



A CRITICAL ANALYSIS OF RIGHT TO SOCIAL SECURITY

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Abstract

Social security is the protection that a society gives to individuals and households to ensure access to health care and to guarantee income security, especially in cases of old age, unemployment, sickness, invalidity, work injury and maternity. Article 22 in the universal declaration of human rights state that every person has the right to social security. Every person is entitled to realization, through national effort, international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for free development of his personality and his dignity. Right to social security is an important human right. Social security protects a person from various risks he is exposed to. These risks have a huge impact on life of each and every person. This paper deals with the objectives of social security. This paper also deals with social assistance schemes that are present in our country. It also deals with social insurance provided under the employees' state insurance act. It also deals with the social insurance provided In Ayushman Bharat Yojana scheme.

Objectives of social security

There are various purposes for giving social security to the members of the society. They are:

Compensation: this is one objective of social security. When the person is facing a health issue and is put to risk, then this social security benefits will help him and his family during that period. The protection of social security will prevent double calamities from occurring. When the person has a bad health he will not be able to work during that period. So he will not be able to earn during that time and therefore social security benefits will help him during that time. There are various other reasons for a person to not work for a specific time. It could be sickness, work injury, maternity and so on. In all these times social security plays an important role as it helps the family in these situations.

Restoration: Another objective of social security is restoration. Social security restores the person's life to how it was. It could be curing the sickness of the person or it could be reemployment. In both these cases the person will be able to live the life he had earlier and therefore restoration is very important objective of social security.

Prevention: It implies to avoid the loss of productive capacity due to sickness, unemployment and so on. These preventive measures are designed to increase intellectual and moral well-being of the community by rendering available resources which are used up by avoidable disease and idleness. This is also one objective of social security.

Social assistance schemes

There is various social assistance schemes present in our country. They are:

Free meals at schools: children in the government schools are provided free midday meals. In many houses which face poverty they aren't able to feed their child well. So they send their children so that at



least the child would be able to eat well from the school.

NREGA: national Rural Employment guarantee act is an important social security measure. It provides at least 100 days of employment in one financial year to one member of every household which volunteers to do unskilled manual work. People who wish to work under this must fill the required application form and they will be provided within 15 days of filling this application. This act was passed in the year 2005 and it commenced in the year 2006.

Pradhan Mantri Matru Vandana Yojana : This was previously called as the Indira Gandhi Matritva Sahyog Yojana. The scheme was launched in the year 2010. This scheme was renamed in the year 2017. It is a conditional cash transfer scheme for pregnant and lactating women of nineteen years age and above. Only the people who fall under this criterion will be able to get the benefit of the scheme. The scheme helps in improving the health as well as the nutrition of the pregnant mothers. These are some of the social assistance schemes present in our country.

Pradhan mantri gram in awas yojana : This assistance program was launched to help and provide housing for the people living in the rural areas. This program was created by the government and it was launched in the year 1996. It was previously called Indira awaas yojana . The purpose of this scheme is for helping the weaker sections of the society to build houses to live in. But this program applies only to certain sections of the society and not for all. This program is for the people who are below the poverty line.

Indira Gandhi National Old Age Pension Scheme: This scheme applies to the people

who are below the poverty line. It also only applies to Indians who are 60 years of age or above. People who fall under this category are below the poverty line and the amount given under this scheme is helpful to them and also to the members of their family. People of age sixty to seventy nine years are given an amount of two hundred rupees given by the central government. The state government provides hundred rupees to the people who are of age sixty to seventy nine. So the people under seventy nine of age but above sixty receive a total of three hundred rupees monthly as a pension amount. People who are of age 80 and above receive RS 500 monthly.

Indira Gandhi National Disability Pension Scheme: People who are under this category fall under the below poverty line. This scheme is for the people who have eighty percent disability. This scheme applies to people of age eighteen and above. An amount of three hundred rupees is paid to people below eighty years of age every month. An amount of five hundred rupees is paid to the people who are eighty years and above. This is also given every month.

National family benefit scheme: If the bread winner of the family dies then the family of that person will receive an assistance amount of twenty thousand rupees. The person should have been between the ages of eighteen to sixty four for the family to receive the assistance amount.

