

Speech Made by

**Mr. J John, Executive Director, Centre for Education and Communication,
New Delhi on the Occasion of the Release of the
Music Video "Yei Kaise Azadi hei"**

Recently, two names caught the attention of the media and the public at large. Kalavati, as brought to the notice of the Parliament by Rahul Gandhi, a mother of five girls and two sons, from Jalka village in Yavatmal district, Maharashtra, threatened to end her life if she does not get her land and money back. Her husband Parshuram ended life on Dec 23, 2005 unable to pay back the mounting debt. The other name is Joe the Plumber, who became an international celebrity after he confronted US Presidential candidate Barak Obama with questions on tax policy. Kalavati Bandurkar, a farmer, was worried about the ways to feed her children. Joe Wurzelbacher, an unlicensed plumber from Holland, Ohio, not worried about the day's bread and butter, may be because of an assured social security system, was bothered about his prospects of acquiring a plumbing firm.

Millions of women and men in India are not even as fortunate enough as the ill-fated Kalavati. According to the World Bank's latest estimates on global poverty, India had 456 million people or about 42% of the population living below the new international poverty line of \$1.25 per day, constituting 33% of the global poor. A simple question that is posed is are they poor because they are not working? About 92 per cent of the country's workforce, 394.9 million of 457.5 million according to NSSO 2004-05, is employed in the informal or unorganised economy. People are plagued by poverty and hunger not because they are not working, but because they work hard and yet the income they earn is not sufficient to meet theirs and their families' basic necessities. They are the working poor in India.

Sickness, unemployment, crop failure, natural disaster, work related accidents, child birth or old age could land them into a a vicious cycle of indebtedness, poverty and chronic hunger. International Labour Organisation calls this, "contingencies of life" and defines social security as "the protection

which society provides for its members through a series of public measures against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, invalidity and death; the provision of medical care; and the provision of subsidies for families with children" (ILO, 1984). The Committee on International Covenant on Economic, social and Cultural Rights in their General Comments No.19 (2008) emphasises that "the right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure 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; (c) insufficient family support, particularly for children and adult dependents."

These definitions emphasise that social security is a basic human right; it is a protection that society provides to its members; it is work related, in the sense that it recompense lack of work related income; it addresses the contingencies of life; and it has a redistributive character by virtue of which, it plays an important role in poverty reduction and in preventing social exclusion. But why has social security not become a right for Indian citizens?

This has to do with a dual social security system that we adopted immediately after independence. In 1947, political leaders, intellectuals, industrialists and trade unions entered into an unwritten contract that the immediate objective was nation building and creation of wealth because 'there was no existing wealth to divide'. Pandit Jawaharlal Nehru made this observation in his famous speech in Lahore Session of the Indian National Congress (31st December 1929), the session which sowed the seeds of India as a republic. In 1955, Pandit Jawaharlal Nehru expressed a similar sentiment. He said, "These goals can only be achieved by a considerable increase in national income and our economic policy must, therefore, aim at plenty and equitable distribution. We must produce wealth, and then divide it equitably. How can we have a welfare state without wealth?" All parties decided to sacrifice their immediate demands towards the noble objective of nation building and wealth creation. We created wealth and India is

now the fourth largest economy in terms of purchasing power parity and is projected, along with China, to rule the world in the 21st Century.

India's GDP (at current prices) grew from Rs. 9,678 crores in 1950-51 to Rs. 4,693,602 crores in 2007-08 and is growing more than 9 per cent every year. As a consequence of the social contract mentioned above, there emerged a dual policy on social security in India. State accepted the rights of a section of the industrial working class such as the rights at work (wages, working conditions, industrial relations, trade union rights etc.,) and social security (Central Government Employees Pension Scheme, State Government Employees Pension Schemes, Schemes being run by Employees Provident Fund Organisation, Employees State Insurance Corporation etc.,). In its intended objective, these measures reflected the Constitutional objectives of Equity and Justice, but was also premised on a concept that all workers will eventually become industrial workers with defined employer-employee relationships. Therefore, it was argued that these rights will become available to all the workers who get graduated to the industrial working class. This was not to happen, as history has shown, and eventually, a dual labour market of the organised and the unorganised and diverging social security systems catering to these diverging groups got entrenched in India. Labour relations laws and social security laws are premised on a definable employer-employee relationship.

The unorganized workers, who are generally low paid, work in casual nature of employment, without identifiable employer-employee relationship and in subsistence livelihood systems are devoid of any of the social security rights like health care, maternity benefits, old age pension etc. which are available to a section of the workers in the organized segment. Instead, they are extended crumbs of charity by the State, for instance, in the form of National Social Assistance Programme (NSAP) for Poor and Elderly including the components of National Old Age Pension Scheme (NOAPS), National Family Benefit Scheme and National Maternity Benefit Scheme. Besides these are direct social security schemes like Targeted public distribution system (TPDS) and Antyodaya Anna Yojana(AAY). It is a pity that India's Five Year Plans consistently maintained this

charity oriented perspective on social security through disparate poverty eradication programmes and social assistance programmes.

When we analyse these schemes, certain characteristics become evident. These are welfare schemes and not justiciable rights of the recipients. These schemes are changed frequently, presumably based on bureaucratic imperatives or political exigencies, leaving the beneficiaries confused. For most schemes there are no adequate budgetary allocations. Worse, the schemes have restricted coverage, applicable only to BPL categories of population. It may be recalled that even a person earning Rs. 12 per day in a village is not considered Below Poverty Line as per the current BPL norms. Poverty is seen as a static and not a dynamic phenomenon.

