

Conclusion:

Cybercrime is becoming harder to stop as new technologies emerge, its impacts widespread and overwhelming financially. It's important to act now in order to slow its progress. Through increased awareness, improved laws which target cybercrime and by utilizing biometrics which greatly enhance security, the effects of cybercrime will be mitigated. As explored before, cyber criminals will only continue to find motivation in cybercrime when they are faced with such low risks. Governments' lack of funding and effort to take cybercrime seriously enough is only going to allow cybercrime to continue growing. The potentially shocking financial gains available will also only serve to motivate them even more. The fact that some statistics are a little out of date highlights limitations in accuracy but still serves the purpose in depicting the growth of cybercrime. Biometric technology is still developing and at the moment has certain limitations in regards to how accurately it can work or whether it's really an efficient way to go. Great areas for future research would be the growth in biometric technology and seeing how it will develop over time, as it should be a key area in

securing one's personal information, not just for large organizations but for individuals at home as well. Cybercrime is only going to get worse over time unless preventive measures are taken to stop it, because at the moment, it's just too appealing of an option for criminals to say no to.

Cyber security is a complex subject whose understanding requires knowledge and expertise from multiple disciplines, including but not limited to computer science and information technology, psychology, economics, organizational behavior, political science, engineering, sociology, decision sciences, international relations, and law. In practice, although technical measures are an important element, cyber security is not primarily a technical matter, although it is easy for policy analysts and others to get lost in the technical details. Furthermore, what is known about cyber security is often compartmented along disciplinary lines, reducing the insights available from cross-fertilization. The cyber security problem will never be solved once and for all. Solutions to the problem, limited in scope and longevity though they may be, are at least as much nontechnical as technical in nature.

SOCIAL SECURITY THROUGH FIVE YEAR PLANS

By

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Immediately after the commencement of the Indian Constitution, Planning Commission was set up in March, 1950 and through which Five Year Plans were formulated. All the Five-Year Plans emphasized the need for Social Security Schemes to achieve the Constitutional goals in establishing Social Justice and removing inequalities in the Indian Society. The First Five Year Plan showed special attention to

labour problems in providing basic needs of worker for food, clothing and shelter.

The First Five Year Plan has two main objectives:

- (1) A better standard of life for the people, and
- (2) Social Justice.

The objectives of the plan reflect the idealism of the community and are derived from the Directive Principles of State Policy embodied in the Constitution. A welfare State is the avowed good of our Constitution. The First Five Year Plan focussed for the removal of economic inequalities in the Indian Society. The significance of the expression "Socialist pattern of Society" was mentioned in the Second Five Year Plan. The Third Five Year Plan also provided Social Security in the form of Social Assistance to the physically handicapped, old persons, women and children who are altogether lacking the means of livelihood and support. Assistance to these persons must be through voluntary and charitable organisations, municipal bodies, Panchayat Samithis, Panchayats and Voluntary Organisations. The Third Plan States that special welfare measures for workers in the coal, mica, manganese and iron ore mines¹.

The Committee on Labour Welfare states that Fourth Five Year Plan provides for the expansion of employees' State Insurance activities to provide hospitalisation to families of all insured workers to cover shops and commercial establishments in selected centres as also non-power factories employing ten or more persons². The Fifth Five Year Plan reiterated the suggestion of the Committee on perspective planning that the Employees State Insurance Scheme should be extended to additional categories of establishments, including small factories, shops, mines and commercial establishments.

The VI Five Year Plan reported the progress of Social Security Scheme in India and recommended that the provident fund should be gradually extended to smaller establishments and to rural areas³. In a similar way, effort should be made to remove difficulties of limitation of

financial and physical resources of the State Government and to extend coverage to new areas⁴. It also suggested that as "Welfare and Social Security service overlap in areas of medical care and income security during sickness and disability it will be conducive to efficiency and economy if services in such common areas can be integrated"⁵. The remaining five years plans made by the Government of India also stressed the need for providing Social Security to the different sections of the society but the objectives of the plans are not reached so far, in spite of the wishes of the many political parties.

All the Five-Year Plans laid down the Social Security schemes for the protection of various sections of society. The State has transformed these Social Security objectives into law. Only some Social Security laws were made in India to achieve the intentions and goals of the Directive Principles of State policy with a view to protect the persons who are incapable of protecting themselves in certain unforeseen contingencies. The Provident Fund Scheme applicable for the Coal Mines showed good results and led to the passing of Employees' Provident Fund Act, 1952, which is compulsorily applicable. The fund is contributed by both employee and employer. This Act provided the Family Pension Scheme and Employees' deposit Linked Insurance Scheme Employees' Provident Fund Act, 1952 and Seamen's Provident Fund Act, 1966 were also subsequently passed to cover employees in plantations and Seamen respectively.