Indira Gandhi National Widow Pension Scheme: This scheme was launched in the year 2009. It is given to the widows who are below the poverty line. Initially it was given to the widows who are between the age of forty and fifty nine. But later it was changed. Now the scheme applies to the widows who are between the age of forty and seventy nine.



Initially the assistance amount was two hundred rupees per month. Now the amount has been changed. An amount of rupees three hundred is given every month to the women who fall under this category.

Social insurance

Most important social insurance is health insurance. There are two types of workers. Workers could be either working in organized sector or in unorganized sector. Employees' state insurance act applies for the workers in the organized sector. Ayushman Bharath Yojana is for Indians working in unorganized sector.

Employees' state insurance act

Employees' state insurance act is a health insurance fund and a social security for Indian workers. This is for the workers in the organized sector. **Section 46** of the employees' state insurance act grants benefits to employees as social security in case of injury, which can be availed during the course of employment.

Medical benefits: employees under the act are given medical benefits and it is not only for the employee but also covers his family. The act covers the employees' treatment expenses. The treatment expenses of their family are also covered by the employee insurance act.

Maternity benefits: an insured woman can claim periodical payments in cases of any of the situations such as Miscarriage, sickness arising out of pregnancy and premature birth of child. During the period of pregnancy women have morning sickness. Some women might face other sickness too and therefore maternity benefits cover this sickness. Some women may have miscarriage and it could be due to many reasons. It may be due to an

accident or due to environmental hazards. It could be due to uterine abnormalities or due to age as well. It could also be due to hormonal irregularities or incompetent cervix. Diabetes and thyroid disorders are also a few reasons for miscarriage. It could be due to infections as well. Some women also give birth to premature child. When this happens they have to spend a lot of time to take care of their child as a premature baby is put to various risks and taking care of the child is very important. In this entire situation maternity benefits are there and they help the women in difficult situations.

Dependent's benefit

Dependent benefits are Periodical payments given to the family members of the person who dies during the course of employment. The death is due to the occupational hazard. It could also be due to work injury or work accident. Most of the situations it is paid monthly. When the person of the family dies during the course of employment due to occupational hazard the family members will get the dependent benefits monthly. This is because the person who is dead is the earning member of the family. The family, after his death, will face a lot of problems both emotionally and financially. The dependent benefits help the family in financial situations.

Sickness benefits:

The employee can avail periodical payments in case of sickness. It has certain conditions and time limit. The sickness needs to be verified and therefore a medical certificate which verifies the sickness of the employee is required for that employee to avail this benefit. Compensation amount is up to seventy percentages of the wages. To avail



this person should have worked a minimum of seventy days in a period of six months.

Disablement benefits: Disablement benefits are given in the case where an employee becomes disabled during course of employment due to work hazard. It could be permanent or temporary in nature. Only condition here is that the benefit can be claimed only if he or she becomes disabled due to a work accident or a work injury during course of employment.

Other benefits under the employees' state insurance act:

Funeral expenses: the family members are given funeral expenses for the funeral rites of the employee. **Vocational rehabilitation:** this benefit is for the disabled employees going through rehabilitation. The rehabilitation expenses are covered under the act. For the retired employees old age medical expenses are covered by the act. These are the other benefits under section 46 of the employees' state insurance act.

Ayushman Bharat Yojana

This scheme covers three days of pre hospitalization expenses and fifteen days of post hospitalization expenses. This scheme covers the low income earners of the country. The scheme covers both primary health care and secondary health care. In the year 2018 twenty states in our country opted to join the scheme. Initially Tamil Nadu did not join since it has its own healthcare programs but later joined this scheme with special exceptions. Similarly Maharashtra initially did not join but later joined the scheme with special exceptions. West Bengal had joined initially but later opted out of the scheme. In the year 2020 Delhi also joined the scheme.

Conclusion

Social security is a very important human right. Article 22 of the universal declaration of human rights states that every person has the right to social security. There are various risks that the members of the society face. These risks are old age, unemployment and disability and so on. Workers could be injured during their work and may be permanently or temporarily disabled. In these situations social security helps the workers and their family. Social assistance schemes and social insurance schemes have helped many people to face various different and difficult situations of life. Social security therefore acts as compensation as well as helps in restoration of the lives of the members of the society.