

Chintan Shibir



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Introduction

Chintan Shibir was organised by Social Security Now (SSN) at the YUVA Centre, Mumbai on September 29-30, 2010. The purpose of the chintan shibir as envisaged during the last meeting of the national working group held in Bhopal (August 6, 2010) was to debate, understand the nuances and work out a concept note on universal social security. Earlier during the national convention of the SSN held at Patna (January 8-11, 2010) SSN had given a call for non-targeted, non-discriminatory universal social security. The chintan shibir concluded with a draft text of affirmations on universal social security.

Several issues related to universal social security were discussed including universal social security from a labour rights perspective and from a human rights perspective, universality and particularity, universality and affirmative action, universality in the context of traditional vulnerabilities, scope of social security in terms of the various tenants of the right to life - right to health, right to education etc, the issue of rights versus entitlements, social security as a rights of workers in India according to national and internal law and in developed countries and universal social security and workers.

Setting the Agenda and Discussion

Rajesh Malaviya was unanimously decided as the chair for the meeting. At the onset of the meeting the following documents were distributed: 1) Agenda 2) suggested topics for discussion 3) Patna Declaration (SSN 2010) 4) SSN Website write up What We Stand For (SSN 2007) 5) Minutes of SSN NWG Meeting, Bhopal, August 6, 2010 6) Document on UN Social Protection Floor Initiative, 7) Extending Social Security to All (ILO 2010) 8) Social Protection - Reducing Risks, increasing Opportunities (ADB 2010) 9) AROSS Concept note on roundtable on social security – towards a unified Minima for Asians

Contextualising the meeting, J John pointed that Nagpur convention emphasised on comprehensive social security. Therefore the SSN Website Write up What we stand for is an earlier document states that. The national convention in Nagpur in held in 2006 analysed social security in the context of the bill and the NCEUS analysis and this led to defining social security from a citizen's perspective and then a workers' perspective. Workers' perspective was as defined in ILO's convention 102 which talks of comprehensive social security. For comprehensive social security, employment regulation was regarded as most crucial.

Then it called for separate law for agriculture, fund for social security, minimum wage and unemployment benefit. Further, equality and non-discrimination in the implementation of social security and led us to develop non negotiables in social security. Later, in 2010, the national convention held in Patna endorsed universal social security.

Pointing at some recent international developments John said that since the global economic crisis employment in the developed countries has come down. With this the burden of social security increased. The demographic change taking place in the developed countries has become crucial. A lot of studies have looked at whether developed countries can sustain the traditional social security systems developed there as part of the welfare state theory. In most cases it is found that it cannot. Alongside, regular work has come down in the developed countries this process has largely taken place in two ways a) restructuring of the employment system where people started working from homes. This is a form of informalisation and when this happens the social security structure also collapses and b) shifting of employment to the developing countries. This has led to crisis of traditional social security system.

Further, globalisation and liberalisation led to integration of the developing countries through global supply chain. In the developed countries full employment was the policy and unemployment was kept at the minimum only to regulate the market. On the other hand in the developing countries there was also no government intervention in regulating market, infact there was informal work and workers were denied social security. When the integration with the global market happened, the government thought of social security. So the NCEUS came up with its suggestions. But immediately after that came the economic crisis.

Social Protection Floor Initiative (SPFI) is a UN initiative during the MDGs which aim to reduce poverty by 2015. The ILO document shows how social security, a component of the SPFI can be looked at: ILO says social security is derived from Committee on Economic, Social and Cultural Rights 8 (CESCR) - “..stresses the central importance of guaranteeing human dignity for all people when they are faced with circumstances that deprive them of their capacity to fully realize their rights. It defines the right to social security as encompassing the right to access and maintain benefits, whether in cash or kind, without discrimination, in order to ensure protection, inter alia, from: (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member;

(b) unaffordable access to health care; and (c) insufficient family support, particularly for children and adult dependants. It further emphasizes the importance of (redistributive) social security in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion. These objectives demand the establishment of non-contributory (for example, tax-financed) schemes, or other social assistance measures to provide support to those individuals and groups who are unable to make sufficient contributions for their own protection, and so are excluded from more formal social security schemes – mainly those in the informal economy (and their families). Such measures should be adopted with a view to facilitating their inclusion on a progressive basis.” (Page 16)