In the year 1953, another important land mark in the history of Social Security Legislation was the providing of the payment of benefits during unemployment, *i.e.*, Lay-off and the Retrenchment compensation to industrial workers. These provisions were incorporated in the Industrial Disputes

1. Third Five Year Plan, PP. 258 – 259.

2. Report of the Committee on Labour Welfare, 1969, P – 17.

3. Sixth Five Year Plan, 1980 - 85 p. 405.

4. Sixth Five Year Plan, 1980 - 85 p. 406.

5. Ibid.

Act, 1947. This Act was amended in 1956 and 1957 to provide payment of compensation to workmen on transfer or closure of undertakings, to widen the scope of unemployment benefit. Subsequently, in the year 1976 some special provisions were made relating to lay-off retrenchment, transfer and closure of undertaking employing 300 or more workers. In 1982 the Act was again amended extending the 1976 amendment to establishments employing 100 or more workers.

To remove the disparities among various maternity legislations such as Employees' State Insurance Act, 1948, Plantation Labour Act, 1951 and Mines Maternity Benefits Act, 1941 and several State Acts the Central Act called the maternity Benefits Act was enacted in 1961. Payment of Gratuity was made for the working journalists under the working Journalists (Conditions of service and miscellaneous Provisions) Act, 1955 which was limited in its scope. The Section 5 of the Act applied only to the working journalists who voluntarily resigned from service from newspaper establishments. This provision was struck down by the Supreme Court in the case of *Express Newspapers Ltd. v. Union of India*⁶ declaring it unconstitutional and holding that this provision imposed unreasonable restriction on the Petitioners' right to carry on business. This Section was later replaced by Section 3 in the year 1963.

The Government of India in the year 1957 appointed a study Group on Social Security to work out a comprehensive Social Security Scheme. This group made many suggestions and recommendations regarding the retirement benefits. In case of retirement the Study Group said that after twenty years of the qualifying service, gratuity equal to four months takes place after twenty-five years of qualifying service, the gratuity

will be increased to six month's average wage of last five years⁷. Two committees were constituted viz Committee on Labour Welfare (1969) and National Commission on Labour (1969) to examine the function of various welfare schemes including gratuity. The Committee on Labour Welfare has considered that gratuity is keeping in view the conditions of Indian workers who stand in need of lump sum amount at the time of retirement and is a better retrial benefit than old age pension⁸. The National Commission on Labour (1969) observed that in the last twenty years, the demand for gratuity has been made by workers and the Industrial Tribunals have considered it favourably, particularly in units where there are no other Social Security benefits like Provident Fund and Pension. The Commission said that the more enlightened among the employers have made arrangements for gratuity by way of agreement between them and their Union or even as a result of the employer introducing this benefit on his own. The nature of gratuity as a component of Social Security currently obtaining in the country is, however, by and large voluntary. Therefore, the commission left it to the process of evolution and do not make any specific recommendation in this regard⁹. There is no uniformity in regard to the rate of gratuity qualifying period for eligibility for payment of gratuity; mode of compensation of gratuity and ceiling for gratuity. This created confusion and uncertainty. In the year 1969, a significant judicial contribution to the concept of gratuity was made by the Supreme Court in a case¹⁰ keeping in view the deteriorating value of rupee and recommended for providing more generous gratuity benefit to the industrial worker through legislation. This decision influenced many States like West Bengal¹¹, Kerala¹² and

6. Labour Law Journal, (1961), 1, 334.

7. Report of Study Group, P - 34.

8. Government of India, Report of the Committee on Labour Welfare, P - 269.

9. Report of the National Commission on Labour (1969), P - 178.

10. Delhi Cloth & General Mills Co., Ltd., Vs. Workmen (1969) 2, Labour Law Journal, 755, 768.

11. Employees' Payment of Compulsory Gratuity Act, 1972.

12. Kerala Industrial Employees' Payment of Gratuity Act, 1970.

Uttar Pradesh¹³ which made legislation for payment of gratuity to workers employed in factories, plantations, shops and Commercial establishments, *etc.* The making of such legislation by the above State influenced several other States to make legislation in a similar way. Subsequently, the central Government moved a proposal for central legislation on gratuity and a Bill was introduced in the Parliament which provided for payment of gratuity to employees drawing wages up to Rs.750/- per month in factories, plantations, shops and establishments and Mines in the event of superannuation, retirement, resignation and death or total disablement due to accident or disease. The bill was passed and became an Act which came into force on 16th September, 1972.

An important and significant contribution was made in the field of Social Security by the National Commission on Labour in the year 1969 for making "a comprehensive Social Security plan by pooling all the Social Security Collections in a single fund which different agencies can draw upon for disbursing various benefits of this idea will have to be worked by experts and the goal envisaged in this proposal reached in stages¹⁴.

