gives women tools for advancing their socio-economic status and empowerment.

As thought by Naila Kabeer

Moreover, the “unorganized” sector, i.e. enterprises — mainly in agriculture — which are not legally covered by any form of social security, is disproportionately large. In 2014, 94% of India’s labor force worked in the informal sector, which means around 370 million Indians, not to mention their dependents, were excluded from social security schemes.²⁶ However, apart from aforementioned Insurance Schemes there are following schemes as well: These schemes offer protective cover for life, accidental death and disability for all Indian adults who have a bank account. The official reports of Insurance Regulatory Development Authority say that the Indian insurance sector is the biggest in the world, and is expected to touch 75 crore (750 million) by 2020. However, it is a fact that India is still grossly uninsured. If both are correct, the reason for Indians abstaining from ensuring a comparable cover on their lives needs a closer look. The government on their part has been putting a good effort to create a universal social security system for all Indians. As per the Budget 2015-16, three flagship policies were announced by the Finance Minister Arun Jaitley, encouraged by the success of the Pradhan Mantri Jan Dhan Yojana. The policies announced in the Budget has been enforced from June 1st 2015 and is open now for all Indians who have a savings account.

The policies launched are:

- Pradhan Mantri Suraksha Bima Yojana (for accidental death and disability),
- Pradhan Mantri Jeevan Jyoti Bima Yojana (life cover),
- Pension Yojana, a pension plan for the common man
- Rashtriya Swasthya Bima Yojana

These schemes offer protective cover for life, accidental death and disability for all Indian adults who have a bank account. These schemes offer one year cover and are renewable on a yearly basis. It is well understood fact that the poor, especially women, have limited access to either private insurance against risk, given the underdeveloped nature of credit and insurance markets, or social insurance, given unstable and irregular wage employment and underemployment. There is now growing interest in various types of community-based insurance, especially in the area of health. FINCA Uganda, for example has operated a single risk, not-for-profit health insurance scheme since 1998 to cover hospital costs in case of illness.²⁷ Social Security of Women’s perspective have been widely and repeatedly discussed by the media and the government of India (during parliament sessions) from time to time. However even though Government’s plans and policies are apparently gender sensitive, in reality they are not. Considering the overall development and empowerment of women it is seen that weak social security regime has been failing. Current Social security Net is not enough to emancipate the women and therefore Government of India has parallelly initiated various development schemes. Since the purpose of this paper is to understand and examine gender empowerment and development from social security net and development perspective, it is pertinent to take a look at the protective

mechanism created by Government to support the multidimensional (economic, social) ‘Gender development’. The three core pillars of human rights i.e. equality, non-discrimination and state obligation are most useful to strengthen the gender dimensions in social protection systems.²⁸ Social security measures are often targeted at families without taking into account the intra-household gender conflicts, discrimination and inequalities, and there apparently is no mechanism exists whereby the State can ensure equal distribution of entitlements. Therefore, the challenge of countering the patriarchal norms that challenge the women’s progress lies in the implementation of a system of uniform social assistance to tackle the multiple vulnerabilities faced by women from various social background.²⁹

Economic empowerment of women through inclusive social protection and poverty reduction strategies

Women perform 66 percent of the world’s work, and produce 50 percent of the food, yet earn only 10 percent of the income and own 1 percent of the property. Whether the issue is improving education in the developing world, or fighting global climate change, or addressing nearly any other challenge we face, empowering women is a critical part of the equation.

~ Former President Bill Clinton addressing the annual meeting of the Clinton Global Initiative (September 2009). Economic empowerment is widely recognized as a key factor for enhancing the individual autonomy of women and their full participation in society. Women’s economic empowerment is a prerequisite for sustainable development, pro-poor growth and the achievement of all national development programmes. Women’s empowerment is about rights and equitable society not just about economic justice.³⁰ There has been growing attention to the expansion of social protection provision in response to the new risk and vulnerabilities, the negative side of the coin to the generation of new opportunities that have accompanied globalization. An important aspect of this response has been to extend social protection to workers in the informal economy who were previously excluded by social security measures tied to formal employment.³¹ Evaluations of some of these programs suggest that they can have important gender-specific impacts on women’s livelihoods even if this was not their intended objective. They thus highlight some of the unexpected ways in which social provision can address pre-existing constraints on women’s economic agency. Economic empowerment is the capacity of women and men to participate in, contribute to and benefit from growth processes in ways which recognise the value of their contributions, respect their dignity and make it possible to negotiate a fairer