ILO explains a social security staircase in which at the floor is a set of four minimum social guarantees: all residents have the necessary financial protection to afford and have access to a nationally defined set of essential health-care services, in relation to which the State accepts the general responsibility for ensuring the adequacy of the (usually) pluralistic financing and delivery systems; all children have income security, at least at the level of the nationally defined poverty line level, through family/child benefits aimed at facilitating access to nutrition, education and care; all those in active age groups who are unable to earn sufficient income in the labour market should enjoy a minimum income security through social assistance or social transfer schemes (such as income transfer schemes for women during the last weeks of pregnancy and the first weeks after delivery) or through employment guarantee schemes; all residents in old age and with disabilities 16 have income security at least at the level of the nationally defined poverty line through pensions for old age and disability. (Page 25-26)

It further says: “.a minimum package of social security is affordable in even the poorest countries, as recent work by the ILO shows on the costs of a minimum package of social security in sub-Saharan Africa and Asia. ...the initial gross annual cost of the overall basic social protection package.. is projected to be in the range of 2.2 to 5.7 per cent of GDP in 2010.” (Page 31) “The concept of a social protection floor ...endorsed by the International Labour Conference...consist of two main elements that help to realize respective human rights: Essential public services: geographical and financial access to essential services (such as water and sanitation, health and education) and Social transfers: a basic set of essential social transfers, in cash and in kind, paid to the poor and vulnerable to provide a minimum income security and access to essential health care.

The ADB talks of five main areas in social protection which when implemented properly, can make a major contribution to poverty reduction: labor market policies and programs designed to promote employment, the efficient operation of labor markets and the protection of workers; social insurance programs to cushion the risks associated with unemployment, ill health, disability, work-related injury and old age; social assistance and welfare service programs for the most vulnerable groups with no other means of adequate support, including single mothers, the homeless, or physically or mentally challenged people; micro-and area-based schemes to address vulnerability at the community level, including microinsurance, agricultural insurance, social funds and programs to manage natural disasters and child protection to ensure the healthy and productive development of children

However, these have deficiencies: First, the ADB is not talking about social security as a right. Its social security is not justiciable. Second, the ADB is talking of insurance based system wherever possible. It stresses on privatisation. Third, even if ILO is talking of right to social security and universal social security, they are talking of a minima for all and then a ladder according to the negotiating capacity. Therefore, minima for all means that all aspects of social security are not covered and the quantum remains less. They remain targeted and say that only some need it.

In targeted social security, identification becomes a problem. Social security is not a right. Targeting BPL makes no sense as it is the APL who reach BPL when vulnerabilities increase. So targeting should be to APL. People should not be allowed to go below poverty line. Targeting is expensive, means test is faulty and implementation is problematic. So targeting should be finished.

The argument of non feasibility of a non targeted approach is used to deny social security for all. As early as in the second decade of independence Jawaharlal Nehru created a committee to look at whether the ESI and PF can be given to all. The chairman of the committee said that it is not possible. So the 90 per cent of the people were denied it. Planning commission became dependent on targeted schemes.

As a solution, basic income transfer programme is being advocated by some. Everyone is contributing to the national income. Even a woman cooking at home is contributing to the national income. So everyone should get a part of what is generated as national income and everyone should get a basic income as social security. It is said that people waste money if they are given. But this is a ridiculous argument. The other important issue is that in India how to address the historic vulnerabilities of caste, gender and ethnicity. This has to be based on the

platform of universality.

Sanjay pointed that it is an irony that the same World Bank and ADB that introduced SAP is promoting social protection.

Sr Jeane noted that towards universal social security the correct steps and strategies need to be decided.

Raju Bhise pointed that in the Bhopal meeting social security as a right and social protection as a welfare concept were discussed and the principle of universality was accepted. The question was whether it should be in the context of citizenship or in the context of the working class and how can this be rationalised.

