

PROCEEDINGS OF THE WORKSHOP**On Social Protection Floor****SCOPE Convention Centre, 09 September, 2016, New Delhi**

Workshop on social protection floor was held at SCOPE Contention Centre, Lodhi Complex, New Delhi – 110 003 in collaboration with Friedrich Ebert Stiftung (FES) on 9th September 2016. The workshop was presided over by Dr. A.K. Balyan, President, SSAI and the inaugural speech was delivered by Mr. Marcus Ruck, Senior Specialist (SS), ILO. The meeting was also addressed by Dr. Praveen Sinha, Senior Advisor, providing FES perspective on the subject matter of discussion.

2. The participants consisted of eminent social security experts, economists, social activists, trade union leaders, members of civil societies and members of SSAI. The participants and faculties were welcomed by Shri B.N. Som, Secretary General, SSAI. He, in his welcome address, highlighted that the workshop was designed to discuss the issues involving development of social protection floors in a country, creating inter alia a broad perspective of this concept to find out opportunities of establishing a social order which would help eradicate poverty, illiteracy, deprivation and an assured life for the citizens in old age with a sustainable health care system in our country. It was also designed to identify measures for progressively extending social protection to all workers in the informal economy, particularly those who were most disadvantaged. He, thereafter, explaining the term “social floor” or “social protection floor” stated that acceleration in the growth rate in India had surely led to a decline in poverty and Infant Mortality Rate (IMR) and had improved life expectancy and educational standard but with these promising achievements there coexisted high levels of poverty, low levels of education, school dropouts, low level of skills and productivity for

a vast majority of workers leading to high level of social vulnerability calling for intense social protection measures. He pointed out that India had a plethora of social protection schemes in operation, both at the Centre as well as at the State levels. The Central and State Governments together spent on social protection over 4% of GDP but that level of expenditure remained far below the expenditure on SPF done by the neighboring countries like China, Malaysia and Sri Lanka. There was, therefore, need to intensify the efforts both at the Central level as well as at the State level by mixing and nixing of the existing schemes. In that perspective, he called upon the participants to examine the existing national scenario in preparing an SPF model for our purpose. The issues raised by him for discussion were as follows:-

- Whether the provisions for Right to Education Act, 2009 and Right to Food Act, 2005 were being implemented both in letter and spirit?
- Whether MGNREGA was providing employment and livelihood security to rural households on demand?
- Whether the coverage of the social pension programme to the old/widow/separated/divorced/ single mother was being implemented as recommended by the Task Force on Restructuring the National Social Assistance Programme.
- What was the outcome of recommendations of the High Level Expert Group on Universal Health Coverage in the form of National Health Package?
- Whether the implementation of National Food Security Act, 2013 had made MDM Scheme and the ICDS scheme universal and whether the PDF had reached about 2/3rd of the population?
- Whether housing policy was generating the desired effect in making the cities, slum free and whether the Scheme was providing affordable housing to the urban poor?

3. Dr. Praveen Sinha, Sr Advisor ,FES, in his address, emphasized that the Workshop on Social Protection Floor [SPF] was organized with the aim of developing a model that would be implemented in India. It was also organized with a view to establish a road map for the follow up activities to be organized at the regional level to equip social partners to become proactive in seeking implementation of the various programs already in existence and being implemented.

4. Mr. Markus Ruck, Social Security Specialist, ILO, in his inaugural speech, narrated the evolution of the concept of social protection and its genesis. He referred to the resolution of the UNCEB of April 2009, calling for a global coalition of various agencies and development partners for promoting universal access to essential services like, health, education, housing etc. social transfer in cash or in kind to ensure income security, food security, adequate nutrition and access to essential services. He elaborated how this resolution got transformed into a report on social protection floors for a fair and inclusive globalisation in 2011. That was quickly followed by ILO by taking over and launching a movement leading to adoption of the concept of Social Protection Floors by the International Labour Council and thus leading to recommendation No.202 by ILO. He further traced the development of this movement as follows:-

- ILO adopted a two dimensional strategy for the extension of social security consisting of vertical dimension which progressively ensures high level of protection and horizontal dimension guaranteeing access to initial health care and minimum security for all.
- The national security protection floors consisted of national guarantee outcomes based on national government's financial ability to provide

social assistance or social insurance or universal schemes or all of these. He pointed out that the spirit of social protection floor as propounded by ILO did not talk of any ceiling in giving social protection but spoke of a realisable target to be achieved both vertically and horizontally. He, however, recommended that at least four nationally defined guarantees should comprise the national model of social protection, namely, - access to a set of goods and services constituting essential health care including maternity care, basic income security for children, basic income security for person of active age unable to earn sufficient income and basic income security for persons at old age.

4.2 In his address he also referred to the basic principles to be followed in adding basic social guarantees, like,

- a) Universality of protection based on social solidarity maintaining adequacy and predictability.
- b) No discrimination either on gender or caste,
- c) Consideration of diversity of methods and approaches, and
- d) Coherence across institutions responsible for delivery of social protection.

He further stressed that the hallmark of the new approach for providing social protection was that those were to be right based and participative in nature. The schemes were to be regularly reviewed through transparent procedure,

5. He then said that it was important to divide strategy for formulation and implementation of the schemes providing social protection floor. All these call for a well-laid, effective, nationally defined monitoring and regular national consultation systems. He ended his address by highlighting the significance of SPF at the national

level stating how SPF would lead to reducing poverty and promoting social cohesion giving effect to human right to social security by establishing legal entitlements. He called for building up sustainable institutions, structure strengthening national dialogue, trust institutions and fostering state-building. With these few words he called upon the participants for a purposeful and incisive discussion in developing a model for building strong social protection floor in India.