²⁸

<http://www.ohchr.org/Documents/Issues/EPoverty/HumanRightsApproachToSocialProtection.pdf>

²⁹[http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/1585F4AEF409C253C1257E2700652AA8/\\$file/II-Gendered+Dimensions+of+Development.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/1585F4AEF409C253C1257E2700652AA8/$file/II-Gendered+Dimensions+of+Development.pdf)

³⁰ <http://www.oecd.org/dac/povertyreduction/50157530.pdf>

³¹ <http://www.idrc.ca/EN/Documents/NK-WEE-Concept-Paper.pdf>

²⁶ <https://www.internations.org/india-expats/guide/working-in-india-15315/insurance-and-social-security-in-india-2>

²⁷ <http://www.oecd.org/dac/povertyreduction/43280899.pdf>

distribution of the benefits of growth. Social security policies of India like India's National Employment Guarantee Scheme is an example of an intervention that sought to directly increase the demand for wage labor among poorer households. It has been extremely successful in attracting women, exceeding the minimum quota requirement, testifying to the strong demand for work among women³², and therefore contributed to the certain extent in the empowerment of women. Getting back into the annals of history, it is important to note that India was the first country to have a national government supported family planning/ welfare program beginning from 1952 and till the late 1990s, i.e. post ICPD³³, the Indian government has focused on sexual and reproductive health mainly through the population control policies.

The Government of India introduced a number of changes in the national population and family welfare program like engaging skilled health personnel and assistance to pregnant women including free medical checkup, nutrition supplement, vaccines and transportation through special service called as by dialing telephone 108, maternity leaves and allowances. The decline in Maternity Mortality Rate from 1990 to 2009 is 51%.³⁴ Women in India play an important role in social life, since time immemorial women are not merely managing their houses but have shown their interest and ability to work for whole society, all segment and sectors of society. Their role in economy is silent, but sounds well and remarkable as their invisible contribution in all economic activities can not be neglected. Indian literature places women to a respectable position; on the other hand women are ignored, and considered as ordinary household who can only work in house and farm, cook, wash and deliver child. But, thanks to large pool of women, whose participation in social activities, science and technology, political, and economy and so forth; and where not women worked at par with men and in many case they outraged men.³⁵

Plans, policies and programmes for empowerment of women (broader ambit of social security)

In the process of gender empowerment, poverty eradication and reducing gender discrimination, the governments have been implementing various schemes and programmes providing ways and means towards women development and empowerment. Self Help Group movement, one among such programmes which has been proved successful in fulfilling its objectives. However, it is felt that the other schemes and programmes do have their prominent part in the process of women development and empowerment and which are being successfully implemented. In this regard the schemes and programmes intended for women development are briefed here

³² Sudarshan, R. (2011) India's National Employment Guarantee Act: women's participation and impacts in Himachal Pradesh, Kerala and Rajasthan Centre for Social Protection Report No. 6. Brighton: IDS

³³ International Conference on Population and Development

³⁴ http://mohfw.nic.in/WriteReadData/1892s/3683263752ENGLISH_A_NNUAL_REPORT_2010-11.pdf

³⁵ http://www.microfinancegateway.org/sites/default/files/mfg-en-paper-decentralisation-and-gender-balancing-by-doctrine-of-equity-empowering-women-through-pris-in-india-2006_0.pdf

under.³⁶ The national policy of empowerment of women has set certain clear-cut goals and objectives. The policy aims at upliftment, development and empowerment in socio-economic and politico-cultural aspects, by creating in them awareness on various issues in relation to their empowerment. The following are the specific objectives of National Policies particularly of rural folk on Empowerment of women in India.³⁷

- Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential.
- The de-jure and de-facto enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.
- Equal access to participation and decision making of women in social political and economic life of the nation.
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.,
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.
- vi. Changing societal attitudes and community practices by active participation and involvement of both men and women. vii. Ministering a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child.
- viii. Building and strengthening partnerships with civil society, particularly women's organizations. The National policy for empowerment of women envisaged introduction of a gender perspective in the budgeting process as an operational strategy. A few laws and legislations are enforced strictly for effective and proper implementation of this policy.³⁸

