

SOCIAL SECURITY AND THE CONSTITUTION OF INDIA

Written by *Purnima Bhardwaj**, *Dr. Manu Singh*** & *Kunvar Dushyant Singh****

** Research Scholar, Amity School of Law Lucknow campus*

*** Assistant professor, Amity School of Law, Lucknow*

**** Research Scholar Amity School of Law Lucknow campus*

INTRODUCTION

India, being a Welfare State, has taken upon itself the responsibilities of extending various benefits of Social Security and Social Assistance to its citizens. The Social Security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India.

The Constitution of India recognizes Social Security as integral part of Fundamental Rights. It requires that the State should strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice social, economic and political shall inform all the institutions of national life. The Constitution of India requires that the State should within the limits of its economic capacity make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement.

Further, the Constitution of India states that the State should make provision for securing just and humane conditions of work and for maternity relief. It requires the State should raise the level of nutrition and the standard of living of its people and improvement of public health as among its primary duties.

The obligations cast on the State in the above to constitute Social Security.

In India, out of an estimated work force of 91 percent all should be having the benefit of formal Social Security protection including the workers who are in the unorganised sector. Several and successive attempts have been made in the past to address the multifarious problems faced by the workers in the unorganised sector through legislative as well as programme oriented measures. Even though these measures have not succeeded in achieving the desired object

partly on account of the ignorance, illiteracy and lack of unionisation of workers on the one hand and the resource constraints of the State on the other, some of the programmes have provided a good setting through which the hopes and expectation of the workers in the unorganised sector have been considerably aroused.

In the initial years of development planning, it was believed that with the process of development, more and more workers would join the organized sector and eventually get covered by formal Social Security arrangements. However, experience has belied this hope. The opening up of the economy, under the regime of economic reforms, has only exacerbated the problem. There is now almost a stagnation of employment in the organized sector with the resultant increase in the inflow of workers into the informal economy.

The well designed Social Security system for the workers in the unorganised sector will help in improving productivity, contribute to the harmonious labour relations and thus to socio and economic development. It will encourage and propagate the social peace by reducing the frequency of industrial conflicts, increase the willingness to work, make it easier to meet delivery commitments and lead to improved quality product, a better investment climate and thereby enhancing the competitiveness of the economy.

CONSTITUTIONAL BASIS FOR SOCIAL SECURITY IN INDIA

The Preamble of the Indian Constitution is the sole-repository of Social Security measures and provides for establishment of Socialist State. According to the Supreme Court of India, the principle aim of socialism is to eliminate inequality of income, status and standard of the life and to provide a decent standard of life to the working people. Further, it is designed to secure social, economic and political justice to all its citizens. These objectives can be achieved through various Directive Principle of State Policy enumerated in Part-III of the Constitution. Article 38 is a mandate to the state to secure a social order for the promotion of welfare of the people, Article 39 provides for equal rights to adequate means of livelihood to all citizens and distribution of wealth and material resources to sub serve common good and prevention of concentration of wealth and means of production etc., Article 41 provides for right to work, education and public assistance in certain cases such as unemployment, old age, sickness and disablement. Article 42 stands for providing just and human conditions of work and maternity

relief. Article 43 deals with living wage for workers and Article 43-A intend to secure workers participation in management of industries. Besides these, entries, 21, 22, 23, 24 and 26 of Concurrent list (List III) authorize the State Governments to take necessary steps for regulations and control of Commercial and Industrial monopolies, Trade Unions, Industrial and labour disputes, Social Security and Social Insurance, employment and unemployment, welfare of labour etc., respectively with an intention to ensure protection of interest of all the citizens of India.

Although these provisions are not enforceable in the Courts of law, the Supreme Court of India has declared that they are nevertheless fundamental in the governance of the country and it is the duty of the State to apply them in making laws.

The Directive Principles of State Policy and Fundamental Rights of the Indian Constitution provide basis for many Social Security benefits. Basing on these principles and rights, few Social Security laws are passed for the benefit of poor, weaker and unorganized sections of society. The Preamble of the

Constitution itself gives important aspects relating to human life such as Justice, Liberty and Equality. Fundamental Rights was also included in the Constitution which guaranteed Right to Equality (Article 14) and Right against Exploitation (Article 23 and 24). A separate chapter on Directive principles of State Policy also incorporated in the Constitution which is a unique feature of Indian Constitution. It has embodies the fundamental principles based on social justice concerning labour.