6. The workshop was divided into two technical sessions, the first one chaired by Dr. L.D. Mishra was devoted to discussion on the concept of social protection floors by Dr. Santlal Arora, Senior Fellow of ICSSR and member of SSAI. The second technical session consisted of a set of panelists to talk on various social floors set up in our country and drawn from the trade unions, academics, government policy makers and civil society organisations sharing their considered road maps.

7. Dr. L.D. Mishra, chairing the first session, introduced the subject of social protection floor. He briefly referred to the importance of recommendation No.202 of the International Labour Conference highlighting the thinking and planning at the national level in regard to right to employment, right to work, right to food and right to shelter. He referred to the finding of the experts with regard to India was that we were at the very nascent stage of operationalisation of social protection floor. Referring to the study done by Dr. Ravi S Srivastava - a pioneering study on the subject. He explained how exactly social protection systems could be designed and delivered in Indian context and how those could have dramatic and positive consequence on the life of the poor and on the macroeconomic stability in the society. Remembered how the Minimum Wages Act, 1948 was revised in 1998 when Shri Atal Behari Vajpayee, the then Prime Minister addressing the Chief Ministers of all States, called upon them

for fixing a floor level wage below which no employer, no agency, no government could determine the wages. He further stated that social protection floor could also mean right to decent livelihood which would mean that the various facilities and amenities including right to nutrition would be made available to the citizens. Referring to the recent initiative about Rastriya Sachhata Abhiyan, he highlighted the importance of environmental protection for good public health and safety. He expressed the opinion that learning of the concept of SPF would enable us to find out the gaps in our social protection schemes to be able to build up sustainable and worthwhile social floors. With these few introductory remarks he introduced Dr. Arora by giving short account of his achievements, his academic research in the field of employment, man power planning especially in the informal sector.

8. Dr. Arora, opening the subject-matter of the Workshop, said that almost 3/4th of the population in the world was denied of access to comprehensive social security systems leading to high and persistent level of poverty and economic insecurity in some parts of the world, creating inequality and insufficient investment in human capital. He then hastened to state that there was no right model for social security because social security grows and evolves over time and that social security policy reflects social and cultural values, the level of economic development of the concerned nation.

9. Tracing the development of the idea of social protection floors, he referred to the UNCEB's resolution passed following the economic melt-down of 2008 and the subsequent action taken by ILO in 2012 when it formally took the responsibility of spear-heading the movement for establishment of social protection floors across the nations. He went on to say that as there was no straight jacket model for social

security, ILO had included in its Recommendation No. 202 of 2012, the basic principles and strategies for building up social protection floors in a particular country. The concept of social protection floor, he said, was based on the flexibility of the model and was based on the following basic principles:-

- To determine minimum of benefits to be paid, determining at the same time whether benefits of the transferred either in cash or in kind.
- To determine the percentage of population to be protected including formal sector employees, self-sector etc.
- Laying down conditions for entitlement to benefits and
- Duration of the benefits.

10.1. One of the most significant aspects of the new movement, called SPF, was that the countries had been advised for the first time that social security schemes should be established by law covering all or most of the areas.

10.2. Secondly, emphasis had been put on extension of coverage consequent upon conferring legal steps to the coverage and to develop policy conditions and strengthening for effective delivery of benefit of service.

10.3. Thirdly, emphasis on the principle of universality. This is based on the experience gathered by the UN that billions of people who have no social protection were worst hit by the economic meltdown referred to above.

11. Initiation of SPF was a significant step forward in the realization of human right to social security as a universal human right –both an economic necessity and a social necessity. Another important feature of this movement was that that each national social protection floors should comprise basic social security guarantees (BSSG) that

ensure effective access to essential health care and basic income security at a level that allowed people to live in dignity throughout their life cycle. "It prescribes four basic guarantees, viz., access to essential health care including maternity leave care, basic income security for children; basic income for persons of working age who are unable to earn sufficient income; and basic income security for older person"- he explained.

12. Dr. Arora stated that 185 member States of ILO had adopted this concept almost unanimously and that India was a part of this agreement and an Indian expert was a part of ILO expert group which developed the strategy of implementing SPF.

13. In his address he referred to the study of social protection floor for India by Prof. Ravi S. Srivastava who had examined the opportunities, challenges and trends in the area of social protection. He also referred to the studies sponsored by ILO and carried out by Dr. Santlal Arora, Dr. Akhilesh Sharma and Dr. Swati Sharma on assessing social protection provisions in vogue in the Indian States. The objective of the study was to prepare an inventory of social protection measures that had been adopted by the Centre and the State governments. It examined the various social security schemes prevalent in the country with regard to institutional mechanism, trends of coverage, targets groups, conditions, opportunities and constants. The study was carried out largely on secondary data and information culled out of budget documents, annual reports, websites of various departments and agencies involved in implementing the social protection schemes. On the basis of this study, the group came to the conclusion that total expenditure (Centre and State combined) for 5 BSSGs had increased from 3.49% of GDP in 1995 to 5.3% of GDP in the year 2010-11. The study revealed that the share of States had almost doubled during this period

