

INTRODUCTION : THE CONCEPT OF WELFARE STATE  
AND ITS ADOPTION IN INDIA

Anyone wading through even a small part of the mass of Government papers and reports on socio-economic reform legislation in Orissa since 1950-51 will notice that administrators, ministers, legislators, political leaders, and others engaged in public life, commonly urged therein reform proposals by appeals to some Directive Principles of the Constitution of India of 1950, or broadly to the concept of the 'welfare state', the ideal of government adopted by the national leaders who made the Indian Constitution in 1946-49.

In the past twenty-five years the concept of the welfare state has gained popular acceptance in principle, vaguely among the mass of Indian voters, more pronouncedly among the educated in all parts of the country. Since about the First General Election in 1952 many resolutions and manifestoes published by the Indian political parties, regional and national, reflect more or less their rising expectation from the government, their views regarding what the Union Government or a State Government like that in Orissa ought to be doing for the welfare of the people.

When asked: What is a welfare state? an Indian may well reply: a welfare state for India is the kind of polity implementing faithfully through positive measures of government the Directive Principles of the Indian Constitution.

Whatever theoretical inadequacies one using the international perspective may find in the above functional definition, one may well concede that for an Indian observer and contemporary government it is a fair and convenient viewpoint. We have adopted it in this thesis, in our present study of the development of government, its policy and functions, in Orissa since the adoption of the Indian Constitution.

Before we proceed to describe the efforts of the makers of the Indian Constitution to embody welfare principles in particular parts of the fundamental law of the country, we may sketch briefly the theory, the character and growth, of welfare state in modern times in the West, from where modern Indians have borrowed much of their theories and norms of political thought.

An historical approach to the concept is helpful in understanding it, and in describing it, because even to this day the concept of the welfare state is a growing concept, not a fully developed proposition, so much so that one wonders whether the expression welfare state is not, like such words as 'democracy' and 'socialism', a "catch-all phrase," a phrase of variable meaning in the vocabulary of politics.<sup>1</sup>

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1. In 1953 Mark M. Heald wrote:

"The very connotation of the phrase 'Welfare State' is indefinite, elastic, indeterminate and fallible. It is a catch-all phrase, an omnibus for many divergent schemes that are in need of justification through association with respectability; thus the appeal to the idea of welfare."

See Mark M. Heald, "The Concept of the 'Welfare State'," in S.P. Aiyar, ed., Perspectives on the Welfare State (Bombay, 1966), p. 132.

To begin with a brief, and, in the context of contemporary Indian politics, shrewdly perceptive definition of this concept:

"The Welfare State is a compromise between the two extremes of Communism on the one hand, and unbridled Individualism on the other, and as such, in spite of all its imperfections, it sets a pattern for any humane and progressive society."<sup>2</sup>

The following is another useful observation by a Western political scientist:

"The welfare state is the institutional outcome of the assumption by a society of legal and therefore formal and explicit responsibility for the basic wellbeing of its members. Such a society emerges when a society or its decision-making groups become convinced that the welfare of the individual (beyond such provision as may be made to preserve order or provide for common defence) is too important to be left to custom or informal arrangements and private understandings and is therefore a concern of government."<sup>3</sup>

Whatever definition one favours or chooses to offer, few political scientists will probably deny that the concept of the welfare state as developed in the mid-twentieth century is essentially a new concept in political theory; and that this concept characteristically emphasises the responsibility of a modern polity with a more or less industrial economy for promoting, by direct legislative and executive measures, the economic and social good of its people.<sup>4</sup>

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2. See D.L. Hobman, The Welfare State (London, 1953), p. 1.

3. See Harry K. Girvetz, "Welfare State" in David L. Sills, ed., International Encyclopaedia of the Social Sciences, Vol. 16 (New York, 1968), p. 512.

4. In 1965 Oscar Kraines explained the 'Welfare State' thus:

"A concept of government which, in the past three decades has assumed an increasingly significant place in the socio-political thinking of many nations, including the United States, and has profoundly

## I

In modern Europe since the fifteenth century the rapid growth of commerce and trade, industry and banking, the establishment of overseas colonial empires, the development of fire-arms, the effects of the Renaissance and the Reformation all contributed to the emergence of modern nation-states. Their development was hastened by the Enlightenment of the eighteenth century, the Great French Revolution and the Revolutionary wars, and above all by the Industrial Revolution of the eighteenth and nineteenth centuries.

These nation-states, far richer, centralised and efficient, than the feudal monarchies of the past, had the potential for the promotion of the welfare of the masses. But the widespread faith in the laissez-faire doctrine, developed by Adam Smith and Physiocrats in the eighteenth century, and the strength of nineteenth century West European liberal individualism, inhibited even the most advanced polities, like England, France and the United States of America, from assuming a positive role of welfare, till about the middle of the nineteenth century. It was widely held that even democratic governments should concentrate on the minimum functions of securing life and property of individuals and of defending them against foreign aggression.