Rajesh Malaviya pointed that universalisation was discussed and it was also discussed from the perspective of the labour rights and human rights. The concept cannot be divided too much.

Badri Jat pointed that here we are talking of social security for all. This includes workers, vulnerable sections and women. Starting point is where universality is being articulated.

Macanze Dabre raised that how can we say that all are workers – there are dalit workers and other workers

Pallavi Mansingh recalled that it was discussed in the Bhopal meeting that targeted approach has not addressed particularity. – dalit, adivasi, women. Social security needs to be asserted as a right.

Sanjay Rai pointed that everyone is coming under the BPL category very fast. In this context we need to give them protection when they are APL. Maybe some categories like income tax payers can be avoided?

Vinay Kumar pointed out that universality as being discussed by the World Bank and ADB undermines social justice. While these international organisations articulate universal, there is a deliberate neglect of particularities in the context of historical vulnerabilities of certain communities. We should be cautious whether there is a process of cooption of our ideas by them. We have to emphasise that the particular vulnerabilities are not neglected. Universality without particularity will deny social justice and is an affront to dignity and therefore the principle of social justice needs to be a non-negotiable in delivering universality

J John pointed out that we are saying that social security will be for all – this means that all those who need social security should be given. One, this will help in removing poverty and two, income concentration will be removed. Over and above this basic income, those who can negotiate and get more should be allowed to do so.

Universal should mean for all or for all workers? Worker is a person regularly employed. Indian labour laws are defined based on an assumption that Indians will

become more and more into a modernised working class – hence it is a contributory social security system. Informal workers do not have identifiable employer-employee relationship. A worker sells her/his labour power. But the self employed does not have an identifiable employer-employee relationship. Self employment is increasing in India and a contributory social security system has become difficult to be universalised.

Raju Bhise pointed that Phule had said that farmer is also part of the working class. The industry and government are considered higher beneficiaries. So the issue is who do we need to target and how. The real dilemma is between the human rights and the labour rights perspectives. Historically there is an opportunity and a responsibility and we need to look at it. Workers and working class can be organised and politicized around the issue of social security and there is a chance of a momentum being built up.

John pointed out that the traditional definition of working class – proletariat – is not sufficient to address today's social security needs. That was a categorisation that talked of giving social security only to workers in factories and offices. There is also a problem with the concept of 'dependents' - social security to be provided to workers and to their dependents – women, child and old. Actually none should be categorised as dependents. Social security should be given to all as a basic right. By doing this we are not restricting the right of a worker to social security but broadening the scope and reach of social security.

Shashi Pandit pointed that the DGLW has made a task force for unorganised labour. We asked for social security for unorganised workers and we have an Act which is grossly inadequate. This categorisation is a conspiracy at the policy level and we should not fall into it. We need to look at the rights perspective and sharpen on the worker focus as that will be most important. Only one worker got 100 day work in Bihar. The discourse is moving towards cash transfers of the same amount as is due of 100 days of work to the account of the worker.

Following the discussions a drafting committee comprising of Raju Bhise, Pallavi Mansingh and Sanjay Rai was constituted to work on a statement and present it the next day.

Text of Affirmation - Approval

The drafting committee presented a draft text of affirmations which was discussed and finalised by the SSN NWG members who were present. However, since all the members were not present, it was decided to keep it as a draft till the next national working group meeting. In the meantime the document will be circulated and comments and suggestions that come will be discussed and integrated.

Document of the signature campaign was finalised based on the Patna Declaration.

Campaign Strategies

Following were identified as possible campaign strategies:

- 1) Signature campaign
- 2) Public Meetings
- 3) Campaign for registration
- 4) State level convention

Raju Bhise suggested that along with the signature campaign workers can give a self declaration that he is a worker. This can be prepared on a format based on the Act.

Shashi Pandit informed that in Delhi action is being planned outside the office of the DLC in October 27, 2010. Similar actions can be planned in other states as well.

Sanjay Rai proposed that the next meeting of the SSN could be held in Lucknow.

The meeting for the submission of the memorandum (with signatures) will be held in Delhi in February – March, 2011.