as compared to Centre's share which remained static at 1.81%. It also found that high spending States were spending, in the year 2011-12, up to Rs.5840 per year per person compared to Rs.1500 to 2070 per year per person by the low spending states. The correlation between per capita social expenditure and State per capita GDP showed that rich States, like, Himachal Pradesh, Haryana, J & K, Chhattisgarh and Tamil Nadu were spending more on social protection schemes compared to poorer states, like, Jharkhand, Orissa, West Bengal, Utter Pradesh and Bihar. The study also found out that public outlays on health related areas continue to be less than 1.5% of GDP (2010-11). It also found that unemployment amongst the educated was increasing but the issue of working poor (i.e. no earnings and under employment) was a more daunting challenge. It found that using poverty line of \$ 2 (PPP value), 58% of the workers were poor in India. Hence, providing social security to workers was a challenging job. It called for employment security, benefits relating to illness, work injuries etc. enhancement of skills, productivity increase of informal sector workers and enforcement of minimum wages law. It also found that the inability to use social security pensions for supporting the old remained one of the biggest tumbling blocks for the elderly in India. It also found that the scheme for housing for the poor under Rajiv Abas Yojana had remained a distant dream. Till December 2014, out of 164,806 approved dwelling units, only 2390 had been completed and 18236 were under progress. Work on the remaining units was yet to start. It, therefore, recommended some additional assistance to the concerned authorities to be given to complete the battle.

14. Dr. Arora identified three main challenges to implementation of SPFs, namely, selection of beneficiaries, implementation process and financial sustenance. Keeping the aforesaid challenges in view he was of the view that long term approach should be

taken to provide minimum income universally covering all the five basic social security guarantees. He further suggested that in the Southern States, like, Kerala and Tamil Nadu where large percentage of informal workers were members of the state welfare boards, the State should encourage these boards for providing benefits to its members. Secondly, the workers should be encouraged to become members of three important schemes viz. Prime Minister Jivan Suraksha Yojana, Prime Minister Jivan Jyoti Yojana and Atal Pension Yojana. Thirdly, the two important social security schemes, viz., Employees' Provident Fund Scheme and Employees' State Insurance Scheme should be made applicable to all informal workers employed in establishments and factories employing 10 or more persons. Fourthly, the migrant workers benefits should be made portable by issuing smart cards for this purpose. Fifthly, PDS system should be made more targeted to benefit the poor section of the society by improving management of distribution system with the help of technology. Finally, he suggested that state welfare boards for construction workers should be encouraged to implement the pension scheme run by the pension fund regulatory authority.

15. The second technical session of the workshop was chaired by Prof. Amitabha Kundu, Chairperson, Technical Advisory Committee on Housing, RBI. The session consisted of group of six panelists to speak on Indian model of SPF with regard to old age income security, job security, child education, social protection for the construction workers & other segments of the working class both formal and informal.

16. Prof. Kundu first invited Shri Harsh Mandar, Director, Social Civil Equity Studies. Introducing Shri Harsh Mandar, he said, "He is a social worker and writer, who works with survivors of mass violence and hunger, as well as homeless persons and street children." He was a Special Commissioner to the

Supreme Court of India in the Right to Food case. He is associated with various social causes and movements, and writes and speaks regularly on issues of communal harmony, tribal, Dalit and disabled persons' rights, the right to information, custodial justice, homelessness and bonded labour

17. Shri Harsh Mandar in his address observed that the responsibility for social security had been recognised in a tentative way in our Constitution under Article 41 that the State “ in the limits of its economic capacity”, might provide for amongst other things, to public assistance in exercise of old age, sickness and disability. Thus the provision was made for providing public assistance to the old and disadvantaged class of population but it left a lot of scope for improvement in creating a worthwhile social protection for these groups of the population. He was of the view that time had come when we could provide people old age assistance, disability assistance, assistance to single woman also although this category of the population did not find mention in the Constitution but, that has become a need of the society at the current stage of its development. Although our Constitution came in force in 1950 it was also only in 1995 that we had a government funded scheme of national old age pension. In other words, we had no national protection programme for the elderly before 1995. At that time a very modest provision of just Rs.75/- was made for people who were considered destitute and were 65 years or older. The national social assistance programme which was launched in 1995 had also certain other components like, national family benefits scheme in the nature of a life insurance, in the case of death of a BPL bread earner, death caused either due to natural causes or in the event of accidental death. A small provision was also made for maternity benefit of Rs.300/- with the condition that woman should be belonging to the BPL category and should be above the age of 19

years and have not more than two life births. Few years later, an additional scheme was started, called, Annapurna, which provided 10 kg of food grain to old people who could not be covered by the pension scheme. Thereafter, in 2007, this scheme was expanded a little bit stating that the beneficiary should be registered under the BPL scheme and the scheme became universal. During this year, government also introduced pension for widows and pension for the disabled person. Thus the social protection scheme for the old and the disadvantaged people was gaining ground haltingly – albeit a belated acknowledgment of public responsibility not only to older people but also to other socially valuable population like single woman and person with disability.

18. He then emphasized on the rational of having a public funded pension scheme for all the needy people. By way of reason he explained that roughly 90% of the workforce was in the informal sector where it was difficult to locate the employer simply on account of either casual nature of employment or on account of doing multiple occupations or because of migratory nature of the labour. Because of this syndrome of employment of the informal worker there was a very strong case for public funded pension protection. It was also equally important to recognise that to support a person with disability, the family needed some extra economic support to maintain the household. Almost 33% to 50% of income of the family would be consumed to look after one disabled member and, therefore, such a family had to be provided income support for the sustenance of its other members. Similarly, looking at the condition of the single woman across the country there was need for taking this group also under the social security cover for their livelihood.