Schemes for women protection, development and empowerment

The Ministry of women and child development, as the nodal agency for all matters pertaining to welfare, development and empowerment of women, has evolved schemes and programmes for their benefit. These schemes are spread across a broader spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing.³⁹ The schemes of the Ministry like Swashakti,

³⁶ Tiyas Biswas (2005), "Women Empowerment Through Micro Finance: A Boon for Development", www.isical.ac.in/~wemp/Papers/PaperTiyasBiswas.doc

³⁷ <http://ijellh.com/role-government-removing-inequalities-indian-scenario/>

³⁸ Kapil Deep Singh and Jayanty K Sinha (2006), The Indian Economic Association 89th Annual Conference Volume Part – 2, pp. 1070 – 1071

³⁹

Swayamsidha, STEP and Swawlamban enable economic empowerment. Working Women Hostels and Creches provide support services. Swadhar and Short Stay Homes provide protection and rehabilitation to women in difficult circumstances. The Ministry also supports autonomous bodies like National Commission, Central Social Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. The following are the details pertaining to the above schemes intended for the development and empowerment of women. Apart from these schemes, there are schemes in Insurance sector as well under the flag of Ministry of Finance. For e.g Aam Aadmi Bima Yojana, Atal Pension Yojana, National Pension Scheme, National Social Assistance Scheme, Pradhan Mantri Suraksha Bima Yojana, Pradhan Mantri Jeevan Jyoti Bima Yojana, Rashtriya Swasthya Bima Yojana, Swawalamban, etc. In order to understand the impact of various social insurance, development and empowerment schemes on women it is pertinent to take a look at their nature. The brief introduction to various major schemes (irrespective of sector) is given herein below:

Aam Aadmi Bima Yojana

AAM ADMI BIMA YOJANA, a Social Security Scheme for rural landless household was launched on 2nd October, 2007 at the hands of the then Hon'ble Finance Minister at Shimla. The head of the family or one earning member (including female earning member) in the family of such a household is covered under the scheme. The premium of Rs.200/- per person per annum is shared equally by the Central Government and the State Government. The member to be covered should be aged between 18 and 59 years. A separate fund called "Aam Admi Bima Yojana Premium Fund" has been set up by Central Govt. to pay the Govt. contribution. Fund is maintained by LIC. A free add-on benefit in the form of scholarship to children is also available under the Scheme.

Janashree Bima Yojana

Janashree Bima Yojana (JBY) was launched on 10th August 2000. The Scheme has replaced Social Security Group Insurance Scheme (SSGIS) and Rural Group Life Insurance Scheme (RGLIS). 45 occupational groups have been covered under this scheme. It provides life insurance protection to people who are below poverty line or marginally above poverty line. Persons between aged 18 years and 59 years and who are the members of the identified 45 occupational groups are eligible to be covered under the Scheme

Universal Health Scheme

The four public sector general insurance companies have been implementing Universal Health Insurance Scheme for improving the access of health care to poor families. The scheme provides for reimbursement of medical expenses upto Rs.30,000/- towards hospitalization floated amongst the entire family, death cover due to an accident @ Rs.25,000/- to the earning head of the family and compensation due to loss of earning of the earning member @ Rs.50/- per day upto

maximum of 15 days. The Universal Health Insurance Scheme (UHS) has been redesigned targeting only the BPL families. The premium subsidy has been enhanced from Rs.100 to Rs.200 for an individual, Rs.300 for a family of five and Rs.400 for a family of seven, without any reduction in benefits.

Swa-Shakti

The project jointly founded by IFAD, World Bank and the Government of India was launched in October, 1999 and culminated on 30th June, 2005. The objective of the program was to bring out socio-economic development and empowerment of women through promotion of women SHGs, micro credit and income generating activities. The project was conceived as a Pilot Project implemented in 335 blocks of 57 districts in 9 states. The project 302 established 17,647 SHGs covering about 2, 44,000 women. This was a Centrally Sponsored Project.