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influenced the fiscal policies of government at all levels. Its viewpoint and terms of reference are broad in nature and are focused on social values, stressing social good while minimizing personal accumulation of wealth and economic power."

See Oscar Kraines, 'Welfare State' in Joseph Dunner, ed., Dictionary of Political Science (London, 1965), p. 562.

By the 1830's, in England and France the social evils of industrialisation: a rapid rise in urban industrial proletariat; the spread of overcrowded and filthy industrial slums; distressing working conditions in factories and mines; and miserably low wages, easily led to the growth of revolutionary political thinking, and demand for revision of the old doctrines of government. In the 1830's and 1840's liberalism as well as capitalism faced increasing challenge, in Britain and France, from new doctrines of political action: Utopian Socialism and Anarchism, Scientific Socialism, or Marxism, and Syndicalism, all of which sought, in their own ways, the eventual overthrow of capitalism-individualism, to be followed by the establishment of a stateless, socialist, or communist order of society, based on a fundamental economic principle: community ownership and equitable distribution of wealth and benefits.

The other reaction to the baneful social effects of industrial revolution, was less extreme and more gradualist in its reform programme. It was more humanitarian in outlook seeking social justice within rule of law in a democratic state. The political doctrines, developed between 1815 and 1914, by Robert Owen, Fichte, Hegel, Thomas Hill Green, several French and German Social Democrats and some leading sociologists like Ward, Giddings, and Hobhouse, commonly held that the state should play the role of a positive instrument in eradicating the social evils, and promoting the collective good and happiness of all, including the workers, and the weaker and poorer sections of the community.

The theories of the nineteenth-century social reformers and revolutionaries, the idealists and the materialists, the democrats and the socialists combined to discredit the laissez-faire theory, the 'night watchman' doctrine of the State as Ferdinand Lassalle, the German Social Democrat, put it.

The weakening of the laissez-faire views of government was marked by the growth of welfare legislations in the nineteenth century, for instance: the Factory Acts of 1819, 1833, 1844 and the Factory (Amendment) Act of 1847, the Education Act of 1870 reinforced by the Acts of 1881 and 1891, and the Public Health Act of 1875, passed by Parliament in England; the Sickness Insurance Act of 1883, the Accident Insurance Act of 1884 and the Social Insurance Act of 1889, passed by the Reichstag of the German Empire; and the Federal Labour Relations Law of 1888 adopted by the United States Congress for the benefit of labour in Railways industries.

By the 1880's there was a clearly discernible trend of welfare legislation aiding the evolution of the modern State from its character of a communal policeman, from a government primarily engaged in law and order affairs, to that of a public welfare agency of immense potential for promoting "the external conditions of good life", as Thomas Hill Green put it.

## II

In the first three decades of the twentieth century the concept of the welfare state was strengthened, especially in

the spheres of social services and social security, by several factors. First, the concept of liberty acquired a broader interpretation to include in its meaning economic security for the weaker sections of the community and generally wider opportunities for the expression of individual personality and talents.<sup>5</sup>

Second, the spread of the idea of the State as an instrument of social engineering, which was promoted by the growth of Labour Party and Fabian Socialism in England; the Sociological Jurisprudence of Duguit in France, and of Justice Holmes and Roscoe Pound in America; the instrumentalism of John Dewey; the Social Democracy and Bolshevism which seemed to gain a resounding

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5. Enunciating the principle of 'new liberalism' based on the 'harmonic' conception of the relationship between the individual and society, Hobhouse maintained that a 'positive' conception of the State "involves no conflict with the true principle of personal liberty, but is necessary to its effective realization." "The function of the State" wrote Hobhouse, "is to secure conditions upon which its citizens are able to win by their own efforts all that is necessary to a full civic efficiency.... The 'right to work' and the right to a 'living wage' are just as valid as the rights of person or property. That is to say, they are integral conditions of a good social order."

Similar conceptions are found in the United States of America also. Walter Weyl in his 'The New Democracy' (1912) urged the necessity of strategic governmental intervention to promote and enlarge the scope and content of individual freedom, through the enactment of welfare legislations. In his 'The New Freedom' Woodrow Wilson emphasised the positive welfare role of the State for preserving the freedom of men who were 'on the make' and not 'already made.'

See L.T. Hobhouse, Liberalism (London, 1911, Repr. 1944), pp.134, 158-159; A.P. Grimes, American Political Thought (New York, 1966), pp. 390, 393.