19. He then dilated on three aspects of social protection scheme for becoming successful or viable, namely.-

- Coverage.
- Adequacy of the amount.
- Transparency and probity in disbursement of the proceeds.

20. He was of the view that the coverage should be universal for all persons who were designated as below poverty line and to make the coverage truly effective, flaws in the system of identification of BPL should be corrected, sooner than later, with the help of technology. This process had already started and sooner the process was completed so much would be better for the protection of the BPL population. He argued for not only universal old age pension but also for simplifying the qualifying conditions making the scheme more objective by prescribing only an exclusion criterion rather than for inclusion.

21. Regarding adequacy of the amount of pension, he said that the present quantum of Rs.200/- as monthly pension was shamefully a low amount because even if we had indexed the original pension amount of Rs.75/- fixed in 1995, the monthly amount would have gone higher than Rs.200/-. He argued that taking the minimum wage as the base, a worker should be getting something between Rs.2000/- to Rs.3000/- as pension per month and that there was no moral justification to pay anything lower than that. He, thus, argued for application of the same formula for pension payment both in the formal and informal sector workers.

22. Further, he was of the firm view that the process for preparation of BPL List should be far more transparent and the government should dispense with filing of an application to cut down paper work. By making old age pension universal for BPL

population, the government would be taking trustworthy step for ensuring social protection of the elderly in the informal sector..

23. Lastly, to make disbursement of pension less challenging and free of leakage he recommended direct payment of pension to the account of the pensioner based on Aadhar card. That would achieve the purpose not only of financial inclusion but also of plugging leakage in the system of payment of pension and other malpractices associated with the disbursement process.

24. He also referred to some of the best practices followed in the states of Andhra Pradesh and Orissa where they reported to have fixed a date for disbursement of pension asking pensioners to gather at one spot in the village and payment being made in front of everybody. He concluded his presentation by describing his firsthand experience that people living with hunger in the rural area comprised three categories, namely,:-

- ❖ The old people without care.
- ❖ Single woman.
- ❖ Family with disabled person.

25. He said that such a situation should not be tolerated in our society and livelihood being fundamental right, the State must come out with universal solution as described above for ameliorating the situation.

26. Prof. Kundu summed up the presentation made by Shri Harsh Mandar stating that he had made an excellent overview of the major social intervention on the part of the government. He underlined that Shri Harsh Mandar had identified some of the very critical issues in the context of implementation of the social pension programmes

narrated above for making the scheme more transparent, flawless and free of leakages. He then concluded that the major issue before the Indian government was not covering the informal sector; the real problem was in universalization of social pension scheme which was crux of ensuring basic human right.

27. Shri A.K. Nayak, Chief Labour Commissioner (Central)' was then invited by the Chairman on the issue of job security in the market. Shri Nayak gave an elaborate presentation of his thinking on the subject clearly stating that in the present context the meaning of job security had moved out of its traditional understanding in that job security meant a job in perpetuity. He said that in the present job market context new concepts were emerging, like, outsourcing of jobs, cartelization of jobs and so on. Whereas earlier, the entire process of production used to begin and end under one roof; now things had changed. For manufacturing a product, an enterprise would be sourcing its raw materials from one part of the country, manufacturing done in other part of the country or of the globe, the assembly work done in another country and the quality control carried out in another. These changes were having serious implications on job security. Those were new realities which were to be acknowledged and we were to take a hard look at the existing labour laws to acknowledge the emerging realities. The policy makers would have to innovate to mitigate the hardship associated with uncertainties that usually go with this kind of contractual outsourcing. He was of the opinion that the emerging scenario called for a movement from informal job market to making all jobs formal.

28. Elaborating this idea, he further said that at present about 90% of the employment was in the informal sector like construction sector where the estimated workforce was around 7 crore or more but the registered number of workers was

about 2 crore only. That led to a large chunk of the workforce remaining outside the benefits of labor laws for the purpose of wage security, job security and also for getting social security. Another segment of workers who were equally disadvantaged were the interstate migrant workers. Lot of people migrate from one state to another in search of employment and his experience was that majority of those workers were not only not registered as migrant workers but they were denied of the benefits under the law, like, they were not getting displacement allowance and many other financial benefits also as enshrined under the law. Whereas the law mandates that every worker taken from one state to another should be a registered worker and the Sardars/Khatadars/dalals/contractors were required to take licence from the local authority by registering the workers being taken out of the district. What happens in reality is that if a person residing in West Bengal would go to Gujarat he might be migrating not through a contractor but on the basis of his acquaintance who might get him a job in another state. But without registration of the worker with the competent authority, the benefits enshrined under the Inter-State Migrant Workmen (Employment and Conditions of Service) Act, 1979 would not be available to such a worker. He then referred to the conditions obtaining in the transport sector which was most informal. He was of the opinion that there were lot of scope for reorganizing transport sector so that the sector could be formalized and the people working in that sector could be given social security. Similarly, in retail sector, people who were working in mandis (commodity markets) were not organized and, therefore, they did not get the benefit of the labour laws. He was of the opinion that this sector could be reorganized by setting up some legal and institutional arrangements to regulate the work and conditions of service of the workers in this sector like it obtains in Maharashtra under Mathadi Act, 1969. This type of policy intervention was plausible

and should be explored for the agricultural sector also. Because in agriculture where majority of the workforce of the country was in employment, there was a case for modernization and value addition to by setting up agro-industries. Without bringing the agricultural labour under some regulatory and institutional machinery, the benefit of labour laws would remain a far cry for these workers, he felt.

