

SOCIAL WELFARE AND SOCIAL LEGISLATIONS IN INDIA

Introduction

Social welfare refers to the organized system of social services, institutions, and programmes designed to enable individuals, groups, and communities to attain satisfactory standards of life, health, and well-being. It encompasses all governmental and non-governmental efforts aimed at reducing inequality, alleviating poverty, and promoting human dignity.

Social legislation, on the other hand, refers to laws enacted by the State to protect vulnerable sections of society from exploitation, discrimination, and deprivation, and to secure their economic, social, and cultural rights. It translates the ideals of social justice into legally enforceable rights and obligations. Social legislation acts as the **legal backbone of social welfare** — while welfare is the goal, legislation is the instrument.

In India, the two are inseparably linked. The Indian Constitution — through its **Preamble** (which commits to securing Justice — social, economic, and political) and **Directive Principles of State Policy (Part IV)** — mandates the State to enact welfare-oriented laws and build a just social order.

Major Areas of Social Welfare and Legislation

1. Women and Child Welfare

Protection of women and children is a cornerstone of Indian social legislation:

- **Dowry Prohibition Act, 1961** — prohibits giving/taking of dowry; a major social evil targeted.
- **Maternity Benefit Act, 1961 (amended 2017)** — paid maternity leave extended to 26 weeks; covers crèche facilities.
- **Protection of Women from Domestic Violence Act, 2005** — civil remedies including protection orders, residence rights.
- **POCSO Act, 2012** — stringent punishment for child sexual offences; child-friendly judicial procedures.
- **POSH Act, 2013** — mandates Internal Complaints Committees to tackle workplace sexual harassment.
- **Integrated Child Development Services (ICDS), 1975** — nutrition, health, and pre-school education for children under 6 through Anganwadi centres.

These legislations reflect a shift from charity-based welfare to a rights-based approach for women and children.

2. Welfare of Scheduled Castes and Scheduled Tribes

- **SC/ST (Prevention of Atrocities) Act, 1989** — stringent penalties for caste-based crimes; Special Courts for speedy trials.
 - **Constitutional Reservations** — Articles 15(4) and 16(4) provide reservations in education and public employment.
 - **Forest Rights Act, 2006** — recognizes rights of tribal communities over forest land they have traditionally inhabited.
 - **Tribal Sub-Plan (TSP)** — earmarks development funds proportionate to tribal population across all ministries.
 - **Post-Matric Scholarship Scheme** — enables SC/ST students to pursue higher education without financial burden.
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3. Labour Welfare and Social Security

India has a long tradition of labour welfare legislation dating to the colonial era:

- **Workmen's Compensation Act, 1923** — compensation for injury or death during employment.
 - **Employees' State Insurance Act, 1948** — medical, sickness, maternity, and disability benefits for industrial workers.
 - **Employees' Provident Fund Act, 1952** — compulsory retirement savings.
 - **Minimum Wages Act, 1948** — prevents exploitation by fixing statutory wage floors.
 - **Payment of Gratuity Act, 1972** — financial security upon long service or retirement.
 - **The Code on Social Security, 2020** — consolidates 9 central labour laws; crucially extends social security coverage to **gig workers and platform workers** for the first time.
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4. Welfare of Persons with Disabilities

- **Rights of Persons with Disabilities Act, 2016** — replaced 1995 Act; expanded disability categories from 7 to **21**; mandates 5% reservation in government jobs; promotes barrier-free infrastructure.
 - **National Trust Act, 1999** — welfare of persons with autism, cerebral palsy, and intellectual disabilities; promotes guardianship.
 - **Accessible India Campaign (Sugamya Bharat)** — promotes physical, digital, and transport accessibility.
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5. Old Age and Social Protection

- **National Social Assistance Programme (NSAP)** — pensions for elderly, widows, and disabled BPL persons.
- **Indira Gandhi National Old Age Pension Scheme** — ₹200–500/month to BPL elderly above 60 years.
- **Atal Pension Yojana, 2015** — guaranteed pension for unorganized sector workers.
- **PM Jan Dhan Yojana, 2014** — financial inclusion; zero-balance bank accounts for the poor.
- **PM Jeevan Jyoti Bima Yojana / Suraksha Bima Yojana** — affordable life and accident insurance for low-income groups.

6. Food Security and Poverty Alleviation

- **National Food Security Act, 2013** — legal entitlement to 5 kg subsidized foodgrains/month to **67% of India's population**; treats food as a legal right, not charity.
- **MGNREGA, 2005** — guarantees **100 days of wage employment** annually to rural households; social audit mechanism ensures accountability. One of the world's largest employment guarantee programmes.
- **PM Garib Kalyan Anna Yojana** — free food grains to 80 crore beneficiaries during COVID-19 crisis.

7. Education as Social Welfare

- **Right to Education Act, 2009** — free and compulsory education for children aged 6–14 (Article 21A); 25% reservation for EWS children in private schools.
- **Mid-Day Meal Scheme** — reduces dropout rates, improves nutrition; covers 12 crore+ children.
- **Samagra Shiksha Abhiyan** — integrates pre-primary to senior secondary schooling into a unified framework.

Conclusion

Social welfare and social legislation in India represent the State's constitutional commitment to building an egalitarian society. From protecting women and children to securing livelihoods of the poorest, Indian legislation has progressively moved from a **paternalistic, charity-based model** to a **rights-based, entitlement-driven framework**. Landmark laws like MGNREGA, NFSA, RPwD, and the Code on Social Security demonstrate legislative maturity and social vision.

However, **legislation alone is not welfare** — its true measure lies in effective implementation, community participation, and convergence of schemes. India's social welfare agenda also aligns with the **UN Sustainable Development Goals**, particularly SDG 1 (No Poverty), SDG 3 (Good Health), SDG 4 (Quality Education), and SDG 10 (Reduced Inequalities).

A truly welfare State is one where legal rights are not merely enacted but **lived by every citizen**, especially the most marginalized.