Research Reinforcement

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Editor's Desk

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From the Editor's Desk

Discoveries of new phenomena and creation of new knowledge are the main task of scientific research. Research contributes in shaping the future of the society. There are several ways in which knowledge can be generated and utilized. It has multifarious benefits for individuals and nations. It enhances quality of life, public services and policy matters. Simultaneously research has a great responsibility of transforming the society. The development of sustainable lifestyle is a crucial challenge for contemporary societies. The prevailing challenge in current research scenario is to strike a balance between technological development and ecological sustainability. Research should not only be concerned with acquisition of new knowledge or the elaboration of new technologies. Nowadays it is widely accepted that research requires social and moral legitimization, transparency and participation of public. It should assist to make this world a better place to live. This require to couple research with the needs of society.

RRJ is an opinion maker predominantly marked by evidences produced through the research work it publishes. RRJ emphasise on critical and analytical writings which aids in shift in opinion and build a fresh perspective. The journal tackles recent events and issues and makes an attempt to formulate a viewpoint based on objective analysis. The journal strike a balance by reconciling various contradictory opinions and enlightened the readers without being prejudice or dogmatic, which thereby helps in the paradigm shift from existing pattern of disciplinary study to interdisciplinary character of academics

This journal is a small step toward creating a sustainable society. The topics covered in this volume are diverse and relevant for present time. In this spirit of continuous improvement any productive suggestions on streamlining our endeavour is very welcome. We look forward towards the valuable contribution from our readers and patrons.

Best Wishes

Editors

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Contents

A Study on Study Habits of CUK Students in Relation to Certain Demographic Variables

Dr. Zaffar Ahmad Nadaf

Research Assistant, School of Education, Central University of Kashmir, Nowgam Campus I (J&K)

Abstract

The present study was delved to find the difference between study habits, gender, family type and locale among the students of Central University of Kashmir. The data was collected by using a standardised questionnaire developed by M. Mukhopadhay and D. N. Sansanwal (1992). The sample of the study is composed of 243 students of 3rd semister among 13 teaching departments from the three campuses (Sonwar, Nowgam I and Nowgam II) of the Central University of Kashmir. The significant difference between the means of each pair of group was computed with the help of SPSS software by using statistical techniques like Mean, Standard Deviation and 't' test. The finding inferred that there is insignificant difference in the Study Habits of rural and urban students, in addition to that the study also displayed that the study habits of male students were found significant in relation to their counterparts, further the study exposed that Students from Joint families have better study habits than students from Nuclear families.

Keywords: *Study Habits, Gender, Locale, Type of Family, Central University of Kashmir*

Introduction

Learning can be colossally gratifying, but studying regularly involves hard work. The initial phase towards effective study habits is to accept this reality. As soon as, an individual accepts the premise that studying doesn't come naturally, it should be apparent that one needs to set up an organized programme to promote adequate study. Learning how to study is really a long-term process. As one goes on studying, one finds more techniques and methods that offer new information leading one on an interesting and successful direction. So, learning how to study or to develop good study habits is a lifelong process, and one should be ready to modify one's method of study according to the need of the time. The development of good study habits is the highway to the goals of an individual, whatever they are. A simple, small change in study habits makes a big difference in goal setting and organization of one's life. The success of an individual depends upon his study habits. Education is the manifestation of perfection already existing in man. The tool enabling this manifestation is study habits.

In recent years, researches in behavioural science have paid more attention to learners' cognitive styles and study habits which are important factors that influence the process and outcomes of learning. Study habits refer to an art and skill of an individual, which enables him only to acquire, gather, interpret and organize information knowledge in a unique way.

Significance of the Study

To improve the quality of education we must develop certain innovative strategies, which will enhance the educational standards. In addition to that from the student's side there must be some important steps, which form the basis for

their academic achievement. Students' needs, requirements, abilities, capabilities, their pattern of studying etc. have beenneglected for a long time and they were forced to learn the same thing, by the same method, by the same person inthe same environment. Not only is it important that teachers recognize these diversities in their students, but also it is desirable that they value their study habits. Otherwise, even if appropriate strategies are developed and made available to teachers, there may be little proof of gain in the students.

Our educational institutions should take into account basic human differences in their studying, thinking etc., to seek better means of individualized instruction for more effective studying (Lawrence, 2013). Here the investigator thought that student's academic achievement and their excellence instudies depends mainly on their study habits, which is very much influential in their learning process. Hence, the investigator has tried to explore the relationship between study habits and academic achievement of the higher secondary students.

Statement of the Problem

The present study is entitled as "Relationship between Study Habits and Academic Achievement of Higher Secondary School Students".

Operational Definitions

Study Habits—The sum of all the habits, determined purposes and enforced practices that the individual uses in order to learn".

Objectives

Objective 1: To study the difference between Study Habits and Gender among CUKmr Students.

Objective 2: To study the difference between Study Habits and Locale among CUKmr Students.

Objective 3: To study the difference between Study Habits and Type of Family among CUKmr Students.

Null Hypothesis

The hypothesis of the present study were framed on the basis of objectives of the study and on the basis of review of related literature. Therefore the hypothesis were presented in null form. Hypothesis of the present study were:

H01. Male and female students do not differ significantly in the Study Habits among CUKmr Students.

H02. Rural and Urban students do not differ significantly in the Study Habits among CUKmr Students.

H03. Students hailing from Joint Family and Students hailing from Nuclear Family do not differ significantly in the Study Habits among CUKmr Students.

Methodology

In the present endeavour, the researcher has used the descriptive research method. Descriptive research methods are used when the researcher wants to describe specific behaviour as it occurs in the environment with respect to one or more variables. The present study was carried out on all the 3rd semester students of 15 teaching departments totalling of 450 students from the Sonwar, Nowgam I and Nowgam II campuses of the Central University of Kashmir. The researcher took Central University of Kashmir as the population due to operational ease. Therefore it was not possible to collect the data from the entire population, so the researcher selected 243 randomlystudents from the 3rd semester. The investigator adopted the survey method to find out the differences between Study Habits Gender, Family Type and Locale among the students of 3rd semester of Central University of Kashmir.

Tools

Study Habits Inventory (SHI)

SHI designed and standardised by M. Mukhopadhay and D. N. Sansanwal (1992). It is a scale, where in the covert behaviour like concentration, comprehension, task orientation, study sets are measured in order to analyse the study habits. The inventory is comprised of 52 items on a five point Likert scale wherein 34 items are affirmative and the rest 18 items are negative. For positive scoring 4 marks are assigned for

'always', 3 marks for 'frequently', 2 marks were assigned for 'sometimes', 1 marks were assigned for 'rarely' and 0 marks were assigned for 'never'. For negative items the scoring was done reversed from 0, 1, 2, 3, 4, respectively.

Data Collection

The data for the present study was collected by the investigator through his personal visits to the 13 department of central university of Kashmir. Prior permission from the Heads of respective schools and Departments was sought for data collection. Data from student was collected at the initial stage of the academic session 20017-18. Before administering tools, the investigator told the purpose of the tools to the students. They were requested to give their true and free responses. It was also made clear to them that their responses would be kept strictly confidential. They were also assured that the information collected would be used only for research purpose. After establishing rapport with students, test booklet were distributed and asked them to write personal information on the title page and then instructions were given to them as given in the manual of the test.

Statistical techniques used for Data Analysis

In order to analyse the obtained data following suitable statistical techniques were employed.

Mean, SD and t test were used with the help of SPSS (v.21).

Data Analysis

Data analysis is considered as the heart of the research work. Data analysis is the process of bringing order, structure and meaning to the mass of collected data. The researcher has made an attempt to analyse and interpret the collected data, keeping in mind the objectives and hypothesis of the study

Objective 1: To study the difference between Study Habits and Gender of CUKmr Students.

Ho1: There will be no significant difference between Study Habits and Gender of CUK Students.

Table 1: Difference between Study Habits and Gender

	Gender	N	Mean	SD	t
Study Habits	Male	114	160.97	27.05	**2.04**[*]
	Female	129	154.34	23.46	

* Significant at .05 level
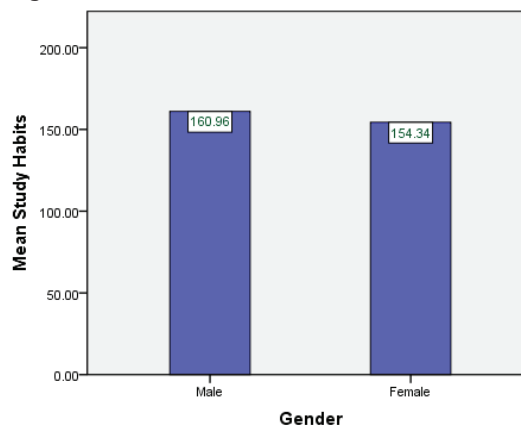
Fig. 1.1

Interpretation of Table 1—Table 1 describes the estimation of the responses, which was used to assess the difference between Study Habits and Gender. The said table describes the mean score and the t-value between Study Habits and Gender of CUK Students.

The stated table displays that there is significant difference between Study Habits of male and female on SHI as the as the calculated t value is **2.04; (p <.05)**. Therefore Ho1 is rejected. The mean of the stated table has been graphically presented in pictorial form in Figure 1.1

Objective 2: To study the difference between Study Habits and Locality of CUK Students.

Ho2: There will be no significant difference between Study Habits and Locality of CUK Students

Table 2: Difference Between Study Habits and Locality

	Locality	N	Mean	SD	t
Study Habits	Urban	99	153.97	22.30	**1.85**[NS]
	Rural	144	159.89	27.16	

NS Insignificant

Fig. 1.2

Fig. 1.3
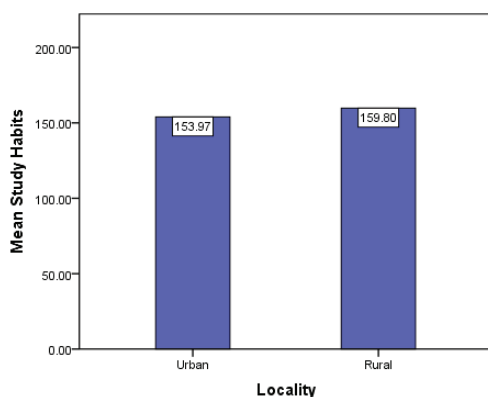
Interpretation of Table 2—Table 2 explains the estimation of the responses, which was used to assess the difference between Study Habits and Locality. The said table describes the mean score and the t-value between Study Habits and Locality.

The stated table displays that there is insignificant difference between Study Habits of Rural and Urban Students of CUK on SHI as the as the calculated t value is **1.85; (p >.05).** Therefore Ho2 is accepted. The mean of the stated table has been graphically presented in pictorial form in Figure 1.2

Objective 3: To study the difference between Study Habits and Family Typeof CUK Students.

Ho3: There will be no significant difference between Study Habits and Family Type of CUK Students.

Table 3: Difference Between Study Habits and Family Type

	Family Type	N	Mean	SD	t
Study Habits	Nuclear	167	154.52	25.24	**2.48****
	Joint	76	163.07	24.07	

** Significant at .01

Interpretation of Table 3—Table 3 describes the estimation of the responses, which was used to assess the difference between Study Habits and Family Type. The said table describes the mean score and the t-value between Study Habits and Family Type of CUK Students.
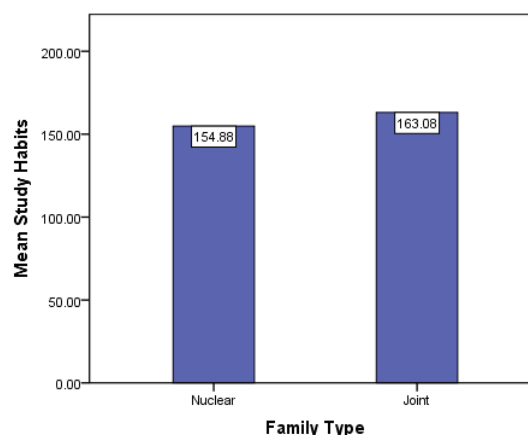
The stated table displays that there is significant difference between Study Habits of Students of Nuclear and Joint families on SHI as the as the calculated t value is **2.48; (p <.05).** Therefore Ho3 is rejected. The mean of the stated table has been graphically presented in pictorial form in Figure 1.3

Discussion

Study Habits and Gender (Male & Female)—The results from the objective 1 state that there is a significant difference between study habits of male and female students. The study habits of male students were found significant in relation to their counterparts regarding their studies. Because Study habits not only cover the devotion, but it also entails the time, reading habits, learning techniques, memory, time schedule physical conditions. This conclusion is in accordance with the findings ofRamaswamy (1990) who reported that there is a significant difference in study habits of boys and girls.

While as the findings of the stated objective contradicts with the results of Reddy and Nagaraju (2001) found that sex has no influence on study habits; both boys and girls have similar study habits.

Study Habits and Locality (Rural and Urban)—The results of the objective no. 2 states that there is insignificant difference between Study Habits of rural and urban students studying in Central University of Kashmir. The 21st century has

brought a revolution with regard to education. The advent of new educational policies like EFA (education for all), SSA (**Sarva Shiksha Abhiyan**), RAMSA (**Rashtriya Madhyamik Shiksha Abhiyan**), and RUSA (**Rashtriya Uchchattar Shiksha Abhiyan**) has brought our society in that level, they read for education, they read for information and they have realised that education is neither the entity of the urban nor the entity of rural. Such policies have developed an interest among general masses, with the result there is no significant difference in Study Habits of Rural and Urban. The results are in consonance with the findings of Reddy (1972). His study revealed that there was no significant difference between in study habits among rural and urban students.

The study also contradicts with the study of Guravaiah and Reddy (2004) who discovered there is no significant difference between rural and urban Students.

Study Habits and Family Type (Nuclear &Joint)—In the present study an attempt has been made to find out the difference between Study habitsand family type of CUK students. It is clear from the result of the objective 3 that there is significant difference between the Study Habits of Nuclear and Joint family students of CUK Students from Joint families have better study habits than Students from Nuclear families. We are all well aware of the fact that Study habits are habitual way of exercising and practicing the abilities for learning. In nuclear families a child can become aware of one or two study habits and thereby learns only those (e.g. observation and concentration). While as on the other in joint families a child learns various study habits mainly due to the presence of various family members, where in his study behaviour gets influenced by many members and are able to develop study habits like concentration, motivation, keen observation, adjustment in school, networking and many more.

Suggestions and Recommendations

Study Habits play a significant role in the Academic Achievement; therefore it is suggested to inculcate the following recommendations in order to boost the academic Achievement among CUKmr Students.

1. The study habits play a vital role in the academic achievement of students therefore; it is essential to inculcate the good study habitsamong the students.

2. It is suggested that regular study habit training programmes in school must be arranged toimprove the study habits.

3. It is suggested that teachers should help the students to frame the time- table for study. They should be instructed to adhere to it.

4. Parents should check whether their wards study in a quiet place away from disruption and disturbances.

5. It is suggested that teachers should correlate the subject matter with the life situations of the pupils, in order to make the subject matter interesting for the pupils.

6. It is suggested that university should make it mandatory for their students to visit the library; borrow books, magazines, newspapers and their visit should be marked with attendance there.

7. It is suggested that Parents and teacher would do well to exercise great vigilance with regard tothe formation of the good study habits among the pupils.

8. It is suggested that Teacher should take special steps to increase and develop the reading skills ofthe pupils.

9. It is suggested that teachers should make their classes lively by adopting modem techniques ofteaching and learning.

10. It is suggested the distractions for study are minimized. Hostels as well as study rooms should bedesigned away from highways so as to facilitate better study.

11. The habits are thought rather than taught and a congenial and healthy attitude and environment are pre requisite for its cultivation.

12. The study habit programmes both of preventive and remedial must be arranged in accordance with the abilities of the pupils.

13. The parent teacher associations must be arranged, where in they should get awareness of inculcating good study habits.

Conclusion

The present study also revealed that there is insignificant difference in the Study Habits of rural and urban students studying in Central University of Kashmir. The stated study inferred that significant differences were observed in the Study Habits of Male students in relation to their counterparts. Further, the study also discovered that Students from Joint families have better study habits than Students from Nuclear families.

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Correlation of Commerce with Other Subjects in a School Related Site

Mrs. Abhilasha Jaiswal

Assistant Professor, Department of Education, Mahatma Gandhi Kashi Vidyapith, Varanasi (U.P.)

Dr. Vimarsh Jaiswal

Assistant Professor, Commerce, RGSC, Banaras Hindu University, Varanasi (U.P.)

Abstract

In ancient education system more emphasis was given on rote memorization but present education system aims to give more emphasis on overall development of the child. Education nowadays is much more unified and integrated and aims to provide meaningful knowledge to the pupils. There is a great need of providing knowledge in an integrated way. No subject can be taught in isolation. Therefore it becomes necessary to correlate one subject with another. Imparting of knowledge in isolation like the facts of Economics, English, Business Studies, Accounts, Computer, etc. has become obsolete. For providing practical knowledge we need to integrate all the subjects so that their use in real life can be understood by students. There is a huge responsibility on the schools to prepare students for a dynamic and competitive world. By correlating subjects we will not only help students understand the subject in a better way but will also help in developing their intellectual power as a whole.

Keywords: *Commerce, Correlation, School Subjects, Intellectual Power*

Introduction

School world and real world couldn't be apart. From childhood to adulthood, school allows you to gain a sense of what it will be like to be an adult. On the other hand, college allows you to fully take ownership of your time, responsibilities and who you want to become is one of the most exciting time of everyone's lives. The subject choices that students make in schools and colleges have a significant impact on the profession they are going to opt for in future. It is very essential for the teachers to teach students in such a way that they gain deeper understanding of the real world. Correlation of subjects in one such way through which teachers can develop unity of knowledge and can create interest in students towards studies.

Ramont has very well said, "No subject is ever well understood and no art is intelligently practiced, if the light which the other studies are able to throw upon it is deliberately shut out."

Correlation in a simpler way means to connect or to be connected. It primarily shows mutual relations of two or more things/persons. Correlation in teaching indicates a technique which shows the reciprocal relationship between various subjects of the curriculum for making the knowledge concrete and permanent. Thus correlation is just a mutual relationship between various variables, i.e., subjects of school/college curriculum.

The quality of correlation depends upon the knowledge and skill of teachers. There is a strong positive relationship between the teachers' knowledge of subjects and the level of subject knowledge achieved by the students. Teachers with depth knowledge of the subject are able to correlate the subjects, plan it effectively and execute it in the classroom in the best possible manner. Knowledgeable teachers are able be explain simple and complex concepts easily

but having only knowledgeable teachers is not sufficient. We need teachers who are trained for effective correlation of subjects.

While correlating, teachers need to show similarities or dependence of one subject on another subject. Effective teaching can be possible only when the teacher is able to promote interest among the students. For promoting interest among the students a teacher need to correlate different subjects and teach them in a practical manner.

In this paper correlation refers to mutual relationship of commerce with other subjects like English, Mathematics, Science, Sociology and Information Technology. It is much more essential for commerce teachers to correlate subjects as they are preparing students for their vocational life.

Definition of Correlation

- According to Ferguson, "Correlation is concerned with describing the degree of relation between variables."

- According to Simpson and Kafka, "Correlation analysis deals with the association between two or more variables."

- According to A.M. Taule, "Correlation is an analysis of co-variation between two or more variables."

Importance of Correlation

It is very essential to correlate different subjects so that effective teaching is possible. Failure in establishing links between different subjects may be an obstacle. Correlating teaching of different subjects is considered highly essential.

1. It develops mental abilities like logical thinking, reasoning, of students.
2. It helps to develop unity of knowledge and develops worthy interests and attitude in students for acquiring knowledge.
3. It provides practical and life related learning to the students.
4. It makes learning concrete and permanent.
5. It helps to lighten the burden of curriculum.

6. It helps the teacher to complete the curriculum in very short period of time.
7. Correlation of commerce with other subjects can make the students understand the subject in a better way.

It means the teacher need to present every topic in such a way that side by side other things which are correlated with the topic can be taught in the classroom and they can easily correlate one acquired knowledge with the other.

Correlation of Commerce with other Subjects

1. Correlation of Commerce with Mathematics—Mathematics acts as a base for Commerce. As heart is the most important organ of a human body in the same way we may say that mathematics is the heart of Commerce. Commerce and Mathematics are deeply correlated with each other. If a child is not good in Mathematics then he/she cannot become a good accountant, bank manager, company secretary, or human resource manager/developer. In every field related to Commerce we need to be fully equipped with the laws and principles of Mathematics. Statistics is a very important part of Commerce which can be mastered only when we have Mathematics concept clear. Now suppose if we need to calculate income tax, for that it is very important that we have an understanding of how numbers work then only we will be able to calculate income tax. Even for calculating National Income or understanding about the impact of government policies or understanding the financial condition one needs to be fully equipped with the rules and principles of mathematics. If we need to understand the profit and loss of any business enterprise we need to know about the general rules of addition and subtraction and even percentage. Mathematics in commerce is not an accessory, it is a necessity. An organisation need to plan, organize, do management, sales forecasting, manage fund, give salary to employees all these are impossible without the knowledge of numbers. Mathematics and Commerce are inseparable. In a nutshell you will be master of one if you master the other.

2. Correlation of Commerce with Information Technology—Technology has become a very important part of our lives. With the usage of IT there has been a drastic change in business world. With the usage of technology, work has become smooth and manageable, it helps to keep pace with the global market, meet demand and supply of the consumers even in remote areas, and many more which were earlier beyond imagination. Like e-commerce, as the name suggests, it deals with doing commercial activities using internet. It involves selling of goods and services online, making payments online, getting consultancy online, booking tickets online and all the other activities which involve the usage of internet. It has made life easy and comfortable. Making products available using internet is easier and faster as well as profitable in today's world. It helps consumers to choose from a wide variety of options available.

Advertising is an inseparable part of business and if we look in present context there have been a drastic change in advertising pattern because of the use of computers. Using social networking sites or displaying advertisements as pop ups is a great and profitable way of advertising the business ideas and proposals. Advertising through IT is cost effective and can be seen by a large group of people at one time at the same place. Traditional method of advertising using newspaper and television are too expensive but this alternative saves a lot of time and money of entrepreneurs which they can utilize elsewhere.

Return filling has now become mandatory for any business organisation and ever since the launch of digital India e-filling has been compulsory for all. Then linking business and bank account with Adhar Card is another attempt to make India digital and technology friendly. Storage of any business material has been made easier through computer because it involves less use of paper and information is safe in system or in any storage device which also saves a lot of place and hectic job of searching for papers because on computer any data can be easily searched. Education is getting more and more vocation centered and to prepare students to enter the commercial world it is very important to give them knowledge of IT.

Commerce and IT go hand in hand. They cannot be separated from each other.

3. Correlation of Commerce with English— English has emerged as the global language for trade and commerce in the past few years affecting many aspects of business in the modern world. It is of great importance in business profession. English is accepted as a standard language for global trade and commerce. Proficient and proper use of English is very important.

In commerce students study about communication, its process, and barrier which will help them to understand how they can improve their communicative skills. In this world of globalization, English is an important means of communication. It helps Indian traders in trading with foreign countries and even helps in establishing collaboration with business overseas.

English language plays a very important role when communicating with international organisations like IMF (International Monetary Fund), WHO (World Health Organisation), WTO (World Trade Organisation), World Bank, etc.

A website is a collection of web pages with a common domain name. Web hosting allows organisations and individuals to post a website or web page onto the internet. It is imperative for every business to have a website to promote their business. 90% of the websites are written in English. Thus, to make customers, the use of English for websites is recommended.

Internet, network of nertworks is a medium to connect with the people and 36% of the internet users communicate in English. Advertisement is a way to promote products and services or event. Large business organisations make use of advertisements to sell their products and services. English as a subject could be used in advertisement. Poetries could be used in setting up ads besides this ,short stories can also serve the purpose of promoting products. For dealing with international business firms, English abridge the gap between business firms in different countries.

Tourism has become an important sector that has an impact on developing the countries'

economy. Its main benefits are income creation and generation of jobs. English as we have already discussed is being used world-wide, so it helps the local people to get connected with the tourists. English is of immense importance to convey the culture and heritage of one's country. So, to earn for an economy English as a language of communication is utmost important.

4. Correlation of Commerce with History— History and commerce are very much inter-related with each other. Both subjects have many things in common. We can have a perfect blend of these two subjects while studying. We can relate these two subjects on certain grounds-

In olden days people used to communicate in distances through pigeons. They used to send letter through pigeons and then slowly and steadily as the time changed the modes of communication also changed. In past they used animals, then letters as mode of communication and nowadays sending and receiving of infor-mation is being done through telephones, fax, mobile phones, e-mails, etc.

In the past, barter system was preferred by the people they used to give goods in exchange of goods instead of money. Now this system is replaced by e-payment or direct payment. To know the evolution of money students need to study history which will help them in knowing how the evolution of money has taken place and why money is being used as a medium of exchange. There are various types of money such as paper money, token money, plastic money, etc. Traditionally people used to deal only in coins and paper money. But now-a-days plastic money has more impact in our daily life.

Tax reform is the process of changing the way taxes are collected or managed by the government and is usually undertaken to improve tax, administration or to provide economic or social benefits." In olden days they follow various methods of collecting taxes like "zasiya kas" etc. but now-a-days the process has been changed a lot. GST has been the biggest tax reform taken place.

Conclusion

Commerce subject is of great importance to societies around the world. It is clear that no subject can stand alone, walled off from outside, and correlation among subjects can play an important role in providing education which develops mental abilities of students. To gain a deeper understanding of commerce as a subject it gets very much essential to relate it with other subjects. When correlation of different subjects is done we get an opportunity to know the practical part of the subject and its relation with real life situation. It helps us to master the content as well as develop higher order thinking skills among students. Correlation of commerce with other subjects will make it interesting for students as well as for teachers.

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Inheritance for Indian Women: The Cultural Aspect

Ravi Inder Kaur

Senior Research Fellow
Department of Sociology, Guru Nanak Dev University, Amritsar (Punjab)

Abstract

Inheritance laws invoking equal dignified share to women in property provides the most important mechanism of women empowerment the 21st century. However the explicit as well as implicit performance of Hindu Succession Act 1956 (as amended in 2005) within the Indian social space questions the underlining structures of Indian society in particular and the larger goal of women emancipation in general. India boastfully stands as country providing equal share to women in inheritance though social norms governing kinship and family adore the self sacrificing ideals of women. The objective of the present study is to explore the hidden social facts regulating the economic dependence of women and to assess the lacunae of the law in implementation. Study employs exploratory research design. The case study method has been adopted for the purpose of data collection. The analysis shows the attitudes of women who used their inheritance rights and the challenges faced by them in the process and aftermath. It also reveals their sense of social insecurity and ridicule suffered at the hands of staunch patriarchal structures of society.

Keywords: *Patriarchal, Inheritance, Succession*

Introduction

The question of women inheritance becomes crucial in present times owing to the inevitable relationship between economic equality and social equality. The inheritance question is directly related to the larger issue of gender mainstreaming placing them at equal footing with men as rightful owners of economic assets. It will further aid in enhancing the status of women which is often deployed to measure a country's scale of development. However the process of ensuring women empowerment is complex, controversial and conflictual in a patriarchal societies like India where culture defines women as inferior and disadvantageously situates her. Constitution and several Acts, commissions and forums earnestly tend to protect and safeguard their interest but the actual cultural space where every legal mechanism has to operate is still dictated by patriarchal values. The Hindu Succession Act of 1956 (as amended in 2005) provides women with rightful and dignified share in ancestral property. The law clearly defines a daughter of a coparcener as a coparcener in her own right in the same manner as the son; having the same rights in the coparcenary property as she would have had if she had been a son; and subjected to the same liabilities with respect to coparcenary property as that of a son. The Act covers and merges the hitherto existing schools of inheritance viz. Dayabhagh and Mitakshara. The road towards gender just property laws have been bumpy and took 58 years to attain its present shape. The legislations prior to Hindu Succession Act of 1956 with latest amendment, gave women succession rights albeit limited one. The issue of succession by women is complex and ambiguous at various junctures. Predominantly

the property of a Hindu female falls under following three heads:

(a) Property inherited by a female from her father or mother.

(b) Property inherited by a female from her husband or father-in-law, and

(c) Property obtained by her from self endeavours.(Diwan: 2013)

While the property inherited by a female from husband is often termed as a valid share and customarily supported, it is her share in parental property which is most contested one. To sum up Indian cultural values prefer disinheriting daughters while maintaining a status quo fro divorced or widows. This cultural schism has lead to numerous litigations and deteriorating warm kinship fabric operative in Indian society. The problem is grim in Northern part of India which is ruled by staunch patriarchal values like male hegemony, daughters as liabilities, son preference and male lineage. Village exogamy is the most potent tool to preserve property, especially land property, intact for male heirs (Rangaswamy: 2012). Kelkar and Krishanraj points out that post-marital residence resulting in village exogamy and patrilocality serves as a barrier for women managing their lands. (Even when sometimes daughters inherit ancestral property in the absence of male heirs, she simply act as a conduit to pass on ancestral property to her sons and their descendents (Raj Mohan Sethi: 2009). The reasons for vehemently disapproving a daughter's share in ancestry are economic as well as cultural. The fear of fragmentation of land is pertinent in agrarian economy of Punjab, whereby after marriage of the daughter the land will be passed onto in-laws family. It is quite inconceivable to give land in dowry to daughters. Socially and culturally, daughters demanding share in property is equated as a defiance to social and kinship norms, the result of which could be stigma and social ostracization. Thus women prefer to renounce the monetary gains of property ownership to preserve filial and agnatic kinship bonds. But as ownership of property directly translates into economic independence prerequisite for emancipation of women from their disadvantaged position, the implementation of inheritance laws in letter and spirit is the need of hour. Further it has been found that women owning immovable property (land or house) face a significantly lower risk of marital violence than property less women.

Objectives of the Study

The study attempts :

(1) to assess the social lacunas in the implementation of Hindu Succession Act 1956.

(2) to explore how culture shapes the attitude of women regarding inheritance.

(3) to study the major challenges faced by women in claiming their rightful share.

Methodology

The universe of study is Amritsar, Punjab. The study employs exploratory research design. The case study method has been adopted for the purpose of data collection as the purpose is to better understand the phenomenon of disinheritance to women. In total ten case studies were undertaken amongst the women who demanded share in ancestral property. Snowball technique was followed to identify the respondents. Detailed interviews with guidelines were conducted. The length of the interviews varied from an hour to two hours. Notes were carefully made and relevant facts were highlighted.

Findings and Discussion

The study has focused only on women who claimed their share in ancestral property as daughters (though after marriage) and exclude widows share husbands property. In total ten case studies were conducted. Out of ten, 5 case studies were conducted on rural women with educational qualifications ranging from primary to matriculation, while the rest conducted in urban areas included women of graduate level. Respondents belonged to the age group of 35-50 years and belonged to Jat caste among Sikhs. Out of these, ten women, seven were widows, while one was divorced living separately from in-laws

and two were married. Major findings of the study are as under:

A. Timing of Claiming inheritance—Out of total, seven respondents claimed the inheritance after the death of the husband. This indicates the value of property as an economic asset to be used in the absence of proper funds. While two respondents demanded the share after the death of father when the partition of property took place. Only one case enumerates the claim by married women on the pretext that she took care of her parents and therefore considers herself the rightful owners to the ancestral property than brothers.

B. Reasons of Claiming inheritance—The major reason for claiming inheritance is economic. Provided that in-laws did not supported the widow and her children financially. In most of the cases, the widow respondents were involved in litigation with In-laws as well regarding claiming the deceased husbands property. Most of them tilted to parental property as a last rescue.

C. Challenges in Claiming inheritance—The most formidable challenge came from married brothers (indirectly it turned out that brother's wife was strongly instrumental in negating daughters their rights). One case study where the women was the adopted child of paternal uncle (Taau ji) and inherited his property, the defiance came from cousin brothers. Another reason for opposing inheritance claims was Dowry. It was asserted by brothers that women have been married off with dowries, hence no further claims can be made by them. Given the exclusion of daughters as heirs to the property of their father, dowry represented-and arguably still represents in the vast majority of Hindu families-daughter's major right in the property of her own family (Carrol, 1991).

D. Consequences of Claiming inheritance—All cases exhibit litigation process for claiming share resulted in severely estranged relationship with brothers, and usual conflicts in courts as well as common marriage functions. Two case studies reveal that the conflict reached up till the attacks on the life of women and harm to the children. Out of total, eight cases reveal that social ridicule was suffered by women at the hands of agnatic kin. Women were told behind their backs as greedy, selfish and unworthy. One case study of widow women shows that the character assassination of the women was resorted to limit her advances. In case of marriage ceremonies of children of these women, especially daughters no invitation was accepted by brothers, rather efforts were made to spoil the feast.

The findings clearly exhibit staunch patriarchal bias against daughters inheritance. This further reflects that a daughter is not considered a constituent member of her father's family (Patel: 2007). As most of the claims are made after the death of husband and in the absence of solid socio-economic security, it implies that the claims were not made out of sheer awareness of rights. May be the claims would have been wilfully signed off to brother if the situation otherwise provided which is usual or say obvious of daughters in Punjab (Jain: 1989). The ideological hold of the patriarchal values is so strong and pervasive that any attempt of women claiming inheritance is represented as an interruption of the ideal pattern of society. This is because men are decision makers not only for themselves but also for women and children. The solidarity and goodwill between brothers and sisters is often given as a reason why daughters seldom claim their right (Sharma:1980). Unfortunately while law attempts to achieve gender parity economically, at the same time litigations involving inheritance have flooded courts. According to Kahlon, amendment of 2005 in HSA has opened channels for litigation, ambiguities, and anomalies only, without giving anything in reality to the daughter. Though Kishwar asserts that it is women's lack of inheritance right which forces them mistakenly to continue viewing dowry as a some sort of inadequate compensation for the denial to them of an equal share in parental property. But the study shows that women who claimed their share were married with dowries (hefty or meagre) still they asserted their claim in the face of economic challenges therein, clearly stating that dowry does not equate to inheritance.

Opposition to claim also came in the form of what Prem Chowdhary states a matter of two shares i.e. a women is entitled to two shares, first in her father's property and second in her deceased husbands property. It is this dual inheritance which the patriarchal forces are determined to curb. However this attack has been on the share of a daughter and not on that of a widow. The latter has always customarily enjoyed the right to inheritance, albeit a limited one (Chowdhary, 1997). The case studies explicitly record the male hegemony on both affinal as well as consanguinal side. While on the affinal side, undivided brothers and their sons exclude the widow and daughter of a deceased brother from inheritance, on the consanguinal front brothers over take their share in prospective goodwill of being an asset to her for lifetime. The promise is seldom kept and women is left to survive on her own. The cultural norms governing inheritance are so strong that the legal mechanisms devised with modern ethics of gender mainstreaming and gender parity fail to yield concrete results (Gupta,2002). Effective implementation of Hindu succession act remains a big question to the policy makers as well to women who dare to claim their share in the troubled waters of social ridicule, ostracism and exclusion. Nevertheless women have come forward to assert their rights despite of the huge social and moral cost involved. The most common underlining feature revealed in the study points that road to claiming inheritance is extremely difficult in the wake of lack of political will in providing effective rights to women.

Conclusion

As every law has to operate in a social space and its efficiency is either enhanced or marred by dynamics of the socio- cultural space, accounting the cultural aspects governing inheritance in a traditionally oriented Punjabi society is significant. No doubt law has placed women on the equal footing with men with respect to inheritance of property but the rightful enjoyment of such rights is still a distant dream. The dream becomes more awful for daughters claiming share in ancestral property. Various factors have come

to light leading to agony of claimants, the most predominant being the cultural values which situate girl as *paraya dhan* (others property) and son as the only rightful heir to the property. The study has reinforced the social facts of oppression of women where they are either forced to sign away their share to brothers or hardly allowed to have effective control over land even after winning judicial verdicts. The result is long and taxing process of litigations which further drain women economically. Therefore there is an urgent need to secure daughters claim to ancestral property because once disinherited as daughters, most rural women for the major part of their lives have no landed property of their own (Agarwal, 1999). With time, women's assertion of their inheritance rights would grow because of increasing legal awareness among women, values of individualism weakening marriage, increasing likelihood of female-headed households owing to male outmigration and most importantly erosion of kinship support systems. Therefore an independent command over ancestral property would provide better livelihood choices to women, in addition, strengthening her identity as an inalienable part of natal family and significantly reducing their social and economic vulnerability in chaotic times.

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Ethical and Legal Controversies Related with Embryonic Stem Cell Research

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Pradeep Kumar

Assistant District Attorney
Sohna, Gurugram (Haryana)

Abstract

The discovery of stem cells particularly embryonic stem cells with its possible clinical application has generated great curiosity amongst medical professionals and general public. Embryonic stem cell research has become a challenging issue for biomedical scientists, policy makers and regulatory bodies. The key controversial issue is the determination of moral and legal status of the embryo as embryo stem cell research involves retrieving embryonic tissue from spare embryos leading to their destruction. This embryo that has the full capacity to develop into a human being is sacrificed for the benefit of others. Global regulations monitoring stem cell research are also troubled with similar ethical and moral issues associated with it. The main source of embryonic tissue is the spare or supernumerary embryos created during infertility treatment by artificial reproductive techniques (ART). Sadly, in absence of regulatory provisions to govern them, the field of ART is open for all forms of medical malpractices bearing direct implications on embryonic stem cell research. This article is an attempt to seek clarity on the concept of embryonic stem cell research and contentious issues associated with it. This article is prepared to regulate and facilitate ethical and legal HESC research that addresses the regulatory challenges and has feature of transparency and accountability

Keywords: *Stem Cells, Embryonic Stem Cell Research, ART, Global regulation*

Introduction

Stem cell research has offered a new viable therapeutic option for debilitating diseases, injuries and other diseased conditions. The scope of stem cell based treatment has expanded in recent years due to advances in stem cell research and technologies. Now, stem cell based treatments have been established as standard clinical care in certain disorders like use of hematopoietic stem cells in leukemia or use of limbal stem cells in corneal disorder. Stem cell technology is speedily increasing within the field of regenerative medicine, granting de novo production of functional tissue and providing for brand new diagnostic and therapeutic capabilities that will surpass the risk benefit ratio of typical existing reparative treatment modalities

e.g. organ transplantation, rejuvenation of tissues.[1] The hype created by this discovery and so claimed by many research scientists has made people believe that something significant is happening. Whatever promising future clinical application it holds, stem cell research especially embryonic stem cell research is associated with ethical, social and legal controversies.

What is so unethical about embryonic stem cell research? The major conflicting unethical issue identified with this research is extraction of embryonic stem cells by embryo destruction. The very embryo which has the capacity to become a human being is destroyed at the onset of its potentiality of becoming one of us. The current view about any clinical research is to look it from the viewpoint of cardinal research principles of

autonomy, justice, non-malfeasance and human dignity .Any research which stands to violate these principles is bound to suffer from moral, ethical and legal controversies. A research that involves embryo destruction will find it difficult to accommodate itself within these cardinal principles.

Definition and Platforms of Stem cells

Stem cells are one of the human body's master cells with the ability to grow into any one of the body's more than 200 cell types.[2] They are unspecialized and undifferentiated cells capable of self proliferation, migration and differentiation. The distinct characteristic associated with the stem cell is their potential of self renewal and capacity to differentiate into specialized cell. In short they are immature precursor cells with a capacity to specialize and differentiate into a mature specialized cell.

- Embryonic Stem Cells (ESCs): These are the first differentiation after fertilization of cells of the embryo proper. They are derived from inner cells of blastocyst. They are not totipotent but pluripotent and capable of forming all other cells of the body.
- Adults Stem Cells : These are derived from bone marrow, peripheral blood, tissues, muscles, adipose tissues, cartilage etc. They are pluripotent and have tendency to migrate to the sites of inflammation.
- Umbilical Cord Blood Stem Cells and Placental Stem Cells: Stem cells can be isolated from the umbilical cord blood and placenta. They are multipotent in nature.

Further based on their capacity to divide and differentiate they may be totipotent, pluripotent or multipotent. Totipotent stem cells give rise to all different types of stem cells in the body including a living organism, pluripotent stem cells give rise to any type of cell except those required to form a foetus. And multipotent stem cells give rise to specific different type of cells.

Human Embryonic Stem Cells(HESCs) Sources

HESCs are derived from the inner cell mass of human blastocysts. Blastocysts is formed five days after fertilization of the egg by the sperm. The extraction of HESCs from inner cell mass for research purpose leads to the destruction of the embryo. The legislation of the most countries including India allow use of spare or super supernumerary embryos during in vitro fertilization. There is disagreement over whether it is appropriate to create embryos solely for research purposes and what techniques should be used to create those embryos.[3]

As earlier mentioned, the extraction of HESCs from inner cell mass for research purpose leads to the destruction of the embryo. So what is wrong with destroying embryos? Most of these arguments about the rightness and wrongness of embryo destruction are based on the moral status of the embryo. The moral wrongness associated with embryo destruction will not only make the research impermissible but also deny the potential benefits from this research. The use of human embryonic tissues for research poses a moral problem as it brings two highly valued but conflicting moral principles. The inherent duty to provide treatment to ease pain and suffering on one hand and the value of human life and dignity on the other. The extraction of stem cells from human embryos violates the second principle as it leads the destruction of potential human life. Both principles cannot coexist together but which principle takes precedence is rather contentious issue. How the embryo should be considered from moral or legal point of view is the main debatable issue associated with HESC research?

Deciding the Moral Status of the Embryo

It is very difficult to ascertain the moral status of the embryo as it varies. There are different views about this moral status. The leading views deliberate that the embryo has the status of persons or potential persons or divine creations or subjects of moral harm or beginning of human life with intrinsic valuer organic material with no moral standing than other body parts.[4] The development of human life or person is an evolving process starting from fertilization to the birth of a newborn. The early stages of development

mostly compromise of cellular differentiation whereas at the end the foetus assumes its full form both in physical and functional status. There is no clear cut demarcation during this process of physical development as to when personhood is acquired. At one end of the spectrum of views on this issue is the belief that the embryo, from the moment of conception, is created by God and is a person in its own right with the same moral status as an adult human. Those who hold this view, say that it is wrong to destroy embryos of any gestational age for any purpose.

A substitute stance is that the embryo acquires the full personal identity and the ethical and legal rights that cums with his status, step by step during the process of development occurring between conception and birth. The embryo in its early stage is a cellular structure and don`t have the psychological, emotional and intellectual characteristics that we tend to attribute with individuality. It, is therefore follows that if human embryos does not fulfill the criteria for personhood. It does not have any interest to be protected and thus may be instrumentally used for the benefit of other human persons.

There is another viewpoint of the "relative value" of human embryos, more than cells but less than persons. This view states that embryos deserves respect but not to the same extent as a fully developed person.[5] In accordance with this argument, the moral status of a human embryo increases in a stepwise manner through its development in the uterus and at the point of birth, it is entitled to enjoy full rights of human beings.[6] From the entire deliberations one can conclude that the human embryo deserves respect but it cannot be considered as a person as it lacks the essential attributes of personhood.

Legal and Constitutional Status of Embryo/ Unborn foetus

The Universal declaration of Human Rights in its Article 1 says that "All Human beings are born free and equal in dignity and rights".[7] The word "Born was used to exclude foetus and embryo from granting Human Rights. An amendment was proposed and rejected that would have

deleted the word "born" as it was deliberated to protect the rights to life from the movement of conception.[8]

Even the convention on the rights of child does not recognize the right to life until birth. Thus, a foetus has no rights under UDHR. The main standard for the protection of the Human Rights in general international law is Article 6 of **the Covenant on Civil and Political Rights** (CCPR) which describes "Every Human beings has the inherent right to life." However, the phraseology of the norm does not outline the term "Human beings." The unborn foetus has full potential to become human beings in right environment.

The liberal interpretation of the above fundamental rights, one can conclude that the unborn foetus, from the conception till birth, has a right of life and it is immaterial whether the foetus is created in vitro or in vivo. Now, if this standard were transfer to all forms of unborn life, not only would research with embryonic stem cells infringe upon article 6 CCPR, but the legality of liberal abortion laws would also be highly debatable.[9]

The section of **the Transfer of Property Act, 1882** deals with the transfer of property for the benefit of unborn person. Here the status has defined the unborn as legal person by fiction. From the above legal provision it is cleared that the unborn foetus is protected against potential harm in the same manner as the fundamental rights of non-interference with personal life and integrity guaranteed to a human person. If embryo is granted the status of person hood then they too will have the right of not to be harmed or killed with imposed obligations of not to do so. The lack of clarity of the status of embryo and deliberations put forth by constitutions of various countries and decision given by competent courts it can be assumed that foetuses are not a person and hence can not enjoy fundamental constitutional rights meant for human beings for person.