29. He touched upon one more important aspect related to job security. He pointed out that most of those people working in sectors like, construction and transport though were skilled but their skills did not get formal recognition. Since no formal certification available in respect of their skills, it was difficult for them to get reemployment once they were out of their jobs.

30. Lastly on the issue of job security, he made an important observation that the issue of job security was directly linked to the question of job availability. The present scenario in our country was that many people were chasing a fewer jobs and in such a scenario the question of insecurity would always be dangling over the heads of the workers and it would not be wise to blame an employer if he would be selective in his pickup of employees. He was, therefore, of the opinion that the issue of job security could be better handled by creating more jobs and how more jobs would be there in the market, it was for the policy makers to look into. More than that, he stated, we should think more about setting up appropriate legal and institutional changes to control the job market. At present, we are accustomed to the pattern of regular employment or contractual employment and no space for some pattern of employment in between regular and contractual. We are not conversant with employment for limited period, or short term employment or fixed term employment. But with the rapid changes in the economic development across the globe, we should have legal

provisions and legal frame work to recognize and regulate short-term and fixed term employment. What he was having in his mind was that if somebody was engaged for a fixed term of employment, say for 10 years, the employee at the end of his term of employment, should get all the benefits of regular/ long term employment like, wages, allowances and pre-defined working conditions. This would also means that the present practice of giving contract employees the benefit of minimum wages should be replaced by regular pay scale based salary for the workers- be short term or long term and they should be given the benefit exit pay when the term ends so that they were able to look for future employment after exiting from the current one.

31. Prof. Amitabha Kundu summed up the presentation of Shri Nayak with the comment that he had brought up for open discussion some of the realities of labour market of today and he thanked the speaker for creating a healthy opening for debate on restructuring of the labour market to grapple with the prevailing conditions. He also referred to his personal experience that he had during his survey in Mandi Gopinagar as well as in Jawaharlal Nehru University, Delhi, regarding informal understanding existing between the workers and the employers which regulated the job market more than what the labour laws permitted for the purpose. He, therefore, was of the view that the need had come to take care of these practical developments in the society by the policy makers to make the laws proactive rather than act as speed-breakers. He pointed out the pitfalls of formalization of the informal sector from his own experience gained through his field studies and called upon the policy makers to align the rules to face those issues to secure better deal for the workers.

32. Dr. K.B. Akhilesh spoke on the status of child education in India by referring to the constitutional provision directing the State to provide free and compulsory

education for all children up to the age of 14. His assessment was that due to the efforts of the successive Governments and specially during the last two decades, we have witnessed significant improvement in school enrollment accompanied with substantial increase in learning.

33. The recent efforts to raise resources for this sector through imposition of an education cess were a major step in that direction. By promulgating national policy on education in 1986, the ground was well laid for coming out with the most ambitious literacy programme of Sarva Shiksha Abhiyan in 2001. However, the official goal of providing quality education for all in the country as recommended by the Dakar Frame Work for Action for providing quality education for all by 2015, covering primary education, focusing on literacy, gender equality had not been achieved.

34. Another important intervention by the Government is the mid-day meal scheme which was started in the year 1960 by K. Kamaraj, the then Chief Minister of Tamil Nadu and later extended by his successor in office, M.G. Ramchandran in 1982. This scheme has been adopted by almost every Indian State especially after an important direction was given by Supreme Court in November 2001. The objective of mid-day meal scheme is to increase school enrolment, increase school attendance, address malnutrition problem of the children and empower women through employment to run the school kitchen. For mid-day meal, several NGOs have also made excellent contribution like Akshaya Patra Foundation that runs school lunch programme across the country. Each day the Foundation feeds 1.5 million children covering more than 10 thousand government schools in 10 States of India.

35. Sarva Siksha Abhiyan is a Central Government programme aimed at universalization of elementary education in a time bound manner, for children between ages of 6 to 14. The scheme has been implemented in partnership with State governments to cover the entire country and address the needs of 192 million children in 1.1 million habitations.

36. Giving example from the State of Karnataka he said that in the year 2012-13 the total number of schools in Karnataka was 74,230 which rose to 3,86,000 in the year 2012-13 enrolling 1,00,67,000 students. The same pattern is found in other States also. The main features of Sarva Siksha Abhiyan are as follows:-

- ✚ Time bound programme for universal elementary education.
- ✚ Responsive to the demand for quality basic education all over the country.
- ✚ An opportunity for promoting social justice through basic education.
- ✚ A partnership between Central, State and the local governments.
- ✚ An opportunity for States to develop their own vision of elementary education.

37. Shri Vidyasagar Giri, National Secretary, AITUC, made the following observations with regard to the government's initiative for developing social protection floor for the working class. He was highly critical of the government policy on labour issues which led to the workers across the country to go for a one day strike on 1st Sept of this month.