Swayamsiddha

This was an integrated scheme for women empowerment through formation of Self Help Groups (SHGs) launched in February, 2001. The long term objective of the programme was holistic empowerment of women through a sustained process of mobilization and convergence of all the ongoing sectoral programmes by improving access of women to micro-credit, economic resources, etc. This is a Centrally Sponsored Scheme. The Scheme had been able to provide a forum for women empowerment, collective reflection and united action. The scheme was culminated in March, 2007. The programme was implemented in 650 blocks of the country and 67971 women SHGs have been formed benefiting 9, 89,485 beneficiaries. The scheme came to an end in March 2007. It is proposed to take up Swayamsidha with a wider scope during the XI Plan. It is also proposed to implement a woman's empowerment and livelihood project in four districts of Uttar Pradesh and two districts of Bihar with assistance from IFAD. The schemes of Swayamsidha and Swashakti would be merged and implemented as Swayamsidha, Phase-II in the XI Plan. The MidTerm Appraisal Report of the Tenth Plan has also recommended merger of these two schemes as these have similar objectives. The next phase would be a country wide programme with larger coverage in States lagging behind on women development indices. Convergence is the basic concept in Swayamsiddha. The lessons learnt in Swayamsiddha and Swa-Shakti would be incorporated in the universalized Swayamsiddha giving an integrated set of training inputs relating to social and economic empowerment, including skill development and training in traditional and non-traditional sectors.

Swawlamban

Programme, previously known as NORAD/Women's Economic Programme, was launched in 1982-83 with assistance from the Norwegian Agency for Development Corporation (NORAD). NORAD assistance was availed till 1996 – 97 after which the programme is being run with Government of India funds. The objective of the programme is to provide training and skills to women to facilitate them to

obtain employment or self employment on sustained basis. The target groups under the scheme are the poor and needy women, women from weaker sections of the society such as Scheduled Castes and Scheduled Tribes etc. In order to ensure more effective implementation and for better monitoring/evaluation of the scheme, it has been transferred to the State governments from 1st April 2006 with the approval of Planning Commission.

Swadhar

This scheme was launched in 2001-2002 for providing relief and rehabilitation to women in difficult circumstances. The main objectives of the scheme are as follows: To provide primary need of shelter, food, clothing and care to the marginalized women/girls living in difficult circumstances who are without any social and economic support. To provide emotional support and counselling to women. To rehabilitate destitute women socially and economically through education, awareness, skill upgradation and personality development. To arrange for specific clinical, legal and other support for women/girls in need of those interventions by linking and networking with other organizations in both Government and non-Government sectors on case to case basis. To provide Help line or other facilities. Beneficiaries covered under the scheme are widows deserted by their families, women prisoners released from jail, women survivors of nature disaster, trafficked women, women victims of terrorist/extremist violence, mentally challenged and women with HIV/AIDS etc. At present 129 shelter homes are functioning in the country. Apart from the aforementioned schemes, Government of India has launched numerous other schemes for Women Empowerment. Some of them are as follows:-

Mother and Child Tracking System (MCTS), 2009

This program helps to monitor the health care department to ensure that all mothers and children have access all the required services and medical care, during pregnancy and delivery. Also the system maintains a database of all pregnancies registered and all births from 2009, December.

Indira Gandhi Matritva Sahyog Yojana Conditional Maternity Benefit plan (IGMSY-CMB), 2010

This scheme sponsored by the Central Government for pregnant women age 19 and over for their first two live births. This program provides money to help better health and nutrition of the pregnant women. The beneficiary gets 4000/- in 3 installments. Any government employee doesn't come under this scheme.

Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – Sabla (RGSEAG), 2012

This scheme targets adolescent girls of 11 – 18. The scheme offers a package of benefits for improving their health and nutrition. This program offers many services on central level to help women to become Self Supporting, to get nutritional supplementation, education, education of health, life skills and various types of vocational training.

Rashtriya Mahila Kosh (RMK), 1993

This scheme created by the government of India with the purpose to provide the loan to poor women to begin small businesses.

Priyadarshini, 2011

Priyadarshini is a pilot programme for Women Empowerment. This scheme offers women in seven districts, access to self-help groups and promotion of livelihood opportunities.

Central Social Welfare Board (CSWB), 1953

This scheme launched to promote social welfare activities and appliance welfare programmes for women and children through spontaneous organizations.

Short Stay Home for Women and Girls (SSH), 1969

This scheme provides temporary residence to women and girls who are in social and moral danger due to family problems, mental strain, violence at home, social ostracism, exploitation and other causes.