Under the Indian Constitution, Right to life includes all the rights that are essential to main human life in a civilized society, such as food, clothes, house, medicine and education. The Right to work means the citizen's right on his society to have work according to his ability and skill with suitable minimum wages that enable him to maintain his life in a civilized society. It is appropriate to mention here the observation of Prof. P.Koteswar Rao in his lecture on Goals and Values of our Constitution, that our Courts are helpless if a hungry man goes to a Court, the Court cannot provide food and save the life because our Constitution does not provide only provision for such help, the judge out of sympathy will have to lead the hungry man spending from his own pocket.

The Directive Principles of State Policy are mostly concerning to social justice and Social Security like adequate means of livelihood, fair distribution of wealth, equal pay for equal work for both men and women protection against forced labour to children and women, facilities for children to development in a healthy manner and in conditions of freedom of dignity, free legal aid to poor, assistance in the cases of unemployment, old age sickness, disability and other cases of undeserved want, maternity relief and human conditions of work, living wages to educational and economic interest and weaker sections and in particular Scheduled Castes and Scheduled Tribes, raising the level of nutrition and the improvement of health. The Directive Principles of the State Policy of the Indian Constitution remained only as ideals and principles but not practices and they can be projected in the intellectual debates and conferences boasting greatness in incorporating in the Constitution. Most of the Directive Principles of the Constitution have not been carried weight and importance by the States and they have not tried to implement the principles which are included in many of the legislations. The principles are only in the statues without proper machinery for their implementation of execution. Any law without implementation is no law at all. Thus, it can be boldly and clearly said that the Directive Principles of State Policy have not achieved their goals or purpose for which they were included in the Constitution.

Man needs protection in every contingency which he cannot meet with his meagre income and single handedness. Therefore, he required some help from the society where some common fund is deposited. It is the duty of society to remove inequalities and eliminate insecurities. The importance of Social Security can be realized from its underlying socio-economic goals like redistribution of income in order to reduce disparities between the poor and the rich the maintenance of income during certain contingencies such as death of bread winner, illness, maternity, old age, industrial accidents or occupational disease, involuntary state of unemployment etc., The inequalities were created through the use of force, power property, education, domination and exploitation. In India inequalities existed earlier also, which was incorrectly attributed to religion and was regarded as religious sanction. Even now after passing of so many years since independence the inequalities continue to exist or clearly visible in many walks of life in spite of efforts made by the elders, leaders and Constitutional debaters, Economic inequalities are widely compared to social and political inequalities.

Therefore it is the responsibility of every Government to work for securing Social Security for its people.

The words “Social and economic justice” had acquired a wider meaning when the Indian Constitution was framed. That meaning is explained by the phrase a ‘Welfare State’. The Welfare State provides for a large number of social services, like public medical services, national health and unemployment insurance, widows and orphans pension old age pensions, public assistance, subsidizing house building, the control of housing and supervision of town planning as well as Acts for the protection of children. All these are altogether independent of what had been done earlier, namely factory legislation, workmen’s Compensation Acts, legislation restricting the employment of children under a certain age. This enlarged concept of social, economic, and political justice enable us to make a natural transition to the directive principles which have been described as the manifesto of a Welfare State.¹

It has been said many times in several judgments of the Supreme Court that the Indian Constitution sets before the Parliament and State legislatures the goal of creating a Welfare State. This has been achieved to some extent through certain legislations in establishing welfare State with much insecurity. But this “Welfare State” will have to be converted into “Social Security State. Mere welfare without security is not considered as Welfare State in true spirit of the Constitution. Thus the Welfare guaranteed should not be vague or uncertain. Therefore our direction or goal must be towards achieving Social Security ideals. Justice. P.N. Bhagwati in a historical case² critically observed that self- styled human right activists forget that Civil and Political rights are priceless and invaluable as they are for freedom and democracy. Large number of men, women and children who constitute the bulk of our population are today living a sub-human existence in conditions of utter grinding poverty which has broken their back and sapped their moral fiber. They have no faith in the existing social and economic system. The Fundamental Rights for them have no meaning unless their basic needs like foods, drinking water, timely medical facilities and relief from disease and disaster are met.