38. Referring to the Charter of demands, he stated that the charter had raised many important issues in regard to the social security measures and minimum wages policy of the government besides other demands. He regretted that though the Government

had an important role to play in this regard, the Government was doing the opposite in the name of ease of doing business. Instead of recognizing labour as valuable human capital in business and giving them adequate social security benefits, the Government was working in the opposite direction as if giving pension to the workers was an act of charity. He referred to the huge erosion in rupee value vis a vis dollar, lamented that presently more than 30% of our population being below poverty how there could be peace and harmony in the society without proper social protection policy in place. The role of the Government in a welfare state was being diluted. The worker who were the creator of the wealth were being neglected and were not given sufficient social security protection and that such a situation would lead to social disharmony. Referring to the decision taken at Indian Labour Conference to confer the status of workman to the Anganwadi workers, the present government had only changed their designation as Swayam Sevak (volunteer) and nothing more. During the previous regime in 2004, government had substituted public funded pension scheme by a self-contributory scheme, called, New Pension Scheme. The government was now trying to make Pf scheme optional by amending EPF & MP Act of 1952, trying to amend ESIC Act to make health care of workers optional with private schemes and so on, and that the government was endeavouring to withdraw all existing social security benefits to the workers. The Government was also working against the law by stopping inspections of establishments by the labour department officials. He also found fault with the new emphasis on skill development in that skill development policy was in conflict with the policy of hire and fire now being encouraged by the government. He also did not find much to write home about Atal Pension Yojana as the rate of premium under that scheme was not commensurate with the benefits it offered. He lamented that 9 out of 10 elderly persons were not getting any kind of social security.

39. Shri Subhas Bhatnagar, Co-Ordinator, NCC-CL, talked on the efficacy of the social floor created by the Central Government at the behest of the National Campaign Committee for Central Legislation for Construction Labour by means of two legislations, vis. Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Building and Other Construction Workers Welfare Cess, 1996. Giving the background of how with the efforts of Justice Krishna Iyer and the Social Security Association of India, the Central Government was persuaded to enact these two laws for regulating the conditions of service of workers by establishing workers' welfare board in every state. He narrated the long struggle of over three decades to achieve this position and also referred to the fact that it was only at the intervention of Supreme Court of India that all the State governments fell in line for looking after the interest of the construction workers exclusively.

38. He then referring to the huge accumulation of fund at the disposal of the each State Board narrated the difficulties not only about registration of the construction workers by each State but more seriously the lack of due diligence to ensure renewal of membership on a regular basis. He lamented about the lack of administrative structure for the state boards to perform in the way they should perform to garner benefits of the provisions of law for the workers. It was his firm belief that government should seriously think of creating a separate autonomous structure for the welfare boards to make the provisions of the law effective- both in letter and spirit. He described how delegating the responsibility to run the state board by the Labour Department or making the labour officers to work as the Cess Assessing Officer were harming rather than benefiting the interest of the workers and to that extent were

making the laws toothless. That was also the reason for crores of rupees lying idle or unspent with the every state board. He also wondered how the government could set up organizations like, EPFO and ESIC to bloom prosper and deliver but not the state welfare boards. He therefore called upon all concerned, especially the government at the Centre and at the States, to sincerely consider the issue raised by him to make the social protection scheme for the construction workers a reality.

39. Shri Siddheswar Shukla, CITU, in his presentation argued that the jobs were becoming more and more informal and fragmented. Wages were not increasing but decreasing. Even the house-hold jobs were become less paid jobs in the urban centers; so whenever any contributory scheme for pension would be set up that would have a physiological impact on the workers and they would be unable to take any benefit of such a scheme. The worker, therefore, would be only interested to become member of such a scheme where social security was paid to him without taking his contribution.

40.1. Shri S. Shukla of CITU in his presentation pointed out some patent shortcomings in the existing social protections systems for building up effective SPF in our country. Citing an example from NCT Delhi schooling system, he referred to the news appearing in Dainik Jagaron a few days back that in Sonia Vihar there were 5600 girl students in rolls of the school having only 31 class rooms. So the school authorities had asked the students to attend school only on alternate days. But even that type of solution was far above the norm set for per class student strength. He was therefore of the view that in tackling the question of quality of teaching in government schools, it would be far more important to make proper infrastructure facilities in place to run the basic schooling system. He felt that without adequate physical facility in place the question of any quality of schooling would be a far cry. He therefore advocated the urgent need for setting up norms for opening of schools based on the population norms in a particular area and that by increasing the number of schools, government would be able to put the present educational system on proper rails.

40.2 Dr. Pravin Sinha intervened to say that would make a good case for putting the government schools under control of the panchayats/municipal corporation at least in the urban areas as it existed earlier.

40.3 He also raised the issue of teaching quality at government schools being perceived as inferior to private schools when the minimum basic educational qualification for recruiting a teacher, both in government and private schools, was the same. He was of the view that instead of thinking of a new set of rules or a new scheme, the redemption of the situation lies in going below the carpet to find out the causes responsible for lack of quality in teaching in government schools and to plug those loose ends.

40.4 With regard to effective coverage of the existing social protection schemes he was of the view that the scheme eligibility conditions should be simple, uniform and universal, based on economic condition of the target group. Social security should be available to people irrespective of caste, creed and gender of the beneficiary groups. He explained how the present scheme of old-age pension was causing hardship to the elderly people as they were at pains to prove how they were eligible for the benefit of the scheme and that such a situation would lead to deprivation and malpractices in the scheme.

40.5 With regard to the proper functioning of the State construction boards, he was of the considered view that the boards should function strictly within the precincts of their functional domain. Their basic duty was to collect and manage the cess fund for the welfare of the construction workers. Instead, it was found that many State Boards were engaged in construction of buildings for the Anganwadis or Kalyanmandapas or school buildings while the most of the cess fund was lying idle in the exchequer and the system of renewal of workers membership was tenuous.

40.6 He made a passionate appeal for giving ESIS health care cover for all construction workers with the Boards paying employer share of contribution out of the cess fund.