The above historical developments in the field of Social Security legislations show some new tendencies which are given below:

1. Social Security laws in India made response to the Conventions and Recommendations of ILO.
2. Indian Legislature provided benefits by way of amendments in the existing laws of Social Security.
3. The method of providing compensation benefit for industrial injury in lump sum is replaced making periodical payment.
4. At present the tendency of Legislature is to cover Social Security legislation for all Sections in the Society.
5. All the Indian Social Security Laws contain the principles of socio-economic justice enshrined in the Indian Constitution and also ILO Constitution.
6. Indian Legislature created machinery for the effective implementation of Social Security Laws.
7. India protected the business interests of the employers with a view to take active interest in Social Security Legislature.
8. The legislative tendency in India is to reduce the burden on employers in paying compensation and relief has been provided by legislating the Employees Insurance Law.

It is observed that the Indian Legislature has not fully recognised or accepted the concept of providing Social Justice to the toiling masses, which is enshrined in the Indian Constitution, in spite of more than 60 years of Independence and has not provided systematic Social Security to all the members of the society covering all the contingencies compared to the benefits provided in some of the Socialist countries and Communist States and Liberal Democracies.

The measures or steps taken by the Indian legislature in adding some Social Security laws and extending its scope to all the members of the society have failed and the inequalities, insecurities and indigenise are widened. The attempts made by Indian Legislature to remove poverty, to eradicate the hunger, to cure diseases, has become in vain. It is appropriate to quote here the call given by BMS to all workers to "wage a united battle against Government's economic mismanagement" and secure for kisans and poor workers "economic independence, defeating the conspiracies of vested interests." It is said that because of the Government's "faulty economic policies the country has now become a heaven for

13. Uttar Pradesh Workmen's Gratuity Scheme, 1971.

14. Report of the National Commission on Labour, (1969), P – 178.

multinational companies, capitalists and monopolists. With the result the poor were becoming poorer”¹⁵. Social Security laws have been passed recently by the Government covering the rural workers especially for the benefit of the un-organised workers in the year 2005. In India Social Security programmes have been in existence since times immemorial and joint family’s system was existed. It can be said that in India earlier Panchayaths (Guilds) religious and charitable institutions, giving alms have continued to provide assistance to the deserved for many common risks, misfortune, calamities, *etc.* It is to be mentioned that Kautilya’s Arthashastra, Manusmrith, *etc.*, bear testimony to the fact that social system in those days so made as affording protection to the people without means and without capacity to work as simultaneously designated to provide security to all the people the joint Hindu Family was the original cell of security and first line of defence which could cope only with limited misfortunes. In cases of natural calamities *i.e.*, flood drought plague, *etc.* an appeal was made to the neighbours or the guilds. The guilds are found in Rig-Veda, Upanishads and in the other Indian Ancient Literatures and the important purpose of them was collective security of life and property and security against common risks but with the western impact and industrial development in the country. These institutions have fallen into decay and or no longer remain to meet the situation effectively and adequately. Hence, it is now regarded that the duty of the state itself is to provide for Social Security however, it is true that idea of Social Security as at present understood is not quite new to India. A few employers have for instance giving their employees such benefits as pension, provident fund and gratuity for many years and have been

providing some welfare measures. As far back, the Workmen’s Compensation Act (Employees Compensation Act) was passed in 1923 and the Maternity Benefits Act have been in force in various states since 1947. Even the Royal Commission on Labour, 1931 did not stress for any National System of Insurance as feasible in India, due to the absence of permanent labour force and migratory character of work force¹⁶.

It is to be concluded after having discussion about the existence of Social Security Laws that the Social Security is a part of labour welfare. Labour welfare secures the workers and is family the fullest life in the comprehensive sense of the term. Social Security covers the various risks and contingencies in the life of individuals in society through appropriate organisations which are intimately inter-related in policy perspectives, plans and ends to be achieved. Thus, it can be said that labour welfare without Social Security or Social Security without Labour Welfare or inconceivable. The Labour Welfare is a total concept and Social Security for labour is an integral part of it. Although, Social Security for labour is a well-established global phenomenon and has achieved a separate recognition, as it remains an inherent and counter part of labour welfare¹⁷. The rapid growth in poverty specially in the earlier years of transition led to the increase of targeted, means tested social assistance schemes because of the increasing in formalisation of the economy and restricted entitlement for unemployment, sickness and pension benefits, significant minorities of the working populations in many countries fall outside the social security frame work -- a situation similar to that in many developing countries¹⁸.

15. The Hindu, dated 25th July, 1989.

16. Edited by Vivek Rampal: Social Security and Labour Welfare: Policies and Initiatives, 2010, PP. 37 – 38.

17. Edited by Vivek Rampal: Social Security and

Labour Welfare: Policies and Initiatives, 2010, P.64.

18. Ajay Srivatsava & Parthaprathim Mitra: Social Security System in India, 2009, PP. 79 – 80.