It is evident that the Indian judiciary in the above famous case directs the State for providing Social Security benefits in harmony with Fundamental Rights, during certain risks of

¹ Seervai, H.M: ‘*Constitutional Law of India*’ (3rd Edition) Vol.II, 1984,P.1599.

² Peoples’ Union for Democratic Rights v/s Union of India, AIR 1982 SC 1473.

contingencies; the people are suffering from poverty due to their inability even to meet their basic needs. Therefore, the sincere and strict implementation of Directive Principles through various enactments will definitely provide a sort of Social Security to the Indian people and contribute for the establishment of social justice and social peace in the country.

Most of the Fundamental Rights provided in the Indian Constitution are based on the human rights mentioned in the Universal Declaration of Human Rights. The rights and freedoms, in Socialist Society are legal ties between the State and citizen. Human rights and freedoms defined in the legislation of the Socialist countries fall into three main categories (1) Social and Economic Rights, (2) Political Rights and (3) Individual Freedoms. The classification stems from the relations between the State and citizens under Socialism in the socio-economic sphere, the political sphere, and in the sphere relating to the defence of their lives, freedom, honour and dignity. The 1936 Soviet Constitution proclaimed the right to maintenance in the event of sickness or disability and guarantees the right of the health protection. The important talks of Soviet State were to abolish exploitation of man by man and reshape society along socialist lines. Soviet Socialist Society also undertook to guarantee the right to a job for every citizen, which is the most important right of all. The right to work, to education, to maintenance in old age, to disability benefits and to free medical service made it possible for everyone in Russia really to exercise a whole number of social and political rights and liberties. Unfortunately due to collapse of the Soviet principles the entire gamut of Social Security ideals fell down. India though socialist country is unable to guarantee this right to work to every citizen but talks in a high pitch for the removal of poverty in their various plans, policies and programmes have failed. But poverty and insecurities are increasing tremendously day by day and frustration among the youth both educated and uneducated prevalent by not getting any work or livelihood even technically qualified persons in Medicine and Engineering are not getting work and working as teachers and clerks for their survival. This is unexpected and unimagined and a great shock to every human being in our country. Unemployment and other insecurities are leading to frustration, criminalism and terrorism. The antidote for these are providing right to work and right to livelihood by a securing food and shelter to each and every unemployed person. Poverty and unemployment are deadfall diseases like cancer which will have to be tackled so wisely and quickly. Any defray will certainly aggravating the social evils and disturbing the peace in the society. V.P. Singh Government tried to guarantee the right to work

as one of the fundamental rights but the hopes of people became in vain by fall of his Government.

Moreover the departure of Laissez-Faire philosophy to the concept of Welfare State paved the way for the State to take active participation for the development of human society with a view to contribution to the growth of Social Security with an idea that the citizen who has contributed to his country's welfare should be given protection against certain contingencies of life to which he is exposed either in his working life or as a consequences of it. This is because every worker expects a reasonable standard of living for himself and feels entitled to a fair share of the wealth he has helped to create. These are not only reasonable expectations but also the objectives of a wide range of social and economic policies pursued by the Government.

As India has chosen a socialistic pattern of society, it aims at socioeconomic development by ensuring the dignity of man to reach the goal of freedom from want which has been enshrined in Article 41 under the Directive

Principles of State Policy of our Constitution and directs the State to provide work, education and public assistance in cases of unemployment, old age, sickness and disablement in other cases of undeserved want.

In the past Social Security measures were not available to the industrial workers as a matter of right but only on mercy of the employer. So they could not maintain their dignity to have a social status. But now the industrial worker of today has acquired a dignity not known to his predecessor. He is no longer the unskilled coolie the days gone by engaged in an unending struggle to eke out the existence, neglected by society except for his labour and with very limited aspirations. He has now a personality of his own.³ It is also observed about the present workers particularly with respect to measures of Social Security context as 'he shares the benefit, albeit, meagre, which a Welfare State with a vast populations and inadequate resources can offer and some more. He enjoys a measure of Social Security.'⁴

Also in the past, workers suffered due to insecurity in jobs due to unsatisfactory service conditions. The employer could have dismissed or retrenched the workers when he liked to do so. But now the situation has changed in such a way that once he enters is an employment, he

³ *Report of the National Commission on Labour (1969)* p.31.