41. Chairman thereafter threw open the topic for discussion by the participants. Before that he observed that one take home from the presentation of the trade union leaders was that the construction sector was getting some kind of step motherly treatment which needed to be investigate for finding a final solution. The most worrying point was that cess money was being collected in the name of social security for the construction workers but the money was lying idle in the government account without earning any return. He pointed out that if the amount would have been invested for education of working class it could have earned a measureable benefits of above 20% on the capital per annum. This point was emphatically demonstrated in respect of the funds lying with the EPFO and ESIC. There was definitely a case for proper utilization of this amount and utilization of the same for the welfare of the construction workers who were not covered under any social security scheme. He further pointed out in this regard that people in the organized sector had higher life expectancy than the unorganized sector. Therefore, the need for making well planned efforts for the unorganized sector of population could not be over looked.

42. Mr. N. Vyas in his intervention pointed out that it was necessary to examine whether the course content for the Sarva Siksha Abhijan was common all through the country and whether the course content was taught through the electronic media or not or whether it was possible to have common course content for all the students under the Sarva Siksha Abhijan.

43. Dr. A.K. Balyan in his intervention raised the issue on the new development in the employment market. Observing that the industrial pattern of processing and manufacturing was changing, the economic condition of the country was changing as also its working culture, there was perhaps a need to look at liberalization of the

employment procedure. He talked on the need for a new look at the process of contract engagement. He wondered whether one could borrow the idea from short service commission followed in the army. He observed that about 8 to 10 years back ONGC had started the practice of giving four years term appointment and the appointees were paid at the rate more than the regular workers. Over and above, the payment of wages, the contract employees were given bonus and a severance amount also and depending upon the requirement of the company, the appointees could be re-engaged for another four years. Although there was initially opposition from the unions to this kind of appointment they however, realized over a period of time that the system was not bad for the people and that the people at least got some jobs and were paid well. He, therefore, wanted to know whether there was a thinking in the government right now to allow this kind of employment. He also referred to the practice prevailing in the industry for payment of wages on hourly basis, daily basis and so on. He, therefore, wanted to know what the government thinking was on all these non-conventional types of employment in the emerging market.

44. Dr. SantLal Arora echoed the thinking of Shri Harsh Mander about the difficulties that the elderly persons were facing in obtaining old age pension and that the amount was much less than the requirement for meeting the bare necessities of life. He pointed out that presently the persons in the formal sector who would be joining the old age group, pushing the percentage of population from 8% to 12%, might be motivated to contribute to some pension scheme which could add on to the old age pension scheme of the government. He also wondered if the Andhra Pradesh Scheme of old age pension could be implemented for augmenting the income of the elderly.

45. Shri Harsh Mander in response pointed out that any contributory pension scheme for the informal workers seem to be unjust a kind of idea. Explaining his thoughts he referred to the recently introduced Atal Pension Yojana under which informal sector citizens were required to pay monthly right from the age of 18 to the age 60 years. He felt that keeping the nature of informal or uncertain employment, it was not a fair and equitable proposition to the workers to ask them to contribute on monthly basis. He, therefore, felt that old age liability of an informal worker had to be a public responsibility. He felt that we should have a system by which we could have universal pension and then those who were better off they could be taxed to sustain the pension system. He also felt that the process of exclusion should be done through a selection process. He felt odd about accepting informalization of labour as a part of contemporary economic development. He felt that it was not fair to look at labour simply as a factor of economic growth. It should be realized that they were human beings with family and it was a social responsibility to look after these people when they were not economically viable to participate in production. He criticized the current production procedure of sourcing materials from one place, making production in the second place, assembled in the third place because that was in effect breaking off the factory floor level production system to home based work, casualization of work without any protection to the workers and with no responsibility of the employers. He, therefore, was averse to short term contract for perennial jobs. He said that the principle of labour protection for which people have fought for a very long period of time could not be sacrificed for creation of wealth. Referring to the ever increasing gap between the lowest and highest paid in the industry, he said this type of development of an unequal society was hardly justified

and raised the question whether economic growth should be supported at the expense of the rights of the workers. This was the question we needed to cogitate, he felt.

46. Dr. A.K. Balyan intervened to say that his understanding was that there was no perennial right to be protected. Secondly, that the present development of short term employment was offering an option for a person who felt good about getting such an opportunity.

47. Shri Harsh Mander retorted to say that then all in the hierarchy from lower to senior management and in government employment-- all should accept employment for every four years after which everyone should be assessed to see whether one was required for the organization or not or whether one was willing to do the same job at the same level with other workers. And that would be too much of administrative activities to allow long term benefit to any enterprise or to the government.

48. Shri B.N. Som in his intervention pointed out that the house seem to be supporting universal old age pension but the contradiction was that unless the job opportunities in employment market were ensured during the active life of the workers the setting up of universal old age pension system would be futile as the challenge was to live up to the age of 60 years, well and healthy, to be able to benefit in the system of universal old age pension. He, therefore, felt that to make the old age pension scheme really fruitful the need was to ensure availability of adequate number of jobs in the employment market. He, therefore, felt that a two – pronged attack would require to make it a worthy solution i.e. need for job creation at all levels to ensure that all citizens got employment and then to increase the amount of old age pension to a minimum level of sustenance to fulfil the constitutional mandate of right to livelihood.

49. Prof. Amitabha Kundu, Chairman, observed that that basically Shri Harsh Mander was of the view that at the old age there should be no liability of contributing to any pension scheme especially from those who were from the informal sector. He supported the idea advocated by Harsh Manderji and observed that it was a failure of the government to provide the worker minimum wages during their working period and that as a compensation for that failure the latter should take care of the old and needy by providing social security to the workers and their families.