Development of Women and Children in Rural Areas (DWCRA), 1982

This scheme launched by the government to improve the socio-economic status of the poor women in the rural areas.

Support to Training and Employment Programme (STEP)

The Ministry of Women and Child Development has launched this programme with the aim of developing skills of women for self and employment. The main targets of this scheme are rural women and urban poor. This scheme provides funds to help the women and poor. Funds are released to NGOs and not to the State Governments.

National Mission for Empowerment of Women (NMEW)

The Indian Government has also launched the National Mission for Empowerment of Women (NMEW) for comprehensive empowerment of women. This is a centrally sponsored scheme, coordinating all the women's welfare and socio-economic development programmes across ministries and departments. The Mission contributes to empowering women socially, economically; erase crime and violence against women, to educate women, establishment of policies and programmes and spreading awareness. Following are the Social Security Schemes that has been started by Government of India under the flagship of National Mission for Empowerment of Women:

- Total Sanitation Campaign TSC
- Scheme of Financial Assistance for Preparing Young Professional in Rural Areas
- Scheme for Working Women Hostel
- Scheme For Market Development Assistance For MSME Exporters

- Scheme for Integrated Textile Parks
 - Raw Material Assistance Scheme
 - Rashtriya Swasthya Bima Yojana(RSBY)
 - Rajiv Gandhi Udyami Mitra Yojana (RGUMY)
 - Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) Sabla
 - Rajiv Gandhi National Creche Scheme
 - Promotion and Strengthening of Agricultural Mechanization through Training, Testing & Demonstration
 - Pottery Technology
 - Performance & Credit Rating Scheme for Small Industries
 - Organic Farming
 - National Programme for Health Care of the Elderly
 - Scheme of Fund for Regeneration of Traditional Industries (SFURTI)
 - Scheme of Support to Voluntary Agencies for Adult Education and Skill Development
 - Scheme on Development of Inland Fisheries and Aquaculture
 - Technopreneur Promotion Programme
 - Technology Upgradation Fund Scheme (Handloom Sector)
 - Technology Upgradation Fund Scheme
 - Technology Development and Transfer for Promotion of Horticulture
 - Technology Development & Utilization Programme for Women
 - Targeted Public Distribution System (TPDS)
 - Swarnajayanti Gram Swarozgar Yojana (SGSY)
 - Strengthening Infrastructure for Quality & Clean Milk Production
 - STEP (Support to Training and Employment Programme for Women)
 - Short Stay Home For Women and Girls (SSH)
 - Schemes of Department of Animal Husbandry Dairying Fisheries
 - Scheme on Fisheries Training and Extension
 - Scheme on Development of Marine Fisheries, Infrastructure and Post harvest Operations
 - Nutrition Education and Extension
 - National Scheduled Castes Finance & Development Corporation
 - National Rural Drinking Water Programme
 - Gramin Bhandaran Yojna
 - Entrepreneurship Development Institutions (EDIs) Scheme
 - Diversified Handloom Development Scheme (DHDS)
 - Development of Commercial Horticulture through Production and Post-Harvest Management
 - Dairy/Poultry Venture Capital Fund
 - Credit Linked Capital Subsidy Scheme (CLCSS) for Technology Upgradation of the Small Scale Industries
 - Credit Guarantee Cover Fund Scheme for Small Industries
 - Consultancy Promotion Programme
 - Central Poultry Development Organisation
 - Capacity Building to enhance Competitiveness of Indian Agriculture and Registration of Organic Products
 - Bamboo Cultivation
 - Assistance to States for Feed and Fodder Development
 - Assistance to Cooperatives Scheme
 - Assistance to Cooperatives
 - Grant in Aid Scheme - Ambedkar Hastshilp Vikas Yojna
 - Grant in Aid Scheme - Export
 - Grant in Aid Scheme - HRD Scheme
 - National Iodine Deficiency Disorders Control Programme (NIDDCP)
 - National Bamboo Mission
 - National Backward Classes Finance and Development Corporation
 - National Award Scheme/ Guidelines [Launched by Ministry of Micro, Small & Medium Enterprise (MSME)]
 - Mushroom Farming
 - Mid Day Meal
 - Marketing Assistance Scheme
 - Marketing and Export Promotion Scheme
 - Management Training Programmes
 - Mahatma Gandhi National Rural Employment Guarantee Scheme
 - Kishori Shakti Yojana
 - Jute Manufactures Development Council Schemes
 - Industrial R&D Promotion Programme (IRDPP)
 - Indira Gandhi Matritva Sahyog Yojana (IGMSY) - A Conditional Maternity Benefit Scheme
 - Antyodaya Anna Yojna (AAY)
 - Janani Suraksha Yojana
 - Kishori Shakti Yojana
- In addition to aforementioned schemes and projects there are other schemes under the title of The Social Assistance Scheme which include:
- National Old Age Pension Scheme-for destitute persons or more than 65 years of age.
 - Swarnajayanti Gram Swarozgar Yojana¹³² for bringing self-employed persons above poverty line by providing them income generating assets through bank credit and government subsidy.
 - Sampoorna Grameen Rozgar Yojana¹³² which started in 2001 for providing additional wage employment in the rural areas and also food security.
 - Indira Awas Yojna¹³² which provides for dwelling units, free of costs, to the scheduled castes and scheduled tribes and other BPL families in rural areas.
 - National Rural Health Mission which seeks to provide effective health care to rural population including unorganized sector labourers throughout the country.
 - National Rural Employment Guarantee Act (NREGA) is aiming to provide for 100 days of guaranteed wage employment in every financial year to every house hold whose adult members volunteer to do unskilled manual work¹³². This Act also provides insurance coverage.