The basic fundamental right to life is guaranteed by the Article 21 of the Constitution of India. It says that no person shall be deprived of his life or

personal liberty except according to procedure established by law. Even here the term "person" is not defined.

The Indian Legal System provide for the protection of the rights of the foetus through sections 312 to 318 of **the Indian Penal Code** which deals with miscarriage. Sec. 315 IPC deals with " Act done with intent to prevent child being born alive or to cause it to be die after birth and sec. 316 IPC deals with "Causing death of a quick unborn child by act amounting to culpable homicide. In the above penal provisions, the unborn child is being protected from any act which prevents it from being born and also provides punishments for causing its death which is considered equivalent to culpable homicide.

Sec. 416 of **the Code of Criminal Procedure Act 1973** provides for postponement of capital sentence of pregnant woman and also to commutes the sentence to life imprisonment in such circumstances. This provision is made to protect the life of unborn foetus as it has nothing to do with the act committed by the pregnant women. Here the legislation has considered the unborn foetus as a distinct and separate individual/entity with the right of protection against potential harm.

Value of Embryos

The spare embryos which are the outcome of infertility treatment are the essential sources of embryonic tissue. These embryos can either be used for embryonic stem cells research or can be discarded as left over material once the objective of infertility treatment is achieved. The transformation of discarded embryos into stem cells has been referred to by one scientist as the process of turning 'Garbage into Gold'.[10] The child intending couples have to make emotional, physical and financial investment to reap the benefits in terms of successful pregnancy though this beneficial outcome cannot always be guaranteed. The so considered waste material has economic value considering the initial substantive financial and emotional/physical cost incurred by these donors and also the potential

commercial value associated with the result of embryonic stem cells research using such embryos might be tremendous. Pharmaceutical and biotech companies with all substantive commercial profit that may eventually flow from this work. This raises an important question about the right of the donor couple to seek or claim financial stake or compensation most commentators support or ban on the sale of embryos. It is illegal for gametes to be bought or sold. However, the issue of making payments to gamete donors or embryos donors remains ethically controversial as it may lead to "commodification of the body".

Global Legislation Governing Embryonic Stem Cell Research

Legislation governing human embryonic stem cell research has not uniform and varies from country to country.[11] Most of them have allowed use of spare or supernumerary embryos created during in-vitro fertilization for this purpose but have prohibited creation of human embryos specifically for research purposes.

The use of spare or excess embryos is subjected to certain provisions like informed consent, donation of embryos without financial compensation and restriction in the use of embryos not beyond 14 days. Few countries have put prohibitions buying and selling of gametes, fertilized eggs, embryos and foetal tissues but some countries with more liberal view have allowed creation of human embryos for research purposes with somatic cell nuclear transfer technique as well as supernumerary embryos for procurement of human embryonic stem cells.

India has allowed establishment of new HESC lines with spare, supernumerary embryo with prior approval of **the Institutional Committee for Stem Cell Research and Therapy** (IC-SCRT) and **Institutional Ethical Committee** (IEC) provided appropriate concerned his obtain from the donor as per the draft guidelines.

Need of Definitive Legislation

Since the spare embryos created during infertility treatment are the most valuable source

of embryos, India lacks in having a definitive legislation regulating artificial reproductive technologies (ART). The existing guidelines directing stem cell research including embryonic stem cell are prepared by the Indian Council for Medical Research(ICMR).These recommending guidelines have two inherent defects. One, these guidelines do not have any legal defect and second, it has no penal provision for violating the rules/policies mentioned in these guidelines. The absence of effective legislation will raise serious objection regarding the rights the rights of the donor of embryos, number of spare embryos, quality of embryos, preservation and disposable of frozen embryos etc. The presence of effective legislation will help to regulate the activities of ART clinics by imposing strict accountability and responsibility through penal provisions. Registration of ART clinics should be made mandatory and subjected to periodic supervision to ensure high standard of norms, care, quality of treatment and facilities offered by them specifically in view of use, disposal and preservations of embryos.

The rights and autonomy of the donor of gametes should be adequately protected. Informed consent of donor regarding the use and destruction of the spare embryos should be taken. The question of financial compensation given to them should be adequately addressed keeping into mind the relevant existing rules and regulations of the country. Legislation similarly on the lines of the human Fertilization and Embryos Act, as prevalent in the United Kingdom, will help to lessen the problems associated with ART.

Conclusion

The possibilities offered by adult and embryonic stem cells in the treatment of various diseases have created widespread excitement globally. The clinical application of stem cells and its outcome is not clear and hence their potential use need to be ascertained by evidence before accepting them as safe and effective treatment. Though stem cell based therapies are in early stage of clinical development later on they may turn out to be expensive in nature and thus affordable to only wealthy few. This might create social injustice and inequality and both are in violation of basic principles of clinical research. The challenge is to ensure that it is available to all patients who need them. The issue related to the source of embryonic tissues still lie unresolved and many more are likely to appear especially if non embryonic sources of pluripotent stem cells become available. The science of medicine is always evolving and any new scientific discovery is associated with some or the other ethical or legal issue.

Ethical issues will remain, but they are the issues that arise in bringing any new discovery out of the lab into clinical research and then clinical use. The more apt and liberal use of ethical and legal principles will help to resolve them and bring these discoveries in reality for the benefit of needy patients.

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Vedic Science as a Healer to Struggle between Science and Theology

Dr. Nipun Chaudhary

Assistant Professor, Department of English
Lovely Professional University, Phagwara (Punjab)

Abstract

Are we biased towards theology? Can experimentation method be applied on it? The yogic science of Vedas aims not just at the knowledge of the world but an understanding of Knower. Spirituality through Yoga and Vedanta has always been conceived of as a science, a way of knowledge to be approached with reason and experimentation through Yoga and meditation leading to the direct perception of truth. Other Indic systems of thought like Buddhism and Jainism have shared similar views. Unlike medieval Europe, traditional India never saw a conflict between science and spirituality. It never suppressed science or art in favor of religion. Rather its arts and sciences developed in harmony with spirituality. However, it did discriminate between the material and the spiritual sciences. We must employ the right instrument of knowledge to gain adequate knowledge. One cannot see the Sun with one's ears, for example. Only the eyes will reveal the light of the Sun. Similarly, the appropriate instrument for knowing the universal Being is not a limited instrument which looks externally, like a telescope, but the silent mind that is able to see within. This paper will explore various concepts like Kaal, Shabd and Chetna and their role in forming a person's personality.

Keywords: *Theology, Vedas, Ancient Knowledge, Shabd, Kaal*

Introduciton

Real science consists of an objective pursuit of truth through observation and experimentation. It occurs apart from any beliefs or preconceptions about what it is going to find. It is based upon reason and direct perception, in which the reality is allowed to reveal itself to the unbiased eye. However, the universe we live in is a multidimensional reality from the subatomic to the supragalactic in the realm of physics alone. Biology, medicine, psychology and the social sciences require different perspectives and approaches to deal with appropriately. On top of these are subtle forces and influences, extrasensory, occult and spiritual that many people claim to experience as well and have developed special methods of working with.

Besides any knowledge of the external world is the knowledge of the internal world, the peren-nial quest for Self-knowledge or knowledge of our true nature, as evidenced by the most primary and important of all life's many questions, "Who am I." This inner quest or inner science can be very different in approach than the outer sciences. From an Indian perspective, we can call this inner science of Self-knowledge, 'yogic science'. Traditional Yoga and Vedanta also has its goal as the objective pursuit of truth. But it aims at the supreme truth which is the eternal, that truth which never changes. It regards relative truths up to and including the very existence of the external world itself as ultimately an illusion because these eventually, at one time or level or another, are found not to be valid. This yogic science aims not just at the knowledge of the world but an understanding of Knower. In India, science and spirituality have always gone

together. Spirituality through Yoga and Vedanta has always been conceived of as a science, a way of knowledge to be approached with reason and experimentation through Yoga and meditation leading to the direct perception of truth. Other Indic systems of thought like Buddhism and Jainism have shared similar views.

Veda itself means knowledge, deriving from the Sanskrit root 'vid' meaning to know, to see or to cognize. The Vedas are called Vidyas which means ways of knowledge or perception. The Vedas we might say are the Vidyas or videos of the sages shown on the inner screen of the meditative mind. They were said to have been cognized by the human mind in tune with the universal being or Brahman. The Vedas address all aspects of existence through Dharma, the natural laws that uphold the universe, which reflect not only matter and energy but life, mind and consciousness. As such, the Vedas constitute what could be called a science in the modern sense of the word and much more. We can find among the Vedic sciences a whole range of sciences from astronomy and chemistry to psychology and surgery, extending to astrology and to the science of Yoga itself. We can call this integral approach to both the spiritual and material sciences as 'Vedic science'. Unlike medieval Europe, traditional India never saw a conflict between science and spirituality. It never suppressed science or art in favor of religion. Rather its arts and sciences developed in harmony with spirituality. However, it did discriminate between the material and the spiritual sciences.

The *Mundaka Upanishad* makes this clear. "Two sciences are to be known, the higher and the lower. The higher is through which the eternal is known." The lower knowledge consists of the outer forms of knowledge through which the transient factors are known, the aspects of name, form and action. The higher knowledge is Self-knowledge through which the nameless, formless being is known. This division of the higher and lower forms of knowledge reflects the Vedantic definition of reality as that which is eternal and the transient as an illusion. Because

of this orientation, historically in India the inner or spiritual science gained the greatest attention, though the outer sciences were not neglected.

The lower sciences, moreover, can similarly be divided into two groups. The first are the usual material sciences like astronomy and medicine such as formulated in modern science. Second are what could be called 'occult sciences' like astrology and Vastu, which modern science has generally neglected or rejected, which suggest subtle influences of intelligence pervading the forces of nature. While the Vedic mind never saw a real division between these two types of outer sciences (for example, Vedic Jyotish includes both astronomy and astrology), since the modern mind does, it is important to note this distinction.

However, the distinction between the outer and inner sciences was never meant as a radical division. *In the Vedic view, one can approach the outer sciences with an inner vision and turn them into inner sciences as well.* In this way, the outer sciences can become inner sciences. That is why we find such diverse subjects from astronomy and mathematics, to music and even grammar defined as paths of Yoga or spiritual paths. We find the same groups of Vedic seers working with and developing the outer as well as the inner sciences from the most ancient times, not finding working with one to necessarily is contrary to working with the other. It remains possible to approach such outer sciences as physics as spiritual paths or paths of Yoga. They can be part of an inner science of Self-realization if one uses them to connect to the universal Being and Consciousness within the world and within ourselves. Much of modern physics is heading in this direction as it looks for an underlying consciousness to explain the underlying unity of the laws of physics.

Some scholars have said that this Indian emphasis on spirituality prevented the outer sciences from developing in India, since the outer sciences were not given the same priority. But we must remember that the dark ages in India came later than in the West, with repeated foreign invasions and conquests disrupting the country

from 1000 AD to 1800 AD. Had this not occurred India would have likely played a greater role in the development of modern science. Today we find many scientists coming out of India and many of these feel quite in harmony with Yoga, Vedanta and Buddhism as well as with modern science. Science rests upon a definition of what constitutes the right means of knowledge through which something can be known. Science, like the classical philosophies of India, recognizes the validity of sensory perception and reason as the main means at our ordinary disposal for gaining authentic knowledge about the world and about ourselves. Yet science is not content with what the senses present us as reality, any more than the mystic or yogi is, though science builds upon rather than rejects what the senses show. Science has created a vast array of special instruments and equipment from microscopes and telescopes that can greatly increase the range of our physical senses. It has added other instruments like radio telescopes which bring in information about the universe from means that are related to but outside the scope of our ordinary senses. It has created special computers to extend the range of computation as well.

While Vedic science recognizes the importance of sensory perception and reason, it considers that there is another, more reliable and internal source of knowledge, particularly necessary for understanding the inner or spiritual world. This is the direct perception of the silent or meditative mind. Vedic thought holds that the best instrument of knowledge is the silent mind. This allows the mind itself, like an unflawed mirror, to directly reflect reality inside oneself. The mind becomes a reliable instrument of direct knowledge beyond the limitations of the senses. This silent mind is clearly defined in the *Yoga Sutras* of Patanjali and other texts as the state of *Samadhi*. When the mind is in a state of peace and balance it becomes capable of directly perceiving the nature of things, which is consciousness and bliss. *Samadhi* is a means of knowledge in yogic thought, which opens up the inner world of the mind as clearly as our eyes open up the outer world of the senses.

We must employ the right instrument of knowledge to gain adequate knowledge something. One cannot see the Sun with one's ears, for example. Only the eyes will reveal the light of the Sun. Similarly, the appropriate instrument for knowing the universal Being is not a limited instrument which looks externally, like a telescope, but the silent mind that is able to see within. Yet while *samadhi* may not be ordinarily recognized means of knowledge in science, we must note that many great scientific discoveries have been made by scientists when they were in the reverie of the inspired, concentrated or peaceful mind. Those who do deep research or concentrating thinking also develop the mind in a yogic way that can fall into *samadhi*, even without knowing what the state is! One could argue that all great discoveries or inspirations arise in a samadhi-like state of absorption and concentration. Yet *samadhis* cannot be taken without scrutiny either and, like any source of knowledge, they also can be limited, mixed or partial.

Clearly, the outer or material science has its value in helping us to understand and utilize the forces of the outer world. It gives us better technology which can make our lives easier. But when it comes to the inner world, scientific knowledge is often either indirect or misleading. For the inner knowledge, we need to cultivate the yogic sciences with their understanding not only of the physical universe but of the subtle forces behind the senses and of our true nature beyond time and space. After all the ultimate questions of human life, whether at a personal or a scientific level, are – "What in us can survive death?"and "How can we gain immortality?" Religions ordinary try to answer such question by faiths, telling us to believe in something of this nature but not showing us how to directly perceive it for ourselves. Yogic science and similar forms of mysticism show us how to know the immortal and eternal in our own minds and hearts. This means that however practical the outer sciences may be for dealing with the external world, our deeper human quest is best addressed through the inner sciences.

Vedic Sciences include both subtle or occult sciences like astrology and the inner science of Self-knowledge through Yoga and Vedanta. Yet it sees all sciences as related. All knowledge is ultimately self-knowledge. Our true self is not merely the human or psychological self but the universal Self. Each one of us is a unique manifestation of the universal consciousness, a human embodiment of it, but our true being is one with the entire universe, with all beings, and ultimately with the Absolute beyond all time and space (Parabrahman). The key even to understanding medicine or physics is to look at the forces of the universe as existing both within and around us as powers of consciousness – to our true being in the universe and the entire universe within ourselves.

If we live in a conscious universe, then the lights of the stars which illumine our world must reflect some power of consciousness as well. Jyotish or Vedic astrology is aimed at helping us understand how the lights of the stars and planets affect our own bodies and minds and the fate of our world as a whole. Time is not simply a force of physics but a power of intelligence and a process of the manifestation of consciousness. Vedic astrology helps us understand the karmic influences coming to us from the greater universe as channeled through the sun, moon and planets of the solar system. It holds that time is not simply neutral or a mere continuum but reflects various rhythms which project forces that affect the life and karma of living beings.

That time is projecting karma through the movement of the luminaries or heavenly bodies is an idea that seems illogical to modern science. But if we recognize that the universe is pervaded by consciousness, we can recognize that light ultimately is a power of consciousness, which means that astronomy must recognize astrology. Astronomers have often complained that astrology is illogical. Yet actions that go beyond time and space or the ordinary laws of physics are part and parcel of the new physics. With its quarks and quasars, its uncertainty principle and quantum mechanics, physics does not appear any stranger than astrology. Such subtle connections of the new physics may provide some eventual credence for astrology as well.

We mock at something which we can't understand. Same people did it when they came into India. Every language is based on alphabets or in broader sense symbols which are mortal or myth, created only to facilitate our routine works. Eg. I am hungry. The word 'Hungry' indicates present need here. It is like 'I am Ph. D. in English so I am literate but I don't know Sanskrit so from the prospect of Sanskrit, I am illiterate'. It clearly shows that the meaning of word 'Literate' and 'Illiterate' doesn't have any uniformity.

The next thing which is important to notify here is that 'We can never know an immortal thing with a mortal thing'. Thus the supreme soul can never be understood through alphabets. That's why we say that the supreme soul can never be understood through arguments because arguments are made by alphabets and alphabets are mortal. The practice of combining words is to create flow in Sanskrit because 'maan is chanchal' and if too many pauses happen between connecting soul with the supreme soul, 'maan' will be distracted. It is this 'flow' only which makes Sanskrit best for Computer programming. It increases the speed of data transfer.

Sanskrit is the only language amongst other popular languages which majorly focuses on rhythm or sounds. We call it 'shabd'. We can practice this 'shabd' through Vedas if we are literate. God is immortal, soul is immortal and 'shabd' is also immortal. Thus they can remain with each other for eternity. Eg. We do Guna Milan before marriage in India so that people with similar nature can be married which will make the relationship 'long lasting'. 'Shabd' travels into cosmos even after earth is destroyed. It is on earth because of its gravitational force. And this force will be reduced on judgement day. We say that Vedas cannot be cut, nor they can be burnt. We are talking about the 'shabd' or the 'sound' here and not the alphabets.

Thus 'shabd', through the mode of Vedas, is the most **natural** way of connecting our soul with

the supreme soul or 'Paramatma'. Eg. Absence of too many words in Shashtriya Sangeet. The symbol of 'Krishna playing flute' shows that 'shabd' or sound is originated from the mouth of the supreme soul. His playing flute gives relief to his devotees even if Krishna is too far. It shows that distance doesn't matter for both 'kaal' and 'shabd'. 'Gopis' were illiterate (unaware about alphabets) so they can't connect with the supreme soul through Vedas. The flute is a facilitator here. Language is a structure of alphabets and grammatical rules which is made by human beings who are mortal. Thus we cannot understand immortal or 'parmatma' through any language created by human beings because all languages are mortal.

When we practice meditation, we connect our soul to the supreme soul with the help of 'shabd' or sound. It is introduced to the world through Vedic people. Thus they knew more about science than we do. Karmic cycle can only be broken through 'self realization' or 'swachetana' which can be achieved through meditation. Vedas say that there are various planets having life. The people who implanted human beings in Egypt were human beings, although from an advanced generation. Dogs had a tendency of putting their tail between their legs and running when they are afraid. It is similar in both American and Indian dog because they belong to the same community. So they think similarly.

The Vedic people knew more about cosmic energy than us with the help of Vedas which were introduced to them by the human beings of advanced generation who implanted us on earth. Our love towards songs in the movies clearly suggests our love towards Vedas. Our souls are always hungry for 'shabd' because it the catalyst or channel through which our soul is connected from the supreme soul. So we should never forget 'shabd' in learning 'akshara' or alphabet.

Conclusion

To conclude we can say that the tradition in any circumstance cannot be ignored or overlooked as an irrelevant or outdated thing. The attitude of the Vedic people of protecting their social and cultural beliefs can be a key to the contemporary generation. Once we recognize the place and value of both the outer and inner sciences, we can learn to use both to improve our lives on all levels. This should be our real work as a species and it can be a great adventure of discovery and transformation. This universal pursuit of knowledge can be used to set aside our political and religious differences, which are not a matter of truth or direct perception but of clashing beliefs and opinions. The ultimate unity of science and spirituality can provide a light forward to a true global age of peace and harmony. In such a world the inner technologies of Yoga will be found to be as important as the latest advances in technology, if not more so.

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Role of Women in Governance: A study of District Hamirpur (H.P.)

Dr. Sarita Bansal

Assistant Professor, Department of Public Administration
Dr. Y.S. Parmar, P.G. College, Nahan, Sirmaur (Himachal Pradesh)

Abstract

Himachal Pradesh has shown remarkable progress in women's development within a span of few decades. Women are repositories of culture and traditional knowledge. Status of women and their progress is important for evolution of society. The state has shown high sex ratio (972), female literacy (75.93%) and work participation (44.82%).Since sex ratio is a determining factor. Women's representation and leadership tend to be confined to areas that are traditionally 'feminine' such as social welfare. Women are underrepresented not only in the political sphere but also in decision-making within the private sector, at the village level and in civil society. It cannot be denied that the 73rd and the 74th constitutional amendments-mandating 33 per cent reservation of seats for women in rural and urban local bodies respectively-have undoubtedly revolutionized the social construct of the Indian Society. State legislative assembly is also under represented only 3 women are elected representatives out of 68. In panchayats women hold good percentage (50.54%).At present 21.2 percent of total government employees in H.P. are women. Women's representation in informal decision-making processes is often more common than their representation in formal positions and structures, but it tends to be hidden and therefore not as highly valued as it should be. In order to deepen democracy at the local, national and international level, it is important to ensure that women and men are able to participate on equal terms in both formal and informal decision-making structures. For this research paper we have taken a district with highest literacy rate and highest sex ratio in Himachal Pradesh i.e. Hamirpur. In this paper we have tried to analyse all the gender related aspects to determine the actual role of women in governance in the District.

Keywords: *Women, Gender, Sex Ratio, Participation, Representation*

Introduction

Women's role in governance is a process of awareness and capacity building leading to greater participation, to greater decision making , power and control, and to transform action. The participation of women in governance has made a significant impact on their empowerment. This is proving to be a helpful instrument for the empowerment of women. It is an important institution for improving life of women on various social components. In recent years, empowerment of women has been recognized as a central issue in determining the status of women. Empowerment is an active process of enabling women to realize their full identity and power in all spheres of life. It can serve as a powerful instrument for women to achieve upward social & economic mobility as well as power & status in society.

Research Methodology

The present paper addresses women's role in governance in Hamirpur district of Himachal Pradesh. From the assessment of various gender

related secondary data of the district and with the help of various research articles and literature related to the study of the status of women in the district a consolidated, comparative and brief analysis of various gender related indicators like literacy rate, sex ratio, crime against women, work force participation and women representation in local level administration we have attempted to find out the real role of women in governance in district Hamirpur.

Hamirpur

Profile—Hamirpur is the smallest district of Himachal Pradesh out of its 12 districts.With an area of 1,118 sq Km,it is located on the western side of the state, close of the Punjab Border. There are four administrative sub-divisions, six development blocks, 229 Gram Panchayats, and 1,694 revenue villages in the district. Hamirpur's total population was 454,00 as of the 2011 Census. The population is predominantly rural, at 93 percent.

It is also known as Martyr's Land(Veer Bhumi). It is most educated District of Himachal and has highest density of roads amongst all districts of India.

Divisions—The district comprises 4 sub-divisions: Hamirpur, Barsar, Nadaun and Bhoranj. Hamirpur sub-division consists 2 tehsils: Hamirpur and Sujanpur. Barsar, Nadaun and Bhoranj sub-divisions comprise only one tehsil: Barsar, Nadaun and Bhoranj respectively. There are five Vidhan Sabha constituencies in this district: Barsar, Hamirpur, Sujanpur, Nadaun and Bhoranj. All of these are part of the Hamirpur Lok Sabha constituency.

Demography—According to the 2011 census, Hamirpur district has a population of 454,768, roughly equal to the nation of Malta. This gives it a ranking of 550th in India (out of a total of 640). The district has a population density of 407 inhabitants per square kilometre (1,050/sq mi). Its population growth rate over the decade 2001–2011 was 10.19%. Hamirpur has a sex ratio of 1095 females for every 1000 males.

Sex Ratio—Male-Female Percentage of Population 2011 Census (Data of District Hamirpur)

Total Male (47.73 percent) Female (52.27 percent) Rural Male (47.42 percent) Female (52.58 percent) Urban Male (51.93 percent) Female (48.07 percent) District wise female per thousand males(Data of District Hamirpur)

1981 census (1149)

1991 census (1105)

2001 census (1099)

2011 census(1095)

Population of **females per thousand males** in the age group of 0-6 years (Data of District Hamirpur)

1981(972), 1991(938), 2001(850), 2011(887)

This drastic fall in the birth rate of the girl child is not only damaging to our social fabric but will also have other far-reaching consequences. It appears that the malady of sex-determination tests and the subsequent abortion of female foetuses, which is widely prevalent in Punjab and Haryana, has caught up with the people living in these HP districts, which are contiguous to the plains. Ironically, the girl child is revered as *kanjak* in this land of gods and goddesses.

The number of women per 1000 men (sex ratio) which was 958 in 1971 increased to 972 in 2011. In Hamirpur district 1095 in 2011.The total marital fertility rate of Himachal Pradesh was 1.2 as compared to All India 3.2 in 2011.

Literacy rate—In 2011 the overall literacy rate was about 82.80% with male literacy rate 89.53% and female literacy rate 75.93%. As per the census 2011 the highest literacy rate both male and female was in Hamirpur district 94.36% & 82.62% respectively.

Analysis of above data regarding literacy and sex ratio suggests that the higher level of female literacy and lower is the child sex ratio.It indicates higher usage of sex determination tests by fair or foul means by literate people more.

Work Force Participation Rate-2011

Work Force Participation Rate as per the results of census of India 2011 in Himachal Pradesh

about 51.85% population was in the work force of which the male work force about 58.69% and the female work force was about 44.82%. About 47.40% of women in rural areas and 19.88% of women in urban areas as compared to 59.04% men in rural areas and 55.72% men in urban areas were in the work force.

Human Development is viewed as composite of indices, namely economic empowerment, health and educational status. Women economic empowerment, their participation in the work is n important component towards measuring the Gender equality or inequality. Since per capita income continues to be important indicator of economic well being, the data constraints make it unable to estimate the per capita income of women in the state, another data gap if looked at from the gender perspective. Further a large number of women work in the farms, their own agricultural lands, where their wages are not measurable and neither counted anywhere.

Himachali women work in the fields with the same ease as they tend to their home and hearth. The majority of the men in Kangra and Hamirpur districts join the defence forces, while their women take care of the family and fields in their absence. It should be a matter of concern to social scientists that why the hardworking hill woman is facing a threat to her very existence?

Working Population in District Hamirpur

In Hamirpur district out of total population 241,931 were engaged in work activities. 52.1% of workers describe their work as Main Work (Employment or Earning more than 6 months) while 47.9% were involved in Marginal activity providing livelihood for less than 6 months. Of 241,931 workers engaged in Main work 53,974 were cultivators (owner or co-owner) While 3,475 were Agricultural labourer.

	Total	Male	Female
Main Workers	126,153	75,390	50,763
Cultivators	53,974	17,432	36,542
Agricultural Labourer	3,475	1,630	1,845
Household Industries	1,775	1,341	434

	Total	Male	Female
Other Workers	66,929	54,987	11,942
Marginal Workers	115,778	43,334	72,444
Non Working	212,837	98,346	114,491

Source: Census 2011

Female Work Participation Rate in Hamirpur according to 2001 census was 48.74% and it ranked 4th in the whole state.In the 2011 census it improved a little in its work participation rate i.e. 51.83% and ranked 6th in al the 12 districts of Himachal Pradesh.

75% of Mandays were generated for women in Hamirpur district under **MNREGA** in 2013-14 this is second highest percentage after Mandi District who topped the position with a minor grace percentage of 76%.

Number of Crimes against women in Hamirpur District

In the year 2010 total 107 cases were recorded as crimes against women in the district ,the situation according to the available data shows that the situation gets better in the year 2011 and 2012 because the recoded crimes were less i.e. 61 and 63 respectively but again in the year it rose to the number of 110.

Crimes against women is a universal phenomena prevalent in every society irrespective of the social or economic class to which the women belong crime and violence committed against women in the society is the prime obstacle for women to go forward and achieve the goal of success in her life Gender Violence is the greatest manifestation of gender bias and gender inequality. It is difficult to acquire accurate data on violence against women because of the social, cultural and legal barriers, lack of evidences and amount of secrecy and sensitivity involved.

Women and Decision Making

A consolidated analysis of the state's data clearly depicts the status of women in decision making. Decision making is the foremost step to the ladder of empowerment. Women is under-represented in the governance and decision making positions.

At present women occupy less than 12 percent of parliament seats, less than 11 percent of Rajya Sabha seats and less than 4 per cent of seats in High Courts and the supreme Courts. As on May 2011, out of 34 cabinet ministers there were only 4 women Ministers. There are only 44 women judges out of 512 in the country. Only two female judges are there in Supreme Court of India out of 31. In Himachal Pradesh high court there is no woman judge as on 1st April,2011.

Women's political participation is an important input to their empowerment. In the political participation and decision making position women are under-represented. At present in Himachal Pradesh the number of women members in the state legislative assembly is 3 only 4.41 per cent to the total elected representatives.

However, elected women representative in the Panchayati Raj Institutions and Urban local bodies have actively entered in Politics in Himachal Pradesh. With the representation of seats a good number of women have been elected to Panchayati Raj Institutions in Himachal Pradesh for the term 2011-2016. In Himachal Pradesh there are 3243 Gram Panchayats, out of which 1939(50.54 per cent) seats have been occupied by women in 2011 Panchayat elections. Out of total seats occupied by women, 987 (60.21 per cent) occupied by general women, 421, (25.68 percent) scheduled caste women, 104 (6.34 percent) scheduled tribes women and 127 (7.74 per cent) occupied by OBC women.

Similarly, out to total 77 Chairman Panchayat Simities setas, 42 seats (54,55 percent) of the seats in this category have been occupied by women. Among total seats occupied by women in Chairman Panchayat Simities category, 20(49 percent) occupied by general women, 13(31 percent) by scheduled caste women, 4(9 per- cent) by scheduled tribes women and 5 (12 percent) occupied by OBC women.

Out of the total 12 seats Chairpersons of Zila Parishad seats, 5(50 per cent) of the seats have been occupied by women in 2011 elections.

Number of Seats Reserved for Women Representatives in Panchayats,

73rd and 74th Constitutional Amendment Acts (1993), which reserved 33% seats in Panchayati Raj Bodies for women, are revolutionary land- marks in the history of women's participation in decision making in India. Himachal Pradesh assembly passing the Himachal Pradesh Pancha- yati Raj (Amendment) Bill on April 8,2008, further raised the reservation limit for women in PRIs,or Panchayati Raj Institutions, from 33% to 50% and has further helped to increase the representation of women in rural local politics as well as their involvement in decision making process at grass-root level of democracy.

Data of Panchayati Raj Women Participation in District Hamirpur

Member Gram Panchayat (Term 2011 to 2016) Total Posts were 1341 (58.54%)

Chairman Panchayat Samiti ,Total posts 06 (50%)

Member Panchayat Samities, Total Posts 125 (52%)

Chairman Zila Parishad, Total Posts 01(100%)

Member Zila Parishad, Total Posts 18(50%)

No. of women elected on Un-reserved Seats in Gram Panchayats (Term 2011-2016)

02 Pradhans and 34 members occupied the seats in the district.

In Panchayat Samities 02 women were elected as its members.

From the above trends it is clear that women have been facilitated increasingly and are encouraged to be active participants by ensuring their participation in all the three tiers of Panchayati Raj. Providing legislative sanction to ensure participation women in the decision making process has paved way for a more decisive and important role for the women, who had all along been denied any role in the decision making process.

A study carried out by NGO (Gender Profile- Himachal Pradesh, 2001, pp. 41-42) **shows general profile of elected women representatives:**

Age: Average age at Gram Panchayat level is 38 and average age at Panchayat Samiti and Zila Parishad level is 32.

Education: 16% of the women representatives are illiterate, 22% have studied up to primary level, 20% upto high school, 30% up to 10+2 & above.

Occupation: 77% of the women representatives come from a agricultural background,19% are housewives, 4% are running/managing family business.

Marital Status: 93% are married, 2% are un-married, 5% are widows.

However,decision to contest, still in majority of cases is due to reservation criteria and because the decision is being taken by others on their behalf.

Decision Taken By	%
Self	19
Husband	07
Other Male Relative	04
Community	50
Self and Husband	03
Husband and community	03
Self, husband & Community	05

From the analysis of above data the majority of the women representatives lack necessary exposure and specially those who have been elected for the first time are not fully conversant with the rules and the various guidelines, powers and functions.

Women's Status: Changing Equations

It is widely known fact that women live longer than men. At the same time it is also a fact that there is less number of women than men. In the last about 100 years Himachal Pradesh had shown an increasing trend in the number of women per thousand men barring for the decades 1911-1921 and 1931-1941, when sex ratio dropped from 904 to 902 and from 906 to 897 but the next decades witnessed the recovery and it reached to 976 in 1991. The census results of 2001 had shown decline in sex ratio by eight points i.e. from 976 to 968 which has quite serious socio-economic implication if Data analyzed more closely. The census results of 2011 has shown an increase in sex ratio by 4 points i.e. from 968 to 972 and as regards sex ratio (0-6) years it has improved in

Himachal Pradesh i.e. from 896 to 909 during 2001 to 2011 census. The sex ratio is high in Himachal Pradesh as compared to neighbouring states.

Sex Ratio in H.P. & Neighbouring States (2011)	
Punjab	895
Haryana	879
Jammu & Kashmir	888
Uttrakhand	963
Himachal Pradesh	972
India	943

A high literacy rate has not helped Hamirpur in checking the declining sex ratio and the state has followed the footsteps of neighbours Punjab and Haryana in previous decades where the male: female ratio has declined sharply. May be the district as well as the state also has taken a lead in very negative way.

92 per cent of the women in the state are engaged in agricultural sector, which does not bring as much money as other income-generating activities. The much-hyped empowerment of women through PRIs (Panchayati Raj Institutions) is meaningless unless women are made aware of their rights and are involved fully in decision-making at every level to make an impact on society. Just increase in percentage of reservation alone will not improve their status. Women presidents and members elected to the PRIs will have to be made functional in the real sense to make an impact on society. The high female literacy rate achieved in Himachal could bring real gain only when it is followed by empowerment of women at every level of decision-making, as was done in Kerala.(The Tribune,6th October,2001) Socio-Cultural factors such as (girls as a liability, old religious beliefs, dowry system, less status due to girls, small family norms, can't afford expenses on girls etc.) are still prevalent in the society. Gender differences in formal representation can be attributed in large part to both institutional and societal constraints. The latter encompasses

the social norms that make it more difficult for women to leave their traditionally domestic roles for more public roles outside of the home. Institutional constraints include barriers such as political systems that operate through rigid schedules that do not take into consideration women's domestic responsibilities, and the type of electoral quotas used.

Conclusion & Summary

There has been considerable international emphasis on ensuring a more equitable number of women and men in democratic institutions, through the introduction of quotas for women in many countries. There is increased acknowledgement, however, that quotas are not enough to ensure that women's concerns are heard. Two reasons can be found for this. First, despite increased participation, women are still primarily a minority within patriarchal political systems, which means that it continues to be difficult for them to have their voices heard. Second, women politicians cannot be assumed to prioritise or even identify with the needs of other women. Class, race, religion, socioeconomic status, sexual orientation and disabilities are some of the many differences that can divide women. Women's representation and leadership tend to be confined to areas that are traditionally 'feminine' such as social welfare. Women's representation in informal decision-making processes is often more common than their representation in formal positions and structures, but it tends to be hidden and therefore not as highly valued as it should be. In order to deepen democracy at the local, national and international level, it is important to ensure that women and men are able to participate on equal terms on both formal and informal decision-making structures. The concerned ministries, medical practioners, education departments, religious leaders, judiciary, police, NGOs media and the civil society as a whole have to own responsibility to solve this shocking problem which has many dimensions and has to be looked from various angles.It is not easy to change the attitude of even women towards themselves. Even if the women are prepared to understand

and admit the need to change, then only social situation and the family environment will be changed gradually. There is a need of empirical studies to be conducted and that will help in formulating further action plans.

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Post Flood Scenario in the Thar Desert: Changes and Challenges

Dr. Vinod K. Bhardwaj

Associate Professor, Department of Geography
Govt. College, Baran (Rajasthan)

Abstract

The Thar Desert is undergoing Micro-climatic changes since last three decades. The notable changes have appeared especially after the post flood (2006) in the desert which ruined settlements and caused heavy damage life and property on one hand but have lead some positive implications then after in terms of higher precipitation, rise in ground water, expanding canopy, growing cultivation, immigration leading to highest decadal growth of population herein. Besides, the economic growth is registered faster in the region. Contrarily, the strategy of the Govt. to cater the region in terms of economic progress, human resource development and infrastructural expansion is conventional yet. There are notable changes in the desert, which insist to re-address the Desert Development approach at all levels. The study envisages to re-design Desert Development Planning (DDP) by keeping the ongoing natural changes under consideration and the economic progress that's going on therein.

Keywords: *Thar Desert, Micro Climatic Changes, Flood Calamity, Atmospheric Humidity, Loo, Dust Storm*

Introduction

Although there are 6 districts of Rajasthan—Jaisalmer, Barmer, Jodhpur, Pali, Bikaner & Nagaur in the Thar Desert region, however the two districts—Jaisalmer and Barmer are considered to be extremely dry and hence they are synonymous to Thar desert. This study is confined to these two districts only where extreme type of climate, scarcity of water and other features of desert prevail prominently.
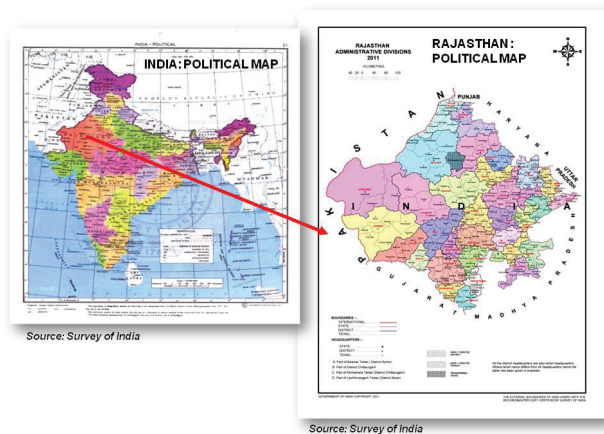
Map-1 : Location of Rajasthan

The Study Area

The study is based on two desert districts – Jaisalmer and Barmer and where unprecedented flood was reported in the year of 2006. These two districts are biggest in size in the state and rank first and second successively in size, covering 66, 788 sq. km. geographical area (Jaisalmer – 38, 401 sq. km. and Barmer 28, 387 sq. km.)[1]. The districts have registered highest decadal growth in population in the last two decades (1991-2001 and 2001-11). During the earlier decade (1991-01) Jaisalmer ranked first (47.5 %) followed by Barmer (36.9 %) at the second place[2]; whereas the ranks reverted during the recent decade (2001-11) as Barmer at the first place with 32.55 percent followed by Jaisalmer at the second place with 32.22 percent decadal growth[3] standing again at first and second places in population growth successively in both the decades. These two distracts- Jaisalmer and Barmer are the largest districts in Rajasthan standing at the First and the Second places successively in area. Despite located in the desert, these two districts have recorded highest decadal growth in population in the last two decades i.e. 1991-2001 and 2001-11 in the state which shows the scope of economic progress therein. The study area is shown in the following Map-2.
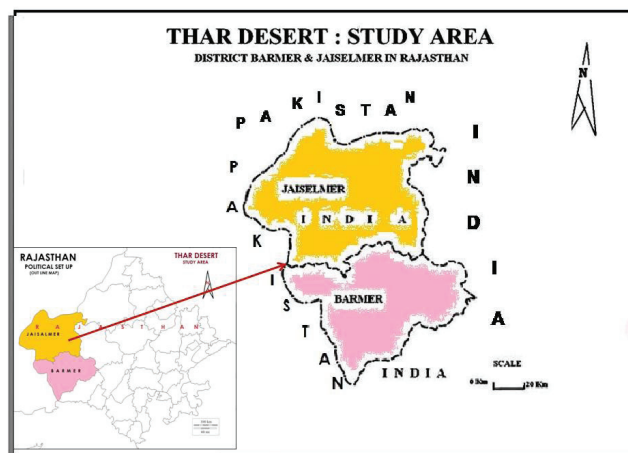
Map-2: Study Area under the Project

Some key information regarding these two districts is shown in following Table -1.

Table 1: Study Area – Some Key information

District	Area (Km^2)*	Population (2011)**	Forest Area (%)@	Culturable Land (Ha)#	Irrigated Area %#
Jaisalmer	38,401	3,61,708	581.52 Km^2 (1.5)	32,82,831	7.1
Barmer	28,387	13,69,022	627.22 Km^2 (2.7)	25,87,533	9.8

Source: Basic Statistics Rajasthan-2013; Directorate of Economics & Statistics; Govt. of Rajasthan; Jaipur; 2014; Table-2.4; pg. 33 (*) & Table 2.5 Pg. 34 (**); Table 6.1 pg.97 (@); Table 4.2 pg. 64 (#)

Background of the study (What is behind to inspire the study)

- Decreasing sand storms' intensity
- Not so extreme droughts and famines now
- Successive change in rainfall's distribution pattern in the east and west parts of the state.
- Mass immigration into the area
- Growing agricultural activities therein.
- Increasing Human immigration and highest population growth
- Strategic importance of the area.

Objective

1. The project intends to examine the ongoing Micro-climatic changes in the Thar Desert Area and correlate it with the strategies for development.
2. Assessment of Post Flood Scene (2006) in the area.
3. Identifying gaps in development approach therein.

Methodology

The study is based on both primary and secondary data. The primary data has been generated through field survey and observations at different times. Concurrent deviation method of correlation is used to examine the magnitude and dimension of correlation between precipitation/ rainfall and atmospheric humidity in the study area. Following processes have been involved in this study in order to make it a meaningful work -

• Field survey and observation since 2001.
• Discussions with academicians and countryside people.
• Secondary sources to interlink the probable causes with the ongoing changes.
• Field survey and observation since Secondary data related with rainfall, land use, temperature etc.
• However more emphasis is on field observations and their interpretations.
• Images / videography records have been made in order to prepare a data bank of the changes there in the study area and also analyze the trends therein.

The Thar Desert

Deserts, irrespective their location and nature -cold and warm, are known for scarcity of water and rare vegetation. However, warm / tropical deserts also own their specific characteristics such as long prevailing summers with scorching weather under the influence of local winds system, dust storms, scattered xerophytes, rare human settlements etc. Besides, deserts are now under area of interest for research activities, either due to their climatic change point of view or because of the natural wealth, stored underneath.

More than 15 million Sq. Km. lands in the world are under deserts. The Thar Desert, which ranks seventh in size, is a peculiar one in the world as it is densely populous desert as well as rich in mineral wealth. It is known for sand storms and Loo (the hot dry winds). The origin of the desert is not confirmed yet however through some sources it is expected to be about 4000 years old. Presence of Marine Fossils, underneath the sandy cover, indicate the retreat of sea i.e. evidence of climatic change. The desert is expended over 4, 46,000 Sq. Km. both in India and Pakistan. Out of this area, about 2, 08,111 Sq. Km. lies in India. Almost 61 % of this Indian Desert lies in Rajasthan alone and covers about its 3/5 th. The rest part of it lies in and the rest in Gujarat, Haryana and Punjab states[4]. Abundance of mineral resources, available here in the desert, have accelerated the economic importance of this formerly deprived area. Possibilities of potential resources, hidden underneath are another reason, responsible to continue its economic importance. Being expanded along the Indo- Pak international Border, it has its military / strategic importance too.

This Desert in Rajasthan was earlier known for sand storms, Loo (hot dry winds), scarcity of water, numerous sand dunes, sparsely distributed population, low economic development, hardness of living and repeated occurrence of drought and famine; but now it is undergoing both natural and cultural changes as precipitation is on rising side since last two decades along with increase in land available for agro practices. Contrarily, barren land and typical xerophytes are shrinking. This desert experienced a severe flood in year 2006 which has left its imprints in the area in form of rise in underground water table and expansion of green natural vegetation, even that of perennial nature. Besides, the addition of Indira Gandhi Canal (IGNP) and a lift canal from the river Narmada have further facilitated the area in terms of availability of water for irrigation, drinking and

for underground recharge. Despite sand storms and the Loo, increase in agricultural activities and livestock wealth is remarkably recorded.

Observing rainfall data of last two decades, it is noticed that this area is getting more rainfall than the eastern part of the state. The magnitude of rainfall in these desert districts (western area) is increasing whereas it lowering down in the eastern districts (opposite area). It is clear while the expected and actual averages of rainfall for the four districts for last two decades are compared. Except the years when rainfall was low throughout country, there is increase in rainfall in the desert area, especially Barmer and Jaisalmer districts and thus the actual / observed average almost 7 cm higher than the expected average in Barmer, and almost 3 cm higher in Jaisalmer (refer following table-2). Contrarily, the observed averages in both Alwar and Bharatpur districts are getting down.