⁴ *Ibid.*

cannot be dismissed in an unjustified manner. He has been given statutory protection against retrenchment or lay off.⁵

It is universal truth that democracy can survive only in society based on social and economic justice because social justice is the social order and economic justice is the rule of the day which facilitate to promote the welfare of the people so that society will thrive. They are inseparable because economic justice goes along with social justice. As a labourer is an active partner in contribution to enhance productive process in industry and agriculture as well, in turn he has a legitimate right to claim the fruits of Social Security benefits when they are caught into the web of contingencies to which workers are exposed in their life. Hence economic and social development cannot be considered as a separate process because economic growth makes the expansions of social programmes to provide Social Security as it ensures workers to become more efficient as a country's progress is determined by the efficiency of labour in qualitative and quantitative aspect. As lack of Social Security impedes production and prevents formation of a stable and efficient labour force, the Constitution of India through various Articles laid down Social Security measures to promote labour welfare in which Social Security for labour constitutes an integral part of it. The Supreme Court of India has widened the scope of Article 21 in *Maneka Gandhi's Case*⁶ and held that Right to Life is not merely confined to physical existence, but, it includes within its ambit the right to live with human dignity. And also in *Peoples Union for Democratic Rights v. Union of India*.⁷ It was held that the rights and benefits conferred on the workmen employed in various works entitled them to human dignity and if the workmen are deprived of any of these rights and benefits that would clearly be a violation of Article 21. Thus Social Security rights are those requirements that make us develop to the fullest extent and satisfy our basic human needs to have a decent human existence. It is an inviolable human right or human dignity which the State has to respect and protect the same as it influence the national development.

⁵ Ibid p. 32.

⁶ 1978 (2) SCJ. 31.

⁷ AIR 1982 SC 1473.

PREAMBLE AND SOCIAL SECURITY

The Preamble of the Constitution of India reads as under:

WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN *SOCIALIST SECULAR*⁸ DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and opportunity; And to promote among them all FRATERNITY assuring the dignity of the individual and the unity and *integrity*⁹ of the nation

The proper function of a preamble, according to the canons of statutory interpretation, is to explain certain facts which are necessary to be explained before the enactments contained in the Act can be understood. In short, it contains a recital of the facts or state of the law for which it is proposed to legislate by the statute, the *object* and *policy* of the legislation and the evils or inconveniences it seeks to remedy.⁹ But, though it is a recital of some inconveniences, it does not exclude others, for which remedy is given by enacting parts of the statute. Hence where the language of the enacting sections is *clear and unambiguous*,¹⁰ the terms of the preamble cannot qualify or cut down the enactment.

The term “Preamble” generally means preface, preliminary statement or introduction. The Preamble to the Indian Constitution deals with the aims and objectives, the targets and ideals; and the basis and foundations of the Indian Constitution¹¹.

The Preamble also aims at securing to all citizens *Justice: social, economic and political*. Though it is not easy to give a precise meaning of the term *justice*, by and large, it can be stated that the idea of justice is equated with equity and fairness. *Social justice*, therefore, would mean

⁸ Words in italics inserted by the Constitution (42nd Amendment) Act, 1976 (w.e.f.3-1-1977). ⁹ Ibid

⁹ Re berubari Union, AIR 1960 SC 845 (856).

¹⁰ Bhim Singhji v. Union of India, AIR,1981 SC 234 (PARA 39, 71).

¹¹ Bakshi, P.M. *The Constitution of India* -Delhi: Universal Law Publishing, 2002.

that all sections of society, irrespective of caste, creed, sex, place of birth, religion or language, would be treated equally and no one would be discriminated on any of these grounds. Similarly, *economic justice* would mean that all the natural resources of the country would be equally available to all the citizens and no one would suffer from any undeserved want. Similarly, *Political justice* entitles all the citizens equal political rights such as right to vote, right to contest elections and right to hold public office etc¹².

The Preamble also keeps *liberty of thought, expression, belief, faith, and worship* as its ideals. It means that the citizens would be free to follow a religion of their own choice and express their views freely and frankly. 'The State' would not interfere in all these matters.