- Pradhanmantri Gram Sadak Yojna¹³² launched in 2000 in order to provide all weather connectivity to all eligible unconnected rural habitations. It provides employment to rural poor in addition to systemic upgradation of the existing rural road network.
- Swarna Jayanti Shahari Yojna¹³² is covering two programmes viz, the Urban Self –Employment Programme and Urban Wage Employment Programme.

Before coming to the conclusion, let us understand that the existing net of social security is insufficient for the gender development hence it is necessary to adopt the combine approach consisting of social security schemes and development schemes in the interest of gender development.

Conclusion

On one hand it is seen that the social security policy in India is not well-defined and on the other only 1.4 percent of its GDP is spent on social protection schemes and development programmes, among the lowest in Asia, far lower than China, Sri Lanka, Thailand, and even Nepal.⁴⁰ It is necessary to understand that the Social Security should essentially be considered as an umbrella term which encompasses growth, progress and development as well. In brief, the purpose of social security should not be confined to the protection of income and thereby the sustenance.

In this paper, the issues pertaining to the social security and socio-economic development of women are examined

The participation of women in formal and informal sector is gradually increasing, almost reaching to an equal level to the male participation. The neo-liberal paradigm has caused an increase in poverty, hunger and lack of basic resources for a large majority of people.⁴¹ Women, in general, and the poorest among them in particular, have borne the brunt of the ensuing hardships caused by economic reforms to a disproportionate extent. Women still constitute 70% of the world's poor.⁴² The dominant patriarchal environment with prescribed gender roles and restrictions hinder or reduce women's capacity to participate and negotiate equally in the given market economy. This perpetuates social and economic exclusion that women already face. At the end, it may be said that while examining the possibility to expand the scope of right to social security under Article 9 of ICESCR, the social dynamics, caste-gender discrimination, changing socioeconomic situation and its impact on women in the Indian society needs to be considered. Any policy to ensure social security to all must respect provisions of substantive equality. Rights of women should be given priority while determining the span of the right to social security within the human rights framework. Specific focus should be laid on the situation of women within the household, the workplace and society. Therefore, WE ARE OF THE OPINION THAT, it is not only social security but also the opportunity to get empowered matters. Social security and

gender empowerment program is certainly not a need based charity, but just and fair right of a woman which WE believe is nothing but a necessary blow to the 'patriarchal authority and socio-economic supremacy' in the interest of 'Social-Justice'.

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⁴⁰ <http://www.thehindu.com/news/national/how-effective-are-social-security-and-welfare-in-india/article6823320> ce

⁴¹ <http://www.mit.edu/~thistle/v13/2/imf.html>

⁴² <http://www.politifact.com/punditfact/statements/2014/jan/15/carly-fiorina/carly-fiorina-70-worlds-poor-are-women/>