The flood occurred in district Barmer during years 2006 and 2007 followed by fairly good rainfall in this year (2011) may be viewed as one of the indicators of micro climatic changes, taking place in the area. There was a wide-spread damage to crops and loss of property caused by the flood havoc. The Flood havoc in the district Jaisalmer is certainly an addition in the history of the desert which had never been witnessed by the inhabitants earlier.

Table 2: Expected and Observed averages of rainfall in four districts in Rajasthan; 1990 – 2013

District	Rainfall (cm)		
	Average		Maximum
	Expected	Observed	
Barmer	27.75	38.52	70.98
Jaisalmer	16.40	19.21	30.10
Alwar	61.10	55.16	84.68
Bharatpur	67.50	60.67	86.20

Source: Statistical Year Book of the aforesaid districts for the year 1993, 1997, 2001 and 2005, 2013 published by the Department of Statistics, Govt. of Rajasthan, Jaipur; and India Meteorology Department (IMD); Govt. of India.

Contrarily in Barmer, this magnitude (occurred in 2006) of rainfall was not new as the area has already received even more rainfall earlier about a half of century back, but there was no loss of life and property that time. As per meteorological department heavy rainfall in the desert is a periodic phenomenon. Periodic occurrence of heavy rainfall in the desert is indicating / strengthening that the area is undergoing micro climatic changes.

Flood in the desert: An amazing incident

The flood occurred in districts Barmer and Jaisalmer during years 2006 and 2007 followed by fairly good rainfall in three successive years i.e. 2011-13 may be viewed as one of the indicators of micro climatic changes, taking place in the area. There was a wide-spread damage to crops and loss of property caused by the flood havoc. The Flood havoc in the district Jaisalmer is certainly an addition in the history of the desert which had never been witnessed by the inhabitants earlier. Contrarily in Barmer, this magnitude (occurred in 2006) of rainfall was not new as the area has already received even more rainfall earlier about a half of century back, but there was no loss of life and property that time. As per meteorological department heavy rainfall in the desert is a periodic phenomenon. Periodic occurrence of heavy rainfall in the desert is indicating / strengthening that the area is undergoing micro climatic changes.

The moisture content, that have increased in the soil, is supporting the growth of wild breeds of fauna as well as cultivation therein. Besides the old scene of the desert, the area is undergoing a sort of environmental changes, especially related with rapid succession in vegetation, increase in greenery cover, immovability of sand dunes, increasing magnitude of rainfall etc. No such studies have been made to estimate / understand the nature of environmental changes and accord the efforts for their management so far. Besides, there are challenges to establish settlements in order to save lives during dust storms as well as heavy rainfall like 2006, if occurs. The overall changes / scenes are so complicated that they

need intense studies to understand and evolve remedies.

Due to growing facilities for agriculture two crops – Rabi and Kharif are being grown in the area, with special focus on Rabi in which mainly mustard, cumin and *Ishavgol* (a medicinal crop) are grown over large area. Being suitable for production of aforesaid cash crops the area is ably attracting people from within the state and it's outside, resulting into registering highest population growth in two districts of this desert – Jaisalmer and Barmer during last two decades. This increasing population and growing agro practices are the proof that the area is undergoing such positive changes which are favorable to human beings and also indicating the reducing hardness in arid conditions.

Rainfall normally occurs during monsoon and mostly in the month of July. On an average, the number of rainy days, reported for the area, is 22. Seasonal and spatial variations in rainfall and number of rainy days are observed from year to year. This year (2006) the number rainy days remained normal but the intense rainfall occurred within 2-3 days, which lead the flood in the area. Few of the towns and villages were entrapped into the flood in a short period and wreak the havoc. Tehsil (taluka) - wise rainfall during June- September 2006 is shown in tables 3 & fig.1.

In 2006, occurrence of maximum rain remained confined to the period of two months - July and August, whereas the intensity remained optimum in a week period i.e. August 19 - 25, this was recorded as 46.3cm.[7] and caused sudden deluge. District Barmer was more severely affected by the flood and caused heavy damage to life and property in this district. All the tehsils of the district Barmer got flooded but the flood caused damage was optimum in the tehsils Ghudamalani, Baitu and Shiv. Tehsil-wise rainfall distribution is given in the table 3.

Table 3: Tehsil wise distribution of rainfall in district Barmer, Rajasthan (1st June – 30th September, 2006)

(Rainfall in mm)

Tehsil	Annual average rainfall	Observed rainfall	Heavy rainy period
Barmer	245	714	Aug. 1- 31
Shiv	207	448	Aug. 16- 31
Siwana	294	491	Aug. 1- 31
Pachpadra	295	506	Aug. 1- 31
Chohtan	282	834	Aug. 1- Sept. 15
Ghudhamalani	246	558	Aug. 1- 31
Baitu	257	638	Aug. 1- 31
Ramsar	214	763	Aug. 1- Sept. 15
Total	**277**	**619**	**Aug. 1- Sept. 15**

Source: Based on "Fortnightly Rainfall Data Report of Rajasthan- 2006; Department of Irrigation, Govt. of Rajasthan, Jaipur, 2006, pg 1-6.

Many of the villages in the tehsils of Ghudamalani, Baitu and Shiv got inundated and death toll was about 60 persons on the first day. Basically the intensity of the rainfall was enough high to cause flood and entrap the area in a short span. Therefore the people could not escape out of their habitat and casualties took place. The villages with heavy loss due to the floods have been listed in the table -4.

The flood water agglomerated in the depressions, lying between dunes, and hence the water level rose to a height above buildings. Only few houses could hardly be seen in the affected villages. Many of the houses remained submerged into water even to a year.
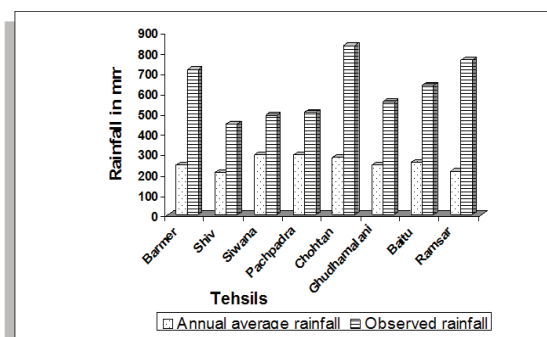
Source: Based on the data given in Table-2.

Fig.1: Tehsil-wise Distribution of Rainfall in the District of Barmer (1ˢᵗ June – 30ᵗʰ September, 2006)

There was water-logging in the villages Malwa and Kawas even till a year ended, and people were shifted to temporary camps on adjacent sand dunes. There was an outbreak of diseases like malaria, typhoid, conjunctivitis, skin problem etc. Hospitals, schools, Veterinary hospital, railway station and tracks and other public utility places / property were also entrapped by water and so there was ruin-ness all around in the areas. There were more than 300 casualties in all in the region due to the flood during the period, out of which more than half were alone in Barmer, whereas the government record claimed only 100 deaths. So is about the loss of wealth and resources. The tentative account of the loss, reported by government is as follows (table-5).

After a year of this calamity, the two villages, Kawas and Malwa, were suffering with problem of water logging. 5-7 feet water remained logged there in the depressions, which were inhabited around. Houses and government buildings were inaccessible. The waves with upcoming water terrified people and reminded them the incidence. More than 60 percent of the affected families were living in the temporary camps as per a reported in print media on 19ᵗʰ August, 2007. Out of 1070 families totally affected in Kawas 617 families were awaiting in the camps for rehabilitation assistance. Like Kawas, 65 families out of 110 total families were suffering in Malwa village[5].

Table 4: District Barmer (Rajasthan) : List of highly affected villages during the flood 2006

S. No.	Name of Tehsil	Effected villages	
		Name	Total No.
1	Barmer	Kawas, Mudho ki Dhani, Bandra, Bhadakha, Madpura, Barwala, Bhurtia, Malwa, Bisala, Nand Gao, Sar Ka Par	11
2	Shiv	Shiv, Nimbala, Aagoria, Nagdda, Mokhab, Khaliphe ki Bawri, Jhankali, Judia, Harsani. Gadra Road, Khabdala, Piprali, Bandhara, Shastri Nagar, Bhu Ka Par, Rawatsar, Tanu Rawji, Jansingh ki Beri, Dholki, Tibniya, Dhudhora, Phogera	22
3	Baitu	Choakhla, Chhitar Ka Par, Bhimda, Batdu, Nimbaniyon Ki Dhani	05
4	Ramsar	Ramsar, Chadar, Ramsar Agor, Siyani	04

Source: District Collector, Barmer, 2006-07.

Table 5: Loss of lives and property during the flood-2006 District Barmer, Rajasthan

No. of deaths	No. of cattles died	Over all loss in Crore Rs.	No. of people affected	No. houses destroyed
110	56,000	600	7 lacs approx.	108908

Source: Office Report and Records; Office of the District Collector, Barmer ;Aug 20, 2007

Photo. 1

Soil erosion due to flood near Shiv
(Jan. 2008)

Photo. 2

Growing natural vegetation in the flood area
(Sept. 2010)

Under rescue / relief works there was a total expenditure of Rs. 837.3 Lac to repair kachcha – pucca houses, food assistance, blanket & medicine etc.[6] But due to inaccessibility most of the seriously affected villages remained deprived of the relief and suffered to a long period.

Besides, there is a great loss of top fertile soil, which have been removed away by the flood water. However the moisture content that have been added there in the soil is supporting the growth of wild breeds of fauna. The overall changes / scenes are so complicated that they need intense studies to understand and evolve remedies. The scene / phenomena of the havoc in the affected areas is still frightening.

On the basis of the above scenario it is clear that the flood calamity has insisted to all those who are associated with the planning of this area along with those academicians who have just worked on the area with the desert development and desertification problems points of view and not expecting any possibility of such calamity here in the area. The flood has raised many questions to answer. It has posed challenges to sustainable development of the area and its adjacent parts. There are various issues to be addressed altogether to ensure long term benefits of the efforts for development however few of them are mentioned here in this paper.

Implication of the Flood in the Thar Desert

The moisture content, that have increased in the soil, is supporting the growth of wild breeds of fauna as well as cultivation therein. Besides the old scene of the desert, the area is undergoing a sort of environmental changes, especially related with rapid succession in vegetation, increase in greenery cover, immovability of sand dunes, increasing magnitude of rainfall etc. No such studies have been made to estimate / understand the nature of environmental changes and accord the efforts for their management so far. An attempt to analyze the relationship between rainfall and atmospheric humidity has been made in this study in order to look into the association between the two atmospheric components and also to find out the trends of micro-climatic changes. The humidity data could be available only up to 2001 and so the data analysis for this purpose is made during 1990-01 (12 years). Table -6 shows the records of rainfall and atmospheric humidity during 1991-01 on annual average basis. The concurrent deviation method of correlation is used to find the trend of association between these components.

Table 6: Rainfall and Atmospheric Relative Humidity; 1990-01

Year	Jaisalmer		Barmer	
	Rainfall (cm.)	Humidity (%)	Rainfall (cm.)	Humidity (%)
1990	16.71	49.0	70.98	57.4
1991	8.20	48.0	12.97	50.0
1992	23.13	51.0	41.21	53.08
1993	23.13	48.0	32.40	45.0
1994	28.40	52.0	48.0	59.5
1995	25.25	36.32	29.80	61.80
1996	26.48	42.0	25.90	54.0
1997	22.39	47.0	36.20	53.0
1998	30.10	48.0	36.40	55.3
1999	27.25	49.0	22.58	44.0
2000	18.53	48.0	28.40	45.0
2001	23.62	47.0	32.08	45.0
	n = 11 C=7 r = +0.52		n=11 C=8 r =+0.67	

Source: Statistical Year Book of Barmer[c] (1991, 1997, 2005) & Jaisalmer (1991, 1997, 2005); Directorate of economics & Statistics; Govt. of Rajasthan, Jaipur

Besides, there are challenges to establish settlements in order to save lives during dust storms as well as heavy rainfall like 2006, if occurs. The overall changes / scenes are so complicated that they need intense studies to understand and evolve remedies.

Rapid succession in natural vegetation is observed by botanists as the area is having a variety of plants beginning from small shrubs and creepers to perennial treas. There were mostly flashy-spiny (e.g. cactus) or hard-spiny vegetations (e.g. Ziziphus nummularia or Indian plum, Capparis deciduas or kair) earlier for which this desert was known. At present the area is full of more than 1200 species of plants. It is also estimated that about 600 traditional species plants have been replaced by almost same number of new species in this area. The disappearance is mainly

Photo. 3

Addition of new bushes after the flood (Feb. 2009)

Photo. 4

Agro practices and stabilization of sand dunes (Sept. 2010)

credited to the changing habitat, especially due to increasing soil moisture which is supporting long-living vegetation herein. Recent addition of some new species after the flood-2006 is reported in the area. One such species of vegetation may be seen photo-3. Growing cover of natural vegetation, having plenty of perennial plants, is a positive sign of changing climate in the region.

Due to growing facilities for agriculture two crops – Rabi and Kharif are being in the area, with special focus on Rabi in which mustard, cumin and *Ishavgol (*a medicinal crop) are grown mainly over a larger area. Being suitable for production of aforesaid cash crops the area is ably attracting people from within the state and it's outside, resulting into registering highest population growth in two districts of this desert – Jaisalmer and Barmer during last two decades. This increasing population and growing agro practices are the proof that the area is undergoing such positive changes which are favorable to human beings and also indicating the reducing hardness in arid conditions.

Challenge to development

The changing environmental situation in the desert area certainly needs attention. The changes are not only in rainfall but they are visible in flora, fauna, moisture content in soil, changing economic scenario and fast growth of tertiary occupations in the area. Agriculture, which was hardly being practiced in the area earlier, is now on growth. Barmer, Chohtan, Shiv, Baitu, Pachpadra are leading agro-producers tehsils in the district. Cumin, *Ishavgol*, mustard, oilseeds are important Rabi crops. Vast fields of mustard and cumin may be seen here in the area. The flood not only collapsed settlement but the source of livelihood too. Most of the reserves of the natural oil, recently discovered, are in Barmer. The district is a leading supplier of masonry stone, a building material known as Barmer stone. It is an emerging centre in trade of typical *Rajasthani* bed-sheets, being manufactured at Chohtan, leather & wooden goods, dry vegetables and special type of turban. All these economic activities are the effort of the people themselves with a little support of the government.

The flood calamity has raised many challenges, to be taken into care and to review our developmental approach. Few such challenges are being narrated here.

1. **There is only one point approach for the development of the area i.e. arid zone development approach; and therefore the efforts and budgetary allocations are being made accordingly. Few such efforts are – annual budget for water supply through tankers and railways, fodder management, plantation, compensation to farmers etc. but there is no effort to store rain water for drinking and irrigation purpose in order to short out these problems.**

Challenges

- To locate the original / ancient drainage system and find out its viability in present context.
- To locate such depressions where rainwater may easily agglomerate, naturally.
- Construct check ponds along / around the big depressions and connect them in order to develop a local inland water circulation so that runoff of the water may be minimized along with optimum use of the rain water.
- Prepare plan for water harvesting for these areas and optimize the use of rain water, whenever does it rain, for various purposes.
- Provision of annual budget for maintenance for the water reservoirs.

2. **Agriculture is on progress here in the district. Efforts for its development are merely able to contribute in its development. ICAER, Agricultural Uni. Bikaner and State Agricultural Department are engaged to monitor this sector. However the way and process of its monitoring is uneconomic and ineffective. More concentration is on misuse of subsidies and other grants rather effective utilization. This fraud**

mentality is not in favour the sustainable development of the area. It is one of the causes of large scale immigration in the area.

Challenges

- To draft a separate policy for the agricultural sector of the desert area and to ensure its honest implementation.

- Proper enumeration of the original cultivators of the area so that misuse of the funds may be prohibited as well as relief during any calamity condition may be assured to the needy people.

- To optimize the agro-productivity of the area without distributing cash as subsidies.

- To select suitable crops and their productivity.

3. The flood calamity of 2006 has questioned the settlement pattern of the area. There is no such policy that may direct settlement growth and locations, except Zero Line zone along the international border. Therefore un-planned expansion and location of the settlements was also a reason for the huge damage.

Challenges

- To draft a settlement policy for the area. It's a great challenge. The locations of the settlements must be appropriate according to both dust storms and heavy rainfall situations. It is also must from national security point of view.

- To ensure infrastructural facilities in the areas in order to comfort their living.

- Keep eye watch on immigrants from development and security points of view.

Conclusion

Now it is the time to learn from the incidence and to reframe planning approach and also the efforts on priority basis. When it is being planned to extend the Indira Gandhi Canal to the Thar Desert's districts then it is equally essential to construct outlets so that under any emergency circumstance outflow of excess water may be assured. There are evidences of the existence of some ancient channels along with some extinct rivers like the Leek and the Sheepasaria, linking the area with the seasonal river Luni. There is need to study the terrain and topography of the area in order to develop the drainage system and for rehabilitation.

Some of the changes, taking place in the area, especially regarding increasing moisture content in the soil, growing foreign breeds of natural vegetation which are adversely affecting the growth of originally inhabited breeds, growing vegetation cover along with rapid succession, anatomical adaptations in plants etc. are indicating that there is need to review the developmental efforts and planning approach along with re-enlisting priorities on real basis, rather than political. Despite all these indicators the spatial planning is still desert oriented. Lot of funds, flourishing every year under Desert Development Programme, are consumed without considering the geographical changes, taking place in the area. Casual meetings to frame / review development plans for the desert can't be appropriate efforts unless the occurring changes and challenges are taken into care and utilization funds / grants are judiciously consumed. Following are some suggestions in this regard-

1. There is need to begin with a new draft of planning, deciding priorities and limitations. For this purpose it is again necessary to involve local people, not necessary politicians only, in order to strengthen the output of plans.

2. Spatial studies are to be promoted through state, national and international funding agencies, highlighting the issues, capabilities and challenges.

3. Drainage development should be on priority in order to properly channel the forthcoming canal water as well as to minimize ruin-ness due to heavy rain.

4. Though its contradictory to suggest establishment of new settlement on the top of sand dunes as heavy rain as still occasional but dust storms are very often in

the area, which hit more on the top than the depressions. However new safe areas for settlement should be searched in order to balance in the two adverse situations.

5. Involvement of local expert, academicians and scholars is to be appreciated so that the work in their respective fields may be helpful to strengthen local planning.

6. There must be planned and limited intervention in the ecosystem in the area, especially in the field of forestry.

7. The planners are advised to study the adverse consequences of the IGNP at Suratgarh, Badopal and Hanumangarh (all in Hanumangarh district), and Lunkaransar (Bikaner district), where the fertile soil has turned into barren just because of the presence of excess water in the desert ecosystem. There is gypsum stone layer in Barmer and Jaisalmer districts, underlying the soil cover, which does not allow water to percolate. Hence water logging and salts deposition in bulk have spoiled the fertile land. The desert already owns extreme conditions in terms of productivity, which may be aggravated more through the introduction of canals in the area. So technical planning and careful identification of the locations / path for the construction of canal(s) is essential. There was an incidence in Jaisalmer, where on Nov. 24, 2006 the embankment of the IGNP canal got damaged due to overflow of water and there was flood situation in the nearby areas. It may get repeated in lack of planning and maintenance.

8. Regular monitoring of the development plans is must. Besides, there is need to indulged the local expertise in planning in order to make the interventions viable and sustainable. This may also help to ensure the proper utilization and conservation of the spatial resources.

9. Short term planning with long term goals may strengthen the development of the area.

10. Regular assessment of interventions is to be made an inbuilt component of planning in order to assure optimum output and also to ensure necessary timely amendments, if required.

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The Proposed Surrogacy Bill: Step Further or Backward

Dr. Alka Bhatia

Associate Professor in Law, Govt. Law College, Sikar (Rajasthan)

Ms. Harshita Thakral

Student of B.A., LL.B, Symbiosis Law School, Pune (Maharashtra)

Abstract

India is called as the "world capital of surrogacy" which generates 2 billion dollars annually. Despite this there is no legislation to regulate it. The judgment of hon'ble Supreme court in the case of Baby Manji vs. Union of India declared commercial surrogacy legal in India as there is no law in India prohibiting womb lending or surrogacy agreements.Hon'ble Supreme court directed for the enactment of law on surrogacy in India. Consequently certain guidelines were made by ICMR for accreditation, supervision and regulation of. ART Clinics. Later ART bill was formulated in 2008 reviewed and redrafted in 20102-2014 but has not been passed so far. The Law Commission in its 228th report took up this matter suo-moto and recommended legalising altruistic surrogacy and to ban commercial surrogacy. Few other guidelines were also issued time to time. Finally the Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha on 21 November, 2016. This bill was referred to the department related parliamentary committee after being opposed by the stakeholders. In this article an attempt has been made to deal with the development which laid justifiable grounds for bringing this legislation, the provisions of proposedlegislation various drawbacks of the proposed legislation, the report of parliamentary committee and its recommendations .on the basis of this doctrinal study some suggestions have been so that the proposed bill may achieve its objective.

Keywords: *Abandoned Child, Altruistic Surrogacy, Commercial Surrogacy, Commissioning Parents*

Introduction

Surrogacy refers to a contract in which a woman carries a pregnancy for another couple Number of infertile couples from all over the world approach India where commercial surrogacy has been legal. The Associated press reported that the Indian Surrogacy industry is a growing industry of worth around $ 1 billion a year.

Be what may be the commercial surrogacy is legal in India since 2002. Commercial surrogacy is also legal in counties like Ukraine and California, while it is illegal in England.Many States of United States of America and Australia recognize only altruistic surrogacy In contrast countries like Germany, Sweden Norway and Italy do not recognize any surrogacy agreement. India became a favourite destination of fertility tourism. Each year many couples from abroad are attracted to India for surrogacy because the cost of the whole procedure in India is as less as one third of what it is in United States or United Kingdom.

The ever rising prevalence of infertility over the years has lead to advancement of Alternative Reproductive Techniques (ART) Surrogacy comes as an alternative when the infertile woman or couple is not able to reproduce, and, a surrogate mother bears and delivers a child for another couple or person.

The various modes of ART include: "Traditional surrogacy" also known as the Straight method the surrogate is pregnant with her own biological child, but this child is conceived with the intention of relinquishing the child to be raised by the biological father and possibly his spouse or partner, either male or female. The child may be conceived via home artificial insemination using fresh or frozen sperm or impregnated via IUI (Intrauterine Insemination), or ICI (Intra Cervical Insemination) which is performed at a fertility clinic." Gestational surrogacy" also known as the Host method the surrogate becomes pregnant via embryo transfer with a child of which she is not the biological mother. She may have made an arrangement to relinquish it to the biological mother or father to raiseor to a parent who unrelated to the child (e.g. because the child was conceived using egg donation, germ donation or is the result of a donated embryo). The surrogate mother may be called the gestational carrier.[1]

With the advent of new techniques in assisted reproduction the demand for ART increased. Medical science improved further and the demand for designer babies/tailor made babies increased. Even before the society could form its opinion on the correctness of the concept, it had made its place in the deepest corners of the society. Philosopher Michael J.Sandel writes: "When science moves faster than moral understanding, as it does today, men and women struggle to articulate their unease. In liberal societies they reach first for the language of autonomy, fairness, and individual rights. But this part of our moral vocabulary is ill equipped to address the hardest questions posed by genetic engineering. The genomic revolution has induced a kind of moral vertigo." The problems faced by the surrogate mother had hardly been discussed, particularly her right to reproductive health.[2]

Background of proposed legislation

Seemingly the surrogacy appears to be a boon both for the infertile couples and the surrogate mothers as they get very much needed money. For country also this appears to be earning foreign currency but the dark side of this commercialization is that due to lack of proper legislation both mother and intended parents are somehow being exploited and the profit is being earned by the middlemen and commercial agencies. Lack of regulating mechanism worsened the situation.[3]

In 2005, ICMR (Indian Council for Medical Research) issued certain guidelines for Accreditation, Supervision & Regulation of ART clinics in India but these guidelines are being repeatedly violated. Cross border surrogacy has also lead to problems like citizenship, nationality, motherhood, parentage and the rights of a child. Certain other incidents were also reported where the child given to couple after surrogacy was not genetically related to the couple opting for surrogacy.[4]

The Supreme Court of India declared in Manji's case[5] (Japanese Baby's case) that commercial surrogacy is permitted in India with a direction to the legislature to prepare an appropriate law governing surrogacy in India. At present the surrogacy contract between the parties and the Assisted Reproductive Techniques (ART) clinic guidelines of 2005 are the guiding force.

Law Commission of India also in their 228th report[6] emphasized on need for legislation to regulate Assisted Reproductive Technology Clinics as well as Rights and obligation of parties to a surrogacy" The following observations were made by the Law-Commission.

1. Surrogacy arrangements will continue to be governed by contract amongst parties, which will contain all the terms requiring consent of surrogate mother to bear child, agreement of her husband and other family members for the some medical procedure of artificial insemination, reimbursement of all reasonable expenses for carrying child to full term, willingness to hand over the child born to commissioning parents. But such an agreement should not be for commercial purposes.

2. A surrogacy arrangement should provide for financial support for surrogate child in

the event of death of the commissioning couple or individual for delivery of the child, or divorce between the intended parents and subsequently none to take the delivery of child.

3. The surrogacy contract should necessarily take care of life insurance cover for surrogate mother.

4. One of the indented parents should be a donor as will because the bond of love and affection with a child primarily emanates from biological relationship, In case, the intended parent is single, He or she should be a donor to be able to have a surrogate child, otherwise adoption is the way to have a child which is restored to if biological (natural) parents and adoptive parents are different.

5. Legislation itself should recognize a surrogate child to be legitimate child of the commissioning parents without there being any need for adoption or even declaration of guardianship.

6. The birth certificates should contain the name(s) of commissioning parents only

7. Right to privacy of donor as well as surrogate mother should be protected.

8. Sex selection surrogacy should be prohibitive.

9. Cases of abortions should be governed by the Medical Termination of Pregnancy Act 1971.

ART Bill 2010

On the basis of these recommendations a draft was introduced in the parliament. The draft bill dealing with the legitimacy of the child born through ART made it clear that the child shall be presumed to be the legitimate child of the married/unmarried couple single parent with all the attendant rights of parentage, support and inheritance. The intended parents should be legally bound to accept the custody of the child/children irrespective of any abnormality in the child/children, confidentially should be maintained and the right to privacy of both the

surrogate mother and the intended parents should be protected. An NRI and a foreigner seeking surrogacy need to enter into an agreement with written guarantee of citizenship for the child from their government. Sex-selective surrogacy was prohibited as it was also made clear in the draft legislation that a surrogate mother would not have any parental rights over the child and the birth certificate of the baby should bear the name of the Intended parents as parents to avoid any legal complication.This bill took into consideration the various aspects including regulating surrogacy and surrogacy mothers.

The bill sought to acknowledge the surrogacy agreement and there legal enforceability. It was contemplated that the surrogacy agreements would be treated at par with other contracts under the Indian Contract Act, 1872 and other laws applicable to these kinds of agreements Both the couple single parent and surrogate mother need to enter into a surrogacy agreement covering all issues which would be legally enforceable. There were some other features inthis draft legislationviz. this bill contemplated that an authority at National and State Level would be constituted to register and regulate I.V.F. clinics and ART centres. The age of the surrogate mother would be between 21-35 years, and she should not have delivered more than 5 times including her own children. Surrogate mother would not be allowed to undergo embryo transfer more than 3 times for the same couple.

In case of a married surrogate mother the consent of her husband was needed to prevent any legal or marital dispute. The surrogate mother should be screened for STD, communicable diseases and should not have received blood transfusion in last 6 months as it may have an adverse effect on the pregnancy outcome. All the expenses including insurance of surrogate mother's medical bill and other reasonable expenses related to pregnancy and child birth were to be born by intending parents. A surrogacy contract should include life cover for surrogate mother. It was also contemplated in the bill that the surrogate

mother may get monetary compensation from the couple or intended individuals as the case may be for agreeing to act as such surrogate.

On the basis of these recommendations the centre government issued a notification in 2013, which allowed human embryo to be imported to India for artificial reproduction. This move led various foreign couples to seek surrogacy in India.

A PIL was filed in the Supreme Court challenging commercial, overseas, same sex, single Surrogacy in India.[7] The commercial surrogacy was assailed through this PIL on the basis that the Motherhood is made into a 'womb renting business' constituting a form of exploitation entailing use of women body (Uterus or womb) for commercial returns which isviolation of right to life, liberty& dignity of women under Article 21 of the Constitution.

The PIL advocated ban on commercial surrogacy referring the land mark, case of "Baby M, New Jersey, US 1987, wherein the New Jersey Supreme Court struck down "Commercial Surrogacy as 'a form of human trafficking" or sale of human beings".

Pursuant to the PIL the Supreme Court issued notice to the Government, MCI and ICMR in response to the notice, the Central Government submitted its stand by filing an affidavit stating that the government seeks to prohibit commercial surrogacy following these affidavit, the ICMR issued a circular directing all ART centres and fertility clinics, to halt surrogacy for foreign couples from availing surrogacy services in India from the date of issue of this circular with immediate effect, it has further directed the Foreigner Regional Registration Officer (FFRO) Embassy office that "No Indian mission or foreign office shall issue visa to foreign nationals for commissioning surrogacy in India and this circular would remain in force until parliament passes legislation regulating surrogacy. The purpose of this circular is to impose stringent control and curbs on a million dollar commercial, overseas, surrogacy industry that raises concerns about exploitation of women.

The government stated in there affidavit that the government wants to bring a new legislation regarding alternative reproduction techniques, for which proposed ART Bill 2014 has been uploaded on the official website seeking suggestions and comments from the stakeholders.

In the course of hearing the Supreme Court sought reply from the government on the legal basis or the authority, law or mechanism or the policy under which overseas citizens of India were banned from commissioning surrogacy despite the fact that draft ART Bill provides for the same. In the course of hearing series of intervention pleas were filed before the Supreme Court seeking to contest the proposed stand of the government over this issue.

Medical bodies like Indian Society for Assisted Reproduction, Indian Medical Association and GynaecologicalSocieties of India also filed intervention petitions challenging ICMR circular directing sudden halt of surrogacy service to foreign couples.

Another interesting issue was that a group of surrogate mothers also filed intervention petitions challenging ICMR circular being discriminatory and unreasonable. They contended their decision to be surrogate as a part of their bodily autonomy, choice or decision making pertaining to their body, personhood. They also expressed their concern for deprivation of their right to livelihood,because gestational carrier or surrogate mother helped them to support their livelihood, fund education for their children and these poor women pleaded that "they will suffer irreparable loss and injury"if the circular is given effect. During the pendency of this PIL the government proposed the new bill on surrogacy.

Provisions of Surrogacy (Regulation) Bill 2016

The proposed draft Surrogacy Bill 2016 passed by the Union Cabinet has following features. The health ministry has proposed to amend the surrogacy laws in India because of increased commercialization of surrogacy in India. Of late

India has become surrogacy hub which in turn gave birth to some unethical practices, putting both surrogate mothers and their babies at risk. Therefore, the government has proposed to ban the commercial surrogacy.

Another key feature of this proposed legislation is that this bill proposes to ban foreigners including NRIs to seek Indian women to be a surrogacy mother for the child.

This proposed bill however allows heterosexual married Indian couples with "proven infertility to try the surrogacy route. This law does not cover homosexual couples, live in partners and single men and women who might want a surrogate child. This proposed law also lays down that before approaching a surrogate mother the couple going for surrogacy should be married for last 5 years and the woman has to be between the age of 23-50 and the man should be 26-55 years old.

A heterosexual married couple with a proven infertility cannot pay money to a woman who agree be a surrogate mother. The couple can only pay for her medical bills.

A heterosexual couple who does not have a child in the past adopted or otherwise can approach only a "close relative" who agrees to be surrogate mother that too only once. If a couple has already a surrogate child they cannot approach a surrogate mother a second time similarly if someone has been a surrogate mother once in the past she cannot do so again.

The government has further proposed in the bill that there shall be a National Surrogacy Board at the centre level chaired by the health minister and State Surrogacy Boards the states and union territories to have aneye over all the cases of surrogacy. They should also have mechanism to regulate hospitals and clinics offering the facility of surrogacy.

Thus with the aim of putting an end to the exploitation of poor women who agree to become surrogate mother even at the cost of their health, for the sake of money the draft Surrogacy Bill was tabled before Lok Sabha.

The Surrogacy Regulation Bill 2016 allows only ethical surrogacy to married infertile couples of India aiming to prohibit potential exploitation of surrogate mother and children born through surrogacy. The Commercial Surrogacy abandoning the surrogate child, exploitation of surrogate mother sell/import of human embryo have all been categorized as violation that are punishable able by a jail term of at least 10 years and fine up to Rs. 10lakh.

It has been made clear violation that the surrogate child will have the same right as that of a biological child. Under the proposed bill it is mandatory for the clinics to maintain record of surrogacy for25 years.[8]

The Surrogacy (Regulation) Bill 2016

The new Surrogacy (Regulation) Bill 2016 is mostly in line with similar laws in other countries and the 228th report of the Law Commission of India but thisdraft bill is being assailed by all corners for providing a blanket ban on the commercial surrogacy. Surrogate mothers are assailing this bill being violative of women's fundamental right to livelihood.The restriction that the surrogate mother must only be a close relative of the commissioning parents may result in ethical issues wherein the child and surrogate mother may develop intimate bond given the fact that both are known accessible and related to each other.Moreover if the surrogate mother wishes for her name to remain undisclosed, how-will her privacy be protected when the deal will be happening in family.Besides, the commissioning couple may face difficulty in finding a close relative who will willingly rent the surrogacy service, prohibiting commercial surrogacy in favour of surrogates from within the family may there by turn surrogacy into a black marketing business or lead to the victimization and coercion. The women can be subjected to cruelty and oppressionin marital homes to bear a child for their relatives.

The decision to keep single man and women LGBTS divorced and judicially separated couples as well live in couple out of the purview of the draft bill is also being criticized.

In India the draft legislation is also criticized for being unreasonable. The doubts are being expressed on whether these provisions of the draft legislation will qualify the twin test of reasonableness under Article 14 of the Constitution.[9] On the other side the proposed legislation is being welcomed for legalizing surrogacy services of the India while commercial surrogacy would be prohibited. Although it has been represented that the proposed law would control the unethical practices in serology, prevent commercialization of surrogacy and will prohibit potential exploitation of surrogate mother and children born through surrogacy and an attempt has been made to bring surrogacy under the umbrella of law, yet the proposed legislation appears to be a hasty piece of legislation. The major drawback is that it has put unmarried men/women/divorced/widow/live in partners out of the preview of this proposed law, No permanent structure is proposed to be created in the draft bill. The proposed legislation while covering an important issue is framed in such a manner that it purports to make an effective law to protect women but does not suggest how would it achieve this target. It is also apprehended that imposing a ban on commercial surrogacy will result in the creation of illegal market and exploitation of the women, who would be without any legal remedy if the contract is broken by commissioning parents.It seems that by proposing to regulate regarding who can apply for surrogacy and who can be a surrogate mother the government is plunging into an unnecessary area of data collection and verification without solving the core issue of women health the rights of surrogate mothers and the children born and of the surrogacy.

Recommendation of Parliamentary Standing Committee

Due to this opposition the Bill was referred to Department related Parliamentary Standing Committees on Health and Family Welfare, This committee considered the draft while examining the statement of objects and reasons, objective of the proposed legislation and the various provision

of this draft legislation .It also sought the views of various stack holders and the general public on the bill. A clause by clause examination was done by this committee and suggested various amendments in this bill. The committee is of the view that certain provision of the bill need to be redraft to serve the intended purpose of the bill.A few of the recommendations[10] are as follows:

1. The committee is of the view that the proposed definition of abounded child fails to explain the meaning clearly so it recommended that the 3 conditions provided in the definition of Abandoned Child in draft legislation have to be read together to make the definition of abandoned child proper and to ensure that there are no ambiguities in the proposed legislation.

2. The committee after deliberations with & stakeholders on this issue is of the viewthat economic opportunities available to surrogates through surrogacy services should not be dismissed in a paternalistic manner. It concluded that permitting women to provide reproductive labour for free to another person but preventing them for being paid for their reproductive labour is grossly unfair and arbitrary.

The committee of the view that if a woman is able to provide her children with education construct home, start a small business by restoring to surrogacy, this opportunity should not be taken from women. The committee also rejected the idea of Altruistic Surrogacy and found it to be another form of exploitation. It was of the view that proposed Altruistic Surrogacy is far from the ground realities and Altruistic Surrogacy only by close relatives will always be because of compulsion and coercion and not due to noble cause of altruism. The committee expressed that the proposed "Altruistic Surrogacy" should be replaced by "compensated surrogacy" and appropriate modification be incorporated in the relevant clauses of the Bill with a view to harmonize the bill with the compensated surrogacy model.

3. The compensation part has also been dealt by the committee. The proposed bill envisaged the expenses to medical and insurance coverage to

surrogate mother during the process of surrogacy. There is no scope of reasonable expenses in the draft provision. The committee recommended that a surrogate another should be adequately compensated for the loss of health, absence from work, away from husband and her children and in case the surrogate mother dies in course of pregnancy or while giving birth to the surrogate child an additional compensation should be given to the kin of the surrogate mother.

4. Another issue taken by the committee is that currently the surrogacy industry in India is governed by the private contract model which relies on the bargaining power of the parties. There are enormous inequalities in the bargaining power of the surrogates vis-a-vis commissioning parents due to surrogate's illiteracy socio-economic inequalities and lack of access to legal reprehensive. Hence the committee recommended that the amount of compensation should be fixed and it should not be the subject matter of bargain.

5. The Committee observed that by the proposed legislation the right to avail surrogacy services limited only to Indian married couples is not justified being discriminatory and violative of the right to life, personal liberty reproductive autonomy and right to equality. The hon'ble Supreme Court has recognized the status of live in partners as a "relationship in the nature of marriage but the proposed legislation, in an unreasonable and discriminatory manner fails to recognize the rights of live-in-partners to surrogacy therefore the committee suggested that a mechanism should be established which can incorporate everyone in the ambit by surrogacy.

6. The committee took note of the view expressed by the department of Health Research and Family Welfare that surrogacy is a privilege and should by restored in exceptional circumstances only and that adoption should be the first preference for family formation. The committee rejected this preposition and said that government cannot force adoption in lieu of surrogacy, they are on equal footing and in the name of adoption the

government cannot take away the reproductive rights of couples to have a biologically related child through surrogacy.

7. Another issue which was deliberated upon by the committee was to allow the individuals who are single including unmarried, separated, widows, transgender, single parents to exercise their parenthood after considering the various aspects of this issue, the committee recommended the proposed legislation should broad base the eligibility criteria in this regard an appropriate alterations accordingly be made in clause 2(g) and 4(iii) (c) of the bill.The committee rightfully recommended that extending the option of commissioning to foreign nationals should not be allowed but at the same time recommended that persons of Indian origin, Overseas Citizen of India and Non Resident Indian should be permitted to avail the surrogacy services in the country.

8. The definition of "infertility" and the condition of 5 years waiting period to adopt surrogate parenthood was also found violative of reproduction rights so it recommended that the words "five years" in clause 2(p) and 4(iii) (c) ii be replaced with one year" and consequential change be made in other relevant clauses of the bill. It further recommended that in circumstances where the need for surrogacy is absolute due to medical reasons like absence of uterus, destruction of uterus because of cancer, fibroid etc. even the prescribed one year period should be waived off.

9. Another recommendation was regarding allowing the intending parents to go for second chance at surrogacy in case of any abnormality in the previous child irrespective of the fact whether the abnormal child is born through surrogacy or not,where as in the draft bill the couples commissioning surrogacy were not allowed to go for surrogacy again to have a normal child.

10. The committee was of the view that the provision regarding maternity benefits may be incorporated.[11]

11. The Committee recommended change in the definition of team "Surrogacy" in clause

2(zb) and suggested that the definition of surrogacy as provided in ART Bill, 2014 be included.[12]In clause 2(2b) of the Surrogacy Bill with specific precondition of only close relatives to become surrogate mothers would tend to compromise the privacy of intending parents by way of forcing them to declare their infertility within their family. The committee found this precondition violative of the fundamental right of privacy and reproductive autonomy of the medically infertile persons. So committee was of the view that limiting the practice of surrogacy to close relatives is not only non pragmatic and unworkable but also has no connection with the object to stop exploitation of surrogates envisaged in proposed legislation therefore it recommended that this clause of "close relative should be removed to widen the scope of getting surrogate mother from outside the close confine of the family of intending couples.[13]

There were other suggestions like provision of breast milk banks for the surrogate child, a tripartite surrogacy agreement, the number of attempts for surrogacy procedure on the surrogate mother should be three cycles of assisted/artificial reproduction techniques with a 4[th]cycleif necessary. It also suggested tobring ART Bill before the Surrogacy (Regulation) Bill, 2016 to regulate "surrogacy clinics", storage of embryos should be permitted and clause 3 (vii) should be amended appropriately on the lines of ART Bill 2014.[14]

Conclusion

The committee analyzed the proposed bill in a very comprehensive manner and put forth very valuable suggestions which if not incorporated in the proposed legislation would push the surrogacy industry in to dearth and would become a tool of operation for women. Therefore it is suggested that the proposed bill should be redrafted in line of suggestions/recommendations made by the parliamentary committee. The bill passed in the present form willbecomea tool of exploitation for women and would notserve the purpose. Hence it is suggested that it would be better if on the place of making norms for surrogate mothers and commissioning parents the intended legislation should have the provision to provide a legal framework to restrict the exploitation of surrogate mothers and the children and to punish those who do not honour the contract. It would have been better if the proposed legislation could ensure that the surrogates are properly counselled about the medical and economic implications of surrogacy viz. medical care, hygiene and nourishment of the surrogate mother during and after the pregnancy.

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Rights of Minor Rape Victim under Light of Supreme Court Landmark Judgements

Pooja Suman

Research scholar
M.L.S. University, Udaipur (Rajasthan)

Abstract

Minor Rape or Child Sexual Abuse is a common and a serious public health problem in every society. It not only leaves a permanent scar on the mind and the body of the victim, but also put her entire family into shame and humiliation. Supreme Court of India recently observed that no compensation can be adequate nor can it be of any respite for the minor victim of rape but as the State has failed in protecting such serious violation of a victim's fundamental right, the State is duty bound to provide compensation, which may help in the victim's rehabilitation. The humiliation or the reputation that is snuffed out cannot be recompensed but then monetary compensation will at least provide some solace. Cases of minor rape and sexual violence against women and children are increasing throughout India. This paper deals with modern approach of penology and victimology which is striking a balance between rights of minnor rape victim and society. Various statutory provisions and decisions of the Supreme Court have been studied and analysed to highlight the need for compensation and rehabilitation of minor rape survivors as a constitutional obligation for human rights cause. I will discuss the Factors considered for deciding quantum of compensation, and long term rehabilitation has been discussed and recommendation for implementation of compensatory order for minor rape victim.

Keywords: *Rights, Minor, Rape, Victim*

Introduction

The oriental tradition of India preaches "MAATRI DEVO BHAVA" which means worships the mother; and women should be honoured with great reverence like goddess.

India is home to 430 million children which is approximately includes one in every five children below the age of 18 years, in the world.[1] They face staggering challenges from the day they are born. Malnutrition, illiteracy, trafficking, forced labor, drug abuse, sexual abuse pornography etc. are not uncommon among the children in India.[2] Rape includes physical or psychological maltreatment of a child usually by a person who is in a position of trust and confidence in relation to the child.[3]. A study conducted by the UNICEF after the 2012 Delhi gang rape revealed that one in every three rape cases, the victim is a child and these incidences are increasing at an alarming rate.[4] However, the report did not exhibit the true reality because most of the cases go unreported because of the stigma attached to it in our society. Approximately 7200 children including infants are raped every year which is an issue of serious concern. Before May 2012, various sections of the IPC dealing with sexual offences were also applied to the cases of child sexual abuse resulting in serious miscarriage of justice as the provisions were not reasonably sufficient for their application to cases of child sexual abuse.

Rape is one of the most heinous crimes and is often described as the "beginning of a nightmare" for the victim. Rape in India is a

cognizable offence. There are many provisions in various Acts. The word rape is legally defined u/s 375 and u/s 376 of Indian Penal Code, 1860. It defines the rape and also prescribes its punishment. In this paper, efforts have been made to identify how judiciary being the third pillar of the Constitution has played a vital role in finding the proper solution in rape cases. Sometimes through wide interpretations of the various provisions of legislation and sometimes by laying down landmark judgments where there were no specific laws.