The Preamble also provides for *equality of status and opportunity*. It implies that all the citizens would be able to make full use of their talents without any interruption and develop their personality to the maximum extent possible. Lastly, the Preamble also aims at developing *fraternity assuring the dignity of individual and the unity and integrity of the nation*. It means that the common brotherhood, to be developed in India, would be based on the dignity of the individual without any consideration of his status in society.

Similarly, such a brotherhood should also lead to the unity and integrity of the nation. In nutshell, the Preamble aims at a social order wherein the people would be sovereign, the government would be elected by and accountable to people, the powers of the government shall be restricted by the rights of people and people would have ample opportunities to develop their talents. Though the Preamble is not technically enforceable through courts of law, it is useful in interpreting the various provisions of the Constitution and acts as a beacon in conflicting situations.¹³

¹² Coupland, R. *The Constitutional Problems in India* -London: Oxford University Press, 1945.

¹³ Jain, M.P. '*Indian Constitutional Law*' Vol- 1, 2

FUNDAMENTAL RIGHTS AND SOCIAL SECURITY

The Part-III of the Constitution of India comprising of Article 12 to Article 35 deals with provisions pertaining to fundamental rights. Promotional Social Security schemes are mainly of means tested Social Assistance type, where to guarantee minimum standards of living to vulnerable groups of population, the Governments at the State and Centre draft schemes financed from the general revenues of the Government. These are the strategies of risk mitigation. This guarantees the following kinds of security:

1. Food and Nutritional Security

It is done by ensuring per capita availability of food grains, access to food, developing agriculture sector, targeted Public Distribution system etc.

2. Employment security

It is done by ensuring employment by generating employment, redeploying the surplus manpower in any sector, creating rural employment opportunities, encourages technological up gradation.

3. Health Security

It is done by ensuring availability of medical facilities, maintaining standards of sanitation and drinking water, eradication and control of communicable diseases, timely vaccination of children and child bearing women, health insurance, old age homes and Social Insurance for the elderly.

4. Education Security

It is done by ensuring opening of schools, Encouraging children to attend classes, making education compulsory upto certain age, opening adult learning centers or formulating schemes like Sakshara, running schemes like mid day meals etc.

5. Women Security

It is done by empowering women, encouraging women literacy, banning dowry, designing widow pension schemes.

Social Security programme rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers' compensation, insurance, savings and investments. The

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, strives to promote empowerment of persons with disabilities. This Act received support and assistance, although essential to improving the quality of life of people with disabilities, but is not sufficient enough¹⁴.

Some of the fundamental rights contained in the European Convention on Human Rights and its Protocols, and the Revised European Social Charter include the right to education; the right to work; the right to private and family life; the right to protection of health and Social Security; the right to protection against poverty and social exclusion; the right to adequate housing etc¹⁵.

Based on these statistics the European countries are working hard to make their disabled people enjoy the fruit of the policies. Therefore, availability of detailed data on the disabled population in India is a pre-requisite for better planning and implementation of Social Security schemes. Data on the following aspects as regards the disabled population in the country will be useful in this regard¹⁶:

DIRECTIVE PRINCIPLES OF STATE POLICY AND SOCIAL SECURITY

The Part-IV of the Constitution of India comprising of Article 36 to Article 51 deals with provisions pertaining to directive principles of state policy. The

¹⁴ http://www.btechguru.com/upload/civil_services/Chapter-3.pdf. visited on 25.03.2012

¹⁵ Abromovitz, M. "The Elements of Social Capability", in Koo, B. H and D. H. Perkins (eds.) *Social Capability and Long-Term Economic Growth* (New York, St. Martin's Press 1995).

¹⁶ Dreze, J and Sen A.K (1991), "Public Action for Social Security Foundation and Strategy" Oxford University Press, New Delhi

Social Security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India.

Although the Constitution of India is yet to recognize Social Security as a fundamental right it does require that the State should strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice social, economic and political shall inform all the institutions of national life.

The State under Article 38, shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life. The State shall, in particular, strive to minimise inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals, but also amongst groups of people residing in different areas or engaged in different vocations.

The State shall, in particular, direct its policy towards securing to all its citizens, men and women equally, the right to an adequate means of livelihood; right to good health and strength of workers, men and women and to protect the tender age of children from being abused and to ensure an atmosphere where the citizens are not forced by economic necessity, to enter into avocations unsuited to their age and strength; to provide adequate opportunities and facilities to children to develop in a healthy manner.