50. Shri Harsh Mander added to say that there should be only public funded pension which should contribute to public equity because people were paying taxes by way of direct and indirect payment of taxes and a study showed that even the poor pay a substantial part of indirect tax. He, therefore, felt that public funded pension was to be accepted in principle by the State in recognition of the tax paid by the workers during their life time. Prof. Kundu, however, felt that taking care of social security by the workers would make a better economic logic than to advocate for a public funded system.

51. Shri Harsh Mander retorted that the problem was that the companies were changing the pattern of industrial production as a result of which one would not know who the owner of the company was and who was actually producing the products in the end and that the relationship between the employer and employee was getting blurred. He, therefore, argued that if the centre of responsibility was absent the society had to take the burden of looking after the worker's future. This was what Prof. Amartya Sen had said that the investment on providing health and education to workforce would benefit the society.

52. Prof. K.B. Akhilesh in response to the issues raised following his presentation observed about the quality of Sarva Siksha Abhiyan. He pointed out that there was a perceptible parental pressure for obtaining English medium education. Secondly, that all government schools were suffering from lack of infrastructure and support. The enrollment of students was also not encouraging as most of the government schools in the village areas were running with a single teacher who was required to take care of three to four classes. He also referred to the lack of trained teachers in basic subjects at the high school level. He referred to the initiative taken by his institute, IISc, in imparting training to all the teachers in subjects relating to science and mathematics. He stated that the private school teachers were a little better paid and were doing better work and that was the perception of the parents.

53. He then analysed the reasons for lack of quality in government schools as follows:-

- ✚ Firstly, that a government school teacher was required to do multiple of tasks, like, to keep records, take care of the arrangements for midday meals and doing many other administrative and maintenance work for running the school. Thus they were little over burdened with many of the administrative duties. He, therefore, felt that this issue should be addressed by the government urgently.
- ✚ Secondly, that in spite of increasing trend in enrolment of students, improving ratio of girls and boys- the ratio being very favourable from 1st to the 7th standard, but from the 7th standard onwards the number of drop-outs increase so much so at the end only 8% of the students come to the college education level. He, therefore, was of the view that the main challenge for

betterment of school education was to assess the quality of education from 3rd standard to 7th standard.

- ✚ Thirdly, that the present system of measuring standard should be replaced by a more comprehensive one.
- ✚ Fourthly the present system of declaring every month the main activities to be covered should be applied across the State followed by positive evaluation of the results.
- ✚ Fifthly, electronics education as a medium of education should be introduced.
- ✚ Sixthly, the present system of providing reading materials to the students should be sustained as that was yielding good results.
- ✚ Finally. that the education department should ensure that the facilities at the school for upkeep of equipment and materials were provided to enable the teachers to be able to produce results.

54. The concluding session was presided over by Dr. K.B. Akhilesh and the concluding remarks were made by Dr Pravin Sinha, Sr. Project Advisor, FES. Concluding the workshop, Dr. Pravin Sinha emphasized on the need to enhance understanding the reasons for promoting and securing SPF for India. It is a known fact that over 90 percent of the Indian workers are concentrated in the informal economy devoid of any effective protective coverage. In the absence of an effective supervisory mechanism, the said workers are forced to accept whatever is offered to them by powerful employers resulting in widening of gap between the rich and the poor. The prevalence of working poor as also educated unemployed have become common occurrence. But this is not a new phenomenon. The adoption of Convection 102 by ILO in 1950 is an indication of the fact that social security is unavoidable for securing healthy workers as also for obtaining proper workplace

environment. The nine compartments of social security included in the ILO Convention 102 did not touch majority of the workforce. This became more evident following 2008 financial crisis. The same led to discussion on designing minimum level of social protection so as to protect workers, especially in time of distress. ILO, in 2012, adopted Recommendation 202 on Social Protection Floor [SPF] that focused on income security, health security and old-age pension. The concept of SPF is also integrated in the Social Development Goals 2030. As such the deliberations of this workshop would lead to designing of program that would have inclusive approach towards developing a decent and just society.

55. The deliberations of the Workshop made the following **fourteen specific recommendations** for **strengthening the social protection floors in India**:-

- ✓ Introduction of a public funded pension scheme for the elderly, for single woman and for the disabled in informal sector;
- ✓ Coverage of the scheme should be universal;
- ✓ Mode of payment should be DBT pattern and Aadhar card based;
- ✓ Exclusion based eligibility criteria coupled with bare minimum paper work for pension;
- ✓ Shortage of school buildings to be made good and adequate physical facilities to be put in place;
- ✓ Government school staffing norms should be revised and teaching staff not to be burdened with administrative work;
- ✓ Quality management system now in vogue to be monitored on regular basis;
- ✓ Problem of dropouts from 7th standard to be closely monitored for timely remedial action;

- ✓ Need for greater emphasis on job creation to ensure job security;
- ✓ Emerging employment methods like short term appointments to be given legal backing;
- ✓ Legal and institutional arrangements on the lines of Mathadi Act to be considered for transport workers/ retail workers/agricultural workers
- ✓ Labour reform should not take away the rights and benefits now available to the workers.
- ✓ Management of construction welfare funds to be spruced up in the interest of the construction workers;
- ✓ State construction Boards to be made autonomous legal entities on the lines of EPFO & ESIC;
- ✓ Cess fund to be allowed to grow through market investment like similar Trust Funds;

56. It was resolved to put the recommendations of this Workshop to the concerned Ministries of the union government for consideration and action.