Children are more Frequently raped than Adults

Children are more frequently raped than adults as they cannot offer much resistance, and also due to false belief that venereal diseases are cured by sexual intercourse with a virgin. Child sexual abuse is a common problem in every society[5]. Child sexual abuse typically includes unwanted and inappropriate sexual solicitation of, or exposure to, a child by a solder person; genital touching or fondling; or penetration in terms of oral, anal or vaginal intercourse or attempted intercourse[6]. Sexual offences in India are covered under different sections of Indian Penal Code and it does not distinguish between adult and child victims. However, the Protection of Children from Sexual Offences Act (POCSO), 2012, which has been recently drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation, defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years of the offence of sexual assault, sexual harassment, and pornography[7].

According to a study published by the Ministry of Women and Child Development in 2007, India has the world's largest number of sexually abused children; children below 16 years are raped every 155th minute and below 10 years are raped every 13th hour and there is severely under-reporting of such crimes[8]. But while considering the incidence of rape, it is 2 per 100,000 people in India, which is much lower than the reported rape incidence rate statistics for many nations tracked by the United Nations[9]. The majority of rape cases in India, as elsewhere in the world, is never reported due to the social stigma[10]. It has been reported that among all the CSA victims, 56% were referred to the police, 31% to the public prosecution and only about 8% reached the court.[11] The under-reporting of child sexual abused by victims is a serious problem that may prolong the suffering of victims and leave perpetrators free to continue offending.[12] Rape is not a medically recognized entity, but a sociological and legal concept.[13]

The applicability of National Laws, State Laws, Supreme Court decisions and High Court decisions

We will discuss the existing legislation, case law and the Law Commission reports on Child Rape. It refers to constitutional law, substantive criminal law, procedural criminal law and the special law on sexual offences against children. The paper traces the legal frameworks as they have developed. A key focus is on the nature of the 2013 amendments to the Indian Penal Code 1860 (IPC), the Indian Evidence Act 1872, and Co de of Criminal Procedure 1973 and their impact on laws related to sexual offences against children.

Law Commission of India

The Law Commission is an executive body established by an order of the Government of India. Its major function is to work for legal reform. Its membership primarily comprises legal experts, who are entrusted a mandate by the government. The Chairman of the Law Commission is generally a retired judge of the Supreme Court. The Commission is established for a fixed tenure and works as an advisory body to the Ministry of Law and Justice. State Law Commissions can also be appointed by the Indian states individually. Its role has not only been advisory but also critical of the government policies and has been recognized by the Supreme Court and academia as pioneering and prospective. In a number of decisions, the Supreme Court has referred to the work done by the Law Commission and followed its

recommendations. It is of relevance to this thesis that the 42nd Law Commission Report (1971), the 84th Law Commission Report (1980), the 156th Law Commission Report (1997) as well as the 172nd Law Commission Report (2000) have recommended, time and time again, that the law on sexual offences against women and children needs to be revisited.

The UNICEF appointed a commission under the chairmanship of the eminent jurist Justice V.R. Krishna Iyer, which submitted a report to the Government of India in In 2012, various sexual offences against children were defined for the first time in the Protection of Children Against Sexual Offences Act 2012 (POCSO). Penalties for these offences were prescribed.

The J.S. Verma Committee

The J.S. Verma Committee Report also recommended the promulgation of a presidential ordinance to incorporate amendments to the Criminal Law Amendment Bill 2012. 69A Presidential Ordinance was promulgated on 3 February 2013. The Criminal Law (Amendment) Bill 2013 was placed before the Lok Sabha (Lower House of Parliament). A Parliamentary Standing Committee Report on the Criminal Law (Amendment) Bill 2012 was laid before the Rajya Sabha on 1 March 2013 and before the Lok Sabha on 4 March 2013. The Criminal Law (Amendment) Act 2013 was finally passed by the Lok Sabha on 19 March 2013 and by the Rajya Sabha on 21 March 2013. This Act produced changes to the IPC, the Indian Evidence Act 1872, and the Code of Criminal Procedure 1973 on laws related to sexual offences.

The Constitution of India 1950: fundamental rights protecting children

The Constitution of India 1950 is the document which gives validity to the constitution of the Union of India.

The welfare and well-being of children in India has been guaranteed through certain provisions in the Constitution of India 1950. These are:

(i) Article 15(3): The State can make special provision for children. This is part of the fundamental rights and is a justiciable right under the Constitution. Article 14 states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India

(ii) Article 21: No person shall be deprived of his right to life and personal liberty except according to procedure established by law. This is a justiciable right. The concept of procedural due process of law has been incorporated into the Indian Constitution by case law, so that the words "procedure established by law" in Article 21 should mean "fair, just and reasonable procedure" in accordance with the principles of natural justice; namely, the right to fair hearing and the rule against bias.

(iii) Article 21A: The State shall provide free and compulsory education to all children of the age of six to fourteen years in a manner determined by law. This is a justiciable right, inserted by a constitutional amendment in 2005. Thereafter the Right of Children to Free and Compulsory Education Act 2009 was enacted.

(iv) Article 39(e): The State shall direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

National laws and State laws

The general substantive criminal law comprises of the Indian Penal Code 1860(IPC). This has been amended many times, with the latest amendment in 2013, as per the Criminal Law (Amendment) Act 2013.

National general Procedural Criminal laws

The general procedural criminal law comprises of the Code of Criminal Procedure 1973, and the Indian Evidence Act 1872.

The CrPC lays down the general procedure for the prosecution of offenders with a specific hierarchy

which applies uniformly across every state. The pattern of trying cases involving sexual offences against children was as per the 1st Schedule of the CrPC. [14] The Indian Evidence Act 1872 lays down the general evidentiary principles to be adopted in a court of law including cases of child sexual abuse.[15]

National Substantive Law

Section 375: Rape—The law on this matter underwent a substantial change on 3 February 2013 after the Criminal Law (Amendment) Act 2013. The pre-February 2013 law on rape is understood to cover only penile penetration of the vagina of a female[16] without her consent – the age of consent being sixteen years.

The following part traces the developments on the law of rape in a chronological manner, referring to relevant Law Commission Reports recommending changes, as well as important case law which helped to guide law reforms.

Madan Gopal Kakkad v. Naval Dubey and Another (1992)[17] In this case, the Supreme Court clarified the meaning of the term "penetration" for rape under section 375 IPC. The facts of this case involved a minor girl aged eight who was raped by her friend's uncle in 1982. The respondent was aged 28 and had completed his medical studies. Both respondent and victim belonged to highly educated and affluent families. The respondent committed the offence in such a way that her hymen was not injured. Medical evidence pointed to injuries on the labia majora and minora alone. It was alleged by the prosecution that the accused was in the habit of raping young girls in the locality who were friends of his niece, and that his niece herself had confessed to the victim that she had been raped by him many times. The Trial Court discharged the respondent of offences under sections 354, 375 and 376 IPC. The State appealed to the High Court. The High Court found the respondent guilty of the offence only under section 354 IPC and sentenced him to pay a fine of Rs. 3,000, in default to suffer simple imprisonment for 6 months and also directed a sum of Rs. 2,000 out of the fine amount if collected to be paid over as compensation to the father of the victim girl. The State did not prefer any appeal before the Supreme Court. However, the father of the victim girl, feeling aggrieved by the judgment of the High Court, filed this criminal appeal on two grounds:(1) that the High Court errored in finding the respondent guilty of a minor offence under section 354 of the IPC when all the necessary ingredients to constitute an offence punishable under section 376 of the IPC have been satisfactorily established; (2) that the sentence of fine alone imposed by the High Court under section 354 IPC for this serious offence was grossly inadequate and not commensurate with the gravity of the offence committed by the respondent.

Supreme Court—In appeal, the Supreme Court set aside the judgment of the High Court. Upon examination of the evidence preferred before the Trial Court and High Court, Justices S.R. Pandian and M. Fathima Beevi came to a finding that there is acceptable and reliable evidence that there was slight penetration, not a complete penetration. The judgment stated that it is well understood from various legal treatises as well as High Court case law on the subject that even the slightest penetration is sufficient to make out an offence of rape and the depth of penetration is immaterial.[18]The Supreme Court held that, having regard to seriousness of crime, the respondent was to be convicted under section 376 and was sentenced to undergo rigorous imprisonment for period of seven years with fine of Rs. 25000. A delay of ten years had already occurred. The High Court's reason for imposing a fine only and not sentencing imprisonment to the accused was that the respondent "is now gainfully employed and there is nothing to show that he is indulging in his nefarious activities". The Supreme Court judges stated that the reasons given by the High Court for imposing only a fine are not in conformity with existing sentencing policy for a case of such grave nature. The Supreme Court judges took into account the fact that the victim was presently 19 years old and continued to undergo untold agony of the traumatic experience and the deathless shame

suffered by her, and that she was harbouring the impression that her future chances for getting married in a respectable family had been completely marred.

Sexual consent obtained by putting the woman or any person in whom she is interested in fear of death or of hurt.: Tukaram (1979)

Tukaram & Another v. The State of Maharashtra [19] (The Mathura case)(1979)

The Mathura case is a classic example of how the supposed "consent" of a child below the age of 16 is taken into consideration by the Indian criminal justice system in order to establish that there was no rape. This case involved the instance of custodial rape on 26 March 1972, wherein Mathura, a young tribal girl, was raped by two policemen in the police station compound. The Supreme Court's acquittal of the accused led to public outcry and protests. This resulted in the amendments in Indian rape law through the *Criminal Law (Second Amendment) Act 1983.*

As per the facts of the case, a *Dalit* girl of 14 to 16 years of age named Mathura lived with her brother. A young man named Ashok wanted to marry her, but his match was initially rejected. Later on, they decided to marry. After Mathura left her home with Ashok, her brother lodged a complaint at a police station stating that Mathura had been kidnapped by Ashok and his family members. Later on, all of them went to the police station. After the recording of statements, they were permitted to leave. However, a constable directed Mathura to stay back and her family to proceed out. She was raped by the two police constables present there. When her family came searching for her, she informed them immediately about the rape. The sessions court failed to believe in this story and said that because Mathura was "habituated to sexual intercourse", her consent was voluntary; under the circumstances rape could not be proved. On appeal, the High Court reversed the decision of the lower court and convicted the accused, observing that her subsequent conduct in making a statement immediately, not only to her relatives, but also to the members of the Crown, leaves no manner of doubt that she was subjected to forcible sexual intercourse. It said that mere passive or helpless surrender of the body and its resignation to the others' lust, induced by threats or fear, cannot be equated with desire or will, nor can it furnish an answer by the mere fact that the sexual act was not in opposition to such desire. The Court stated that the fact that the only reason Mathura was in the police station was because of the complaint filed by her brother makes it more probable that any effort to have sexual intercourse was made by the accused and was without the consent of the prosecutrix.

Supreme Court Appeal—In appeal to the Supreme Court, a bench comprising of Justices A.D. Koshal, Jaswant Singh, and P.S. Kailasam set aside the conviction on the grounds that the said sexual intercourse was not proved to have amounted to rape. It further held that there were no circumstances available which made out a case of fear on the part of the girl and there was no finding that she was put to fear of death or hurt. The Supreme Court pointed out that Mathura had raised no alarm and there were no visible marks of injury on her person, suggesting no struggle and therefore no rape. It said that unless the fear was of hurt or death, it would not vitiate consent and in this case the circumstantial evidence proves that the fear, if any, was not the kind to vitiate consent. The medical evidence adduced also proved that Mathura was used to sexual intercourse. Therefore, section 375(3) *IPC* was held not apply in this case.

Pursuant to the 84th Law Commission Report, the third description of section 375 *IPC* was widened by the *Criminal Law (Amendment) Act 1983* by the insertion of the words "or any person in whom she is interested" after the words "putting her" in fear of death or hurt in the clause*.* Consent to sexual intercourse obtained by putting the woman or anyone she is interested in – such as her children, husband or parents – into fear of death or hurt is treated as no consent. Hence, such kind of sexual intercourse would be treated as rape of the woman.[20]

Socio-cultural contexts regarding the plight of a female victim of a sexual offence: Bharwada Bhoginbhai Hirjibhai (1983)

In *Bharwada Bhoginbhai Hirjibhai v State of Gujarat*[21] two young girls visited the appellant's house in order to play with his daughter who was their friend. She was not at home, but her father falsely induced them to enter the house. Once they were inside, the appellant closed the door, undressed himself in the presence of both the girls, and exposed himself. He asked one of the girls to indulge in an indecent act, whereupon she fled from the house. The other girl could not escape. She was pushed into a cot and was made to undress. The appellant sexually assaulted her. The parents of both assaulted girls wanted to keep the matter quiet. However, the residents of the locality came to know about the incident and took up the cause. The Sessions Judge found the appellant guilty of serious charges of sexual misbehaviour with the two girls and convicted the appellant for the offence of rape, outraging the modesty of women, and wrongful confinement. The High Court affirmed the order regarding wrongful confinement and outraging the modesty, but modified the conviction under rape to attempt to rape (section 376 read with section 511 of the *IPC*).123 The appellant appealed to the Supreme Court.

Supreme Court Appeal—Justices M.P. Thakkar and A.P. Sen rejected his appeal, and made a number of crucial observations on the plight of an Indian girl or woman who is a victim of sexual assault. These observations laid down, for the first time, the socio-psychological reasons which make the average Indian female cry "rape". The Supreme Court observed that rarely will a girl or woman in India make false allegations of sexual assault, regardless of her position in society. An exception or two may exist, possibly from the urban elites. The learned judges of the Supreme Court listed several reasons for this observation:

1. A girl or woman in the tradition-bound non-permissive society of India would be extremely reluctant even to admit that any incident which is likely to reflect on her chastity had ever occurred.

2. She would be conscious of the danger of being ostracised by the society or being looked down by her own family members, relatives, friends and neighbours.

3. She would have to brave the whole world.

4. She would face the risk of losing the love and respect of her own husband and near relatives, and of her matrimonial home and happiness being shattered.

5. If she is unmarried, she would apprehend that it would be difficult to secure an alliance with a suitable match from a respectable or an acceptable family.

6. It would almost inevitably and almost invariably result in mental torture and suffering to herself.

7. The fear of being taunted by others will always haunt her.

8. She would feel extremely embarrassed in relating the incident to others being overpowered by a feeling of shame on account of the upbringing in a tradition-bound society where, by and large, sex is a taboo.

9. The natural inclination would be to avoid giving publicity to the incident lest the family name and family honour is brought into controversy.

10. The parents of an unmarried girl, as also the husband and members of the husband's family of a married woman, would also more often than not, want to avoid publicity on account of the fear of social stigma on the family name and the family honour.

11. The fear of the victim herself being considered to be promiscuous or in some way responsible for the incident regardless of her innocence.

12. The reluctance to face interrogation by the investigating agency, to face the court, to face the cross-examination by counsel for the culprit, and the risk of being disbelieved, acts as a deterrent.

A procedural shift in the trial of rape cases: A change to protect the victim against stereotypical branding and prosecution as "immoral": *Gurmit Singh* **(1996)**

State of Punjab v Gurmit Singh[22] was the first case in which the Supreme Court laid down guidelines to be followed by trial courts in cases of rape, due to the trial court adding to the trauma of the victim by branding her as a person of loose morals and acquitting the accused on the basis of her delay in filing the case. This case is a glaring example of secondary victimization when the victim, who is being "protected" by the criminal justice administration system, finds this experience more traumatic than the alleged abuse

In this case, a young girl below the age of 16 years was abducted from her school by the three accused. She was repeatedly raped by each one of them in turn under the threat of death if she raised an alarm. Hence, she kept quiet. The delay in filing the First Information Report with the police as well as slight discrepancies in her testimony led the Sessions Court in Ludhiana to acquit all the accused on both counts of abduction and rape. The trial court referred to the young village girl as a person of loose character who had invented the story of rape in order to justify spending a night out of home. It refused to rely on her statement.

Supreme Court Appeal—The Supreme Court bench comprising of Justice A.S. Anand and Justice Ahmad Saghir S. observed that the appreciation of evidence by the trial court was "not only unreasonable but perverse". The Supreme Court held that the sexual intercourse was against the girl's will for which the accused were liable for rape under section 376 of the *IPC*. *Gurmit Singh* is important because it was the first time the Supreme Court laid down guidelines for trial in cases of rape:

1. Delay in lodging First Information Report is not material when properly explained.

2. The Court should find no difficulty in convicting the accused on the prosecutrix's testimony alone. Corroboration of the victim's testimony would be necessary only if there are compelling reasons.

3. The trial of sexual offences should be *in camera* and invariably by a lady judge whenever available.

4. The Court must refrain from making derogatory observations of the prosecutrix.

5. In a rape trial, the Court is under an obligation to ensure that the prosecutrix is not harassed and humiliated in cross-examination.

The definition of "sexual intercourse" in section 375 *IPC: Sakshi* **(1999, 2004)** Pursuant to the *Sakshi* case which sought clarification of the meaning of the term "sexual intercourse" used in section 375 *IPC*, the Supreme Court directed the Law Commission to make recommendations regarding the same. The Law Commission submitted its 172nd report in 2000 recommending an expanded definition to the offence under section 375 *IPC*, and proposed renaming it as "Sexual Assault" instead of "Rape".

Sakshi v Union of India (1999)[23] In Writ Petition (Crl.) No.33 of 1997, the petitioner, "Sakshi", an organisation interested in issues concerning women, approached the Supreme Court of India for directions concerning the definition of "sexual intercourse" as contained in section 375 *IPC*. The Law Commission's reply was that such issues had already been dealt with by the

Only penile penetration constitutes rape: *Sakshi* **(2004)**[24] In its 1999 decision on the *Sakshi* case, the Supreme Court referred the matter on 13 January 1998 to the Law Commission of India for its opinion as to whether all forms of penetration would come within the ambit of section 375 *IPC* or whether any change in statutory provision need to be made, and if so in what respect. However, in its 2004 judgment, the Supreme Court under Chief Justice S. Rajendra Babu and Justice G. P. Mathur held that only penile penetration would constitute rape, and no other forms of penetration would attract the offence under section 375 *IPC*. The Supreme Court held that prosecution of an accused for an offence under section 376 *IPC* on a radically

enlarged meaning of section 375 *IPC* may violate the guarantee enshrined in Article 20(1) of the Constitution, which states that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. The Supreme Court held "it will not be in the larger interest of the State of the people to alter the offence of rape as contained in Section 375 *IPC* to include penetration other than penile penetration, by a process of a judicial interpretation as is sought to be done by the petitioner" in that case." Thus, despite the recommendations of the 172nd Law Commission, the Supreme Court refused to tamper with the existing interpretation of the offence of rape in section 375 *IPC*.

Unfortunately, the recommendations of the Law Commission were not taken into consideration by the Indian Parliament and no amendments to the *IPC* and allied laws were made. It took almost 13 years for parliamentary change to be wrought in the *IPC* and related laws regarding sexual offences, mainly due to the public outrage propagated through social media regarding the Delhi Rape Incident in 2012.

The amended section is a copy of various instances of penile and non-penile penetration, which has been defined as "penetrative sexual assault" under the *POCSO*. The difference is while the perpetrator in *POCSO* is gender-neutral, the perpetrator in the amended *IPC* is a man, as in the original *IPC*, and the offence continues to be termed as "rape". It can be seen that the first five instances of the circumstances which would constitute rape is the same as in the pre-2013 *IPC*. However, in the sixth instance, the age of the consent has been raised to 18years. Hence, whether she consents or not, if she is under 18years of age, her consent to sexual intercourse is immaterial and such sexual intercourse with a girl under the age of 18will be construed as rape.

Certain Offences Of Rape From Sections 376A To 376E IPC—The following provisions are relevant because they deal with rape of a woman in various circumstances:

1. Section 376A *IPC*: Punishment for causing death or resulting in persistent vegetative state of victim—This is a new provision which provides for punishment for causing death or resulting in persistent vegetative state of victim. It replaces the previous section 376A *IPC* which punished the husband for sexual intercourse with a wife during separation as rape. Post-*Criminal Law (Amendment) Act 2013*, section 376A *IPC* states:

2. Section 376B *IPC*: Sexual intercourse by husband upon his wife during separation—Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

3. Section 376C *IPC*: Punishment for sexual intercourse by a superintendent/manager of a jail—be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

4. Section 376D *IPC*: Punishment for gang rape—whoever commits gang rape shall be punished with imprisonment for a term for a term which shall not be less than 10 years but which may be for life and shall also be liable to fine,

5. Section 376E *IPC:* Punishment for repeat offenders—Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death, repeat offenders are to be punished with life imprisonment for the remainder of that person's natural life, or with death.

National Special Legislation

A few special enactments of relevance to the topic of minor rape have been enacted by the Parliament, such as the Information Technology Act 2000, the Juvenile Justice (Care and Protection of Children) Act 2000, the Commissions of Protection of Child Rights Act 2005, the Protection of Women Against Domestic Violence Act 2005, the Prohibition of Child Marriage Act 2006, 78and the POCSO.

The Protection of Children From Sexual Offences Act 2012

Special legislation consist of legislation enacted on specific subjects, such as food safety, narcotics and psychotropic substances, domestic violence, information technology, juvenile justice, and labour welfare legislation.

1. Penetrative sexual assault and punishment (sections 3 and 4 POCSO)—Five types of penetrative acts constitute this offence under **section 3**: penile penetration; insertion of any object or body part into the body of the child; manipulation of any part of the body of a child so as to cause penetration; into vagina, mouth, urethra or anus of the child or making the child to do so with such person or any other person; or oral application to the penis, vagina, anus, urethra of the child; or making the child to do so to such person or any other person. This offence is punishable under section 4 by imprisonment of either description from seven years to life and fine, It can be seen that no specific amount has been prescribed as fine throughout the Act.

Case Law

Gaya Prasad Pal v State **(2016)—**This case was decided by Justice Gita Mittal and Justice Gauba R.K of the High Court of Delhi. The appellant assaulted and committed forcible sexual intercourse with his step-daughter who was less than 14-years-old, causing her to become pregnant and subjecting her to criminal intimidation. He was charged under sections 354A (sexual harassment and punishment for sexual harassment), 375 (rape) and 506 (punishment for criminal intimidation) of the *IPC*, read with section 4 (punishment for penetrative sexual abuse) of the *POCSO.* The Court dismissed the appeal, reprimanding the trial court for failing to correct the provisions under which the *POCSO* applied. The Court said that clause (n) of section 5 *POCSO* ought to have been attracted, as the step-daughter was living in a shared household with the appellant, along with clause (p) of section 5 *POCSO*, as the appellant was her guardian. Instead, the trial court allowed the appellant to be put to trial under section 4, but awarded rigorous imprisonment for life under section 6, which was wholly impermissible and illegal. The Court states there is an overlap between the *IPC* and the *POCSO* in the offences of assault or criminal force to a woman with intent to outrage her modesty, punishable under sections 354 *IPC* and of rape punishable under section 376 *IPC* on one hand, and the offence of sexual assault defined in section 7 *POCSO* and made punishable under section 8 *POCSO* and the offences of penetrative sexual assault punishable under section 4 *POCSO* and aggravated penetrative sexual assault under section 5 *POCSO* on the other. The Court stated that section 376 (2) clauses (f), (i) and (k) of the *IPC* would apply in this case, and since section 375(2) *IPC* prescribes punishment that may extend to "imprisonment for life" which shall mean imprisonment for the remainder of such person's "natural life" and "shall also be liable to fine"; section 42 *POCSO* would apply and the Court shall punish the offender for the offence under section 376 (2) clauses (f), (i) and (k) *IPC*, which is greater in degree in comparison to the offence under section 4 *POCSO.*

*2. Aggravated penetrative sexual assault and punishment (sections 5 and 6 POCSO)—*When persons in certain positions of trust and responsibility commit the act of penetrative sexual assault, then they get aggravated punishment under sections 5 and 6 *POCSO*. Those who come under this category of offenders are:

i.   Police officers

ii. Members of the armed forces/security forces,

iii. A public servant or the management/staff of a jail, remand home, protection home,

observation home, other place of custody or care and protection

iv. Management/staff of a hospital (both government-run as well as private hospitals)

v. Management /staff of an educational institution or religious institution

vi. A relative of the child through blood/adoption/marriage/guardianship/in foster care/domestic relationship with parent/living in same or shared household

vii. Anyone having ownership or management or staff of any institution providing services to the child

viii. Anyone, being in a position of trust or authority of a child in an institution or home

ix. Anyone, who knows the child is pregnant and commits penetrative sexual assault on a child

x. Committing gang penetrative sexual assault on a child

xi. Use of deadly weapons, fire, heated/corrosive substance for committing penetrative sexual assault on a child

xii. Causing grievous hurt/bodily harm/injury to sex organs of child

xiii. Physically incapacitating a child or

xiv. Causing a child to become mentally ill

xv. Causing impairment of child temporarily or permanently

xvi. Making a female child pregnant

xvii. Committing penetrative sexual assault more than once or repeatedly on a child

3. Sexual assault and punishment (Sections 7 and 8 POCSO)—Two elements need to be present in an act in order to come within the ambit of this offence: physical contact without penetration and sexual intent.

The following acts by a person would qualify under section 7 *POCSO*:

1. Touching the vagina, penis, anus or breast of a child with sexual intent.

2. Making a child touch the vagina, penis, anus or breast of such person or any other person.

3. Doing any other act with sexual intent which involves physical contact without penetration. 218

The punishment under section 8 *POCSO* for sexual assault is imprisonment from three years to five years and fine.

4. Aggravated sexual assault and punishment (Sections 9 and 10 POCSO)—When persons in certain positions of trust and responsibility commit the act of sexual assault, then aggravated punishment under sections 9 and 10 *POCSO* apply. Those who come under this category of offenders are:

1. Police officers

2. Members of the armed forces/security forces

3. Public servants

4. The management/staff of a jail, remand home, protection home, observation home, other place of custody or care and protection

5. Member/staff of a hospital (government and private)

6. Member/staff of an educational institution or religious institution

7. The punishment under section 10 *POCSO* for aggravated sexual assault is imprisonment for a term not less than five years up to seven years and fine.

5. Sexual harassment and punishment (Sections 11 and 12 POCSO)—One essential element of all acts of sexual harassment is that there should be sexual intent. Various acts such as uttering words, making sounds or gestures, exhibiting objects or body parts, making a child exhibit his body, showing pornography to a child, stalking a child, blackmailing a child and enticing or giving gratification for pornographic purposes come under the ambit of the definition of sexual harassment.

The punishment under section 12 *POCSO* shall be imprisonment up to three years and fine.223

6. Using a child for pornographic purposes and punishment (Sections 13 and 14 POCSO)—This offence exists in section 67B of the *Information*

*Technology Act 2000.*224Section 67B of that Act punishes publishing material containing child pornography or creating text o

7. Punishment for storage of pornographic material involving child (Section 15 POCSO)— Section 15 *POCSO* states that if any person, for commercial purposes, stores any form of child pornography, such person shall be punished with imprisonment of either description for a maximum period of three years or with fine or with both.227It is pertinent to point out that this provision departs from section 67B of the *Information Technology Act 2000* by providing lesser punishment for storage of commercial child pornography.228

8. Abetment of an offence and punishment (Sections 16 and 17 POCSO)—A person abets an offence, who instigates any person to do that offence or engages in any conspiracy to do that offence or intentionally aids the doing of that offence is said to aid the doing of that offence (section 16 *POCSO*).229Punishment for abetment is the punishment for that offence.230

Clarification regarding the prevalence of the POCSO over other legislation: Sections 42 and 42A POCSO—The *Criminal Law (Amendment) Act 2013* inserted a new section 42 and section 42A into the *POCSO*. Section 42 *POCSO* provides for alternate punishment in cases where an act or omission constitutes an offence punishable under the *POCSO* and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376C, 376D, 376E or section 509 of the *IPC*. Then, notwithstanding anything contained in any law, the offender found guilty of such an offence shall be liable to punishment under the or under the *IPC* as it provides for punishment which is greater in degree. Also, section 42A *POCSO* states that the provisions of the *POCSO* shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of the *POCSO* shall have overriding effect on the provisions of any such law to the extent of the inconsistency. This means that the provisions of the *POCSO* shall prevail over the provisions of any other law in case of inconsistency.

Conclusion

The absence of empirical studies analysing the nature, incidence, prevalence and effects of child rape in India is a glaring anomaly. Despite the lack of statistical data, the upper judiciary has been able to accurately observe and record the social science dimensions in sexual offences. Indian female towards non-disclosure were identified in this judgment. Despite the Justice Verma Committee Report expressing its regret regarding such profiling of an Indian girl, as it would not be accurate or scientific to test the testimony of an Indian woman with reference to the criteria mentioned in this case, this judgment is significant because it discloses the general attitude, and in turn, the judicial attitude towards women in India.

1. There has been a range of developments in the law against minor rape in the *IPC* and *POCSO*. Problematic areas identified from the synthesis of legislation and case law, both national and state, are:

2. Has the nature and scope of the sexual offences in the *POCSO* made positive advances in responding to child sexual abuse?

3. Has the nature and scope of the amended offence of rape in the *IPC* made positive advances in responding to child sexual abuse?

4. Does the current interpretation of the offence of carnal intercourse in the *IPC* offer sufficient protection against child sexual abuse?

5. Is the current criminalisation of abusive and non-abusive sexual activity of children below the age of 18 a positive advance in responding to child sexual abuse?

6. Does the present law on sexual assault in the *IPC* make positive advances in responding to child sexual abuse?

7. Does the statutory exclusion of child-wife rape from the scope of the amended offence of rape in the *IPC* construe a positive advance in responding to child sexual abuse?

8. Is the current criminalisation of abusive and non-abusive sexual activity of children below the age of 18 a positive advance in responding to child sexual abuse?

9. Does the present law on sexual assault in the *IPC* make positive advances in responding to child sexual abuse?

10. Does the statutory exclusion of child-wife rape from the scope of the amended offence of rape in the *IPC* construe a positive advance in responding to child sexual abuse?

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14. This states which courts had the jurisdiction to try the following offences: Section 354-Assault or use of criminal force to a woman with intent to outrage her modesty- Triable by any Magistrate Section 375 –Rape- Triable by the Court of Session Intercourse by a man with his wife not being under twelve years of age- Triable by the Court of Session Section 376-A- Intercourse by a man with his wife during separation- Triable by the Court of Session Section 376-B-Intercourse by public servant with woman in his custody-Triable by the Court of Session Section 376-C-Intercourse by superintendent of jail, remand home etc- Triable by the Court of Session Section 376-D-Intercourse by manager etc of a hospital with any woman in that hospital- Triable by the Court of Session Section 377- Unnatural offences- Triable by the Magistrate of the first class Section 509- Uttering any word or making an gesture intended to insult the modesty of a woman etc- Any Magistrate

15. Section 118 lays down who may testify before the Court. All competent persons shall testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same

kind. In cases of absence of direct evidence, circumstantial evidence can be taken. It is an established rule of evidence that circumstantial evidence can be depended up where there are no pieces of direct evidence. Illustration (j) of Section 157 states: 'The question is whether A was ravished. The facts that shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and the terms in which, the complaint was made are relevant'. The legal admissibility and relevancy of such evidence as to conduct is also admissible for the purpose of corroboration. This can be found in section 157. The Act also provides for delayed complaints and the factors to be taken into consideration. This has implications with regard to filing of cases relating to child sexual abuse. Section 53 states that in criminal cases, the previous good character of an accused is relevant. After the Criminal Law (Amendment) Act 2013, various new sections haves been inserted which redefine the jurisprudence regarding consent of a woman to sexual activity. Section 53A lays down that evidence of character or previous sexual experience is not relevant in certain cases involving a prosecution for an offence under sections 354, 354A, 354B, 354C, 354D, 376, 376A, 376B, 376C, 376D or 376E of the IPC or for attempt to commit any such offence. Here, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent. Section 114A lays down a presumption as to absence of consent in certain prosecutions for rape. In a prosecution for rape under clauses (a) to (n) of subsection (2) of section 376 of the IPC, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and such woman states in her evidence before the court that she did not consent, the court shall presume that she did not consent. An explanation of "sexual intercourse" is given to mean any of the acts mentioned in clauses (a) to (d) of

section 375 of the IPC. A new proviso has been inserted to section 146 of the Indian Evidence Act 1872 which bars theadducing of evidence or putting questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving consent or the quality of consent. However, consent of a girl-child below the age of 18is now not considered to be valid consent after the Criminal Law (Amendment) Act 2013.

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20. The Criminal Law (Second Amendment) Act 1983 also added section 114 (A) of the Evidence Act to state that if the victim says that she did not consent to the sexual intercourse, the Court shall presume that she did not consent, which shall be a rebuttable presumption. New sections were added to the Indian Penal Code 1860: sections 376(A), 376(B), 376(C) and 376(D), which made custodial rape punishable. It also added provisions for in-camera trials, the prohibition on the victim identity disclosure, and tougher sentences in the Code of Criminal Procedure.

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Voting Behavior in India: The Mind and the Ballot

Dr. Priyanka Arya

Assistant Professor, Department of Political Science
University of Rajasthan, Jaipur (Rajasthan)

Abstract

Political Behavior is the central and most visible tradition of politics of any political system. Political system survives by means of political activities carried out by the representatives and these representatives are chosen by the electorate by means of vote. Candidates do their best to sway voters with cogent debates, massive rallies, and expensive advertisements. In this the most interesting questions are not concerned with who will win but with such questions as why people vote the way they do or what the implication of the results is going to be. It means how people vote is decided by the voting behavior, which generally understood is a set of attitudes and beliefs towards elections. Here it becomes important to understand the psychology of elections thus identify the factors which influence voting behavior.

Keywords: *Political Behavior, Political System, Voting Behavior*

Introduction

Political Behavior is the central and most visible tradition of politics of any political system. Political system survives by means of political activities carried out by the representatives and these representatives are chosen by the electorate by means of vote. Candidates do their best to sway voters with cogent debates, massive rallies, and expensive advertisements. In this the most interesting questions are not concerned with who will win but with such questions as why people vote the way they do or what the implication of the results is going to be. It means how people vote is decided by the voting behavior, which generally understood is a set of attitudes and beliefs towards elections. Here it becomes important to understand the psychology of elections thus identify the factors which influence voting behavior.

The study of voting behavior began in the late eighteenth century (Jensen 1969). In the words of Plano and Riggs, "Voting Behaviors is a field of study concerned with the ways in which people tend to vote in public election and the reasons why they vote as they do."

According to Richard Rose and Harve Massavir, voting covers as many as six important functions:-

1. It involves individual's choice of governors or major governmental policies;

2. It permits individuals to participate in a reciprocal and continuing exchange of influence with officeholders and candidates;

3. It contributes to the development or maintenance of an individual's allegiance to the existing constitutional regime;

4. It contributes to the development or maintenance of a voter's disaffection from existing constitutional regime;

5. It has emotional significance for individuals; and

6. For some individuals it may be functionless i.e devoid of any emotional or political significant personal consequences.

Since the level of literacy in India has gone up over the years, political consciousness is

remarkably high at present. Political awareness is increasing even among the rural poor and illiterate populations. Now even the youth takes interest in assessing the performance of its leaders. There is an increase in the way the youth identifies itself with political parties and leaders.

There are multiple factors which can be identified as reasons for choosing a candidate in an election. These may range from attitudinal to social. A voter may choose a candidate on the basis of one or more of the following considerations:

- orientations on specific issues of public policy
- general evaluations of the government performance
- evaluations of the personal characteristics of the candidates
- party identification

Paul F. Lazarsfeld and others (1967) concluded that voting depends primarily on socio-economic factors or people's location in social systems—their social class, occupation, gender, race, age, religion, ethnicity, family history of voting behavior (political socialization) and membership in voluntary associations such as trade unions, recreational clubs, political parties and civic organizations. In the past, only the political manifestos of the parties determined their success in elections.

In India the political parties and groups make use of the below mentioned variables for the sake of winning the battle of the ballot box.

Party—Dalton and Wattenberg (1993) assume that voters identify with their choice of party because they perceive that the party's objectives are compatible with their own. Thus, for a large part of the electorate, the decision-making process becomes quite simple: they support the candidate(s) whose background is most similar to their own.

Caste—Caste continues to be a determinant of voting behaviour in India. It has deep roots in the society and constitutes an important basis of social relations at all levels. Despite the adoption of several provisions which prohibit action and discrimination on its basis, caste continues to be a determinant of political behaviour. Votes are demanded in the name of caste. "Jat Ki Vote Jat Ko." Brahmin votes vs Jat votes or Jat votes vs Ahir votes etc., are commonly used 'principles' in planning election strategy.

Religion—The establishment of a secular state in India by guaranteeing the right to freedom of religion to everyone, treating every religion as equal and non recognition of any religion as a state religion-has not been successful in preventing the role of the religion as a determinant of political behaviour in general and voting behaviour in particular. Constituencies populated by a particular religion become the stronghold of religious parties. For example the Muslim league, the Akali Dal, the Hindu Maha Sabha, the Shiv Sena etc. emerged due to this factor and has been one of the reasons behind the continued role of religion as a determinant of voting behaviour. The selection of candidates is done with an eye upon the presence of a religious majority in a particular constituency. Ram Mandir and Babri Masjid issue always figure as deciding factor in election results every time.

Language—India is a multi lingual state and the multiple languages were accepted for the convenience of people inhabiting the nation but toady linguism has also become an important factor in analysing voting behaviour. The organization of states on linguistic basis fully reflects the importance of language as a factor of politics in India. There have been problems in the states like that of the status of one particular language in that state or relating to the quality of the status of a language of a state. For example, in Haryana there has been a demand for declaring Punjabi as the second official language. The Punjabis want that the language status should be conferred on Punjabi in Haryana (this was realized in 1996). In Karnataka there is a demand that Kannada alone should be the medium of instructions in schools, but it is being opposed by other ethnic groups. Such problems are present in almost all the states since people have emotional attachment with their languages, they easily get influenced

whenever there comes up any issue relating to language. Thus Linguistic interests always influence voting behaviour.

Money Factor —The role of money cannot be ignored in the study of electoral behaviour. Though India is a poor country, crores of rupees are spent in election. In the present political and economic context, the conduct of election and the electioneering campaign led by candidates and political parties have tended to be costly affair. While the 1952 elections to parliament and the state legislatures cost Rs. 10.50 crores, the 1980 elections to the Lok Sabha alone cost about Rs. 52 crores, notwithstanding all the economy measures taken to keep the costs down. Certainly with the present system of conducting elections, the costs will escalate at least in proportion to the rise in the cost of living. Moreover, in spite of specifying a ceiling on expenditure that a candidate can make in his election, the amendment in the representation of the people act of 1974 has laid down that the amount spent by a party shall not be taken as an expenditure made by the candidate. The role of money in the politics of our country should, however, be discovered in the politics of political funding. The statutory ban on donations made by business companies to political parties, imposed by the legislation of 1969 has certainly failed to, achieve the desired result. It is assumed that if the money coming from the companies would be stopped, deals would be struck under the table and black money would have full sway. However, money is not everything in an election, musclemen are used covertly. In some cases, excessive use of money or musclemen also brings about a reaction against the candidate who uses them.

Current Events—The current problems and difficulties faced by the people as well as recent political developments or the poll eve developments also act as determinants of voting behaviour. The political and economic events of the election year also act as determining factors. The price rise, shortages and other economic hardships faced by the people during 1966-67 helped several Political parties in considerably

reducing the popularity of the congress with the masses. In 1967, the congress, though it retained its majority at the centre, suffered a loss of popularity which was reflected in its poor performance in the elections to the Legislative Assemblies. However, the victory in the 1971 Indo-pak war turned the tide in favour of the Congress in the elections that followed. In 1984 of the assassination of Mrs.Gandhi created a huge sympathy wave in favour of the congress(I) and its leaders Mr. Rajiv Gandhi in1991,the assassination of Mr.rajiv Gandhi on 21ist May, stemmed the swing away to a low swing in favour of the Congress(I). The violent protests against the decision to implement the Mandal Commission Report by the Janta dal Government in 1990 played a definite role in reducing its popularity. In the forthcoming national elections the steps taken by the Modi govt like Demonetization, Aadhar linkage etc would definitely play a strong role.

Election Campaigns—Each party launches a vigorous campaign for influencing the voters in its favour. Use of such means as mass meetings, street meetings, personal contacts, posters, poster war, speeches by film stars, T.V and radio broadcasts, News Paper advertisements, hand bills, processions and propaganda is made to win votes, particularly the floating votes during the election campaigns. The election campaigns are designed to make a voter believe that his interest can be best served by the party/the candidate of the party contesting from his constituency. Thus acts as an important determinant of voting behaviour.

Local Issues—Local issues always influence the choice of the voters. A regional or a local party always tries to identify itself with local issues and there by secures for itself popular local support. The success of the Aam Aadmi Party in Delhi is a classic example which highlights the role of local issues as determinants of voting behaviour. BSP also dominated the politics of UP for quite some time. The spectacular success of the Telugu Desam Party in Andhra Pradesh in the 1999 Lok Sabha and Andhra Vidhan Sabha elections was

largely determined by its image as a local party identified with the local interests of the state and having a good support with the centre. All regional parties try to win elections on local issues. In fact, all agencies of public opinion always act as determinants of voting behaviour.

Mass Illiteracy—Mass illiteracy has been another factor of voting behaviour in India. It is because of this weakness of the people that political parties, communal groups and militant outfits are in a position to exploit the sentiments of the votes of the illiterates constitute a big proportion of the votes polled and hence they play a big role in determining the outcomes of elections. However, despite this feature, the common sense and maturity born out of the experience of the past has also been playing a big role in influencing the voter's minds and actions.

Voter Knowledge—Candidates can often on questionable moral grounds use psychology as a weapon against competitors. One very powerful example is that of "Push Polls", brief surveys designed to give voters disinformation about a candidate via a hypothetical question and the other is "Ballot Order Effect". Due to mental fatigue, voters choose the first acceptable option in down-ballot races, rather than choosing the candidate they most prefer.

Charismatic Leadership and Cadre—Leaders like J. L. Nehru, Indira Gandhi and now Narendra Modi attracted a number of voters due to their personal influence of behaviour, look and style. Some of the voters are emotionally attached to the political parties and they vote in the name of the party only. The effect of party's working, its members do not in any way deviate the voter. They stick to the same party for no particular logic.

Gender—Gender also plays an influencing role. We tend to see that women voters prefer to pick female candidates out of the concern that the she might be better equipped to solve female issues and vice-versa. However practically seen this holds no effective logic.

Media—Trystan, D., R. Scully, R. Wyn Jones (2003) say that media does play a role in influencing the choice of voters. Citizens learn about politics and government primarily from television and newspapers; these media outlets can influence voters not only through the slant of a particular report, but also merely by choosing which stories to cover. Media along with social network sites has become significant virtual community in campaigning. Current social media users are pegged at 100 million. BJP's Narendra Modi and Congress Vice President Rahul Gandhi are the two most searched politicians in India today. It is believed that social media plays a very pervasive role throughout the election process.

Conclusion

Thus it may be said that multiple factors are responsible for the making of political thinking which in turn push or pull voting behavior. Though democracy comes under pressure at various points of time but even then it keeps teaching its voter to behave in a particular manner at the time of elections. However it can be said that the factors pointed above shall not be allowed to dictate the mandate of the people as they only bring negative assertions in the field of democratic structures. No manipulation shall be registered. If the elections would take a free and fair shape, probably the factors mentioned above would cease to affect the voter and voting behavior would definitely reflect the independence of thought in selection of the candidate.

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Methods of Torture in Police Custody and Human Rights

Hemant Kumar

Assistant Professor
Govt. Law College, Alwar (Rajasthan)

Abstract

Article 21 provides that "no person shall be deprived of his life or personal liberty except according to procedure established by law". Personal liberty, thus, is a sacred and cherished right under the Constitution. The expression "life or personal liberty" has been held to include the right to live with human dignity and thus, it would also include within itself a guarantee against torture and assault by the State or its functionaries. Injustice anywhere is a threat to justice everywhere. Whatever affects one directly affects all directly. Nothing is more cowardly and unconscionable than a person in police custody being beaten up and nothing inflicts a deeper wound on our constitutional culture than a State' official running berserk regardless of human rights. We believe the basic pathology which makes police cruelty possible will receive Government's serious attention. We make these observations in the humane hope that Article 21, with its profound concern for life and limb, will become dysfunctional unless the agencies of the law in the police and prison establishments have sympathy for the humanist creed of that Article.