In this context, there has been a long pending demand from the trade unions and the public for a comprehensive legislation for unorganised workers. The First National Commission on Labour (1969) recommended social security rights to unorganised workers; the Second National Commission on Labour (2002) recommended comprehensive legislation for workers in the unorganised sector. Recently (2007 & 2008), the National Commission for Enterprises in the Unorganised Sector (NCEUS) proposed four draft bills for social security of unorganised workers. The Ministry of Labour, on various occasions, have proposed more than eight bills on social security but were not substantive or comprehensive, and these were not carried by the floor of the house. Finally, the United Progressive Alliance (UPA) government introduced "The Unorganised Sector Workers' Social Security Bill, 2007" incorporating a few schemes for the workers of the unorganized sector in the Rajya Sabha on 10 September 2007. The Bill was subsequently referred to the Standing Committee on Labour on 20 September 2007 by the Hon'ble Speaker, Lok Sabha for examination and report.

The Standing Committee on Labour presented its report to Parliament on 3.12.2007. The following excerpts from the report of the committee is worth quoting: "The Parliamentary Standing Committee on Labour after considering the views expressed by several representatives of Trade Unions/NGOs/Employers' Groups/Associations, etc., and after going through the memoranda received,

are convinced that 'The Unorganised Sector Workers' Social Security Bill, 2007' in its present form will not be able to meet the aspirations of the millions of workers in the unorganized sector. It also reflects the unimaginative approach of the Government in bringing the Bill without proper and sufficient spadework required for such a significant piece of legislation. The Committee, therefore, proposes that necessary amendments may be carried out in the title of the Bill, definition of various significant terms contained in the Bill, in various clauses of the Bill relating to provision of a statutory right for national minimum benefits for all unorganised workers and coverage within specified time frame, composition of the National and State Social Security Advisory Boards, functions to be assigned to these Boards, creation of separate National Fund including method of funding, provision of staff for servicing these Boards and constitution of Grievance Redressal Machinery, etc. As these amendments have altogether changed the very nature and structure of the Bill, the Committee think it prudent to enclose a copy of the Bill itself in the amended form as an Annexure to the Report (Annexure-II). The Committee urge upon the government that, keeping in view the much-awaited welfare measures for the workers of the unorganized sector, the revised Bill may be brought before the Parliament without any further delay."

Of late, in August 2008, the Union Cabinet has reportedly taken the important decision to bring an amended Bill in the ensuing Session of the Parliament. To our complete dismay, there is no information on the proposed bill except a communication that the Minister of Labour had with the Chairman of the Parliamentary Standing Committee on Labour (dated August 19, 2008), which was also released to the Press. Based on the limited information available in the public domain it is safe to conclude that the proposed Bill again falls short of vital components of comprehensive social security legislation for unorganised workers, which alone will make it effective and meaningful.

SOCIAL SECURITY NOW, a network of organisations including peoples' movements, trade unions, civil society organisations and concerned individuals, defends the right to social security legislation for more than 423 million unorganised and informal workers in India. Probably, the uniqueness of the

SOCIAL SECURITY NOW campaign is the active involvement of dalits, adivasis, women, civil society organisations and other social formations, by which it says that Social Security is not just a prerogative of 'working class' defined based on exclusive economic parameters, but is the legitimate rights of all 'social classes' in India. It demands that the comprehensive legislation for Unorganised workers should include, among other things, 1. Universal, Defined and Justiciable social security rights; 2. inclusion of 'unpaid women workers' in the definition of unorganised worker; 3. adequacy of social security benefits; 4. Non-privatisation of social security benefits; 4. Perceivable measures to address unequal opportunities and social exclusion arising out of caste and ethnic factors; 5. Universality of social security rights by removing restrictions of the benefits to ill-defined BPL workers; 6. Adequate provisioning in the budget; 8. Creation of a social security fund managed by the Social Security Board with statutory authorities and 7. Provisions for regulation of employment.

SOCIAL SECURITY NOW knows that the demand is not easily achievable; it requires tremendous political will by the government and a tectonic shift in the mindset of the people - both the unorganised workers who should become aware that social security is a universal human right that they are entitled to and the opinion makers who could actually see this through. Who else could be most suited to give this break other than Shri Jagjit Singh, who is accredited with 'bringing the ghazal genre, which was previously restricted to the elite classes, to the masses'. It was with apprehension that some of us with the assistance of Mr Abhinav Upadhyay and Mr. R. S. Tiwari. To our surprise, Shri Jagjit Singh was very attentive, asked for more literature and finally agreed to support the cause of the unorganised workers. A strong combination emerged when Shri Nida Fazli agreed to write verses for the song. One of the remarkable points of Fazli's writings is 'the exclusive use of the colloquial language for ghazals, dohaas and nazms'. It has been acknowledged that he avoids grandiloquent imagery and compound words and makes his poetry more close to the masses. In combination, there emerged the song, 'Ye Kaisi Aazadi Hai' with lyrics that touches the earth and a tune that ring in one's ears. We gratefully acknowledge the efforts put in by Pravin Mishra, Cheryl Duesche, Partha Chakrobarty and Abhinav Upadhyay in ensuring this happen. We expect that the song will have

universal acceptance and will reach common people and the opinion makers as well. It should be emphasised here that the song achieved a creative transformation with a remarkable visual presence when Pravin Mishra brought out the video adaptation of the song.

An exceptional feature of this project is that a very large number of organisations are supporters of this venture. A list of 37 organisations are given on the DVD cover as supporters of the song, which means that all have the right to use this song and its video adaptation for mass circulation, education and campaign for the right to social security. What else is a greater achievement than Shri Jagjit Singh, Shri Nida Fazli and now, Shri Pravin Mishra agreeing to dedicate this song and its video adaptation to the people of India. The copyright of this song and its video adaptation is actually with the people of India. From Social Security Now, we sincerely believe that the song should belong to the people of India, today, tomorrow and forever.