Specially, Article 41 of the Constitution requires that the State should within the limits of its economic capacity and development; make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement¹⁷.

Under Article 41 (2), Job Security is an ingredient of the 'right to work', read in the light of the philosophy of socio-economic justice.¹⁸ Article 42 requires that the State should make provision for securing just and humane conditions of work and for maternity relief¹⁹.

¹⁷ Pylee M.V. '*Constitutional Amendments in India*' -Delhi: Universal Law publications, 2003.

¹⁸ Dyal casual labour employment under P and T department v. Union of India (1988) 1 SCC 122 (para9).

¹⁹ D.D.Basu J. '*The Constitution of India*,' Vol 1 & 2.

The provisions of the Maternity Benefit Act, 1961 entitling maternity leave to women engaged on casual basis or on muster roll basis on daily wages and not only to those in regular employment, are wholly in consonance with the above Article.

Article 43 of the Constitution places on the State the responsibility to provide Social Security to the citizens of this country. In India, we find all the above strategies in practice. For the purpose of discussion, we may categorize the Social Security schemes available in India as Preventive Schemes, Promotional Schemes and Protective Schemes²⁰.

Article 47 requires that the State should raise the level of nutrition and the standard of living of its people and improvement of public health as among its primary duties. The obligations cast on the State in the above Articles constitute Social Security²².

The Social Security schemes in India cover only a small segment of the organized work force, which may be defined as workers who are having a direct regular employer-employee relationship within an organization. The Social Security legislation in India derives their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India. These provide for mandatory Social Security benefits either solely at the cost of the employers or on the basis of joint contribution of the employers and the employees. While protective entitlements accrue to the employees, the responsibilities for compliance largely rest with the employers.

UNION, STATE AND CONCURRENT LISTS ON SOCIAL SECURITY SYSTEM

Part-XI of the Constitution of India deals with the relations between the Union and the States. Article 246 defines the scope of the Union and State Legislatures in making laws in accordance with separate lists of prescribed under Schedule-VII of the Constitution. List-I is the Union List, List-II is the State List and List-III is the Concurrent List. Union Legislature/Parliament has the exclusive power to make laws pertaining to the subjects mentioned in List-I. These are

²⁰ Seervi, H.M. '*Constitutional Law of India*' Vol. I & II, III-Bombay: ²²Basu, Durga Das, '*Commentary on the Constitution of India*'

applicable throughout the country. State Legislatures have the exclusive power to make laws pertaining to the subjects mentioned in List-II. These are applicable only within the territorial jurisdiction of the respective states. In respect of List-III both the Parliament and the State Legislatures have power to make laws. However, in the event of any conflict Union Legislature will prevail over the State Legislature.

Item No. 9 of the State List and Item Nos. 20, 23 and 24 of the Concurrent List relates to old age pension, Social Security and Social Insurance, and economic and social planning.

In the Constitution of India, entry 24 in list III of schedule VII deals with the "Welfare of Labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits. Further, Article 41 of Directive Principles of State Policy has particular relevance to Old Age Social Security²¹.

Under Article 246 of the Indian constitution, issues related to labour and labour welfare come under List –III that is the Concurrent List. Exceptional matters related to labour and safety in mines and oilfields and industrial disputes concerning union employees come under Central List. In all there are 47 central labour laws and 200 state labour laws. The three main acts that are the cause of contention are the Industrial Disputes Act (1947), the Contract Labour (Regulation and Abolition) Act (1970) and the Trade Union Act (1926).

CONCLUSION

The Constitution of India has recognised Social Security as part of Fundamental Right and made provision for its implementation and enforcement as part of Directive Principles of the State Policy. State should strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice social, economic and political shall inform all the institutions of national life. Specially, Article 41 of the Constitution requires that the State should, within the limits of its economic capacity, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Article 42 requires that the State should make provision for securing just and humane conditions of work and for maternity relief. Article 47 requires that

²¹ <http://ilcindia.org/gov-policy.pdf>. visited on 20.06.2009

the State should raise the level of nutrition and the standard of living of its people and improvement of public health as among its primary duties. The obligations of the State in the above Articles constitute the Social Security and also to enforce effectively.