Keywords: *Constitution, Torture, Police Custody, Judicial Response*

Introduction

The practice of torture has been widespread and predominant in India since time immemorial. Unchallenged and unopposed, it has become a 'normal' and 'legitimate' practice all over. In the name of investigating crimes, extracting confessions and punishing individuals by the law enforcement agencies, torture is inflicted not upon the accused, but also on bona fide petitioners, complaints or informants amounting to cruel, inhuman and degrading treatment, grossly derogatory to the dignity of the human person. Torture is also inflicted on the women and girls in the form of custodial rape, molestation and other forms of sexual harassment.

In this paper, the researcher aims at looking at the various international instruments as well as the role of Indian legislature and judiciary to prevent the evil of torture.

Torture Synonymous with Darker Side of Human Rights

"Torture" has not been defined in the Constitution or in other penal laws." "Torture" of a human being by another human being is essentially an instrument to impose the will of the "strong" over the "weak" by suffering. The world torture today has become synonymous with the darker side of human civilization.

"Torture" is a wound in the soul so painful that sometimes you can almost touch it, but, it is also so intangible that there is no way to heal it.

Torture in custody flouts the basic rights of the citizens recognized by the Indian Constitution and is an affront to human dignity. Police excesses and the maltreatment of detainees/ under prisoners or suspects tarnishes the image of any civilized nation and encourages

the men in khaki to consider themselves to be above the law and sometimes even to become law unto themselves. Unless stern measures are taken to check the malady of the very fence eating the crops, the foundations of the criminal justice delivery system would be shaken and the civilization itself would risk the consequence of heading towards total decay resulting in anarchy and authoritarianism reminiscent of barbarism. The courts must, therefore, deal. with such cases in a realistic manner and with the sensitivity which they deserve, otherwise the common man may tend to gradually lose faith in the efficacy of the system of judiciary itself, which if it happens will be a sad day, for anyone ot reckon with.

India's Response to Torture

Article 7 of the ICCPR is reflected in Article 21 of the Indian Constitution which is a non-derogable right. Article 21 was a deragable right until the 44th Amendment to the Constitution, 1978. It includes right against torture and assault by State or other functionaries. This right is even available to foreign citizens, under-trails, prisoners and detenues in custody. In recent times there is an increasing concern of the international community about the practice of torture of prisoners and detenues. Torture is a well established tools used by the Indian Police for investigation.

In tune with international human rights instruments against torture, the Constitution also emphasizes respect and honour of human dignity and fundamental rights. Torture has not been defined in the Constitution or in other penal laws. **Article 21** of Constitutional only provides "no person shall be deprived of his life or personal liberty except according to procedure established by law". Life or personal liberty has been held to include the right to live with human dignity and includes within its ambit a personal guarantee against torture or to cruel, inhuman or regarding treatment or punishment, can move to the higher courts for judicial remedies under Article 32 & 226 for deprivation of Fundamental Rights. **Article 22** guarantees protection against arrest and detention in certain cases and declares that no person who is arrested shall be detained in custody without being informed about the grounds of such arrest and cannot be denied to consult and defend himself by legal practitioner of his choice. Article 22 directs that person arrested and detained in custody shall be produced before nearest Magistrate within 24 hrs of such arrest. Article 20(3) provides that accused shall not be compelled to witness against himself as this would amount to self incrimination.

In early eighties were investigative journalism which exposed the practice of torture. The other was public interest litigation, based on press reports. The process of accountability was strengthened with the enactment of **Protection of Human Rights Act, 1993.** Sec 3 of the Act sets up National Human Rights Commission.

Methods of Torture

Police is, no doubt, under a legal duty and has legitimate right to arrest a criminal and to interrogate him during the investigation of an offence but it must be remembered that the law does not permit degree torture of accused in custody during interrogation and investigation with a view to solve the crime.

It is often seen that police adopts secured methods of torturing the suspected persons to merciless beatings, with lath is, rifle butts, and whips. Many were kicked, punched and trampled on the ground. A few were stripped and electric shocks were applied to their body including private parts.

a. Arrest of women by police and violation of modesty—A police Officer making an investigation may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining Station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case, but for the said purpose, he has to require the attendance, before himself, of such a person by order in writing. Police Officer's power to arrest in the case of cognizable offence is not in doubt (**See Section 41 of cr P.C.),** but, in making the arrest,

the Police Officer is permitted to actually touch or confine the body of the person to be arrested only when there is no submission to the custody by word or action (**See Section 46 of cr.P.C.**).

In the course of arrest of a woman, it is of utmost importance to see that there is no violation of her modesty, either by words or by touching of her body.

b. Mental agony in. police station—In all custodial crimes what is of real concern is not only infliction of body pain but the mental agony which a person undergoes within the four walls of police station or lock up. Whether it is physical assault or rape in police custody. The extent of trauma a person experience is beyond the purview of law.

c. Police torture disastrous to human rights awareness—The Apex Court in **Raghuvir Singh V. State of Haryana,** held that the society was deeply disturbed by the diabolical, recurrence of police torture resulting in a terrible scare in the minds of common citizens that their lives and liberty are under a new peril, when the guardians of law gore human rights, to death This development is disastrous to our human rights awareness and humanistic constitutional order.

d. Physical mutilation in police custody—Kharak Singh v. State of Uttar Pradesh, "life" was held to cover the right to the possession of each limb and organ of the body and a prohibition was read in Article 21 of the Constitution against any form of physical mutilation or deliberate inflicting of pain or suffering. Under the Indian Penal Code, Sections 330 and 331 cove offence of causing hurt while in custody.

e. Blinding of under trials by police—In Khatri v. State of Bihar, the Supreme Court had tackled the blinding of under trials by police by piercing their eye balls with needles and pouring acid in them. The case illustrated key aspects of the pattern of torture, the sanction of torture by State and local judicial authorities, the routing concealment of torture, the failure to conduct proper inquires and the inordinate length of judicial proceedings. The Court described the issues involved to be of

the greatest constitutional importance involving as they do the exploration of new dimension of right to life and personal liberty. It was 100 years after the blinding of under trials the Court quashed the charges against the victims.

In Anil Yadav v; State of Bihar, the Court ordered prosecution of the police officers responsible for this brutal act. Nevertheless, several of the police officers allegedly involved were apparently escaped trial, and largest sentence served by Police Officer convicted for deliberately blinding under trial prisoners, was three years only.

Judicial Response

India has signed but not ratified **UN Convention against torture (CAT).** There has been a continues effort of the **National Human Rights Commission (NHRC)** to pursue the Government of India to ratify the Convention against Torture so that a new domestic legislation thereafter can be brought into place. But the effort has gone till date without success. However, in absence of a specific law, the Supreme Court of India has condemned torture through various judgments which have contributed to create a national jurisprudence in cases of combating torture.

In **Nandini Satpati v. P.l. Dani(**AIR 1978 SC 1025**),** the Court held that not only physical threats or violence but psychological torture, atmospheric pressure, environment coercion, tiring interrogation by police are violation of law.

The clear case of prohibition against torture was delivered by the Court in **Sunil Batra V. Delhi Administration** (1978(4) SCC 494). The Supreme Court did not find itself handicapped by absence of specific provisions against torture in the Constitution and gathered support from Article 14 & 19 in holding against the permissibility of torture vis-a-vis persons suspected and accused of crime.

Khatri v. State of Bihar (AIR 1981 SC 928)/ Bhagalpur Blinding case, was an example of cruel and inhuman treatment to the prisoners which are insolating the spirit of Constitution and human value as well as Article 21. Supreme Court in this case tackled the blinding the

under-trial prisoners by the police by piercing their eyeballs with needle and pouring acid in them. This case shows the pattern of torture the sanction of torture by state and local judicial authorities. The routine concealment of torture.

State of UP. V. Ram Sagar Yadav (1985 (1) SSC 552**),** is a case indicative of extreme limits to which police violence and highhandedness may extend. The victim made a compliant against a policeman who demanded bribe from him. He was arrested for his 'audacity' and shortly afterwards while in custody was found in a serious condition with 19 injuries on his body eventually causing his death. The Supreme Court while affirming the punishment of 7 years rigorous punishment for culpable homicide not amounting to murder under Sec 304, expressed his regret that the trial judge did not find policeman guilty of murder as indicated by the facts.

Conclusion

Alarming increase in custodial torture, assault and death has invited the attention of the judiciary to ensure that public bodies or official do not act unlawfully and perform their public duties properly, especially, when fundamental rights of citizens are involved. The judiciary has given enough directions to safeguard fundamental rights and freedoms of citizens including accused. The judicial dictates have served a useful public purpose to expose and stop the use of third degree methods by police on person in their custody.

The Prevention of Torture Bill, 2008, drafted by government includes torture by Government servants, including police officials, within the ambit of punishable offences. Under the proposed, public servants and others responsible for causing grievous hurt or danger to life's limb or health of any person would be liable for being punished for torture. Incidentally, the draft legislation also makes inflicting mental torture a punishable offence. Public servants torturing anybody for the purpose of extracting information or extra-judicial confession from any accused would be punished under the proposed law. The Bill provides for setting up of independent panels to deal with complaints of torture (at the central level as well as the state level).

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11. A.I.R.

Caste Politics in India: Process and Policy

Dr. Bhavna Sharma

Associate Professor, Political Science
Government College, Jaipur (Rajasthan)

Abstract

Caste is an inevitable social phenomenon of Indian society. In the modern political system, caste is now exposed to divisive influences and a new form of integration resulting from a new scheme of universalist-particularist relationships. Caste has gained an influential position in Indian politics in past few decades. On the one hand, caste provides a structure of divisions and accommodations to politics and on the other hand a cohesive element which absorbs tensions and frustrations. It becomes divisive when question arises of national unity. But regarding a locality or group matter, it gives a cohesive force by uniting people of a caste. The formation of caste association is also playing an important role in influencing voting pattern. Even political parties are considering caste as a vote bank. This enabled the lower castes to be politically influential on the basis of numerical preponderance. In selecting candidates for elections, political parties often give consideration to the caste composition of constituencies. Caste plays a key role in the voting behavior of people during elections. Sometimes several castes are using politics to better their conditions or to achieve their goal. Reservation policy is another aspect where we can see that caste system also influences Indian politics.

Keywords: *Caste, Society, Indian Politics*

Introduction

In the words of Risley, "A caste may be defined as a collection of families or groups of families bearing a common name which usually denotes or is associated with specific occupation claiming common descent from a mythical ancestor, human or divine professing to follow the same professional calling and are regarded by those who are competent to give an opinion as forming single and homogenous community."

According to MacIver, "When status is wholly pre-determined, so that men are born to their lot without any hope of change in it, then the class takes the extreme form of caste.

According to E.A.H. Blum, "A caste is an endogamous group, or collection of endogamous groups, bearing a common name, membership of which is hereditary imposing on its members certain restrictions in the matter of social intercourse, either following a common traditional occupation or claiming a common origin and generally regarded as forming a single homogenous community."

Martindale and Monachese say, "A caste is an aggregate of persons whose share of obligations and privileges is fixed by birth, sanctioned and supported by religion and magic."

Caste is not the essence of Indian culture and civilization. It is rather a contingent and variable response to the enormous changes that occurred in the subcontinent's political landscape both before and after the colonial conquest.[1]

The New Shorter Oxford English Dictionary defines caste as "a Hindu hereditary class of socially

equal persons, united in religion and usually following similar occupations, distinguished from other castes in the hierarchy by its relative degree of purity or pollution."[2] The term Caste is commonly used to refer to two distinct concepts of corporate affiliation the 'Jāti' (birth group) and the Varna (order, class or kind). The term Jāti is used for the units of thousands or sometimes millions of people with whom one may identify oneself for such purposes as marriage.

The concept of Varna involves a scheme with only four divisions. Thus what would now be called Hindu society is conceived of as being divisible into four very large units which transcend specific regional associations. These are: Brahmins, Kshatriyas, Vaishyas and Shudras. They are commonly understood as a ranked order of precedence. Then there is another caste called the 'fifth' one (called Pañcama), the so-called 'untouchables' (the hill and forest population who are called tribals, inclusive). This group occupies a place below, outside this Varna scheme. The Brahmins are commonly identified with those who fulfill the calling of priests and spiritual preceptors.

The Kshatriyas (etymologically, the protectors) are usually rulers and warriors. The Vaishyas are those who have commercial livelihood, and are associated with other producers and wealth-creators as well. The Shudras are toilers and artisans. People belonging to the 'fifth' group perform 'unclean' services such as cremation, killing animals for food etc.[3]

Indian society has being highly sectioned along the lines of castes, religion, class etc. It eventually prevents the true functioning of Parliamentary democracy and puts an extremely bright feature of Indian politics which is largely shaped by its cultural diversity, social, ethnic, caste, community and religious pluralism, known tradition of the countrywide movement with a unique contrasting approach of party supervision and grappling ideological outlook.

In India after independence until 1962, as many as 63% of ruling Congress members of the Legislative Assembly came from elite castes.[4]

Soon, however, traditional peasant castes such as Ahirs, Kurmis, Koeri, Lodh Rajputs, and Jats began to dominate the political scape of northern India. In the southern state of Tamilnadu, the Vanniyars and Thevars have become assertive, and in Karnataka, control was wrested in the mid1950s from the traditional rural elite within the Congress party by the Vokkaligas and Linagayats.[5]

In the North Indian Hindi speaking belt, upper caste members of parliament fell below 50% for the first time in 1977. The challenge to the established Congress was mounted in Uttar Pradesh rather effectively in the late 1960s by a coalition of peasant castes led by Charan Singh. In Bihar, also, there was a significant decline of upper caste members of the legislative assembly after 1977.[6]

For majority of the scholars of politics, namely Myron Weiner India is perhaps the most important of all the newer countries of the so-called 'third world' and in view of its long and composite past, its vast population and its present position, the special value of such a country can be generally identified without doing an injustice to any other country. In every developing political system two types of politics can be pointed out, the politics of ideology and the polities of action. An analysis of the reciprocal action between the two can throw up some of the most important strand of the essence and direction of political change occurring in such a system.[7]

Role of Caste in Indian Politics

The substance of Indian politics has been largely categorized by its social, economic, religious and geographical conditions and these special conditions have further provided a clear-cut shape to Indian politics that is dominantly marked by the caste politics. Various scholars" view that Indian politics is mainly caste ridden politics as caste is long in the tooth and is a notable foundation of social stratification in India and interestingly we see some of the specific castes to be given superior place with social and economic entitlements that were denied to the lower caste of people. In the post-independence

period also these remain same although different measures had been seen to be taken to reduce the differences among the various existing castes, but the conclusive outcome was not so much positive as the influencing nature of caste system was seen to strongly affect the political dynamics of India from all levels and thus given a prominent disposition to the Indian politics. Like now, every political party is observed to give an alert and commanding view to the caste consideration in every candidate selections and appointment of ministers in the governance. However, not only these but also its influence has strongly affected the bureaucracy also.[8] Role of caste in the different aspects of politics can be viewed by the given points as it is seen to influence the entire policy making of the government.

1. Caste plays a prominent role in the elections and voting behavior where as a usual phenomenon the political parties select their candidates on caste lines.

2. Caste factor naturally becomes central contemplation in all the programmes, policies and manifestoes of the political parties and even different position within political parties is seen to get distributed in terms of various caste configurations.

3. As a result this caste factor also influences in the genesis of council of ministers and making appointment to various political positions in the government.

4. Most interestingly, caste also acts as pressure group in politics where mostly political bargaining is done on these caste lines.

5. The bureaucracy i.e., the administration also gets influenced by the caste consideration as mostly, the postings, transfers and appointments of public officials get influenced by the caste considerations and even more importantly, the behavior of the public officials in carrying out the administrative duties eventually gets influenced by caste considerations.

6. The political leadership in many political parties as a matter of fact emerges and sustains in politics on the foundation of support of certain caste groups.[9]

The Relationship between Caste and Politics

Rajni Kothari (1970) examined the relationship between caste and politics by analyzing the issue as to what happens to political system because of the vote of castes. He found that three factors— education, government patronage, and slowly expanding franchise (including 18-21 year old young persons in electorate) have penetrated the caste system because of which it (caste system) has come to affect democratic politics in the country. Economic opportunity, administrative patronage, and positions of power offered by the new institutions and the new leadership drew castes into politics.

This involvement (of castes in politics) resulted in two things: the caste system made available to the leadership the structural and the ideological basis for political mobilization, and two, leadership was forced to make concessions to local opinion and organize castes for economic and political purposes.

The use of caste in politics was analyzed by Rajni Kothari (1970) in two different stages. The first stage involved intellectuals, and antagonism and resentment between high entrenched castes (like Reddi in Andhra Pradesh, Pattidars in Gujarat, Lingayats in Karnataka, Bhumihars in Bihar, and Rajputs in Rajasthan) and high ascendant castes (like Kayastha in Bihar, Jats in Rajasthan).

The second stage involved factionalism and fragmentation within the competing (entrenched and ascendant) castes as a result of which multi-caste and multi-factional alignments develop. The lower castes also are brought in to support high caste leaders and to strengthen a faction.

Rajni Kothari draws four conclusions from the present relationship between caste and politics

1. New elite structure has emerged in politics which is drawn from different castes but shares a common secular outlook and is homogeneous in terms of some values.

2. Castes have assumed new organizational form Thus (i) caste associations are now functioning

at various levels (universities, hostels, clubs, government offices, and so forth; (ii) caste conferences have become broad-based; and (iii) caste federations have emerged.

3. Castes have started functioning on factional basis. These factions divide not only political groups but also social groups.

4. The caste identifications have given a new relevance to the electorate system. It is not only the large castes which affect politics but also the smaller castes which have become important in seeking votes.

Conclusion

Since in India social system is organized around caste structure, therefore, caste and politics can never be separated. Thus, casteism in politics is nothing but politicization of caste. Politics is seen as an instrument to raise its position. As such, politics does not affect the structure of society. Kothari has criticized this view also. He says there is always mutual effect of caste and politics on each other.

Caste has become a determinant factor of 'political elite' status. Before independence, generally the upper caste groups occupied the centre of the political stage in the Congress party engaged in the freedom struggle but after independence, individuals from the middle and the lower castes also entered political power field.

The reservation policy enabled individuals from the lower castes to emerge as leaders, while upper middle castes emerged due to their improved educational and socio-economic status. Thus, caste system which had only ritualistic function assumed the new role of regulating political behaviour of the people.

Thepolitics of casteism should be legally banned strictly. It has been observed that although the caste practice is legally banned through the constitution by Article 17 yet, these have been practiced in the society and in politics too. Eventually, advantages of these have been taken by the political parties. The people of the modern society should try to eliminate casteism from society and politics as well. There is a need to establish inter-party and intra-party democracy to diminish undemocratic elements in the society. The political leader should rise above narrow caste interest and work for the betterment of the nation.

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Myanmar's Disciplined Democracy: An Indian Perspective

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Dr. Poornima Kaushik

Associate Professor, Department of Political Science
G.D. Government College, Alwar (Rajasthan)

Abstract

Burma is a country in south Asia and it is surrounded by - China, Laos, Thailand, Bangladesh and India. It is a resource rich country. At present Burma's new official name is 'Myanmar'. Before Second World War Burma was a part of India in British colonial rule. It was a part of India only administrative point of view. Since 1962 to 1990 country was under military rule. In May 1990 the government held free and fair elections for the first time and the National league for democracy (NLD) the party of Aung San Suu Kyi won 392 out of a total 489 seats (i.e. 80% of the seats). However the military junta refused to cede power and continued to rule the nation. Burma's most powerful neighbours (China and India) wants to maintain relation with present military government rather than backing on democratic administration that may or may not assume power sometimes in future. Myanmar is strategically important to India as it is only ASEAN country that shares a border with India. It is a gateway to South East Asia. India's Look East/Act East Policy also recognized the importance of Myanmar. India and Myanmar is sharing a long geographically land border and maritime boundary in the Bay of Bengal. The current democratic shift in Myanmar is an encouraging sign for India. India is the largest democracy in the world and have strong democratic values and respect for the institutions. These are the strong enough to hold both the countries together while the basic foundation for relationship between India and Myanmar has been laid by previous governments the onus is on the present Indian government to demonstrate their relationship to a higher level.

Keywords: *Naypyidaw, Tatmadaw, Junta, Dau, NLD*

Introduction

Burma is a country in south Asia and it is surrounded by - China, Laos, Thailand, Bangladesh and India. It is a resource rich country. At present Burma's new official name is 'Myanmar'. Both Burma and Myanmar are derived from the name of the majority Burmese 'Bamar' ethnic group. 'Myanmar' is considered to the literary form of the name of the ethnic group while 'Burma' is derived from the colloquial form of the name of the group. The name Burma has been in use in English since the time of British colonial rule, In 1989 the military government official changed the English translations of colonial era names, many opposition groups and countries continue to use 'Burma' because they do not recognize the legitimacy of the ruling military government or its authority to rename the country.[1]

Various non Burman ethnic groups choose not to recognize the name because of the association of the term 'Myanmar' with the majority ethnic group the 'Bamar' rather than with the country[2]. Burma continue to be used in English by the government of the many countries including the United States, Australia, Canada and the United Kingdom. The United nations Organization (UNO) uses 'Myanmar' and as do the Association of South East Asian Nations, Germany, China, Japan and India.[3]

Before Second World War Burma was a part of India in British colonial rule. It was a part of India only administrative point of view. Many Indians settled there mainly Bangali, Madrasi, Panjabi and residents of Uttar Pradesh and they contributed in social economic development of Burma due to this cooperation a number of doctors, lawyers, clerks and shopkeepers were Indians. Under the British administration Burma was resource rich country, and it was the second wealthiest country in south East Asia it had been the world's largest exporter of rice. So in this era there were close cultural and social relation between India and Burma. Bal Gangadhar Tilak was also detained by Britishess in Burma at Mandalay Jail. A golden chapter of history of Aazad Hind Fauj was written at Arakan Forests of Burma. Motivator of freedom fighters Bahadur Shah Jafar was also burried there.[4]

In the cold war era Burma was the one of the founder member of NAM (Non Alignment Movement). After Indo China war in 1962 relations between India and Burma dramatically changed and no one can imagine that there can be tension between both countries. Burma was democratic republic since 1948 to 1962 and multi-party elections were held in 1951, 1952, 1956 and 1960 on March 2, 1962 the military led by General Ne Win took control of Burma.

Since 1962 to 1990 country was under military rule. In May 1990 the government held free and fair elections for the first time and the National league for democracy (NLD) the party of Aung San Suu Kyi won 392 out of a total 489 seats (i.e. 80% of the seats)

However the military junta refused to cede power and continued to rule the nation until its dissolution in March 2011. By election in Burma were held on 1 April 2012. The election were held to fill 46 vacant parliamentary seats, In this by election Aung San Suu Kyi and her party NLD won 43 seats out of the 44 seats they contested (Out of 46).[5]

The historical by election were seen as important vote of confidence for the country and it was the beginning of the new era. Aung San Suu Kyi struggled for Burma with her commitment to nonviolence resistance to the country's brutal military Junta. She has been under house arrest since 1989. She took a responsibility for her nation's freedom and put nation at priority over her family.[6]

8 August 1988 was a black day in the history of Burma. 8 August 1988 was the occasion of a massacre in the capital Rangoon in which the emerging 'People's Power' movement of students, workers and citizens was drowned in the blood. The military regime which had ruled the country since 1962 showed that day and in the forty days of nation's wide repression that its power was absolute. This was confirmed when the ruling junta have been forced by the strength of the people's will to concede an election in 1990 refused to recognize the overwhelming victory of NLD led by the Aung San Suu Kyi.

Mr. Thein Sein the President of Burma took office as a president in March 2011 after the election that were deeply flawed. Thein Sein spent his adult life until 2011 in a military known for cruelty, he was acting Prime Minister during the so called saffron revolution in 2007, and uprising led by Buddhist monks that was violently suppressed and he had a command during the crushing of the 1988 uprising that left thousands of civilian dead. Burma under President Thein Sein faces ethnic and political pressure as well as economic failure after over two decades of the ruling generals cronyism and limited market economy without political liberalization. At the same time Burma's new leader was under pressure to bring in positive changes and expectations from his newly elected government. Due to these circumstances he had shown leaning towards democratization and then President Thein Sein had been worked to reform the economy and reducing economic and diplomatic dependence on other countries especially on China so that Burma may restore full diplomatic relations with U.S. and other countries. Thein Sein's reforms changed the image of Myanmar in world scenario. So he was credited with slew of reforms. Thein Sein's

role in Burma recall Soviet President Mikhail Sergeyevich Gorbachev who tried his level best to save the Soviet Union through the necessary reforms.[7] Gorbachev introduced new policies for the development of Soviet economy and survival of the system. He introduced **Perestroika –** The new policy of reconstruction is an attempt to overcome the economic stagnation by creating a dependable effective mechanism for accelerating economic and social progress.

Glasnost - Openness, freedom of expression and speech, press became less controlled. It took time to academic critics to believe that a creature of the communist party who had enjoyed patronage of figure like Leri Andropov and risen to the rank of general secretary of communist party would ever challenge the system that nurtured him, there was same situation in Burma Burmese regime released hundreds of political prisoners, allowed free and fair elections and trying to do necessary reforms so that Europeans and American diplomats and human right organization lift their punit sanctions.

Myanmar has abolished pre-publication censor-ship of the country's media after a span of merely five decades, a new legislation to update media. It marks a significant departure from the previous military regime that used strict censorship to curtail criticism of the Junta and its policies, The move to ease media restrictions is a commitment of president Thein Sein and his government to democratic reforms, Myanmar has witnessed a sea change in its diplomatic, domestic and foreign policies. The breath taking changes in Myanmar open up a plethora of possibilities for India especially for major strategic aspects and economic relations.

Ibrahim Gambhir the United Nations special envoy to Myanmar called on India in Oct. 2007 to join other countries in pressing Myanmar's military rulers to stop their campaign of repression against pro-democracy protesters. The Indian govt. described, Myanmar as its "close friend and neighbour" and assured that it would help in Myanmar's reconciliation, Indian decision to avoid direct criticism of the military regime came in for a lot of adverse comment.

But India's discovery of Burma still waiting for the train, train to leave the station. Sadly India make mistake but nothing is irreparable. Indian Prime Minister Man Mohan Singh visited (Burma) Myanmar with some of India's big name in June 2012 the delegation featured leaders from Bharti Enterprises, Tata Motors, Essar Group which is engaged in steel making, electricity power generation oil and gas production. This New Delhi's high profile visit finally overcome years of stuttering "Look East Policy" and challenge China's business dominance in Myanmar.

It is rightly said by Sunil Bharti Mittal, Chairman of Bharti Airtel. "I do not think we have missed the bus. This country is just starting to happen."[8] So peaceful, prosperous and democratic Burma will open new avenues for both the countries to maintain strategic and economic relations. In the month of June 2012 Aung San Suu Kyi visited London and in a stirring speech before the joint session of parliament Myanmar's opposition leader promised that her country under brutal military rule for 49 years will achieved full democracy. Referring to her nation as Burma rather than the Junta dictated Myanmar. The 67 years old campaigners for human rights warned "This is the most important time for Burma, this is the moment of the greatest need. Suu Kyi also appealed to Britain to support Burma's efforts towards establishment of truly democratic and just society Suu Kyi also recalled Nehru in her address to U.K. parliament.

The pro-democracy icon also known as Daw Suu Kyi (Daw Auntle in Burmese a prefix of respect for mature lady) who gave her whole life and her family for the people of Burma.

In October 2012 Myanmar's opposition leader Aung San Suu Kyi declared her willingness to serve as president and her party's intention to amend the constitution to allow her to do so. It was the demand of people of Myanmar in the next election in 2015. Suu Kyi declared this after her 17 day trip in the United States Where she was feted as hero of democracy in Burma.

Another Hero of Democracy in Myanmar U Win Tin who has spent 20 years in prison, freed in 2008, has worked to reorganize the NLD which he founded with Aung San Suu Kyi. Tin says on

paper military rule may not be there in Myanmar but the government is composed of all the former military men who have inherited the military's thinking and philosophy, He says military calls the present system a disciplined democracy which is nothing but a sham. We want truly democratic society. Military drafted constitution should be scrapped. The military has put a clause that prohibits those having foreign relatives from becoming President. Five years ago he had also said that he will continue wearing the blue shirt and lungi given to prisoners because the country and its people are behind the bars. He still have the same opinion without changing the constitution, there is no chance of real change, But he believe that Daw Aung San Suu Kyi can win a majority when elections happen in 2015.[9]

During Thein's regime Burma was teetering on the brink of changes in many ways just like to the last days of the Soviet Union.[10] Burma faces push and pull of democratic forces and entrenched power structure as well as tension in the ethnic states. Myanmar's democratic gains are not irreversible challenges remain in the form of multiple ethnic conflicts and the heavy influence of the Army (Tatmadaw) over parliament and government fighting between the country's military and the armed wing of the KIO (Kachin Independence Organization) has worsened in recent days as the army battled to regain one of its bases Tens of thousands of people have been displaced since June 2011, when a 17 years ceasefire between the government and Kachin rebels broke down.

The rebels are calling for greater political rights and an end to alleged human rights abuses by the army. Clashes in Kachin along with communal unrest in western Rakhine state, have cast a shadow over Myanmar's widely praised emergence from decades of army rule.

Myanmer's new quasi civilian government has reached tentative ceasefire with most of the country other major ethnic rebel groups, but several rounds of the talks aimed at resolving the conflict in the country's far north have shown a little tangible progress. In the recent years the country and its military leadership have made huge concessions to democratic activists and

are slowly improving relations with the major powers and U.N. Arab spring in west Asia firmly shows that flood of democracy can't be stopped. People who are victims of dictatorship whether it is in West Asia or in Burma and in other countries of the world, won't allow dictatorship further more.

The election result of November 2016 gave the national league for democracy an absolute majority of seats in both chambers of the national parliament, enough to ensure that its candidate would become president, while NLD leader Aung San Suu Kyi is constitutionally barred from the presidency, stating that the president cannot have family members owing allegiance to a foreign power, president Htin Kyaw is close ally of Aung San Suu Kyi, who was sworn in to office in Myanmar in March 2016.

After five decades of autocratic military rule Burma has initiated a critical transformation to representative democracy, the constitution wrote by army in 2008 gives absolute powers to the army. They occupy a quarter of the seats in parliament which gives the commander in chief a practical veto power over constitutional amendments.

Recently Myanmar's civil government is being criticised at national and international level. Criticism is focused on Ms Suu Kyi's lack of action or condemnation of violence against Rohingya by the army. Crisis erupted in August 2017 with ethnic Rohingya militants attacking police posts and leaving 12 security personnel and 77 Rohingya Muslims dead Suu Kyi is being blamed, that she did not address the insurgents counter allegations, that the attacks were aimed at protecting Rohingya villagers from intensified atrocities perpetrated by brutal soldiers. Suu Kyi refrained herself from criticising the army's brutality.

At last she replied in 2017 she said "There have been allegations and counter allegations." We have to make sure those allegations are based on solid evidence before we take action and she said that she did not fear international scrutiny. She said we are a young and fragile country facing many problems, but we have to cope with them all. We can not just concentrate on the few. In

these circumstances, former loyalists losing faith in myanmar's democracy icon Aung San Kyi. They think Suu Kyi creating a power vaccum that could be filled again by the military.

Present Modi government- strictly not allowed Rohingya refugees to enter and stay in India for security reason. The government said that some of the Rohingyas with military background were found to be active in Jammu and other parts of the country. They are serious thereat to the internal security, As the Myanmar government does not recognize the Rohingyas as its citizens in general, it will be difficult for India to deport them. Myanmar's instability and army's control over representative government and ethnic crisis can affect the relations between India and Myanmar, China has strong influence in Myanmar. China is sourcing gas from Myanmar because India could not figure out ways to transport it so 80% of this gas is now going to China. India have to make efforts to grow better diplomatic relations with Myanmar's civil government.

Conclusion

Before Indo China war India and Burma were very good friends and North East part of India had relationship with Burma ethically, many ethnic groups of Burma were originally settled in North East part of India. After Indo China war in 1962 relation between India and Burma dramatically changed.

Additional military equipment was provided by Pakistan, which also has helped Burma modernize its defence industries, India was being felt that China's allies-Pakistan and Burma were closing India in the west as well as in the east. So India dropped its support for the pro-democracy movement. Democracy and human rights were not part of the equation, Burma's most powerful neighbours (China and India) wants to maintain relation with present military government rather than backing on democratic administration that may or may not assume power sometimes in future.

It is right as Aung San Suu Kyi says: "It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and the fear of the scourge of power corrupts those who are subject to it".

Myanmar is strategically important to India as it is only ASEAN country that shares a border with India. It is a gateway to South East Asia. India's Look East/Act East Policy also recognized the importance of Myanmar. India and Myanmar is sharing a long geographically land border and maritime boundary in the Bay of Bengal.

The current democratic shift in Myanmar is an encouraging sign for India. India is the largest democracy in the world and have strong democratic values and respect for the institutions. These are the strong enough to hold both the countries together while the basic foundation for relationship between India and Myanmar has been laid by previous governments the onus is on the present Indian government to demonstrate their relationship to a higher level.

One important change in Indian foreign policy has been emerged that New Delhi paying attention to South East Asia over the past two decades. In the Government of P.V. Narsimha Rao India's Look East policy was initiated it is also recognized that Myanmar is very important and significant to India and India needed to adopt a more pragmatic approach towards Myanmar, later on Man Mohan Singh visited Myanmar. Singh's successor Prime Minister Narendra Modi is giving more attention to India's neighbour countries, Myanmar is India's link to South East Asia and a crucial component of its Look East Policy.

Now India's 'Look East Policy' is transformed into 'Act East' by the current government.

Prime Minister Narendra Modi visited Myanmar in November 2014. India's Commerce Minister Nirmala Sitharaman has also visited Myanmar.[11] A number of important decisions were taken during the visit, such as Myanmar's border points, sea connectivity between both the countries and problems of Indian diaspora in Myanmar also discussed.

India has been helping Myanmar to build institutional capacity and develop areas such as information technology etc. Indian assistance is not commercial in nature. China's growing influence in the region, would lead to a one sided dynamic.

China is influencing through its soft power and through its large infrastructure projects in the region.[12] So India should use its soft power more effectively. In fact India and Myanmar have traditionally much common with cultural, historical, ethnic and religious ties.

India's effort to use its soft power one such exchange was in 2009 when Myanmar sent 13 student group that attended a SAARC cultural festival in India. This was followed by another major event at which the Indian embassy in Yangoon organized the annual India Film Festival.

While the world only discovered Myanmar now but India has discovered this place for a long time more than a century. It is up to us now how fast we can move into this country[13] as Sunil Bharti Mittal told New Delhi's Asain News International. The evidence does not support this view India may have discovered Burma a long time ago but both political and business relations have been uncertain and sluggish for years.

Why did India decided to switch from supporting pro-democracy activist Aung San Suu Kyi and back Myanmar's military regime. It is not oil or China, It is the Indian North East region to control ethnic insurgencies in North East India needed the help of the Junta to choke off cross borde rebels in return New Delhi switched support from Suu Kyi to Junta. The election result of November 2016 gave the national league for democracy an absolute majority of seats in both chambers of the national parliament, enough to ensure that its candidate would become president, while NLD leader Aung San Suu Kyi is constitutionally barred from the presidency, stating that the president cannot have family members owing allegiance to a foreign power, president Htin Kyaw is close ally of Aung San Suu Kyi, who was sworn in to office in Myanmar in March 2016.

Present Modi government- strictly not allowed Rohingya refugees to enter and stay in India for security reason. The government said that some of the Rohingyas with military background were found to be active in Jammu and other parts of the country. They are serious threat to the internal security, As the Myanmar government does not recognize the Rohingyas as its citizens in general, it will be difficult for India to deport them. Myanmar's instability and army's control over representative government and ethnic crisis can affect the relations between India and Myanmar. But at last we believe in Suu's favourite lines.

"The shade of tree cool indeed

The shade of parents is cooler

The shade of teachers is cooler still

The shade of the ruler is yet more cool

But coolest of all is the shade of the

Budha's teaching." [14]

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Education as a Mode of Living and Culture in Medieval Rajasthan

Dr. Rakhi Yadav

Assistant Professor, Department of history
BND Government Arts College, Chimanpura, Shahpura, Jaipur (Rajasthan)

Abstract

Education in medieval Rajasthan had retained many traditional features of ancient India. The provision of education sponsored by kings and princes, depending on their personal commitment, widely varied among principalities. Industrial education was diffused in Rajasthan through family as school. It was through home that agricultural and commercial education was imparted. Besides learning the scriptures, great emphasis was placed on arts and crafts. These schools had the resemblance with the Asramas of the old days. Upasaras, Maths, Pathsala, Nesal, Posal, Choki etc. in the urban as well as rural areas were the centres of primary education. Girls were mostly imparted education in religion and home science but female education during this period did not flourish as much as it was in ancient period. Medieval Indian education had features of both Hindu and Islamic systems. In Medieval Rajasthan, education was not only the medium of upliftment but it was a way of life and integral part of culture. Education in medieval times aimed at character building, preservation of culture and inculcation of spirit of social service .

Keywords: *Education, Medieval Rajasthan, Royal Patronage, Patshalas, Asramas, Upasara, Madarsas*

Introduction

Education occupied an important place in society since earliest period. Rajasthan has a tradition of public education dating back to the medieval period. Education institutions were founded either by kings in their respective principalities or by the communities (Hindu Pathsalas and Muslim maktabs). During the medieval times hindu education was imparted on ancient lines. Though with the coming of muslims the education system in India got a set back but hindu education which was based on *vedas and puranas* was able to maintain its basic features due to royal patronage and patronage given to education by the affluent section of the society.

Hindu pathsalas were elementary schools where a student learned reading, writing and maths alongwith religious instructions. *Madarsas and Makatabs* were set up on Persian and Central Asian patterns and major emphasis was given to theological education. In addition other subjects were also taught like logic, mysticism, literature, scholasticism and grammer. The *Hindu Pathsalas and Muslim Makatabs* were informal arrangements of education. Makatabs were elementary schools where the students were supposed to study arithematic, literature, accountancy along with religious education. After the completion of primary education, one could come to a *madarsas* for higher education where alongwith religious education practical affairs of life were also attended to. As said earlier, education was sponsored by kings and princes, or by the influential members of the community depending on their personal commitment. Where the sword ruled, there was not much scope for the pen. But nevertheless elementary education came at home what we

now call as informal and sometimes, continuous education.[1]

Education during the medieval period was not without aim and ideology. It aimed towards the achievement of the supreme and determination of social, economic and intellectual status. Education was directed towards the acquisition of objective knowledge and an aid in self-fulfillment. Education in medieval times was imparted free and it was considered a noble duty to involve education in daily affairs. Though state did not extend any financial assistance but the affluent people of the community involved themselves in spread of education through charity with the object of acquiring personal merit in the next birth. It could be seen as mode of living, culture and self attainment.

The Hindu *pathshalas* and Muslim *maktabs*, mainly sponsored by parents, were centres of elementary education. During the period it was believed by the ruling elite that education was meant only for Brahmins which formed the major section of the society.

After the Rajputs , the Brahmans formed a large and important section of the society. The boys who got formal education were mostly from the Brahmin families. But it should be remembered that except for Brahmins and small number of baniyas (traders), the vast mass of people were uneducated.[2]

Though education was imparted by various institutions, but the first school, the first pupil and the first teacher with whom the sense of service and sacrifice was associated was the home, the son and the father.[3] So the first school was supposed to be the family This kind of system of education from father to son became an institution by itself in which the teacher and the taught were no other than the father and sons and grandson.[4] Industrial and vocational education was diffused in Rajasthan through family as school. It was through home that agricultural and commercial education was imparted. Besides learning the scriptures, great emphasis was placed on arts and crafts. Carpentry and sculpturing were particularly

encouraged. These family schools had their own standard which thrived from one generation to another. These family schools became the agents in serving spiritual, secular, social and economic needs of the society. Along with these family schools, there were colony schools which served as model of the highest level of the life from where the education was filtered down to the lower planes of the society. These schools had the resemblance with the *Asramas* of the old days. Ekalinga Mahatmya refers to some Sharma, Brahman, who taught in such Āsrama and his abode was the center for performing sacrifices, entertaining people and diffusing charity to the needy.[5]

Similarly the son of Maharaja Jai Singh of Jodhpur studied at the Āsrama of a teacher referred to in the Gunbhasa Chitra.[6] Even princes got education in such Āsramas.

In medieval Rajasthan, rent free villages also became the centres of learning. Maharaja Laksmana Singh made a gift of the village of Pispalika to a learned Brahman named Jhoting in V. S. 1485 (1428 A.D.)[7]

Upasara was another institution of secular and religious learning. Jain monks used to head such institutions. The monasteries where these monks lived became the centre of medieval art and learning. *Maths* were indigenous Indian examples of religious organization. The *Maths* headed by capable gurus wielded a great cultural influence in those medieval days.[8]Wherever these monastries existed ,they had large libraries of books in all branches of learning which were being copied from time to time.

Pathsala, Nesal, Posal, Choki etc. in the urban as well as rural areas were the centres of primary education. Special emphasis was laid on self reliance and discipline.

Education was imparted orally. Books were hand written and too much emphasis was laid on memorizing and reciting . But students were able to acquire a sort of rudimentary knowledge in matters essential for civil life. But the teachers of the age enjoyed great social repute and on Guru Purnima day, teachers were rewarded and

adorned by student as mentioned in Siyahah Huzur.[9]

Puranas, logic, astrology, ethics, metaphysics, medicine etc. were the core subjects of study. The princes were instructed in Vedas, grammar and politics. Military education was also imparted in medieval schools. It is interesting to note that artillery was prescribed as subjects of study of kshatriya young men in Rajasthan during the 17th Century.[10]

Generally, educated fathers used to prepare manuscript copies for their sons and grandson, or teachers used to copy out books for their pupils.[11]Physical punishments were not that common in Hindu educational institutions as compared to Muslim institutions. Punishment was given to the student as per teacher's discretion.

There was tradition of encouraging intelligent and capable students through gifts and prizes. They were given *sanad and tamga* at the end of session [12].

Female education was also prevalent in medieval Rajasthan, though it was limited to Royal household and middle class. But the percentage of female literacy was extremely low. There was less interest in common people to send their girls to schools and therefore the privilege for being educated was denied to lower strata of society in medieval times. there were no *madarsas or makatabs* for girls and education was restricted for women and it was confined to only rich and well to do women in society.during the mughal times the royalty and aristocracy paid attention to their womenfolk which resulted in the origin of many literary texts like *Humayun Nama* by Gulbadan Begum, *Diwan-E -Makhvi* by Zebunnisa (daughter of Aurangzeb). Zebunnisa also has the credit of establishing a library. Women from royal families produced outstanding poetry and literary works during medieval period .Girls were mostly imparted education in religion and home science but female education during this period did not flourish as much as it was in ancient period.

Libraries constituted an important factor in education in medieval Rajasthan. Jain *Upasaras* of Rajasthan had good collection of books of different subjects. Even the princes had their own libraries. The *pothi khana* of Jaipur gradually developed into a magnificent library with a rare collection of books and painting.[13]

The rulers of Mewar also gave patronage to education and scholars. Maharaja Jaswant Singh himself was a scholar, who gave patronage to writers and poets. *Muhnot Nensi ri khyat* is an authentic work on the history of Rajasthan. Nainsi's *Marwar-Ra- Pargana-Ri-Vigat* is also unique in the sense that it records the socio-economic conditions of the people of Rajasthan.

During the early medieval period, Mewar's contribution to literature was not very sig-nificant. It was Maharana Kumbha who extended patronage to literature. He himself composed *Sangeet Raj*, a literary work on Indian music. In medieval Rajasthan, Many dialects such as *Dhundari, Mewari, Marwari, Hadoti* were prevalent. In the feudal set up of those days, the charan through their dingal poetry not only made significant contribution to the Marwari literature but also inspired the rajputs to sacrifice their lives in the service of their motherland[14] During the reign of Maharaja Man Singh, a number of books about the *Nath* Sect were written. Mansingh's court was adorned by the noted Sanskrit and Dingal Scholar Bankidas. "*Itihasa Vrata*" of Bankidas finds a place of pride among the history books written during the medieval period.[15]

This proves that during medieval Rajasthan, education took a new leap when the process of writing social, economic and political history began. The Kachhawas extended their patronage to the scholars as well.[16]

Mirza Raja's son and successor Ram Singh I was himself a writer and to him goes the credit of establishing *Pothikhana* which is responsible for the preservation of the literary heritage of the Kacchawas[17].

The patronage of the princes of Jaipur and Kota was responsible for attracting many learned

persons to seek employment under them during medieval period.[18]

Due to royal patronage, Rajasthan became a centre for learning and a source of cultural contact between people and state.

Education in medieval Rajasthan had retained many traditional features of ancient India. The study of vernacular literature began to be combined with classical works. It was during medieval period, that the Bhagvata, the Ramayana and the Mahabharata were translated in Rajasthani language. Islamic education also found its place under the royal patronage. Though rural areas lacked any organized kind of education during the medieval period. .[19]

It was monasticism, priesthood, royal patronage family, culture centres and institutions which helped in making education the mode of living and culture in medieval Rajasthan.

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Assessment of Responsibility in Climate Change Regime

Mahendra Kumar Meena

Lecturer, Political Science
Shri Govind Guru Government College, Banswara (Rajasthan)

Abstract

Climate change is a threat for the existence of the mankind on the earth. It is well established by the IPCC reports that climate change is attributed to the anthropogenic GHG emission. To avert the climate change, it is inevitable to keep the rise of average temperature of the earth under 20 C limits by mitigating the GHG emissions. Therefore, the question of responsibility arises, who will take the mitigation actions and how the responsibility will be distributed. The present paper is an attempt to assess the 'Responsibility' in the climate change regime with regard to the CBDR-RC principle of the UNFCCC.

Keywords: *Climate Change, Anthropogenic, GHG Emission, Mitigation Actions, Climate Regime*

Introduction

Since the beginning of the industrial revolution, irrespective of development model, whether capitalist or communist, fossil fuel extensively has been used for energy needs. Invention of new technologies provided the tool to exploit the nature for the materialistic development. Countries, pioneer in technologies, brutally exploited Mother Nature for their own sake, of development without considering the future of mankind. The result was obvious, warmer earth owing to the unrelenting emission and accumulation of carbon dioxide (CO) and other greenhouse gases in the atmosphere.

Rio Earth summit, which succeeded in a convention (UNFCCC), since then UNFCCC has been a political platform of conflicts and constrains of different interests of the countries. The issues of fairness, justice and equity in burden sharing of mitigation efforts are always critical in global negotiations under auspices of the UNFCCC. These contentious issues were brought to the negotiation table by the conceptualizing the principle of "Common but Differentiated Responsibilities".

Lack of universally accepted definition of CBDR made the principle itself a contagious issue. It takes consideration of different circumstance of the parties while framing a collective responsibility to a treaty for the protection of the environment. (P.Sands, 2003) It may bind parties to an international nature of treaty with non-uniform allocation of responsibilities based on their various contributions to degradation of the environment and their respective capacities in rectifying such problem. (Rajamani, 2005)

It could be said that the concept of CBDR is an attempt to unify states, with the contradictory interests, in resolving international environmental problems in a cooperative manner. CBDR is adumbrated by the International Legal Association as 'a duty to co-operate in the achievement of global sustainable development' and thereby recognizing 'the needs and interests of developing countries and countries with economies in transition', and in particular those countries 'affected adversely by environmental, social and developmental consideration.' (Rajamani, 2005)

The principle of CBDR clearly acknowledges differences in the contributions to environmental degradation (historical and current) while recognizing varying economical and technical capabilities in tackling them. (Rajamani, 2005) Hepburn and Ahmad emphasized that origin of CBDR can be traced in the concept of the "common heritage of mankind." (Rajamani, 2005)

Indeed, irrespective of countries common responsibility, fair and justifiable difference can be made in respect of their responsibility towards addressing issues of environmental degradation. Thus, CBDR consists of two major components; one, international cooperation which is denoted by 'common responsibility' and second, liability which is denoted by 'differentiated responsibility'. (Gaan, 2007)

The concept of CBDR consists of two elements common responsibility and differentiated responsibility. These two elements are explained below.

Common Responsibility—Common responsibility describes the obligations to be shared by two or more states towards the protection of a particular environmental resource. Such resource can be under the control of no state, or under the sovereign control of a state, but subject to a common interest. (Gaan, 2007) The evolution of the concept of common responsibility is a result of an extensive series of international laws governing resources marked as 'common heritage of mankind' or of 'common concern' (Giddens, 2014)

Differentiated Responsibility—It acknowledge the different circumstances, particularly each states' contribution to the evolution of a particular problem and its capacity and ability to control, protect and reduce the thread. (Giddens, 2014) Differentiated responsibility translates into differentiated environmental standards set on the basis of many factors, including future economic development of countries, circumstances, special needs, and historic contributions to the creation and evolution of an environmental problem. (Giddens, 2014)

CBDR-RC as a "single hybrid policy principle" made a strong case to balance consequentialist and non-consequenalist positions. Similarly, on one hand, it would bring together the capacity to fight climate change (capacity to pay) and responsibilities for climate related harm on the other hand. (R., 2009)

Arguments for CBDR in the Climate Change Regime

The justification of CBDR in climate change regime is rely upon two main principles, one the equality and polluter pays principle and second, the economic and capacity principle.

The equity and polluter pays principle: From the beginning of Climate change regime in international political arena, developing countries consistently advocating and advancing the argument that developed countries are primarily responsible for environmental degradation. Hence, in context of their historical emission they have to bear the burden of averting climate change.

Developing Countries are continuously emphasizing the idea of "Per Capita" as this is a direct measure of human welfare, expressed and accepted in international negotiations. From developing countries point of view the Notion of 'Per Capita' is most significant criteria for deciding the equal right to environmental space. (Thadeus, December 2010)

Developing countries particularly, China and India were frontiers to raise the per capita norms in climate change regime to combat climate change. They had very clear assumption that progressive convergence towards an equitable distribution of emission rights should be based on per capita norms.

Fig. 1 Co2 Emission per Capita

Source: World Bank
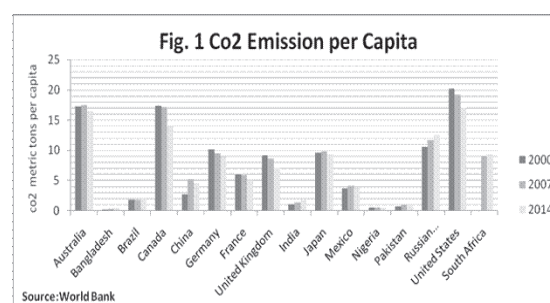
CBDR is mostly framed to compare per capita or national emission levels. These indicators

capture the relevant notion of responsibility, however fails to capture other facets. Per capita emission captures the population size but does not cover the causal-contribution aspect concerning responsibilities of sovereign states at the international level.

It is clear from the Fig. 1 that larger emission blocks belongs to developed countries, assigns greater responsibility to developed countries in combating climate change. The predominant argument of developing countries is rested upon the notion of 'per capita'. While developed countries argue to consider the aggregated emissions and the future GHG emission of developing countries.

If same data is compared on the basis of national emission (which does not capture population size), different picture emerges. In figure no 2, the emission data of countries is compared on the aggregate basis for three different years.

Fig. 2 Co2 Emission in Kt

From Fig 2 it is clear that China is topping the list of large emitters followed by US, India and Russian federation. In fact, China has surpassed US in 2007 and became largest Co2 emitter. Observation of Co2 emission trend reveals that emission is increasing in developing countries while falling in developed countries.

On the basis of data obtained from EU Edgar (Emission database for Global Atmospheric Research) for the year 2013, it is clearly illustrated that on the basis of nation wise indicator developing countries have to opt mi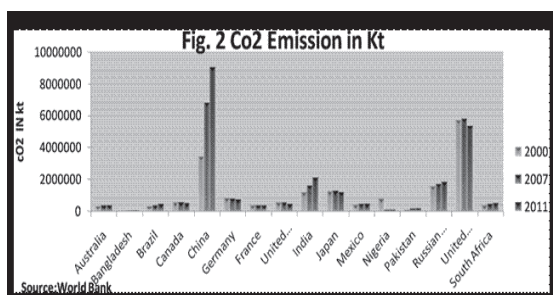tigation efforts in combating climate change. US is very keen to include large developing emitter like China and India in any meaningful agreement to mitigate GHG. On the flip side,

China and India are consistently advocating the per capita indicator to decide the distribution of mitigation efforts. They have made it clear that per capita is the only basis to ensure equity in any meaningful agreement.

Again, the per capita argument is logically transformed in the notion of 'Carbon Debt'. The notion of 'carbon debt' recognizes historical emission of developed countries. According to the notion of carbon Debt, those using more than their fair share over the global average (on per capita basis) are running of debt to those using less than their fair allocation. (A.Simns, 1999)

The North owes a climate debt to the South and it is rising. The North's high historical emission, coupled with its continuing failure to reduce GHG emissions substantially, have only left a limited, indeed minuscule, carbon budget on which the Southern countries must pursue their development objectives-providing to their poor people a modicum of food and water security, primary health care, literacy, elementary education, access to energy, and employment security. (Bidwai, 2012)

The Economic and Capacity Argument

Vulnerability to climate change impacts is divisive, it differ country to country, depending on the economical social and institutional structure of a particular country. Highly concentrated rural population and dependency on agriculture and natural resources, makes developing countries more vulnerable to climate change impacts. According to World Bank data for the year 2014, 70 % of world's poor who live in rural areas, depends on agriculture for their livelihood. Climate change poses a serious threat to these population, which is mostly concentrated in developing and under develop countries. The global average of rural populations is 47%, against this world average, rural population in least developed countries is 69%; in pacific island small states it is 63%; in South Asia it is 67% and in Sub-Saharan Africa it is 63%.While a well below of global average, rural population in OECD members is 20% and in Euro area it is 24%. (World Bank, 2014)

Highest rural population to the total population mostly living in developing countries and more prone to impacts of climate change due to their dependency on agriculture sector. It is a major contributor to the GDP of developing countries and this sector is more vulnerable than to other sectors of GDP. Decrease in crop yield makes the social structure unstable and could lead to social conflicts in developing countries. Again the poor infrastructure, weak governance and poor functioning of institutional structures make the impacts of climate change multifold in developing countries.

Apart from Mitigation, adaptation to the impacts of climate change is also linked with economic capacity of a country. In terms of absolute GDP (PPP) is taken to determine the economic capacity, it reveals that developing countries are not far behind of developed countries. In Fig No 3 the absolute GDP(PPP) is compared on the basis of data published by World Bank for the year 2014. (Worldbank, 2014) In Fig. 3 shows that large developing countries are well economically positioned to cope with climate change and they should accept more responsibility in the endeavor to fight climate change.

Fig No 3   GDP in US $(Billions) 2014

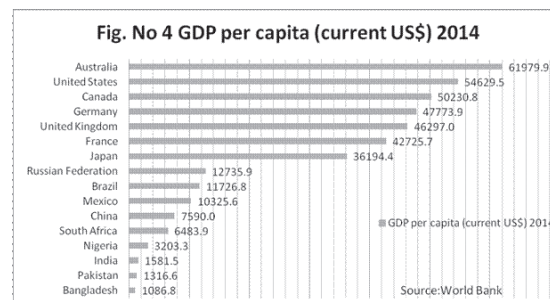| Country	GDP in US $(Billions) 2014
US	17419
China	10354.832
Japan	4601.461
Germany	3868.291
UK	2988.893
France	2829.192
Brazil	2416.636
Italy	2141.161
India	2048.517
Russian Federation	1860.598
Canada	1785.387
Australia	1454.675
Korea.Rep	1410.383
Spain	1381.342
Mexico	1294.69
Indoneshia	888.538
Netherland	879.319
Turkey	798.429
Saudi Arabia	753.832
Switzerland	701.037

Source:World Bank

Conversely, developing countries have different perspective. They have argued that economic capacity should not be seen in absolute GDP terms, instead, they argued in favor of per capita ratio. In term of GDP per Capita, the above comparison inverts in results. As it reveals from the Fig No 4 on the basis of GDP per capita indicator large developing economies are far behind of developed nations.

On the per capita basis developing countries are arguing that they should not be compelled to take legally binding emission restriction in account of their requirement for developmental needs to eradicate poverty and meeting the basic needs of their billions of people.

Fig. No 4 GDP per capita (current US$) 2014

Country	GDP per capita (current US$) 2014
Australia	61979.9
United States	54629.5
Canada	50230.8
Germany	47773.9
United Kingdom	46297.0
France	42725.7
Japan	36194.4
Russian Federation	12735.9
Brazil	11726.8
Mexico	10325.6
China	7590.0
South Africa	6483.9
Nigeria	3203.3
India	1581.5
Pakistan	1316.6
Bangladesh	1086.8

Source:World Bank

In climate change regime 'Capacity' is one of the most important criteria for differentiating between countries under the principle of CBDR. Rio Declaration expressly recognized that developed countries responsibility premised on their capability of their superior technologies and financial resources and thus included in UNFCCC on the basis of their respective capabilities, which is denoted by classification of Annex-I and non Annex countries. (Rajamani, 2005)

The capacity criterion, enshrined in the CBDR, is based on the 'polluter pays principle' which reflects the responsibility of the polluter to bear the cost of averting climate change and adaptation cost of climate change. (Sands, 1995) The capacity criterion is closely linked to the past current, and future contributions criterion.

However the validity of this argument is challenged by the fact that GHG emissions of developing country parties are increasing with a faster pace and are expected to surpass emissions of the US and other developed nations, sooner or later. The combustion of fossil fuel is a main cause of anthropogenic emission of CO_2 and world energy use continues to be the contagious issue in global climate change debate. Indeed, developing world emissions began to outpace developed emissions in 2005, and they are projected to continue increasing 7 times faster than in the developed countries. China is now top emitter followed by U.S., and its emissions growth is projected to be 9 times greater than that of the U.S.by 2030. (EIA, 2009)

International Energy Outlook, 2009 (IEO hereafter) has estimated growth projections for different countries and regions. According to IEO report China and India will grow at faster rate. China is expected to grow with expected rate at 6.4 per year and India is expected to grow at 5.6 annually by 2030. Higher growth requires intensive use of energy and energy portfolios of China, India and other fast developing countries are mainly depended on fossil fuel like coal Natural gas and oil. According to World Bank in year 2011, China's 79% of electricity production is based coal fired power plant and India's 68% electricity was coming from coal based power plants.

On account of robust growth projections in developing countries, their CO_2 emission is likely to increase with excess demand for energy at much faster pace as compare to OECD countries. Developed countries, especially US, continuously pressurizing large developing countries to take legally binding emission cuts. On the other hand, developing countries are more concerned of their development requirement and not willing to accept any legally binding emission targets. It is made clear by EIA that CO_2 emissions related to energy production are projected to grow at the rate of 2.2 % annually in Non-OECD countries from 2006 to 2030 and it is likely to grow in OECD countries at much slower rate 0.3% annually. In non-OECD group CO_2 emission (energy related) of Chain, Brazil and India are likely to grow at around 2% annually. (EIA, 2009)

Again when the same projection were done on the basis of per capita indicator it reveals that despite faster growth in energy related CO_2 emission in Non-OECD countries, these non-OECD(3.7 metric tons)) countries will not be any close to OECD (11.2 metric tons) countries by 2030. India is projected to release only 1.4 metric tons per capita CO_2 related to energy by 2030 which will be masculine compare to US or Canada.

Conclusion

It can easily be concluded that on the basis of per capita indicators, developing countries are far behind than developed countries. But on the aggregated basis their emission is growing at faster rate. Developed countries historically responsible for most of the GHG emission hence they should take greater responsibilities to tackle the climate change in terms of mitigations Actions.

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Quadrilateral Security Dialogue: Asian Arc of Democracy

Gazal Sharma

Social Seurity Officer
Department of Social Justice & Empowerment, Jaipur (Rajasthan)

Abstract

The Quadrilateral Security Dialogue also sometime referred as democratic security diamond is an alliance of four democratic countries- United States, Japan, Australia and India, initially advocated by Japanese Prime Minister Shinzo Abe in 2007 but disbanded in 2008 as Australian Prime Minister Kevin Rudd decided to leave the coalition out of the fear of confliction in economic relation with china due to this formation. The article first examines the factors that led to the birth of this inter governmental security forum and discusses the objectives, QSD desires to achieve- "a rule based international order, maritime security, power balance in Indo pacific, cooperation and free flow of capital, goods and people." It also assesses the circumstances that motivated countries to revive Quad in 2017 meeting on the sideline of ASEAN Summit in Manila, impact of the group on participants in the current international scenario specially in context of China and challenges and perils that can be faced in the way. Article ends with special recommendation on cooperation and joint efforts among participants, avoiding internal and external pressures to uphold established norms and tenets of internation law and concludes that extention of Quad to Quad Plus i.e. including Europian countries France and Britain into group is not viable in the present situation.

Keywords: *Quad, Quad Plus, Indo Pacific Region, Democratic Security Diamond*

Introduction

On 26 December 2004, tsunami waves devastated the coasts of many countries bordering the Indian Ocean and within few hours India provided vast humanitarian relief that surprised the world totally and made it a noticeable power in the eyes of developed countries. In December that year, the US President George Bush announced that India, US, Japan and Australia would make a coalition to provide the massive relief and rehabilitation works. This led to birth of the "Quadrilateral" or Quad. In 2007, Japan President Shinzo Abe delivered a speech to the Indian Parliament, entitled a "confluence of the two seas", a phrase he took from the title of a book written by Mughal prince Dara Shikoh to form a tie between the two countries to be "pivotal" in

ensuring the Indo-Pacific region upholds values such as freedom, democracy and the respect for basic human rights. He also added-

"By Japan and India coming together in this way, this "broader Asia" will evolve into an immense network spanning the entirety of the Pacific Ocean, incorporating the United States of America and Australia. Open and transparent, this network will allow people, goods, capital, and knowledge to flow freely."

Here one thing is noticeable that India, Japan and US were already engaged in trilateral Malabar exercise. Malabar naval exercises started in 1992 originally between India and US and Japan also became permanent participant in 2015. Non permanent participants are Australia and Singapore. Abe wanted to form a democratic

security diamond as he stated in 2012 speech during his second tenure as a Prime Minister of Japan. When we put a dot on a map against the countries and the region identified by Abe and connect them with each other Australia, India, Japan, the US make a diamond to safeguard maritime commons stretching from Indian Ocean to the Western Pacific.

Abe got support of Dick Cheney, Vice President US, John Howard, prime minister Australia and Manmohan Singh, Prime minister India in 2007 but later in 2008 Australian Prime Minister Kevin Rudd withdrew his hand from the coalition due to fear of confliction in economic relation with China as 30% of Australian export go to China. Rudd's decision to leave Quadrilateral was criticized by US strategic thinkers that Rudd had withdrawn in an effort to please China and this group collapsed with Australian move.

Now things change in a decade. Diplomacy takes its moves where the best self-interests of a country are served. Now the balance of power is shifting in Asia-Pacific / Indo-Pacific and emerging circumstances have inspired Australia to leave its reluctance and take positive steps in the direction and Australia itself has proposed to revive the group because of China's claim in South China sea. 1/3 of the world's shipping passes through South China sea and beneath its seabed lucrative fisheries, oil and gas reserves

are believed to be found. Australian location affects peace and security in Indian and Pacific Oceans and leaves a direct impact on the entire Australian continent.

Thus the voices in support of resuming the Quadrilateral Strategic Dialogue has grown which includes closer defense cooperation, military sales, joint maneuvers among India,US, Japan and Australia. Besides these four countries share same democratic values, form an arc of freedom that works as a glue to keep this fledging alliance alive. First, Rex Tillerson in his speech at the Center for Strategic and International Studies expressed America's desire to include Australia in the India-US-Japan security collaborations and Japanese foreign minister Taro Kono expected the same. Thats why to enhance this partnership, On 12 November, 2017 Officials from each of the countries held a group meeting on the sidelines of the Association of South East Asian Nations and the East Asia Summit in Manila, Phillipines and discussed issues of common interests (Free, inclusive Indo pacific region, terrorism and proliferation linkages, enhancement in connecti-vity) in the Indo-Pacific region and once again QUAD became the talking point in political corridors.

"The discussions focused on cooperation based on values for promotion of peace, stability and prosperity in an increasingly inter-connected region that they share with each other and with other partners and agreed that a free, open, prosperous and inclusive Indo-Pacific region serves the long-term interests of all countries in the region and of the world at large."

In a statement after the meeting, the four nations said they were committed to ensuring a "free and open" region, with "respect for international law", and "the rules-based order in the Indo-Pacific"

Impact of QUAD on its members

QUAD and Japan—For Japan this security focused group boosts the security of Japanese international trade routes at a little cost and due to general lack of good relationship between China and Japan there is little to lose for Japan.

QUAD and US—In the early 21st century, the preoccupation of US with Iraq and Afganistan served as a distraction of US from Asia Pacific area and paved a way for China to grow. Now through QUAD, US wants to stop China's increased prominence in South China Sea. According to the CNAS, establishing a series of alliances among nations recognized as democratic by the United States furthers its own interests: "It is precisely because of the rise of Chinese power and the longer term trend towards multipolarity in the international system that values can and should serve as a tool of American statecraft today.

Trump rechristened Asia Pacific region as Indo Pacific region to woo India to develop a military alliance with US. Some say QUAD is America's new name in Asia.

Indo Pacific Region- The term is used to define the stretch of water from the tropical Indian Ocean through the equatorial seas around the Indonesian the Indonesian archipelago, the South China sea and to the western and central Pacific Ocean.

QUAD and Australia—In 2008 Australia repudiated the Arc of Democracy out of the fear that it would upset trade and relation with china as:-

• Australian economy heavily depends on the commodity export to China

• There is not any direct border dispute between China and Australia.

• Chinese money is also deeply enmeshed in Australian politics owing to rules related to the foreign funding of political parties.

But now Australia is interested in resumption of Quad as

• Canberra thinks Chinese activities in South China sea very critical.The New Defense White Paper for 2016 called the island building in the South China Sea as great threat as terrorism and that's why it has supported washington's position to keep the waterways open to navigation by everyone and sent patrol craft into the disputed Spartley and Paracel Islands for freedom of navigation exercise. There is a

huge difference in China's maritime policy and United Nations Convention on the Law of Sea.

• Australia is mulling reforms to its political donation laws in order to limit foreign influence in its politics.

• Australia is a prominent maritime democracy in the Indo-Pacific region also.

QUAD and India—Quad may be counter productive for India as India unlike the other members hasn't still achieved the status of super power and being a neighbour country it would draw the wrath of China. Critics advise to follow the principle of non alignment and to be development centric rather than being engaged in any competition. It may appear like an assurance for support in case of aggression. But history witnessed the fact that no country stood to help India in 1962 during Chinese aggression as country being a founding member of the Non-Aligned Movement It's a big challenge for India to balance the great power deficit between the two countries and to counter the China's one belt one road initiative also. India has taken initiative against Chinese aggression in Doklam issue for security of land to a third nation Bhutan and opposed China's OBOR project. Now India is showing interest in Quad and it will be good for India to have a forward presence in the region but both China and India have major economic interests also, so to keep a diplomatic balance between aggression and trade relation is needed parallel.

As Quadrilateral Security Dialogue is an inter governmental security focused group rather than an economy or trade focused group. It has narrow agenda and focuses on personal interests instead of common one that leads birth to clashes and conflicts in future.

Daniel Twining of the German Marshall Fund of the United States has written that the arrangement "could lead to military conflict," or could instead "lay an enduring foundation for peace" if China becomes a democratic leader in Asia.

Furthermore, in the name of cooperation a seeding ground to Japanese & US Navies in Sri Lanka can be provided that would be harmful for Indian security. To involve US and Japan in developmental projects in South Asia can affect Indian leverages also.

The involvement of India may provoke neighbouring countries for involving third countries in their matters. So for its development India needs to build up a healthy relation with China. But this group formation can compel China to follow the international rules also. India has clarified that motive is not against any particular country but the basic direction is Act East policy in which nation wants to move.

Perils of QSD

- QSD will bring China and Russia closer as Russia will see the coalition as attempt of US to bring back the position of dominance of unipolar world.

- China has viewed this quadrilateral as Asian Nato and opposed this grouping . This arrangement can lead to military conflict instead of keeping an enduring foundation for peace.

QUAD PLUS

Quad plus is still a thought given by Taro Kono, foreign minister of Japan that suggests to include Britain and France also in QSD. The resumption of QUAD is good but inclusion of these two European powers doesn't seem viable and practical from strategic perspective. Though Britain and France have islands and military facilities in the region but the two are extra regional power and they are still fixated on Russia rather than China.

It is also suspected that Britain and France would be unwilling to engage in operations with enthusiasm if US chickens and unreliability of the US is one of the reasons.

Besides, It's not better for India to get surrounded by so many super powers in border areas. As the political equations are getting more complexed day by day its good for nation to have a different productive partnership with these European countries on a different platform.

Quad focuses on political and economic objectives with security as the foremost focus. To be concluded it is necessary for parties to tread carefully before involving in any dialogue or coalition as security focused group shouldn't be much bigger. Security collaboration among a larger group is a tough task because credibility and commitment of every member is essential to achieve success. Moreover, the greater the number of people, the narrower the agenda on which a consensus can be achieved. Aggression is not a purpose of Quad, so its better not to include more members in the group.

Conclusion

There are already three trilaterals in operation—India-US-Japan, India-Japan-Australia, and US-Japan- Australia. Bringing them into one quadrilateral form is a great idea. Last time when attempt to form quadrilateral was done it made China sit up, take notice, and register protest with all the members. In essence, the coming together of these four powers had worked. So this time idea can work but the three pillars (QUAD- EAS-APEC) should work in coordination to achieve success in this region. As EAS serves the role of political pillar and APEC as trade and economic pillar. All Quad members belong to EAS but India is still not a member of APEC. This lacuna should be noticed.

This group is not a military alliance like Nato and longlastingness of this quadrilateral will depend on the cooperation and convergence of thinking like how the sovereign nations resolve the possible internal and external pressures.

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Indo-China Relations [Critical Junctures: Converging Corridors]

Dr. Sucharita Sharma

Assistant Professor, Department of Political Science
Govt. Arts College, Dausa (Rajasthan)

Abstract

The "all wheather" Sino- Indian relations characterized especially by divergent views and approaches of both the countries about various sensitive issues between them- the Boundary, the Kashmir, Tibet, Sikkim, the Indian Ocean Conflit and many other such irritants continuously affect their relations and Geo- Political, Get- Strategic and econimoc relations of the Asian Subcontinent countries at large. There is an urgent need to sustain friendly and cooperative relations between them, else there could be a threat not only regionally but at the global level too. The international balance of power is shifting from West to East and there the role of these two 'Asian Giants' are perceived as future political shapers of the world. Their relations are increasingly important as far as international and regional security is concerned as a serious issue. Consequently an urgent need is realised and reviewed to remove major obstacles and divergencies and enhancing mutual trust and cooporation and improving bilateral relations between India and China so that they have a well- defined role to be played.

Keywords: *Diplomacy, Conflict, Cooperation, Analysis, Corridors, Irritant, Strategic, Security, Detente*

Introduction

The great flux which the present international scenario is witnessing necessitates the urgency of redefining, restructuring and reshaping the bilateral and multilateral relations in global context. An examination of the undercurrents of the world political system shows that no more a path of direct confrontation is feasible. Today there is a need to perceive and study the two Asian giants, the two ideologically different neighborhood (democracy and communism) in their various facades, in various political preferences and economic priorities and strategic contours. The power roles have shifted from West to East and thus India and China concede that they have a bigger role to play in determining the future Balance of Power in the region.

Analyzing Sino-Indian relations Tarun Vijay highlights "I solemnly believe that knowledge (Vidya) and compassion weave a new fabric of mutual cooperation between India and China. Buddha taught about such traits and they must be followed to be worthy in inheriting Gautama's legacy. I have always insisted on strengthening the chain of people to people exchange between the two countries on various levels to build a foundation of bilateral ties strong enough to withstand disagreements that inevitably emerge on geo-political fronts. Serious issue such as boundary question and terrorism remain, but we can still work together to eliminate terrorist attacks and help people understand India need to join the Nuclear Suppliers Group to peacefully utilize the energy. The world is looking to India and China because the future of humanity could depend on how these two great civilizations work together as power centers of economies and military forces are fast shifting to the East. With India becoming one of the fastest growing economies, Prime Minister Modi has emerged as

a difference maker and by working alongside the strong leadership of President Xi. Tomorrow's geo-political relations are sure to be crafted with confidence and vigor. Steps to refine and redefine bilateral relations even after four full-scale wars and decades of related terrorist activities India remains committed to boosting trade, exchange and confidence in its neighbour"[1].

China India relations have always been shaped by contradictory factors with forces of cooperation limited by competing geo-political ideas and interests. They have traversed through complex historical-cultural ties over the millennia. China has been a world leader and is obsessed with its great history, heritage and culture. Hinton observes, Communist China like traditional China believes that it is repository of unique values and ought to be accepted by all mankind and that this acceptance should create a willingness to acknowledge Chinese political leadership even in remote areas where China's power cannot reach and still more it can. India has emerged as a major regional power in Indo-pacific and harbors global powers ambitions. Seen through the millennia vicissitudes due to large cultural and scientific difference have been a common witness between India and China.

Traversing the history of Sino-India relations we have seen that even Nehru (Discovery of India) had envisioned that, "During these thousand years interaction between India and China each country learned something from the other, not only in the regions of thought and philosophy but also in arts and science of life. Probably China, which is a pity, for India well could have received, with profit to herself, some of like sound common sense of the Chinese and with its aid checked her own extravagant fancies took much from India but she was always strong and self-confident enough to take it in her own way and fit in some where in her own texture of life[2]".

Impliedly, Chinese diplomacy towards India is greatly determined by its perceptions and national psyche. This will continue as long as India and China are vying which each other for the projection of their power and influence in the entire Asian region. If we view in the realistic framework of analysis, the relations between India and China are of crucial significance not only for Asian solidarity and economic prosperity but also for the global balance of power. As realities dictates, it is. There is a constellation of factors that decide the ongoing paradigm between India and China. There are underlying paradigmatic paradoxes, permitting marginal capacity to manipulate the dependent variables like external milieu, domestic political economy and counter producing forces working at all levels between India and China. In impending power configuration in the world politics it is quite hard both to diagnose and prognoses these bilateral relations. There are innumerable objective conditions and cognitive elements that converge and diverge on various issues between China and India.

Critical Junctures

India and China have always had some mis-conceptions of global and regional realities, resulting in distorted and asymmetric images of each other. Besides the existing inter-milieu is a critical variable in influencing the 'cognitive dissonance' the perpetual calculus and leadership drive - active or passive, positive or negative or the bilateral as well as multilateral relations.

Boundary Dispute—The border between India and China has never been officially delimited. India and China share a 3,488 km. long border. India shares LOAC with China. China hooved its "Salami Tactics" in the Himalayas in 1950's when it grabbed the Aksai Chin plateau by surreptitiously building a strategic highway through that unguarded region. Through Aksai Chin China has built a strategic highway linking Xizang and Xinjiang autonomous region. China and India have confronted each other close to a valley controlled by China that separates India from Bhutan, a close India ally and give China access to the so called Chickens Neck, a thin strip of land that connect India to its remote north eastern regions. This region is known as Donglang, called in India as Doklam - a plateau

near Sikkim, Bhutan and Tibet Trijunction. It is recognized by both India and Bhutan as a part of Bhutan but China claims it as its own.

Arunachal Pradesh dispute over boundary is the most intractable issue for China. China claims the eastern sector over a region included in the British designated North Eastern Frontier Agency. China's growing assertiveness in its territorial claims on Arunanchal Pradesh and its relentless development of infrastructure in Tibet shapes the prospects of Sino-Indian relations. China claims approx. 90,000 Sq.Kms. of Indian territories in Arunachal Pradesh.

China and India fight each other over desolate heights of Himalayan Tibetan massif. The territory stretching from the northern Myanmar westward to the Karakoram Range and north-ward to the edge of the Tibetan Plateau. Their clashes in this region have altered the geopolitics of the region significantly. The Mac Mohan Line boundary dispute too is at the heart of relations between China and India. Under the so called 'Boundary Agreement' of 1963, Pakistan ceded 5180 Sq.Kms. of Indian territory in Pak. Occupied Kashmir to China[3].China also claims 2000 Sq.Kms. in the Middle sector of India China Boundary. It is not just maps - the British drew the Johnson-Ardagh Line and also the McCartney - McDonald Line and British, Chinese and Indian maps often mix up these lines creating confusion conflicting territorial claims[4].

Kashmir—Initially China was nowhere in the context of Kashmir - it was neutral, only thing was that Kashmir's borders touched some areas of China. Its interest in Kashmir increased following its takeover of Tibet in 1950 and its related claim to territory on both the Indian and Pakistani sides of Jammu and Kashmir. The construction of Karakoram Highway connecting Gilgit and Kashgar is a strategic move to reduce the dependence of China, to reduce its dependence on oil supplies through Malacca Straits and instead have them routed through alterative corridors such as via Gwadar Port. The Chinese policy regarding Kashmir shows its disinterestedness in the issue being resolved.

Moreover the issue when being resolved, as per China, those areas handed over by Pakistan would be put to a renegotiation and feared that China might lose them. Else if northern areas come under Indian control it would put traffic through the Karakoram under Indian control that would challenge Chinese plan in the region and would also be an added impetus for resolution of Sino Indian border dispute that China does not want, further calling into question, the area of Aksai Chin region that now forms a critical territorial link between China's ethnically distinct provinces of Tibet and Sinkiang, the karakoram provides China a gateway to Arabian Sea[5].

Tibet Issue—Tibet discord between India and China feeds territorial disputes, border tensions and water feuds. China claims that only Beijing has the power to select the Dalai Lama. Else it has concerns that there could be a rise of a new generation of radical Tibetan leaders, less conciliatory towards China creating instability in ethically Tibetan area. China has built railways till Lhasa in Tibet and 18 airports. Military pre-paredness have been secured on international border touches Himachal Pradesh till Ladakh Border and Arunachal Pradesh and stretches till Uttarakhand. Further China has plans to extend its rail network till Sikkim (Chumba Valley). It has plans to construct airport in Tibet that would be the world's highest of its own kind.

Sikkim—Another irritant between India and China is the border area of Sikkim. Yadong that is attached to Sikkim via Nathula Pass is on the agenda of China up to where it plans to take its railway lines. This is a strategic point that is attached to China, India and Bhutan.

Indian Ocean—The most prominent area how-ever, where Sino Indian regional competition has played out so far is popularly the Maritime domain converting the Indo-Pacific region (that provides sea trade routes connecting Africa and Middle East with South Asia and the broader Asian Continent to the East and is home to a numbers of worlds most important strategic choke points such as the Strait of Mormuz and Strait of Malacca). In order to protect their overseas

interests so as to maintain economic growth at home and increase national power both India and China have accelerated the expansion of their navies and enhanced their naval deployments in Indo-Pacific region. On one hand India sees itself as the natural predominant power in Indian Ocean, China is regarded by many Indians to be setting up a so called 'String of Pearls' in India's immediate coastal neighborhood, which implies that Beijing has sought to secure ports or places where its military forces could setup normal facilities or at the very least, refueling and repair stations. India, following its 'Look East' policy has recently dispatched vessels to the disputed waters in South China Sea and supported US calls for freedom of navigation and the peaceful settlements of territorial disputes thereby rattling China's cage[6]. China's security interests and priorities, its inroads into Indian Ocean continuously and conversely affect New Delhi's threat perceptions. Their interests overlap in the Indian Ocean; both intrude into each other sphere of influence and continue to affect them strategically.

Other Issues—China has invested a huge amount of economy in infrastructure projects, further ambitiously plants to create and develop an 'Economic Corridor' connecting Gwadar Port to China's North Western autonomous region of Xingjiang, including the upgrading of the 1300 km. Karakoram or 'Friendship Highway'. The 'China Pak Economic Corridor' (CPEC) launched during President Xi's 2015 visit Pakistan could also create problems in Indo-China relations. China has a continuous demand for raw materials and resources and need for secure routes for their transportation to and fro Persian Gulf through Pakistan and to Western China that acts as a driving force to cover India's northern region. The proximity of China with Pakistan creates anxiety and suspicion for India. On the other hand China analyzes India that New Delhi's ambivalence towards and reluctance to endorse and join the 'One belt, One road' initiative are reflective of Indian suspicion of Beijing's agenda sometimes characterized as

the economic version of the so called 'String of Pearls' project, an alleged Chinese attempt to encircle India. For India, the Indian Ocean is its backyard and the growing Chinese presence is assessed less from economic and more from geopolitical perspectives. Other irritant in Indo-China relations has been India's decision in November 2017 to join the revived Quadrilateral Security Dialogue (Quad) a strategic dialogue between USA, Japan, India and Australia with a naval component. Beijing opposed the Quad as a potential anti-Chinese alliance of democracies aimed at containing it and checking its maritime rise in the Indo-Pacific, that opposition played a major role in the dialogue's earlier abandonment. The decision of Indian Government to join the resurrected but still somewhat amorphous Quad inevitably reflects its worries about China's growing power and assertiveness, particularly in the Indian Ocean and Delhi's readiness to hedge against them. Thus the Quad decision feeds into Beijing's growing, albeit somewhat exaggerated fear that India would join the US and Japan in containing Beijing, a suspicion which has long, slightly poisoned Sino-Indian relations.

The China-India water rivalry has also negatively affected cooperation of food production and renewable energy. Particularly large scale dam building in major shared river basins has resulted in food versus energy tensions. The water rivalry has adversely affected joining fight against climate change in Himalayas. The U.S. India ally ties have never been acceptable to China and its interests. It has been unacceptable to China that India entered the Nuclear Capable Countries Club. The permanent membership of India in UNO also has never been backed by China.

Furthermore the China Overseas Port Holdings Ltd. shares the profit with Pakistan wherein China could station its Submarines, Ships, Missiles etc. at the Gwadar Port. Through this port China can extend its Naval strength to Central Asia and nearby Coastal Area. China has established its Naval Station in Myanmar and some small Islands in Maldives have been on Lease to China to be kept as a check on Indian

Ocean. The Chittagong Port in Bangladesh would be modernized by China, the Hambantota Port in Sri Lanka is being constructed with the help of Sri Lanka. The Coco Islands (50 km from Andaman Nicobar Islands) is under Chinese Naval control. It is also extending its naval power upto Zibuti, Oman and Japan.

Converging Corridors

There is a road that reaches and meets and converge on common corridor that also needs to be and can be mapped.

The two rapidly growing economies and world's most populated countries can gain much if the overall trajectory of a steadily improving bilateral relations can be strengthened through trade and investment[7]. Until and unless Beijing and New Delhi can fundamentally address the security dimension of their relationship, bilateral economic tries will be affected by political as well as economic considerations[8].

The New Panchsheel—India and China signed a Panchsheel Agreement in 1954. But within a few years it proved that the mutual relations between these two countries deteriorated and further were added multiple dimensions of irritants. A '**New Panchsheel'** proposed by Chinese President Hu Jintao shed a new light on their relations which now have been approved by Chinese President Xi Jinping that highlighted - Mutual exchange of strategic communications, thought processes to bring to a good direction in China - India relations, both would utilize each other's comparative power like investment etc, encourage cultural relations and exchange, cooperation and coordination in multiple areas at international level, consideration of each other's vital tensions that would adequately solve mutual problems and point of disagreements.

Revival of Silk Route—Kirat Umorov [Kazakh Ambassador] called for the revival of 'Silk Route'. This was named by German geographer Ferdinand Von Richthofan in 19th Century the East - West overland highway of Eurasian region - The Grand Silk Route, developed in the wake of the trade of a fabulous Chinese product the 'Silk' later

followed by exchange in other regional rarities from European South, Central and West Asian countries. It proved to be a dialogue route too that facilitated the radiation, assimilation of cultures, ideologies and influences and human exchange. There was the Ladakh route that connected India with China, which later due to Indo-Pak partition was freezed. The transformation of regional and global geo-political and geo-economic patterns of the world led to the need for revival of this Silk Route. The restoration and revival of Silk Route would perceive to have economic and security implications for China, which could better the direct strategic partnership between India and China with shortening distance and reduce transportation cost by 30% and boost China India bilateral trade. The benefit that India would attain would be great for her industrial exports and energy imports from the Central Asian Republic across Xingjiang and Ladakh route. Furthermore threats from across the Karakoram border could jointly be controlled by India and China. Thus this trans Kashmir overland transmission channel could serve as a 'Dialogue road to reunify people of Asian civilization that mandates India China friendship'.

The Chindia Concept—A very interesting word coined for Indo-China collaborated efforts towards operation is indicated by *'Chindia'*. This word was coined by Jairam Ramesh (Member of Parliament) former Minister of State for Commerce and Industry in his book - 'Making sense of Chindia - Reflections on China and India' (2005). The China - India friendship is reflected in this word that would go a long way in paving a way for a positive future between the two. The oneness Governess of the concept for two Asian Giants would hasten the amalgamated efforts between the two countries that they would work hand in hand with cooperation in various fields in this world platform and a stable and mature relationship is expected. The Geo-strategic improvement could also be one of the ways to smoothen Indo-China relationship. By seeking to repair its relations with Taiwan, India may seek leverage over China. Further

resolving **border problem**, top military brass must be consulted from time to time and civil bureaucracy must coordinate their assessment and policy options with their counterparts in the military bureaucracy so that aberrations could be avoided and adhocism be discouraged. It is necessary that some abandonments of chains, some flexibility, some agreeable formula should be adopted without hurting respective pride and prestige.

As for a **political climate** is concerned it should be of expanding bilateral cooperation from trade and investment, to broader issues such as climate change and development in the global South. A continuation of building upon a decade long pragmatism in managing territorial disputes is on urgent need of the time. There is another question that is of **maritime security** in the Indian Ocean. The cooperative bond between India and China would be only beneficial factor that could enhance security for India and China in deep waters in order to secure trade and transportation. Further their cooperation only would secure major sea lanes through the prism of anti-piracy cooperation between China and India. The Gulf of Aden and the broader Indian Ocean where pirates activity threaten vital shipping roles for both China and India, their relation would emerge as an area of cooperation or competition between Beijing and China. Year 2014 was declared as Indo-China 'Friendship year' but there could be no concretization. The eight major pacts signed between India and China in the year 2015 assured promising proximity between the two Asian countries but still there is a need of concentrating on increased sustainment of strategic communication, trade related cooperation, development of joint efforts in the field of Agriculture and related projects, export of sea food, exchange of Literature etc.

In a region which historical animosities remain high **National Traditional Security** (NTS) issues can avoid sensitive areas and find common ground for cooperation that traditional security approaches would be unable to envisage. Against this background of longstanding and deep rooted distrust and sensitiveness in traditional security areas by identifying a functional area of cooperation, non-traditional security provides an important de-securitizing mechanism to reduce and calm regional tensions arising from history and territorial disputes. There are strong hopes that the coming decade would be of greater China India interaction end cooperation in the bilateral, regional and multilateral realms. There is, moreover, a need to shape these interactions on bilateral level, a significant step forward is needed for 'continuity' and 'stability' of relations.

At the **international level** and realm, Chinese leaders' stance over the next few years on global norms and institutions will also affect India's interests not just in the trade and climate change realms or at UN but also in the resources security, space, cyber security, food security, and the level and kind of economic engagement and trust deficit. There are undoubtedly, still, clouds of deep distrust that grow and cast their shadow over the relations between the two. These, include the reported Chinese block of India's application for membership in the Nuclear Suppliers Group (NSG) and growing Chinese presence in the Indian ocean, including the ambitions China Pak Economic Corridor (CPEC)[9] parts of which involve the construction of facilities in and through the Pakistani controlled areas of Jammu and Kashmir[10]. Beijing is also many of New Delhi's 'Act Last' policy and its growing security partnership with the US and other Asian countries such as Japan, Vietnam, with which China has unresolved territorial disputes.

The creation of a nexus of Chinese geopolitical influence or possibly even a military presence, in the Indian Ocean littorals, Hainan Island, Woddy Island in South China Sea, Chittagong in Bangladesh, the 1200 Km. pipeline from the port of Sitlme in Myanmar to kunning in China's Yunnan province, the Gwadar Port in Pakistan, a US $1 Billion Kra Isthmus Canal in Southern Thailand. China has provided significant aid to the Indian Ocean countries in an effort to serve the safe passage of the tanker fleet which provides more than 80% of China's oil. The road

to Detente has always never been straight and smooth. Inan Li Dorav - diplomat Jan. 4th 2018 said that 2018 was an extremely difficult year for India and China. With military tensions close to their disputed border, increasing competition in their neighborhood and growing strategic mistrust, Beijing and New Delhi's relations reached a *'nadir'* in 2017. The damage 2017 has inflected on the relationship between the two Asian giants is not irreparable. Nonetheless it reflects large trends and indicates that Sino - India relations increasingly stand at crosswords with growing likelihood that they would go in the wrong direction.

Hence both need to start rekindling and rethinking their relation in 2018. There is a need to build a view that there exists bright prospects for both the countries for common development and also that they are not rivals or competitors but partners for mutual benefit[11]. There is enough space for them to grow together, achieve a higher scale of development and plan their respective roles in the region and beyond while remaining sensitive to each other's concerns and aspirations. There can be more cooperation between them at regional and sub-regional levels such as SCO, MGC, Greater Mekong Regional Cooperation, BRICS, BIMSTEC and BCIM. They need to explore civilized ways mitigate their differences in a positive manner. Rather than torturous process if they tred the path of friendship and cooperation they could design the future of world more specifically Asia.

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Democracy in India: Theoretical and Practical Aspects

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Dr. Rahul Chaudhary

Assistant Professor, Department of Political Science
University of Rajasthan, Jaipur (Rajasthan)

Abstract

Democracy is regarded as the most popular form of government because it is most suitable to the nature of man. Human beings demand liberty, equality and justice not only for the development of their personality but also for establishing a just society, which takes care of the needs and demands of the last man. These essential requirements of human life can be ensured to individuals only in a democratic system. Inspired by these ideals, India adopted democratic form of government. The paper seeks to investigate the Constitutional powers of the Indian Democratic Institutions and their actual working since Independence. The study tries to highlight the goals for which the democratic institutions were established in India and the problems that have arisen before them, which has hampered the growth of democracy in India. The paper adopts historical, empirical and analytical perspectives for in-depth study of the subject. It tries to argue that though Democracy has survived in India but to further strengthen the roots of democracy, it is essential to remove the hurdles faced by these institutions in India.

Keywords: *Democracy, Parliament, Judiciary, Election Commission*

Introduction

In the modern times, Democracy was established in India after the end of the colonial rule in 1947 through the enactment of the constitution. The Indian experiment with democratic institutions is unique in the sense that for the last six decades liberal and democratic institutions have more or less successfully worked in India, whereas the other former British colonies either did not emerged as democratic states or democratic institutions failed to survive or grow there. The establishment of democracy in India was described by several critics as the biggest gamble of the century and it was believed by them that in such a poor, diverse and divided country democracy cannot sustain but the working of Indian democracy during the last six decades have proved all these beliefs as myths.

The reason why democracy survived and thrived in India was a well drafted constitution prepared by the Indian constituent assembly, majority of whose members were lawyers or great politicians. It is the constitution which has laid strong foundation of democracy in India.

Democratic Institutions in India: Parliament

The Indian Constitution opted for the Parliamentary system of government. In the Parliamentary system there is no separation between the legislative and executive organs of the government rather it is based on the principle of co-operation and harmony between these two organs of the government. Here it is important to note that, Indian parliamentary system is different from the British system as India is a republic whereas British state has a hereditary head. Another distinctive attribute of Indian system is that

there exists a unique synthesis of Parliamentary sovereignty and Judicial supremacy. The Indian Parliament has the power to enact any law within the scope of constitutional limits and has the power to amend the major portion of the Constitution through its constituent powers. On the other hand, the Supreme Court has the power to examine the constitutionality of the laws made by the parliament.

The Indian Constitution envisages that the Parliament should work for the welfare of the people, for the upliftment of the backward sections of the society, for promoting national unity and integrity, for maintaining law and order and for encouraging peaceful relations with other nations, within the scope of its constitutional powers. In this regard, the Constitution has provided enough flexibility to the parliament to achieve these goals, relating to the establishment of political and socio-economic justice.

In a poor and developing country, like India, the success of the political system is judged by the degree of social justice the political system has been able to establish. For this, the Indian Constitution has laid down broad principles and given supplementary powers to the Parliament to achieve the goal of social justice, so that people show their obedience towards the Political system.

Judiciary

Judiciary is regarded as the third pillar of the democracy. Under the Indian Constitution, the Judiciary has been made as the guardian of the constitution. As the guardian of the constitution, the Judiciary in India has played an important role in upholding and protecting the democratic values. Indian judiciary, within the constitutional limitations, has greatly helped in the evolution of the constitution according to the needs of the time.

In India, the judiciary enjoys the power of judicial review. It is because of the power of judicial review that Indian judiciary has been able to perform the above mentioned functions. The constitution has provided the power of judicial review, but it is the Supreme Court which has very effectively and innovatively used this power- to increase the ambit of the Fundamental Rights enjoyed by the Indian citizens, to lay down several new doctrines like the doctrine of the 'basic structure of the constitution', which prevents the parliament from amending the basic principles of the constitution and to prevent the misuse of power by the other organs of the government.

The judiciary in India has also succeeded in effectively incorporating the concept of 'Public Interest Litigation' (PIL) and 'Judicial Activism' into the jurisprudence of India. The PIL is a judicial instrument whose basic purpose is to achieve public good. The PIL has helped in creating awareness among the masses about their own rights and the role of judiciary in safeguarding these rights. Also it has helped in expanding the scope of Fundamental Rights through their liberal interpretation. Judicial Activism, on the other hand, indicates that the judiciary can direct the other organs of the government to discharge their constitutionally assigned functions towards the people. If the executive or the legislature fails to perform certain functions of general public interest then judiciary can direct them to perform those functions as it is their constitutional duty. Judicial Activism has played a positive role in resolving the Environmental, Human rights and Social justice issues. Apart from this, through the establishment of Lok Adalats (People's court), Fast track courts, Nyaya Panchayats etc. efforts are being made to provide inexpensive and quick justice to the poor and needy people.

Thus, the constitution has not only provided enough space to the judiciary, so that it can effectively perform its function of safeguarding the constitution from any encroachment. But at the same time, it has also protected the integrity of the judiciary by providing it an independent character. The constitution has made various provisions to ensure the independence of judiciary like- security of tenure of the judges, a very difficult procedure for the removal of judges, fix service conditions of the judges, all the expenses of the judges to be charged on the Consolidated Fund of India and so on.

The Election Commission of India

One of the most important aspects of democratic system is free and fair elections at regular intervals. The Election Commission of India is an autonomous constitutional body responsible for holding free and fair elections in India. The Supreme Court held that, where the enacted laws are silent or fails to deal with a particular situation in the conduct of elections, the Election Commission has the residuary power, under the Constitution, to act in an appropriate manner. In every election, the Election Commission issues a model code of conduct for candidates and political parties, in order to conduct elections in an impartial manner. The Election Commission in order to reduce the influence of muscle and money power in elections have taken several steps from time to time. It has provided enough security at the booths located in sensitive areas to prevent booth capturing. The Election Commission has also fixed the legal limits on the amount of money which candidate can spend during election campaign.

Through the use of Electronic Voting Machines (EVM), the Election Commission has tried to reduce the malpractices and improve efficiency during election procedures. The Election Commission also issued the electoral photo identity cards in order to check bogus voting. For the first time the voter-verified paper audit trial (VVPAT) method was used in the eight Parliamentary constituencies, as a pilot project, in the general elections in 2014, to prevent election fraud and malpractices. The Election Commission also introduced NOTA (None of the Above) as an option for voters while casting their votes. In addition to this, through programmes like Systematic Voters Education and Electoral Participation (SVEEP), celebrating National voter's day on 25 January of every year and several others, the Election Commission has played an important role in making people of India aware about the importance of their votes in democratic system.

Thus, under the Constitution, Election Commission of India is also an important institution which has played a significant role in the diffusion of democratic political culture in the Indian society. The Indian Constitution has provided it enough flexibility to work for strengthening roots of democracy in India by securing its independence, so that it can function in an impartial manner. The Constitution has secured the independence of Election Commission through provisions like- security of tenure for Chief Election Commissioner, a very cumbersome process of his removal from office, fixed service conditions of his office etc.

Thus, the flexible character of the Indian Constitution and the wide scope of functioning, which it provides to the democratic institutions, that democracy has been able to survive and flourish in India. But at the same time, in practice, there has been certain issues like corruption, maladministration etc which has raised serious questions on the integrity of these institutions, due to which the legitimacy of these institutions is rapidly eroding. In other words, it can be said that success rate of democracy in India has been fifty-fifty. This is because the 'hardware' of democracy in India has worked smoothly, however if we examine the 'software' of democracy in India, then the picture is worrisome. (Guha, R., India after Gandhi, 2007, p. 749)

The constitutional framework, free and fair periodic elections, establishment of political democracy signifies the 'hardware' of the Indian democracy, and it has been able to satisfy the expectations of the people. On the other hand, the actual working of the political institutions and of the politicians represents the 'software' of the Indian democracy. In this regard there has been a gradual decline in the democratic practices and values in India.

There has been a slow degradation in the reputation of Parliament as an institution over the last two decades, which has led to decline in its legitimacy. A simple analysis of the number of bills passed by the parliament and number of sittings of parliament from 1952 to 2011 highlights the fact, that there has been a gradual decline in the social concern of the Parliamentarians. It also shows the lack of

seriousness with which parliament takes its work. There has been a sharp decrease in the number of bills passed annually from 1952 to 2011. (Table I)

Table I: Number of Bills passed by Parliament

Decade	No. of bills passed (annual average)
1952 – 1961	68.0
1962 – 1971	59.3
1972 – 1981	65.9
1982 – 1991	68.9
1992 – 2001	49.9
2002 – 2011	49.4

Source: Ministry of Parliamentary Affairs

Also, there has been a decline in the number of sittings of parliament during the same period. (Table II)

Table II: Number of sitting of Parliament

Decade	No. of sittings of Lok Sabha (annual average)	No. of sittings of Rajya Sabha (annual average)
1952 – 1961	124.2	90.5
1962 – 1971	116.3	98.5
1972 – 1981	97.9	85.5
1982 – 1991	92.7	79.4
1992 – 2001	81.0	71.3
2002 – 2011	69.8	69.2

Source: Ministry of Parliamentary Affairs

This shows that, Parliament has become a costly toy of the nation as much of the time and money is wasted due to adjournments and disruptions and this happens in a country where approximately 23 percent of the population lives below poverty line.

Also there has been a decline in the sense of social responsibility and in the moral values of the members of the Parliament. Recently, the Parliamentarians seek a 100 percent hike in their salary and allowances and such bills are easily and quickly passed by them whereas several bills of great socio-economic importance have to wait for years before they are been passed by the Parliament. The Parliament passed the

Representation of the People (Amendment and validation) Bill, 2013 after 15 minutes of discussion just to enable the jailed politician to contest elections!! This too, when the Supreme Court in its decision has held that a person, who is in jail or in police custody, cannot contest election to legislative bodies. The parliamentarians have been charged of asking for money in order to raise questions of private interests in Parliament. In addition to this, there has been regular news of political horse trading in order to either retain or attain power. These are few incidents to show that the reputation of democratic institutions, like Parliament, in India is on decline and this may seriously hamper the growth of democracy in India.

Judiciary, also, faces huge challenge of quick and inexpensive justice. It is said that justice delayed is justice denied. In India, judiciary takes several years to dispose of the cases of common people. The cost of fighting the case is also increasing day by day and hence it is becoming difficult for the common people to approach to the courts for redressal of their grievances. On the other hand, economically and politically strong people not only have an easy access to the courts but they are also able to influence the decisions of the courts. Similarly, the Election Commission of India has been able to hold free and fair periodic elections in India but it has, also, failed to check the growing use of money and muscle power to win the elections. Further, it has failed to check the criminalization of politics in India.

Thus, the democratic institutions in India are facing serious challenges, the most significant among them are- corruption and maladministration, economic disparity and criminalization of politics, which unless checked, can create problem, even for the existence of Indian Political System, itself. Rampant corruption in the political and bureaucratic system of India has adversely affected the image of democratic institutions in the eyes of common people. In the Transparency International's, Corruption Perception Index, 2012, India was perceived as more corrupt than South Africa, Brazil, and

even China. In the Corruption Perception Index of 2017, India was described as the "worst offenders" in terms of graft and press freedom in the Asia Pacific region. (Times of India, Feb 22nd 2018) The economic disparity in India can be judged by the following statement: "the richest top quintile of population has 85 percent of the income. In India, the poorest quintile has only 1.5 percent of the country's income. The second, the third, and the fourth quintile from top have respectively 8 percent, 3.5 percent and 2 percent of the income." (Kashyap, Subash, Our Political System, 2008, p. 347) Also criminalization of politics is a matter of serious concern, raising questions on the quality of democracy and democratic institutions in India. The 16th Lok Sabha, recently elected in 2014, has the highest number of MPs with criminal cases against them. According to the Association of Democratic Reforms, 34 percent of the new MPs face criminal charges. The percentage in 2009 and 2004 stood at 30 and 24 percent respectively. (The Hindu, May 19th 2014)

Thus, democracy in the present times faces challenges, which has led to the decline in the reputation of the democratic institutions. In order to strengthen democracy in developing and third world countries it is essential to make use of the theories like complex equality and Gandhian concept of decentralization of power and spiritualization of politics, so that the democratic institutions truly become an instrument in bringing about qualitative changes in the lives of the people world over. Moreover, the reason why democracy survives in India is that, 'the sapling was planted by the nation's founders, who lived long enough (and worked hard enough) to nurture it to adulthood. Those who came afterwards could disturb and degrade the tree of democracy but, try as they might, could not uproot or destroy it.' (Guha, R., India after Gandhi, 2007, p. 757)

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The Association of Ambience of a Shopping Mall with Customer's Preference for a Shopping Mall: A Study with respect to Rajasthan

Dr. Anukrati Sharma

Associate Professor, Department of Commerce & Management, University of Kota, Kota (Rajasthan)

Ms. Princy Thomas

Research Scholar, Department of Commerce & Management, University of Kota, Kota (Rajasthan)

Abstract

'Shopping Mall' is synonymous with organised retail in India, especially in the small towns and cities of India. In small towns, any modern retail format or a shopping complex is referred as a 'mall'. It speaks volumes of recognition that the concept has gained in barely two decades in India. In India, the regular mass's understanding about the concept of Shopping Mall is undergoing refinement due to their growing interaction with malls. Many malls that were developed during the initial phases are in the doldrums concerning their profitability. The prime reason for this was the mismatch between the shopper's expectations and what these malls offered. This research paper focuses on 'Ambience of a Shopping Mall' which is one of the main characteristics of a shopping mall and how this feature plays a dominant role in influencing customers towards organised retail. This research is designed to facilitate the managerial decision making for operational, marketing and human resource aspects of Shopping Mall Management in Rajasthan. However, it is important to note that research is an aid to managerial decision making, never a substitute.

Keywords: *Organised Retail, Shopping Mall, Ambience, Preference for Shopping Mall*

Introduction

The ambience of a Shopping Mall influences the footfalls. The ambience is not just about pretty lights and music, and it needs to affect all the senses of a shopper. It includes the physical characteristics of a shopping mall that are used to create an image to attract customers. It directly contributes to customer experience and customer satisfaction, which is the most crucial element of retail today. No shopper is under any obligation to spend time or money in the shopping mall. As a result, it is critical to creating an inviting and pleasant ambience that will keep shoppers coming back for more. Also, as a bonus, it will make the employees happier and more enthusiastic about working there.

Review of Literature

Numerous studies (e.g., Ghosh et al., 2010; Goel & Dewan, 2011) in the context of Indian organised retail have emphasised the importance of atmospherics and ambience. Several researchers (e.g., Ahmed, Ghingold, & Dahari, 2007; Bansal & Bansal, 2012; Tiwari & Abraham, 2010) have explored how Bloch, Ridgway, and Dawson's (1994) consumption benefits (i.e., aesthetics, escape, exploration, flow, epistemic, and social affiliation) play a significant role in mall shopping behaviour of the Indian consumers. (Srinivasan & Srivastava, 2010) The shopping malls in India should provide consumers with more positive shopping experiences based on visual merchandising, aesthetic appeal, and an engaging and enjoyable atmosphere because

although purchasing a product is still the main motivation for shopping, Indian consumers want shopping to provide a hedonic experience (Goel & Dewan, 2011). Each of these studies enhances and contributes to our knowledge of shopping malls in India. A limited number of studies have explored consumer perspectives on the shopping experience offered by shopping malls in India (e.g., Batra, 2010; Khare, 2011; Mann, 2012). According to Patel and Sharma (2009), consumers not only buy products and services, but they also buy benefits- both tangible and intangible. Some consumers may be satisfied with the purchases they made, and some consumers enjoy the fun and excitement while making those purchases. Consumers not only evaluate the product assortments inside the mall but they also pay attention to the intangible cues inside the mall: colours, ambience, fragrance, lighting, and music (Tiwari & Abraham, 2010).

The influence of the service-scape on 'consumer behaviour', 'decision making', and 'service eval-uations' has been studied in retail environments (Zeithaml et al., 2006; Turley and Milliman, 2000;). The positive effects of ambient factors such as music, smell, and lighting have been of particular interest to consumer researchers worldwide, as these attributes can be experimentally manipulated to test for 'cause-and-effect relationships' (Ezeh and Harris, 2007). Kwortnik and Ross (2007) define an 'experiential product' as 'fusing sensory (tangible) and symbolic (intangible) attributes by the consumers and marketers to create an event that is pleasurable, meaningful, and memorable'. For experiential products, a 'well-designed servicescape' establishes the context in which the service is performed (Bitner, 1992; Pullman and Gross, 2004).

Five common atmospheric items measured are 'ambience, colour, décor layout and music'(Bell, 1999; Frasquet et al., 2001). Atmospherics are indeed critical because they act as 'environmental cues' that consumers use to imply the 'quality of a shopping centre' (Smith and Burns, 1996). Also, several studies have reported that atmospherics

stimulate 'consumer excitement' at a shopping mall (Wakefield and Baker, 1998).

The ambient factor also includes non-structural elements of the retail environment (e.g. music, scent, and lighting). The variables studied differ by ambient cue. For example, related aspects concerning fragrance include congruity with other signals (Cronin and Taylor, 1992; Zeithaml, 2006). Baker et al., (2002) ambience, design, and social factors capture the exterior, interior displays, general interior, store layout, and human stimulus variables proposed by Turley and Milliman (2000) the ambient, space/function, and signs/symbols/artifacts variables offered by Bitner (1992).

Research Methodology

Research Methodology is a systematic way that defines way to solve a research problem of any field of study.

Table 1. Snapshot of research methodology used in the study

Research Type	Exploratory and Descriptive
Universe	Urban Population of Jaipur, Jodhpur, Udaipur, Kota including the migrants
Target Population	Shopping Mall goers
Sampling Technique	Probability Sampling Design (Simple Random Sampling)
Sample Frame	Jaipur, Jodhpur, Udaipur, Kota
Sample Size	372 respondents
Data Collection Tools	Semi-structured Questionnaire and Observation
Statistical Analysis Tools	Parametric Tests – One-Way ANOVA, Correlation and Multiple-Regression

Variables taken in the study

On the basis of the objective and review of literature with reference to global and Indian context, the following variables were taken in the study.

Dependent Variable—The Dependent Variable (DV) of this study is**: Customer Preference for Shopping Malls**

Independent Variable—1. Ambience of a Shopping Mall

Hypothesis

H_{01}—There is no significant association between ambience of the shopping mall and customer's preference for a Shopping Mall.

H_{a1}—There is a significant association between ambience of the shopping mall and customer's preference for a Shopping Mall.

Table: Reliability Test of the Variables on the basis of Customer Response

Name of Variable	Cronbach's Alpha	N of Items
Ambience	.886	09
Preference for Shopping Malls	.792	11

Source: Output from SPSS

From the above table we can see that Cronbach's Alpha for the variables of our study Ambience and Preference is more than 0.7, which indicates a high level of internal consistency for this specific study.

TableL Correlation Matrix

		Ambience	Preference for Shopping Malls
Preference for Shopping Mall	Pearson Correlation	.491**	1
	Sig. (2-tailed)	.000	
	N	372	372

Source: Output from SPSS

A Pearson correlation coefficient was computed to assess the relationship between consumer's satisfaction with respect to the ambience and their preference for a shopping mall(dependent variable). The data from 372 active mall goers was used in the computation.

Correlation analysis shows that the positive correlation is between **Ambience of Shopping Mall** and Preference for a Shopping Mall, r = 0.491, n = 372, p = .000. Thus rejecting the null hypothesis and accepting the alternate hypothesis i.e. H_{a1} **There is a significant association between ambience of the shopping mall and customer's preference for a Shopping Mall.**

Finding of the study

The results suggest that the Shopping Mall attribute taken in the study 'Ambience' has a statistically significant correlation.

Increase in satisfaction of shopping mall goers with respect to Assortment of Stores in a Shopping Mall, Ambience of a Shopping Mall, Promotional Activities and Socialising Aspect in a Shopping Mall were correlated with increase in Preference of Shopping Malls.

Recommendations regarding Ambience

- Most of the stores have an identity crisis. The strategy of segmentation, targeting and position is missing. When creating the ambience for the shopping mall and retail stores in the mall, it's essential to keep the target clientele in mind.

- The employees of the shopping mall and the retail stores have a significant role to play. They can assist the shoppers, guide them or just simply smile. A pleasant social environment can easily facilitate shopping. The simple gesture of a smile from the shopping mall staff can play a part in setting a relaxed mood.

- The choice of music should be according to the clientele. For. Eg. If the target customers are youngsters pop music can be used to liven up the shopping experience. Music can play a significant role in calming and putting the customer at ease.

- Visual displays of the mall and the retail stores should be changed on regular basis. Every time the shopper walks in it should be a visual treat. Of course, the budget should be a consideration while planning out the visual display. Use of balloons is a great idea as attractive and cheaper as well.

- Natural landscaping is missing inside and outside the malls in Rajasthan. Use of plants can liven up the entire ambience; also reduce the HVAC (Heating, Ventilation

and Air-Conditioning) costs in summers. Flowers can also be planted as they are beautiful and release natural fragrance.

• Use of more and more of natural lighting should be encouraged as this can help in saving electricity costs. Also, use of renewable sources like solar energy should be made in shopping malls.

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Diractive Principles of State Policy (DPSP) are Tool to Achive Social Justice: Indian Perspective

Dr. Madhu Shastri

Professor, Amity Law School, Amity University, Jaipur (Rajasthan)

Abstract

"Kautilya said that, The king shall provide the orphan the dying the infirm the affectedand the helpless with main tenance, he shall also provide subsistence to helpless expectant mothers and also to the children they gave birth too. Rousseeau the French Political Philosopher in middle of18th century "praised democracy for being the government of the people by the people for the people".Government should take the positive action for welfare of their people.India became a welfare state i.e. a state which renders social services to the people and promotes their welfare. Directive Principles of State Policy are incorporated inIndianConstitution in part IV with social and economic rights ,which are basic need of humanity and they are tool through which human need may be fulfil these needs are very essential for human dignity and full development of human personality.DPSP set out the economic and social goods for the Indian people through Constitution.

Keywords: *Welfare State, Social-Economic Rights, Human Dignity Tool*

Introduction

In ancient India policies for the state laying down by the Dharmasastra.It was the duty of Raj Dharma to protect the fundamental, social and political rights exposing complete fulfilment of human ends as well as security. All of major religions manifest comparable concern for poor and apprised person. Karl Marxs Who always talked about classless society emancipation of labours and its socio, economic justice influence the obligation of state.[1]

The formulation of National Constitution owes its original essential to the realization that content of political freedom is impaired by the absence of social justice and that without adequate protection for social economic rights, constitutional guarantees of what are known as"Classical, Individual liberties "such as right to equality, liberty of person and freedom of speech and association may lose muchsignificance[2]"Welfare state "concept also contributed in realization of social and economic objectives of state

Indian scenario and welfare state

The Preamble of Indian constitution embodied with the objectives of the welfare state and strengthened by Directive Principles of State Policy. These principles laid positive obligations on the government to achieve social welfare of the people and achieve basic social values. The Indian Constitution archives two foaled democracy First Economic democracy and second is political democracy, political democracy would be meaning less without economic democracy. These ideas incorporated with ancient Indian and Gandhian philosophy. Gandhiji hoped that Indian villages could be reformed socially, economically and medically than we could achieve RAM-RAJAY and also achieve ancient philosophy which was 'SARV BHAVANTU SUKHINE, SARAV SANTU NIRAMAYA" means all persons will be happy and

all persons will be healthy, and this is the goal of our constitution too which showed in part IV of the Constitution.

DPSP and fundamental rights to gather constitute the conscience of the constitution. *The Directive Principle of State Policy set forth the humanitarian socialist precepts which was the aim of Indian social revolution. The Directive Principle and Fundamental Rights mainly proceed on the basis of Human rights freedom to nothing else but a chance to be better. It is this liberty to do better is the theme of Directive Principle of State Policy in IV of constitution. KeshavanandaBharti v.State of Kerela,[3]*

The Supreme Court in *Ashoka Smokeless Coal India (P) Ltd. v. Union of India.*The main intention of including Part IV in Constitution is that it may form a set of instructions issued to the prospective lawmakers and executives for their guidance for good governance. Part IV enjoys a very high place in the Constitutional scheme as it impose obligations on the state to take positive action for creating socio-economic conditions in which there will be egalitarian social order with social and economic justice to all.

The concept of Social Justice, very well observed by the Supreme court inAir India Statutory Crop. V. United Labour Union.[4] DPSP laid positive obligation on state to take strong role to achieve the object of Preamble and government to protect common masses of state., making laws to established a just society in the country.[5]

Part IV Of the Constitution—Article 38 to 51 contains 17 Directives for state..

Classification of Directives- In three groups (a), (b), and (c).

(a) Enshrined with socialist and economic principles-This group includes Article 38(1), 38(2), 39, 39-A, and 51. This group make India as welfare state .These principles formed very important part of our constitution.

DPSP arefundamental in the governance of the country.[6] The Preamble and Art.38 of Constitution enshrined social justice and also uplift the human dignity. Distribution of wealth and resources among all classes; equal pay for equal work for both men and women.Art.39. In*HarbunsLalv. Stae of H.P.[7] Supreme court held that the principle of equal pay for equal work is not enforceable as an independent fundamental right. It is to be read by virtue of Art,39(d) in Articles 14and 16 subject to certain stipulations.*

Art. 39-A Provide for equal justice and free legal aid. *In Hussainara Katoon(*4) v. State of Bihar.[8] Supreme court observed that free legal service is an unalienable element of reasonably fair and just procedure.

I.   Just and humane conditions of work, dignified living, full employment, leisure, social and cultural opportunities; (Art.43)

II.   Participation of workers in the management of undertaking and establishments; (Art. 43-A)

III.   Promotion of co-operative societies (43-B)

IV.   Protection of children, youth against exploitation and against moral and material abandonment.; (Art.39f)

V.   Provision of work and compulsory education for all people, relief in case of unemployment, old age, sickness and disability and other cases of underserved want; (Art.41) *In Unnikrishna's case[9] Supreme court has been declared education to be a fundamental right.*

VI.   Equality of opportunity and status of living of the people; Promotion of educational and economic interests of SC,ST and other weaker section; (Art.46)

VII.   Level of nutrition and standard of living of the people; (Art.47)

VIII. Public health and enforce prohibition of consumption of intoxicating drinks and drugs; (Art.47)

IX.   Environment safeguarding forest and wildlife of the country; (Art.48-A)

IX.   A uniform civil code throughout the country; (Art.44)

X.   Protection of adult and child labor.

It is truethat Art. 38 and 43 of constitution insist that the State should endeavour to find sufficient

work for the people so that they may put there capacity to work into economic use and earn fairly good living.[10]

(b) Gandhian philosophy—This philosophy incorporated under ART.40,43, 46,47 and 48 these are Ideals of Gandhi. Framers of our Constitution wished to implement these ideals to fulfil his wishes to achieve RAM-RAJ in India.

The State shall take steps-

I. To organize village panchayats and endow them power and authority to enable them to function as unit of self – government; (Art.40)

II. To promote cottage industries and village industries on an individual and co-operative basis in rural areas;(Art.43)

III. To promote educational and economic interests of the weaker sections of the people particularly SCs, STs to establish social justice and equity; (Art.46)

IV. To prohibit consumption of intoxicating and injurious drinks and drugs; (Art.47)

V. To organize agricultural and animal husbandry on modern and scientific lines; (Art.48)

VI. To prohibit the slaughter of cows and other useful cattle To protect, preserve and maintain places of national historical importance; (Art.49)

VII. To separate the judiciary from the executive. (Art. 50)

(c) Liberal directives—Principal among such directives are

I. To secure uniform civil code throughout the country (Art.44);

II. To protect monuments of historic and national importance and (Art.49)

III. To separate the judiciary from the executive (Art. 50);

IV. To promote international peace and security. (Art.51)

The whole part IV of our Constitution gives direction to the executive and legislative to follow the directions which are in Part IV in issuing orders or in framing the legislations .These directives made our county in true sense of "Welfare state." \There is no judicial sanction behind directives but there is political sanction behind them. ART.37 makes the directives "Fundamental in the governance of the country --------------- making law. It covers very vast area of social and economic rights

Directives are embodiment of social engineering and ideals of social order that contains popular aspirations and expectation of the people more particularly the ideals of economic democracy.[11]

Social Justice and Directives—The aim of the constitution is not to guarantee certain liberties to only a few of the citizens but for all. The concepts of Constitution are crystallized in the Preamble. We resolved to constitute ourselves into a Socialist State which has the obligation to secure justice – social, economic and political. Therefore, in our Constitution envisaged Part IV containing Directive Principles of State policy which specify the social,economic and political goals to be achieved.

Constitution proved that law could be organic and dynamic. The State act as a manager and protector of social and economic interests of the citizens. . Decisions of the Supreme Court and tends to find out how the Directive Principles of State Policy have been instrumental in providing social and economic justice to the citizens. The Preamble and Article 38 of Constitution envision social justice as the arch to ensure life to be meaningful and livable with human dignity. Social justice, equality and dignity of persons are cornerstones of social democracy and welfare state.

The aim of social justice is to attain substantial degree of social, economic and political equality, which is the constitutional goal. Social security, just and humane conditions of work and leisure to workman are part of this meaningful right to life and the live with dignity.. The Constitution, therefore, mandates the State to accord justice to all members of the society in all facets of human activity therefore,Directives are potent instrument of social justice to bring about equality in results[12].

Suggestions

- Directive should be made enforceable by the courts because without that human dignity and personality development could not be achieved .
- Government should made effective provisions for right to work and social security, right to health, freedom from hunger and control population.
- Directive should be followed in spirit by any legislation and government's policies.

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The Alexander Technique and it's Psychophysical Aspect

Nitesh Kumar Meena

Research Scholar, Department of Dramatics
University of Rajasthan, Jaipur (Rajasthan)

Abstract

The Alexander Technique has psychophysical aspects. The process effectson The psychophysical unity: body, mind, and emotion. Alexander believed that a person acts as a whole; the body and mind cannot be divided. It follows that specific habits cannot be separated from the use of the whole organism, or "self." In the Alexander Technique, focus is on the improvement of the entire system. When you are able to change the way you coordinate yourself as a whole, your specific habits improve consequently emotional level. It completely changes your relationship with feelings. There is an emotional aspect when you are learning.This technique helpsyou tounderstand extra muscle tension. It explains us developed patterns of extra tension, as we are growing up, these patterns become deeply rooted and habitual. The technique help you to become aware of habitual collapse. It also helps you how you can subtract extra tension, and realign head, neck and spine in a more natural and optimal way. you feel better not only physically but also emotionally.

Keywords: *Technique Psychophysical, Relationship, Feeling, Muscle Tension, Habitual, Natural*

Introduction

The alexander technique which is developed by F.M. Alexander was born on 20 January 1869 in Australia.order to function well, we need a certain amount of muscle tone. Unfortunately, most of us have more tension than we need, because of the stress of daily living. This tension interferes with the natural alignment of our head, neck and spine and that's one reason why so many of us are in pain or have difficulty. Alexander work for those suffering with stress, depression, anxiety and other psychological distress. Tension and stress are perhaps the most common problems of our daily life. But I believe that most people problems stem from habitual and unrecognized misuse of themselves. The Alexander Technique helps you to recognize these problems. A practical technique, usually learned under the guidance of a skilled teacher, the method involves becoming aware of habitual patterns of movement, and learning procedures for freeing oneself from these habits. By learning to use the skills of conscious inhibition, directed thought, and reliable sensory perception, the individual is able to bring out his innate capacity for coordination.

The link between mind and body is increasingly acknowledged these days. However, it is still not well understood and few 'treatments' or 'therapies' really reflect this truth in practice; often merely treating the individual as a passive recipient of bodily treatments. F. M. Alexander was in fact way ahead of his time in recognizing that the mind and body are inseparable. He developed his Technique based on individuals' psycho-physical use of themselves. So when we talk about 'use of the self', we do not just mean the use of the body and limbs in activity

and movement; but comprehensively including the brain, mind, thought, feeling and emotion. People suffering with stress, depression and anxiety quite frequently get stuck looking for a solution in the mind alone; sometimes also seeking relief from physical symptoms through bodily treatments and medication. But Alexander 'discovered' that how we use our bodies has an extraordinary effect on our ability to accurately perceive the world around us, as well as our emotional and physical health.

"Through practice of Alexander Technique, you can become aware of your unnecessary muscle tension and reduce it. At the same time, you can rediscover the natural alignment that we all had as children. This alignment will give you better balance, coordinationand ease of movement."

Psychophysical Awareness

The Alexander Technique is a psychophysical discipline. In other words, if you take Alexander lessons, the process will have both mental and physical aspects. But what does that really mean? it means that, if you take Alexander lessons, you'll learn about a subtle yet powerful thought process that will help you make some important physical changes. Those changes will help you if you have certain kinds of physical pain. They'll also help you with the activities that are important to you, such as playing a musical instrument, doing a sport, sitting at the computer and many others.

Individual Process

The Alexander Technique has another emotional aspect also. the process affects on an emotional level. In fact, it'll completely change your relation-ship with feelings. There is an emotional aspect when you are learning The Alexander Technique. On the other hand, there are people who learn the technique and make wonderful changes without experiencing any emotions. It all depends on the person

When you stop doing the wrong thing the right thing does itself. first it is necessary to inhibit or prevent our automatic way of responding to a stimulus. This step is perhaps the most difficult one for dancers, because inherent in our training

is the stimulus to "do" or even "overdo," rather than "not to do." Stopping the initial response allows space for something different to occur, versus falling into one's habitual pattern when performing the given movement. Rather than replacing an unwanted action with another action, we stop the unwanted action, thus opening the door to new possibilities. The word "inhibition" can be misleading, therefore I find it is useful to talk about it in terms of stopping an initial response. Once you have identified an undesirable habit or response to a stimulus, the first thing to do is to learn to stop your impulse to move. For example, if I find that I clench my teeth as I begin to do a pirouette, I must learn NOT to make the first move toward clenching my teeth when I think Once I can learn to stop my impulse to clench my teeth and instead direct myself to allow the neck to be free, I have created the possibility for a better coordination of my whole self.

Body alignment

The Alexander Technique related with the alignment of head, neck and spine. If head tended to drop forward and down, shoulders become rounded and torso was shortening and dropping forward and down. In addition, you will have feeling of heaviness in body.it is kind of physical collapse.The Alexander help you to understand extra muscle tension. It explains us developed patterns of extra tension, as we are growing upthese patterns become deeply rootedand habitual .The technique help you to become aware of habitual collapse. It also helpsyou how you can subtract extra tension, and realign head, neck and spine in a more natural and optimal way. you feel better not only physically but also emotionally.

The key ingredient in the process is the new, more optimal alignment of head, neck and spine, in other words, depression is psychophysical in nature. It is neither a physical state nor an emotional state, but both at the same time.thing is that the change process was gradual, and it took place in steps. The Alexander technique lessons, would help you realign head, neck and spine and,

as a result, you would have an extraordinary feeling of lightness. So throughout the process, take two steps forward and one step back. With time, the new alignment gradually came into the foreground. In the end, it became a new habit.

The use of the head and neck in relation to the body, and enables us to use ourselves in the right way. The dynamic relationship of the head to the neck, and of both the head and neck in relation to the back is central to one's coordination, balance, and functioning. This ever-changing relationship is termed "Primary Control." "Ever-changing relationship" is a key concept here; it is not a search for the correct positioning of the head on the spine, but rather, a discovery of a poised relationship of the balance of the head on the spine that is free and ready for movement. In order to facilitate this, it is helpful to think of allowing the neck to be free. This means that the head can move in any direction without unlocking to move. use of the whole system. The best way to observe primary control in action is to watch movements of creatures unencumbered by ineffectual habits, such as a baby who is learning to crawl, sit, and walk; a cat jumping; or a leopard running. In these examples, you can clearly see the poised relationship of the head, neck, and torso, leading to coordinated and efficient movements. In both four-legged and two-legged creatures, the head leads, and the body follows. See Table 3 for experiences that address the concept of Primary Control. teachers can use the concept of "primary control" by reminding students not to lock the muscles of the neck and to experiment with initiating movements from the eyes first, allowing the head and then the body to follow. exploring the idea of "head leads, body follows" can facilitate improved use of the whole system.

Unreliable Sensory Appreciation

"Everyone wants to be right, but no one stops to think that their idea of right is right." All of us have undoubtedly had the experience of being surprised when given a correction. For example, if you have been standing with your weight too far back and are given a correction to shift your weight more forward, it is likely that you will feel that the new position you are placed in is "wrong." It feels wrong to you because your habitual way of standing feels normal to you, even though it may not be the most optimal. Alexander called this phenomenon "Unreliable Sensory Appreciation." "Sensory appreciation conditions conception—you can't know a thing by an instrument that is wrong." We therefore cannot necessarily rely on our sense of feeling to change a habit. Habit in this context does not refer to habits of action, such as cracking one's knuckles or biting one's fingernails, but to habits of feeling, or proprioception, that underlie our habitual patterns of movement. What we think we are doing is often not what we are actually doing. The Becoming aware of a habit can be frustrating in the beginning. But it is important for students to realize that awareness is the first step toward making change. To incorporate this concept into technique classes, I suggest finding times during the class where students observe and give feedback to each other. Encourage them to share their observations without judgment, but rather with the idea of bringing habitual patterns into consciousness.

Emotional Experience

The emotional component is also integral to the functioning of the whole person. Emotions such as joy or depression are factors in the way we hold or carry ourselves. For example, muscular holding or protective postures occurring as the result of traumatic experiences may, over time, become part of an individual's total pattern. Alternately, assuming postural qualities associated with lightness or happiness may have a positive influence on the overall emotional state of an individual.

During that gradual, step-by-step process, something else began to happen: began to experience some strong feelings. To be specific, during Alexander lessons you would feel restricted or start crying. These are not free-floating feelings. They are related to something that had happened to you. you began to realize that you have a lot of unexpressed feelings in side you. After the death of my father, I went

into psychotherapy because I needed a place where I could process all of those feelings. As I pursued both the Alexander lessons and the psychotherapy, I began to realize that I had discovered another aspect of my depression. It dawned on me that, for many years, I had been stuffing my feelings. I had been forgetting about them.

In addition, when I was a child, there were messages in my family about being "good, quiet and obedient." Once again, the effect of all of those messages was that I completely stopped expressing my feelings. Then, when my father died, I had no skills for dealing with this extremely traumatic event. During the Alexander lessons, I learned some important truths. First of all, as much as Itried to forget about my feelings, they had never gone away. They had gone underground, so to speak. And in fact, they'd turned into something physical. I had been "storing" them in my muscles, in the form of muscle tension. Of course, I hadn't been aware of that. But all the while, my hidden feelings had been affecting me indirectly. They'd been behind both my depression and my physical collapse.The grieving process was painful, as you might imagine. Not only was my grief over my father's death difficult to deal with, but I was also changing some key beliefs about myself and who I was. For the very first time, I was accepting the fact that I am actually an emotional person. Though the process wasdifficult, in the end it was extremely positive. I began to come out of my collapse, I began to feel my feelings – and best of all my depression gradually began to lift. As of today, I'm free of depression.

Counselling and Psychotherapy

At the same time people may find that they prefer working with the Technique than counselling or psychotherapy. Many people use it in conjunction with psychotherapy, finding that working with the Technique puts them in a 'better' place to explore and deal with thoughts and feelings in therapy.

It can also be very empowering for people under stress, weighed down and dispirited with depression and anxiety to learn that they have the ability to change the way they function. People report being able to experience, think about and respond more appropriately and effectively to feelings rather than being overwhelmed by them.

Finally, many of people come to the Technique initially for relief from physical ailments, such as back pain, but find that they continue having regular lessons long after their physical symptoms have eased. It becomes part of their life and how they deal with emotional, mental and physical stress.A goal of the Alexander Technique is to give students tools to make choices about the way they employ physical, emotional, and intellectual functions. The aim is to "create the conditions necessary for 'natural functioning' through a balanced distribution of energy, each part of the system performing its own work in harmony with the rest." To gain an understanding of the unity of the self.

Conclusion

In order to function well, we need a certain amount of muscle tone. unfortunately, though ,most of us have more tension than we need, because of the stress of daily living .this tension interferes with the natural alignment of our head ,neck and spine- and that's one reason why so many of us are in pain or have difficulties with activities.

Through private lessons in the Alexander Technique you can become aware of unnecessary muscle tension and reduce it. At same time, you can rediscover the natural alignment that we all had as children. This alignment will give you better balance, coordination, and ease of movement. Over the years, I've found that some people are similar to me, So I suggest them combination of Alexander Technique and emotional processing. As I said earlier: many of people don't experience any feelings while they're learning the Alexander Technique. It all depends on the individual.Working with the Alexander Technique allows people to change unwanted behavior patterns; attitudes and

outlooks tend to change; and it frequently results in more balanced moods and a better capacity to deal with the challenges that life throws at us

In an Alexander lesson, you will not need to discuss or analyze your problems.

You will just learn the 'use of self'

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No Detention Policy: Refusal No Detention may Hurt the Inclusive Elementary Education in India

Dr. Rajesh Kumar Jangir

Associate Professor, Department of Economics
LBS Government PG College, Kotputli, Japiur (Rajasthan)

Abstract

 The suggestion for removal of NDP in the draft of New Education policy 2016 was stated. This draft establishes that no detention policy will remain but until class five. Efforts for quality education were mentioned in the draft for weaker students but the removal of NDP arises various questions. The mean achievement score is low in case of rural students, weaker section students and students in government schools. The examination results are low in students belong to weaker section of society. The drop -out rate is higher in weaker section students than students of other than weaker section of society. Level wise dropout rate shows sharp increase in drop out at secondary level. Thus removal of NDP without sufficient efforts of remedial learning/teaching for weaker students may hurt the inclusive structure of elementary education in India.

Keywords: *New Education Policy 2016, Enrollment, Drop out, Mean Achievement Score, Social Inclusion*

Introduction

Enforcement of detention and board examination at elementary education level is one of the most discussed issues at present time in India. The quality of elementary education is the key issue behind this discussion. So it is relevant to analyze the issue of No Detention Policy (NDP) under Right to Education (RTE). No detention, continuous and comprehensive evaluation and age appropriate class are three main pillars in right to education act 2009. The idea behind the three main pillars is to make education child centric (Mishra, 2015) and is motivated from the "progressive education movement of West". Right to education Act 2009 indicates that age appropriate class was introduced "to save children from humiliation and embracement of sitting with younger children". Section 4 of right to education act 2009 indicates that it is not right to give admission in class first to the students of higher age group because of their capabilities of accelerated learning, varied life experiences and their higher mental capabilities.

In mid of 2005 the gross enrolment ratio was 95 and drop out ratio was 42 at elementary level. To increase the gross enrolment ratio and reduce the dropout ratio SSA was launched in 2000. It is supposed that infrastructure development is important to increase the Gross Enrolment Ratio and to reduce the dropout rate, so the base of SSA was decided to improve infrastructure development (Ghosh, 2015). Estimate indicated that dropout rate was higher in SC, ST, and Muslims and female. Right to education changed the approach of education from welfare base to right base. The major difference between the provisions in RET and draft of New Education Policy about elementary education is related to the provisions of no detention. Provision Related to no detention in Draft of New Education Policy 2016 are as follows.

'The Committee recommends that the no-detention policy should be continued, but only till the primary stage of elementary education, up to Class 5, when

the child will be 11 years old. At the upper primary stage, from Class 5 to 8, for children between the ages of 11 and 14, the Committee recommends that the system of detention of children who are below the requisite minimum standard should be restored. This will require a suitable amendment to Section 30 (1) of the RTE Act.' ....detention should be resorted to only as a last resort and after giving the child remedial coaching and at least two extra chances to prove his capability.'

If he fails to clear the bar, the process should be repeated, focussing specifically on areas where he is deficient. Should he again fail to clear the examination, he should be either detained in the same class or given other alternative opportunities of pursuing education.'

Arguments generally put against No Detention Policy

Without detention or board exam, automatically up gradation of students to next class removes incentive for student to study and teachers to teach. The relation between upgradation and learning must be maintained. Right to Education explains that student must give admission in the class according to the age of student with some remedial arrangement. This means that a student attended school not for a single day in the year and achieved zero marks in all subject should be upgraded to next class. This indicates that there should be some objective measures as exam at the end of year and attendance in school to upgrade the student in next class. NDP under RTE have the provisions of attendance and learning but are not compulsory in nature.

When students are given up gradation to next class without considering their performance in study and attendance in school, they become irregular in attendance and non serious to study. This does not bring better educational achievement and improvement in learning. The term 'class' has special importance in Right to Education Act as elementary education is defined from class first to class eight. In the act it was stated that student should be admitted in appropriate class according to age group. The age group for elementary education is defined from six to fourteen years. Learning level is defined with class level and age. In the class base learning system there is no meaning of No Detention Policy conceptually (Dhankar, 2017). Teachers also become non serious in teaching to these non receptive and unmotivated students. It is true that No Detention resulted in improvement in enrollment but the quality of learning did not improve. The presence of academically poor students affects adversely the teachers' ability to complete the syllabus in time. The pace of learning becomes slow and standard of knowledge remains low in the class due to the presence of students those have not the required academic level, knowledge and competence for that class due to NDP. The difficulty of mastering the syllabus increases continuously with the up gradation of these academically poor students in next class. They remain fail to understand what is being taught in the class and become only the cause of disturbing in the class teaching.

Student learn fundamental of language and basic arithmetic at primary level. When student upgrade continuously without this learning he / she remains separate from the advances of learning and this gap increasingly continuously. Feeling of pressure and tension build in such student's mind and at a critical level he/ she starts hate to the education system. The learning level of the class is determined by the knowledge level of students in the class. The presence of non sincere and non receptive students in the class hampers the learning level of the class. The poor level of teaching and learning level of class due to the presence of such academically poor students is not fair to the rest of the student in the class.

It was stated that NDP reduced the dropout rate and increased GER. Up gradation without learning is creating an illusion of low drop out because it is only the postponement of the problem. It becomes sharp at the end of elementary level of education. The dropout rate after elementary education showed sharp increase. No Detention Policy destroyed the learning environment due to the upgradation of student automatically without learning. In many states it was seen that

the dropout rate after completing elementary education is very high. The number of student failed in class 9 remained much high. The numbers of repeating students were 2.8. Percent of enrolled students in 2010 in Delhi increased to 13.4 per cent in 2014.

Central Advisory Board of Education was given representation by state government of Assam, Bihar, Punjab, Rajasthan, Tripura, Sikkim, Goa, Chandigarh, and Haryana to review the NDP. Government of Delhi reduced the no detention up to class 3. No detention policy put carelessness for study in student's mind. Up to the elementary level student remain careless towards study because of no detention policy. This carelessness attitude does not change suddenly and results in high dropout level just after class eighth. ASER survey indicated that 50 per cent student of class 5 were not able to read the text of class 2. In 2012 MHRD survey related to the children's attitude towards learning concluded that student's commitment towards education has deteriorated at primary school level and scoring low marks in board examination. No detention policy up to class eight making students careless towards learning (Ghosh, 2015).

In the case of teachers large absenteeism one teacher manages more than one class in the school at a point of time. Teacher know that each student is to be promoted in next class (in case of no detention) there is no more serious effort need to take to teach student and maintain their learning level (Ramachandran, 2012). CABE (Central Advisory Board of Education) in its report in 2014 recommended that there should be board examination system at least for class five and eight. The government should reintroduce it. Many states have the opinion that No Detention resulted in deterioration in the level of learning. CABE expressed that examination system is the measurement of learning and without examination one can't measure the learning. Without examination it is not possible to improve because measurable is improvable (CABE). Studies were also conducted on the view of teachers about the quality of learning under NDP. In a study in Jammu and Kashmir teacher mentioned that NDP was responsible for the poor quality of learning upto elementary education level (Haneef, Baliya and Lone, 2015). In an Another study in Saharan district of Bihar for both government and private school seventy per cent teachers expressed the view that NDP created hurdle in quality elementary education(Hussain and Khan, 2016).

The provisions of RTE put no effort to take action towards making better the quality of learning. The Act has neither the provisions for government accountability nor have any time bound deadline for meeting the target (Madhav Chauhan, CEO, Pratham). Lack of seriousness of teachers in teaching is one of the factors contributed to the poor quality of education. Educationally better students feel frustrated in the class due to the lower level of learning that supposed due to the presence of large number of non sincere student.

Table 1: Level -wise Average Annual Drop-out Rate in School Education in 2013-14 (In Percentage)

Primary	4.34	4.14	7.98
Upper Primary	3.77	4.38	8.43
Secondary	17.86	18.66	27.2
Senior Secondary	1.54	1.81	2.94

Source: NUEPA,(http://dise.in), Educational Statistics at Glance, 2016, Department of School Education and Literacy, MHRD, Government of India.

The Average Annual Drop- out Rate is shown in the Table -1. This indicate that average annual drop -out rate is highest in Scheduled Tribe (ST) at primary, upper primary, secondary and senior secondary level. The average annual drop out is more than double in ST than compare to SC and for all students. It was 7.98 per cent at primary level increased to 27.2 per cent in secondary level. The highest average annual drop- out rate is highest at secondary level. There can be seen the sharp increase in average annual drop- out rate at secondary level. The average annual drop- out rate is higher in case of weaker section of society (SC and ST) than the average for all students. The detention policy at secondary may be main cause

of high drop-out rate. This implies that if the detention is implemented at class eight without special effort of remedial for weaker students the drop -out rate will large at class eight.

Table 2: Examination Result Class X, 2010

Category	Pass Percent		
	Male	**Female**	**Total**
All	73.2	77.4	75.0
Scheduled Caste	67.2	71.3	69.0
Scheduled Tribe	62.4	61.5	62.0

Source: Educational Statistics at Glance, 2016, Department of School Education and Literacy, MHRD, Government of India.

Table 2 indicates the result of student in 2010 for different category. The result is based on pass percentage students in class X. This indicates that the pass percent is lower in weaker section of society (SC and ST) than for all students. This difference may be greater if the comparison of pass percentage is made between weaker section and non weaker section of the society

Table: 3 Subject-wise Mean Achievement Score of Student at National Level

National Average Mean Score		English	Mathematics	Science	Social Science
Area -wise	Rural	244	247	247	247
	Urban	263	256	257	257
Category-wise	SC	238	240	239	240
	ST	241	237	235	239
	OBC	245	250	249	249
	Others	267	260	263	260
Institution Management -wise	Government	236	239	239	238
	Govt-Aided	246	248	248	248
	Private	277	269	270	271

*Source:* National Achievement Survey (NAS) Class X- 2015, NCERT

Table 3 shows the subject-wise mean achievement of students at national level in 2015. It included four subjects i.e. English, mathematics, science and Social science. It indicates that the rural achievement score in lower than urban achievement score in all subjects. This survey also indicates that mean achievement score for weaker section (SC, ST and OBC is lower than scores of other section. The score of government school is lower than government aided and private school. The mean achievement score indicate that the rural area, weaker section and government school students have low mean achievement score. This low means achievement score in turn indicates that detention will adversely affect the rural, weaker section and government school children than others. If

detention is enforce at elementary level the most affected children will be from rural area, weaker section and government schools. Without sufficient effort for remedial learning or teaching for these low mean achievement students our education policy may hurt the social inclusion nature of elementary education.

**Arguments generally put in Favour of No Detention Policy**

Empirical studies showed that Gross Enrollment Ratio improved at elementary level steadily during the period of No Detention Policy. The Gross Enrollment Ratio at elementary level for Scheduled Caste, Scheduled Tribe and other marginalised section improved during the period of No Detention Policy. This indicates that No

Detention is in favour of enrollment improvement among marginalised section of society
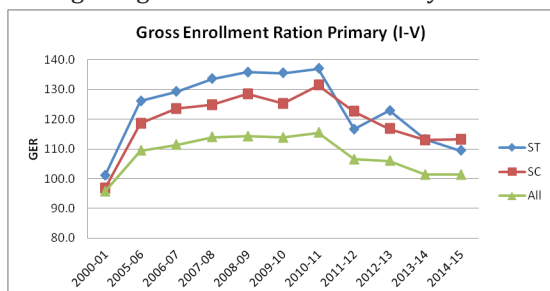
Source: figure for 2014-15: National University of Educational Planning & Administration, New Delhi. Educational Statistics at Glance, 2016, Department of School Education and Literacy, MHRD, Government of India

The Gross Enrollment ratio (GER) for primary and elementary class was 95.7 and 81.6 per cent in 2000-01 increased to 101.4 and 96.9 in 2014-15. It increased up to 115.5 and 103.9 in 2010-11 for all categories. The GER is lower in Elementary level than to primary level. The GER for scheduled caste and scheduled tribe is higher than the all category GER. The GER was 101.4 in 2014-15 at primary level and 96.9 per cent in elementary level. Due to NDP the enrollment ratio increased sharply in the country. Currently the GER is nearly hundred for all categories.
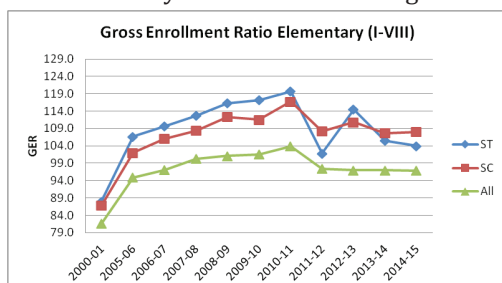
Source: figure for 2014-15: National University of Educational Planning & Administration, New Delhi. Educational Statistics at Glance, 2016, Department of School Education and Literacy, MHRD, Government of India

Detention or feeling of fail in exam due to board exam put fear among students. This fear affects and hampers their learning level. Poor learning level leads to drop out. Lots of problems are related to drop out such as child labour, begging, vagrancy, child marriage, juvenile delinquency and petty crime. A detained child has to repeat the whole syllabus again, even the part of syllabus that he/she has learnt. If the child learn the part of syllabus that remained to learn it require less time as two or three months but due to fail the child has to study the whole year the same things he/ she learnt already.

It is stated that detention of student till elementary level of education harms their self esteem and put them permanently the feeling of inferiority. Detained students study in the class with their junior students. Study the same class with their junior students put them the feeling humiliation and embarrassing. This stick is social stigma to the detained students. Studies indicate that the such type of social stigma have harmful effect on the psyche of the student. Studying is a continuously learning process. Detention is neither broad thinking nor the educationally valid.

Poverty affects the learning of students on many dimensions. Poor parents do not have the intrinsic value of education and awareness about the education. They keep children away from school because the school going students need at home to take care the siblings at home. Students of poor families take admission in school late. The students belongs to poor families do not attend school regularly because of engaged in child labour, illness and lack of awareness about education. Due to the above mentioned reasons the learning level of students belongs to poor family remain low and due to poor learning level they remain out of school (due to detention). In rural area the poverty condition and illiteracy among poor is widespread and these poor's are worst affected by this detention policy. Detention aggravates this problem of dropout and turns it in without schooling forever.

Studies expressed that no detention reduced dropout and helped in completing the learning cycle of eight year. It also improves the learning level among students. In a study of comparing the results of Central Board of Secondary

Education and other state Boards during the period of 2009, 2012 and 2013, found that the passed percentage of students improved. The Central Board of Secondary Education result of class senior secondary improved during the period of NDP. This indicates that no detention is good for the learning outcome. Detention can be better if it is used to help and identify the academically weak student and provide them remedy according to their performance. Test and assessments can be used to identify the school not too make shameful to students. This system is useful in monitoring the school like in United State of America. Detention should not be used to punish, to make shameful to the students that are academic leave week (Abhijeet Banarjee, The Indian Express, May 29, 2016).

It is generally asserted that no detention has no assessment. This is a misconception, but RTE has the evaluation pattern based on comprehensive and continuous evaluation. It evaluates the perseverance emotional development, creativity and social attitude of the students via formative assessments (Livemint, 2015). Teachers were not able to understand properly that difficult process of comprehensive and continuous evaluation this in turn made difficult the No Detention Policy (Dhankar, 2016). The right policy of no detention did not give proper results in India because of the teachers' inability to run properly the comprehensive and continuous revolution. Comprehensive and continuous evaluation is inseparable part of NDP. The success of NDP depends upon the quality of implementation of CCE. The success of CCE is not beyond doubt with the teachers thinking that detention improves quality (Sharma, 2016).

In NDP, it is generally argued that notion of forcing children out of school is not consistent with right to education. Detention or repetition of child in the same class tags the children as failure. Forcing children out of school due to failure means the education system is denying to serving the child. These students require different treatment or counseling rather than force them go to out of school. Different course or vocational education can be useful to such students. It is not fair to make them out of school in the name of low score in examination. Study or learning of a child requires a lot of attention and time not only of teachers but parents also. In completing his/her homework, in motivating and creating interest in study and maintaining regular contact to school and teachers regarding her/his performance in school (Sen ans Dreze, India Development and participation, 2012). Dreze and Sen empirically established that students belong to marginalized section go out of school due to detention. The worst result of dropout or detention is borne by these students that belong to marginalized section (Financial Express, August 1, 2016).

There is no such study available that prove that detention has positive impact on performance of learning of students (MHRD, 2012) or detention help students in improving their learning (Duggan, Andrew, Diris, 2014). Opposite to this there are studies express that detention or repetition has adverse effect on emotional and social development of children. If proper principles and instructions of learning are given to students, all students can complete successfully the level of learning defined with the age group, because all children have equal potential to learn and becoming creative (RTE, 2009, section 13). Nurture of students has great importance in their learning. The nurture of students have various aspects as physically (nutrition, Stress and activities), intellectually (formal instruction and informal experience) and social (peer relationship and role model) that impart great effect on child development. Each child have equal capacity to learn the fundamental skill from the social environment as understand language, learn to walk imitate others, use simple tools and draw inference (McDevell and Ormrod, 2007).

Children can learn and communicate language even if he/she do not attend formal education. In absence of proper learning environment child remains low in learning. Earlier board examination system was criticized on several grounds. It put anxiety and stress among students

(RTE, 2009 Section 30). The examination system requires a fundamental change (National Curriculum Framework) and there should be no board exam in class V, VIII or IX under no circumstances (NCERT, 2005). NDP reduce drop out. Students belong to poor families remains low in learning because parents don't know the intrinsic value of education and cannot help their child in study. NDP helps the children of poor families for not to join the child labour. Excluding some conscious and educated parents most of the parents liked the NDP because it provided elementary education completion certificate to their child. Pass or fail classification is a narrow and invalid simplification and disregards the continuous learning of children. Pass or fail criterion was adopted due to administrative convenience, not due to educational validity (Livemint, 2015).

Study by ASER during 2006 to 2014 (before and after NDP) about student learning level of mathematics, concluded that the level of learning of students in NDP was same to the system of detention. Detention or no detention has no impact on the learning level of students. It is generally argued that due to NDP the dropout was found much higher immediately after completing elementary level education, but the reason for high dropout are extra than the so called poor learning level due to NDP (Saraf and Deshmukh, 2017). Parents don't believe that detention is necessary for learning. They believe in learning not in detention. Their expectation from the education system is that child should be equipped with the learning level as he/ she awarded the class pass. They want learning not the board examination system or detention.

Conclusion

NDP was an integral part of RTE act in India since 2010. Enrollment up to elementary education increased in all section after the NDP under RTE. But the quality of education up to elementary level is concern. Various studies indicate that quality of education is poor. MDG of United Nation also declares that enrollment in schools is not sufficient. There should be quality education for children. The removal of NDP in the draft of New Education policy 2016 for in is stated. This draft establishes that no detention policy will remain but until class five. Efforts for quality education were mentioned in the draft for weaker students but the removal of NDP arises various questions. The mean achievement score and is low in case of rural students, weaker section (SC,ST and OBC) students and students of government schools. The examination results are low in students belong to weaker section of society. The drop -out rate is higher in weaker section students than students of other than weaker section of society. Level wise dropout rate shows sharp increase in drop out at secondary level. Thus removal of NDP without sufficient effort of remedial learning for weaker students may hurt the inclusive structure of elementary education in India.

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E-Governance: A Revolutionary Tool for Good Governance

Dr Rupali Bhouradia

Associate Professor, Department of Political Science and Public Administration
Banasthali Vidyapith, Niwai, Tonk (Rajasthan)

Richa Tyagi

Research scholar, Banasthali Vidyapith, Niwai, Tonk (Rajasthan)

Abstract

The concept of Good Governance is not new to the realm of public administration in India. Its earliest manifestation is found in the work of Kautilya who has explicitly explained its elements and significance in his treatise of Arthashastra. India has been one of the first countries amongst developing nations who has not only recognized the elements of good governance but has taken up many initiatives to bring in these elements in to existence and to make them functional as well. With the advent of Information communication technologies there have been revolutionary change not only in the mannerism of interaction between the nation's but also the government and its citizens, the application ICT in the public delivery system has further galvanized the concept of good governance. The concept of E-governance is based on the model of "SMART" wherein each letter of this acronym represents a particular attribute of good governance namely: simple, moral, accountable, transparent and responsive governance. This paper is an attempt to bring forth the dynamic relationship between the two concepts and how E-governance has become an essential prerequisite for good governance in the era of globalisation. It also throws light on the initiatives implemented under the various models of e-governance by various level of governments in India like Bhoomi project, Gyandoot, Lokvani project, FRIENDS, e-mitra, e-seva,etc which have enabled to bring in more accountability, responsibility, equity, inclusiveness ,transparency, effectiveness and efficiency and establish rule of law within the public system of India making it more proactive.

Keywords: *Good Governance, E-Governance, Information and Communication Technology (ICT)*

Introduction

Governance is described as the complex network of mechanisms, processes, relationships and institutions through which citizens and groups articulate their interest and exercises their rights and obligations and above all mediate their differences. Alternatively, Governance is the processes through which the society steers itself encompassing every institution and organisation in the society from family to state in the direction of growth and development. Under the impact of ideology of globalisation even the concept of governance underwent a revolutionary transition which led to the birth of "good governance" which was considered as a new entrant in the realm of public administration. Good governance basically was described as a holistic approach to revamp the public administrative system embedding the elements of transparency, responsiveness, accountability equity, inclusiv-eness, participation with effectiveness and efficiency into the system and establish rule of law. Thus this concept emerged as great help for the so called developing nations who were functioning under the ills of mal governance.

India became one of the first countries amongst the developing nations to not only recognize the significance of good governance but it

also implemented the various programmes and initiatives to make the elements of good governance functional.. The genesis of this concept goes back to the times of Katauliya, who has explicitly at length explained this concept and its significance in his popular treatise of "Arthashastra". With the passage of time, the techniques to make the governance functional have also underwent unconventional transformation, the innovative development in the area of science and technology has led to further manifestation of utilisation of information and communication technologies in governance which is also popularly known as "E governance".

The dynamic applications of ICT has optimized not only the functional dimensions of the good governance but has also enlarged the scope of opportunities for government as well as the citizens. Even the Indian government is recognizing and understanding such benefits of Information and Technological developments and has hence become sensitive towards the usage of information and communication technology. The most meritorious argument which is put forward for the utilization of IT in the process of dissemination of public services is that if technology can be used for outsourcing of goods and services to the international market the same information and technology can be applied at the domestic level and services can be provided in cost effective manner to domestic consumers. Working on this line of understanding, the Indian government has developed various e-initiatives and programmes which have been running successfully to meet the demand of good governance at every level from centre to local level. Thus we can say that E-governance has gradually developed as an essential prerequisite for further flourishment of good governance and has emerged as a revolutionary tool for it.

Concept of Good Governance and E Governance

There is no single, definite and comprehensive definition of good governance nor its scope has been confined that commands universal acceptance, this term has been used with great deal of flexibility. Though there is an enormous degree of consensus that good governance relates to the political and institutional processes and outcomes that are deemed necessary to achieve the goals of development. It is also defined as the process through which the public institutions conduct public affairs, manage public resources making the public system more pro active and pro people.

The genesis of the concept of good governance can be traced back to 1989 World Bank Study titled "**Sub-Saharan Africa – from Crisis to Sustainable Growth**" wherein it analysed for the first time the concept of "governance" specifically in context to the sub Saharan countries. The term "good governance" was used for the first time by former World Bank President Conable referring to it as a "*public service that is efficient, a judicial system that is reliable, and an administration that is accountable to its public*".Good governance as a concept has eight major characteristics namely participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

"Good governance entails the processes for making and implementing decisions. It's not about making 'correct' decisions, but about the best possible process for making those decisions. Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification and good working relationships."

Fundamentally E-governance entails electronic governance which uses information and communication technologies at various levels of government and public sector to improve governance. In theoretical terms, "E- governance"

connotes the process by which the relationship of the government are conditioned and modified by the application of ICT with its constituent citizens, its employees within its organs and private enterprises. s.

The **World Bank** in its report has defined "E-government is the government owned and operated systems of ICT that transform relations with citizens, the private sector and other governmental agencies so as to promote citizen's empowerment, improve service delivery system, strengthen accountability, increase transparency or improve government efficiency."

UNESCO defines "E- governance as the public sector use of ICT, in order to enhance information and service delivery system, motivating inhabitants, involving them in decision making, and making the government more accountable, transparent, effective and efficient".

In context of India, the concept primarily emerged as the anti-dote to the mal governance under which it was functioning, the evils of corruption, red-tapism, nepotism and the like which were deeply embedded in the public service system. It is with regard to these very specific loopholes and lacunas that the Indian government has evolved the framework of e-governance which has successfully provided remedies to these whole gamut's of problems obstructing the path of good governance in India. Some of the prominent and successful e-initiatives which have strengthened good governance in India are discussed further.

E-Initiatives and Programmes in India

The government of India has rolled out various e-initiatives at different level to achieve the attributes of good governance some of which are:

Computerization of Land Records—In collaboration with NIC this is to ensure that landowners get computerized copies of ownership, crop and tenancy and updated copies of Records of Rights (RoRs) on demand.

Bhoomi Project—It is aimed at Online delivery of Land Records. Self-sustainable e-Governance project for the computerized delivery of rural land records to 6.7 million farmers through 177 Government-owned kiosks in the State of Karnataka.

Gyandoot—It is an Intranet-based Government to Citizen service delivery initiative. It was initiated in the Dhar district of Madhya Pradesh in January 2000 with the twin objective of providing relevant information to the rural population and acting as an interface between the district administration and the people.

Lokvani Project in Uttar Pradesh—Lokvani is a public-private partnership project at Sitapur District in Uttar Pradesh which was initiated in November, 2004. Its objective is to provide a single window, self-sustainable e-Governance solution with regard to handling of grievances, land record maintenance and providing a mixture of essential services.

Project FRIENDS in Kerala—FRIENDS (Fast, Reliable, Instant, Efficient Network for the Disbursement of Services) is a Single Window Facility providing citizens the means to pay taxes and other financial dues to the State Government. The services are provided through FRIENDS Janasevana Kendrams located in the district headquarters.

e-Mitra Project in Rajasthan—e-Mitra is an integrated project to facilitate the urban and the rural masses with maximum possible services related to different state government departments through Lokmitra-Janmitra Centres /Kiosks.

MCA 21—Initiated by the Ministry of Corporate Affairs, the project aims at providing easy and secure online access to all registry related services provided by the Union Ministry of Corporate Affairs to corporates and other stakeholders at any time and in a manner that best suits them.

Smart Gov (Andhra Pradesh)—SmartGov has been developed to streamline operations, enhance efficiency through work flow automation and knowledge management for implementation in the Andhra Pradesh Secretariat.

e-office—This initiative was basically undertaken to give away the traditional system of functioning in the government offices. e-Office is aimed at increasing the usage of work flow and

rule based file routing, quick search and retrieval of files and office orders, digital signatures for authentication, forms and reporting components.

Immigration, Visa and Foreigner's Registration & Tracking (IVFRT)—India has emerged as a key tourist destination, besides being a major business and service hub. Immigration Check Post is the first point of contact that generates public and popular perception about the country, thus making it an essential state of the art system for prompt and user-friendly services.

UID—This was to providean unique identification for each resident across the country which would be used primarily as the basis for efficient delivery of welfare services. It would also act as a tool for effective monitoring of various programs and schemes of the government.

Pensions—The pensions MMP is primarily aimed at making the pension/ retirement related information, services and grievances handling mechanism accessible online to the needy pensioners, through a combination of interactive and non-interactive components, and thus, help bridge the gap between the pensioners and the government.

Posts—It has been a nodal services which is provided by the government of india and it has accessibility to almost all the corners of the country thus the modernisation of postal services becomes must a centeral server based system has been set up which have led to responsive and effective networking amongst the post offices in India through computerization.

e-District—This project enables the district administration to provide the various services through internet interface to the citizens bringing in transparency and accountability in the administrative unit and making it more feasible for the citizens residing in that area.

e- Procurement—This projects operates with the motto to create a national initiative to implement procurement reforms, through the use of electronic government procurement (e-GP) to bring in more transparency and efficiency in the public procurement in all sectors, department of commerce under the ministry of commerce and industry is the nodal ministry which is handling it.

e-Courts—Its main emphasis was to make the Indian judicial system technology friendly, the main aim of this project was to re-engineer judicial processes and enhance its productivity qualitatively and quantitatively and embed the elements of affordability, accessibility, cost effectiveness with transparency and accountability in the judicial system of India.

Common Services Centres—They provide web enabled e-governance services specifically in rural areas, the basically provide e-services to the people in various areas like health, education, entertainment etc.

These are certain prominent areas where the information and communication technologies have been potentially utilised to re-engineer the overall public service delivery system in India

Impact of E-Governance on Good Governance

The main motto of good governance has been to improve the quality of services provided to the citizens providing them with transparent and accountable system of government where they can participate with equity, increasing the effectiveness and efficiency and perpetuating rule of law. Below are discussed some points which prove the fact that through e governance initiatives the purpose of good governance has been achieved in India.

Enhancement in Quality Service—With the implementation of these initiatives the information regarding all aspects of governance is made available timey and in reliable manner. Information regarding simple aspects of governance like forms, laws. Applications, procedures are made available at one place on the click of just one button and any time. At the same time detailed report regarding the performance of the corporation, public database and decision making process. As on the part of services, the immediate impact of it is that it has made the services economical that is it is time saving money saving plus effort saving

which is result of online services and one point accessibility of services backed by automation of back end processes.

Integrated Information and Services—These initiatives enable the government to use wide electronic information infrastructure to simplify service delivery, reduce duplication and improve the level and speed of service to clients at a lower cost. It provides for creating, managing and prudently sharing information electronically among the various government departments and the different services offered by them. The integrated information approach automatically lends itself to offering integrated services. Different types of services offered by different government departments like collecting taxes, granting licenses, administering regulations, paying grants and benefits can be availed of at one place. This greatly facilitates the citizens by allowing them to perceive the government as a single body to interact with rather than as a number of unrelated entities, operating at different locations in different government buildings.

24*7 Services—The online services provide the citizens to accesses the information anytime from anywhere. It provides for quickest response at convenient time. These initiatives have empowered the citizens and made them more active in the sense the that they can interactively access to a vast array of information related to any governmental procedures or functioning through the computers at home and offices and the citizens who do not have these facilities available nearby can go to kiosks in convenient public locations. Thus 24*7 availability of these facilities has liberated the citizens from any sort of restrictions.

Increased Speed—It have increased the speed of communication, and made easier and faster, it is not only through computers that enable them to access these facilities , even through mobiles people can accesses them and now under the impact of M-governance these facilities are available through SMS..

Reduction in cost—Due to implementation of these initiatives the most important benefit is

been gained in economical terms not only for citizens but also for the municipal corporations as well. Most of the government expenditure goes on to the stationary these initiatives have provided for applications which empathizes on e-filing of documents flourishing paperless administration making management for officials and easy task.

Transparency— As all the decision making processes are now available online. All the information is uploaded on the website so that public can get step by step information about everything so that they don't feel cheated and remain assured. Under the current reforms the citizens remain to be enlightened due to electronic availability of the information thus eliminating chances of concealment and corruption. The RTI have further strengthened this system. The availability of the tender system, licensing system, tax collection through electronic medium are such examples which have led to increase in the transparency of functioning of these corporations.

Simplification of work with increased Efficiency and Accountability—An accountable government is a responsible government. Appli-cation of ICT to governance combined with detailed business process re-engineering have lead to simplification of complicated processes, weeding out of redundant processes, simplification in structures and changes in statutes and regulations. The end result is simplification of the functioning of the government, enhanced decision making abilities and increased efficiency across government – all contributing to an overall environment of a more accountable government machinery. This, in turn, has resulted in enhanced productivity and efficiency in all sectors.

Improvised Productivity—These initiatives have provided for faster mode of interaction between the government officials and citizens; through the electronic devices. It has streamlined the workflow of internal government adminis-trative processes such as procurement, recruit-ment, evaluation, budgeting and planning.

Conclusion

E-governance is all about using the tool of information and communication technology to improve the public management sector making it more transparent, accountable, accessible and responsive to the needs of the citizens. As an emerging trend we can identify e-governance as a instrumental tool and technique to achieve the goals of good governance thus defining it to be a mean rather than end and keeping in mind the nature of the entire schema of e-governance we can describe it to be an "integrated governance" in the manner as it integrates people, processes, information and technology. Thus we can conclude that E-governance is a revolutionary tool to good governance.

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The Gender Advantage: Misuse of Section 498A

Ms. Neeti Goyal

Faculty, University Five Year Law College, Rajasthan University, Jaipur (Rajasthan)

Abstract

Women laws protecting the rights of women in India have a great impact on the uplifment of the societal status of women, but in today's scenario these laws are diluted due their misuse at huge level. Section 498A of Indian Penal Code 1860 has benefitted the weaken section but in parallel it has been abuse by the women to extort money from husband and his family, which has become a concern to the threat to law. Apex court in recent judgment of Rajesh Kumar v. State of Bihar in 2017 has issued guidelines to prevent the institution of frivolous cases and to preserve the liberty of innocent husband and his family but still there is a need to create laws to protect men from this harassment. This paper discusses case laws and throws light on the current scenario of law abuse under section 498A and what remedies are available to the men in case a false complaint is filed against them. My research is based on secondary sources of data, which includes books, database and AIRs.

Keywords: *Arbitrary Arrest, Non Bailable and Non Compoundable, Investigation, Liberty and Integrity Abuse of Law*

Introduction

Recent years has shown that judiciary and legislative bodies are concerned about the position of women in India. We always hear numerous cases on the position of women and harassment on women which can be sexual harassment, harassment based on their gender or it can be at work places and many more. Judiciary has always taken steps to protect the intrest of women which is being hampered by this male chauvinist society. By its power of judicial review courts has come up with many transforming judgments regarding improvement of position and status of women in our country, but this journey had another side too and that is darker side for the era of 21st century. There are many loopholes in existing legal framework which are protecting the rights of women non hesitantly, women are misusing the laws by instituting false complaint against their husband and her in-laws. These cases have diluted the purpose as well as objective of laws which were introduced to ensure the protection of women in the society and have given an immense space for the abuse of such laws.

A large number of false cases are being filed on the daily basis by the women who are dragging the men into a futile exercise of court cases and which is detrimental and affecting adversely the reputation of husband and his family in the society. It tends to lower down the image of men as a result of which either they themselves quit their jobs or get fired.

Anti dowry laws were enacted to eradicate the evil of dowry from the society which aimed to protect the family of a girl from a pressure of dowry but these laws are being diluted due to tremendous misuse by the girl and even in many cases by her family. Laws which are enacted to protect the women from harassment and cruelty

had great impact in improving the situation of women in the country but by the time these laws have also been misused at much higher rate. As most of these laws are non-bailable and non-compoundable which means that the police can arrest the accused without any warrant and his release in based on magistrates discretion, so it makes it very harsh on the men in false cases by women. Women are using these laws as a source to grab a handsome amount from their husband and his family by harassing them and even blackmailing them. This practice is now at such a huge level that it has become scams by way of extortion, which are also provoked by lawyers and in many cases police and other government officials are also involved from which they get a specific percentage as a commission. This business is being done on the cost of husband's life because after so much of pressure of paying money and mental trauma some men could not accept and commits suicide. This is the cause that almost 75% cases are withdrawn after women gets satisfying amount.

Recent Development

Section 498A of IPC was enacted to cover all cases of cruelty (without dowry) on the wife by her husband and in-laws, which says "whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punishable with imprisonment for a term which may extend to three years and shall also be liable for fine"[1].In essence this law is enacted for a safeguard for who are victims of domestic cruelty whether mental or physical which also covers dowry related harassments but it has become a weapon in hands of women to fulfil their unreasonable demands. This section was added in the code by the criminal law amendment act1983 (46 of 1983). By the same act section 113-A was added in the Indian Evidence Act, which read as "When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death. Explanation :-For the purpose of this section 'dowry death' shall have the same meaning as in section 304-B of the Indian Penal Code (45 of 1860)"[2]. These sections were enacted to deal with the cases of dowry death and cruelty on the wives. In case of "Inder Raj Malik and ors v. Mrs Sumita Malik"[3] the constitutionality of section 498-A was contended. It was contended that this section is ultra virus the articles 20(2) and 14 of the Indian constitution. As there is already a provision under dowry prohibition act which covers same type of cases and which is also punishable so it creates double jeopardy. Delhi high court held it constitutional by giving the reason that cases covered under dowry prohibition act *per se* penalises the cases of dowry demand in which element of cruelty is not necessary involved. While section 498-A of IPC is a aggravated form of this offence in which cases of cruelty with unreasonable demands can be covered or even cases of cruelty without any demand by the husband and his relatives are to be punishable. Therefore a offender can be punished under both the offences.

In "*Kanaraj v. State of Punjab*"[4] Supreme Court held that "for the fault of husband all family members including other relatives cannot be held guilty in the case. Such acts should be proved beyond reasonable doubts so as to put the guilt behind the bars, they cannot be held guilty on mere conjectures and implications". In another case Delhi high court held that "there is a clear misuse and exploitation of the provisions of the laws and it is being misused to the extent that it is hitting at the roots of the marriage and which is not a healthy sig for the society at large. Court held that lawmakers should now review this menace to prevent the misuse"[5]. There is no proper investigation by the police, no genuine medical examination is done which could possibly prove the innocence of husband and the whole family of the husband is put behind the bars. Supreme Court in *Sushil Kumar Sharma vs. Union of India* has condemned 498-A as "Legal Terrorism".[6]

Many a times Apex Court and High Courts have showed concern upon such false cases. The Apex Court has pointed that *"The provisions is intended to be used as shield and not an assassin's weapon"*[7]. Also the Conviction rates in such cases are very low which shows that most of the cases are false.

In 2014 Apex Court has issued guidelines regarding arbitrary arrest by the police. Also in 2017 court has issued new set of directions to protect the misuse of section 498A but still due to pressure of various women rights organisation Supreme Court is not able to give more concrete directions.

Men in India though do not have a specific remedy under any law but they have some remedies to prevent themselves from going behind the bars, such as an anticipatory bail. But in cases they don't get bail then they have only option to defend their case. It also depends on the fact that in which state case is instituted, in the state of Rajasthan, the case is referred to the crime against women cell, where an attempt is made to reconcile between the parties in the marital obligation and every possible step is taken to preserve the marriage but if no settlement is done at this stage then a FIR would be filed. In the state of Uttar Pradesh the case is firstly filed in police station and 30 days of time is given to settle the matter by mediation. An aggrieved party can also file a counter case against his wife which can be filed under section 120-B of Indian Penal Code, 1860 (hereinafter referred to 'IPC' for short) for the offence of criminal conspiracy, giving false evidence under section 191IPC, for the offence of defamation under section 500 of IPC, or under section 509 IPC for the offence of criminal intimidation etc.

The Apex Court has been vigilant in the proceedings against the men and in 2014 in case of *Arnesh Kumar vs. State of Bihar & Anr*[8] gave strict guidelines on arbitrary arrest under 498A. Section 41 of Code of criminal procedure 1973 provides an elaborated procedure and discusses wide powers of police to arrest. It has opened all the doors to the police to arrest the suspect in case if they find them guilty which shall be totally based on prudence of police officer but in the above mentioned case Supreme Court has directed that any arrest made under this section has to be taken cautiously by the police and not on the routine basis. Also in cases where complaint is to be filed before the magistrate, he should satisfy that the complaint is not false and vexatious. All the constitutional rights of the person must be protected with and court has directed that the magistrates are duty bound to ensure that a police officer has made an arrest which is duly based on true facts and reasons & in strict compliance of legal provisions. Magistrate shall not authorise his detention in case where he finds that the detention is false. The Court has also directed that in case magistrate authorises his detention then he shall clearly mention reasons for the same in the detention order.

Further Apex Court in recent judgment of *Rajesh Sharma & Ors v. State of U.P & Anr*[9] decided in October 2017 has given net set of guidelines to prevent the rampant abuse of section 498A. The major step is to form a family welfare committee in every district which will be set up in all the districts by the National Legal Services Authority. The committee will consist 3 members and they shall belong some social organisation or they can be retired persons, wives of working officer etc. Such committee can be reviewed by the district or session judge who assures a check on working of such committee. It is the duty of the committee to take cognizance of every complaint received under 498A by the police and the magistrate and to take all possible steps to interact with the parties and shall give a report within one month to the concerned authority from whom complaint has been received and till the time report is not sent by committee, the arrest cannot be made. Apex Court has directed to decide bail application on same day if it has filed by one day notice and such complaint shall be investigated by the designated officers of that area only. The Court has directed that personal appearance of family members particularly outstation members may not be required and trial court ought to grant exemption from personal appearance or can permit appearance by video conferencing.[10]

The cases of frivolous complaints and arbitrary arrest gives rise to a violation of basic human right. These laws were enacted in the urge of protection of gender discrimination which has a new aspect of gender discrimination could be seen.

The Bombay high Court referring the judgment of Apex Court *K.Srinivas v. K.Sunita*[11] in *Sri Mangesh Balkrushna Bhoir v. Sau Leena Mangesh Bhoir*[12] has held that in case if a wife files a false case against the husband and the family and if they get acquitted than husband has a right to get divorce on ground of cruelty. This would constitute a ground for cruelty under section 13(1)(i-a) of Hindu Marriage Act 1955.

Conclusion

In a country like India which has a biggest democracy every individual has a right to preserve his freedom and liberty and if any act of a person contradicts such rights than a proper action by judiciary has to be taken. Arbitrary arrest and false complaint under section 498A are increasing very rapidly. Women are misusing the law and this problem is a big threat to law system and society. It has become a common practice in the society by which unreasonable demands of wives are being fulfilled by the family. Apex Court has been very cautious about the rights of women and men both. Several guidelines to protect the rights of men have been given by court in recent judgments but there is still a vacuum which has to be filled to get the justice to fall at its right place as also said that "justice denied to one is justice denied to all". The laws should be implemented as to maintain a balance between social order and individual's liberty.

There are many possible changes that actually can make a difference in the present scenario. There should be certain amendments:

1. The offence is non-bailable which gives major benefit to the women who want to extort money. This section should be made bailable so as to prevent the innocent husbands and their family members from the evilness of this law.

2. Due to the nature of section which is non-compoundable it is difficult in cases where wife wants to come back to matrimonial home without any grudges as once a FIR is lodged it cannot be withdrawn by the wife even if she wants to do compromise. By making it compoundable it can prevent many divorces.

3. Though apex court has directed the investigation officers to be vigilant in arresting the husband and family members but there should be a strict check on the powers of police in arresting the innocent person. Arrest should be made only after due inquiry is done by the police.

4. There should be strict provision for the wives or her family members who are filing wrong complaints against the husband and family members so as to prevent the misuse of the law. There should be provision of fine as well as punishment for filing wrong complaint, it will discourage the misuse of section 498A of IPC. It is a well established rule of law that a "person coming to court for relief shall come with clean hands", and this rule should be strictly punished if it is ignored by the petitioner.

5. These offences are taking places in huge numbers in cases of unregistered marriages, so there should be a compulsory registration of marriage.

6. Where lawyers and police officers are involved in frauds and wrong cases, these people should also be punished for not doing proper investigation.

7. A proper definition of mental cruelty should be inserted in the personal law, which will not only create a fear in minds of wrong doers but it will also give recognition to the cases of mental cruelty which will consequently decrease the false cases of cruelty.

By enacting some laws and by taking appropriate steps by the judiciary this problem can be resolved.

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Regional Imbalances in Socio Economic Status and Level of Development in Jaipur City

Dr. Prachi Shastri

Assistant Professor, Department of Geography
S.R.L.S. Govt. P.G. College, Kaladera, Jaipur (Rajasthan)

Abstract

Regional imbalance is a challenging issue for geographers as well as for planners. It is found on every level. It is found on Socio economic level as well. It not only recites the characteristics of the area but also states the level of development. It is the result of successive waves of changes. The present study is concerned with the socio economic profile of Jaipur city. The city is sprawling at its outskirts. Based on secondary data from Census 2011, an attempt has been made to analyse the spatial pattern of socio economic development in the city at ward level. The study revealed that level of development is directly influenced by the socio economic factors. Although the city is extending and showing growth yet development is the factor which is missing somewhere. Thus the present paper is a modest attempt to analyse the socio economic patterns and level of development of Jaipur city.

Keywords: *Concentration, Growth, Inclusive and Integrated Development*

Introduction

Development is a continuous process which includes the improvement of living level and fulfillment of the basic requirement of the people. A discussion always goes on regarding urban studies. City is a spatio-temporal concept as well as socio-economic one. Spatial because it occupies a definite portion of the earth surface: temporal, because it has its own stages of development and socio-economic because it reflects a way of life and its unique framework of life and livelihood. (Sarkar and Bandyopadhyay, 2013) Although city sprawls and engulfs the surrounding rural area yet there is a complete variation in the economies and land use patterns. Thus a complete unique region evolves which has mixed land use and different cultural entity.

In the process of mega-urban development it is noticed that not only the urban environment is damaged but also it has affected the social and economic fabric and produced landscapes of poverty, informality, inequality and marginality, largely in the developing countries. Urban divides with several forms- digital, income, social, urban services, spatial are becoming more pronounced and sharp. This is resulting into socio economic conflicts, spatial fragmentation and disturbance of social harmony of the urban society. (Aggarwal, 2014)

Various factors have been identified as responsible factors for regional imbalances such as historical factors, natural resources and human related disparities. (Rao, Hemlata , 1984)

It is the matter of immense pleasure that planners are concentrating to eradicate these disparities and inclusive growth on the same platform. The development should be approached 'People to People' and 'Region to Region.'

Study Area

The study area is Jaipur city located at the heart of Jaipur district in between $26^0$46'N and $27^0$01' N latitude and $75^0$37'E and $76^0$57' E longitude.

Jaipur is the capital and largest city of Rajasthan. It was founded on 18 Nov.1727 by Maharaja Sawai Jai Singh II after whom the city is named. Total area of the city is approximately 111.8 sq. Km. Jaipur is known as pink city of India because of the colour used exclusively in the walled city. The city was built on the principles of Shilpa Shastra. The city was divided into nine blocks. Initially city was in walled area, but with the growth of population city is rapidly sprawling in outer walled area. Jaipur is grooming rapidly. The city is centre of attraction for researchers.

As per reports of Census, India (2011) population of the city is 3,046,163 out of which 1,443,038 are females and 1,603,125 are males. Average literacy rate of the city is 83.33%. Female literacy rate is 89.38 % which is higher than male literacy rate i.e. 76.65% and sex ratio is 900 females on per 1000 males.

As the data is taken from Census 2011, so the base of the study area is the expansion of the city as per Nagar Nigam 2009. At the time the city had 77 wards. The city had been classified into eight zones–Vidhyadhar Nagar, Civil Lines, Sanganer, Mansarovar, MotiDoongari, Hawamahal (East), Hawamahal (West), Amer which involve total 77 wards. (Fig 1)
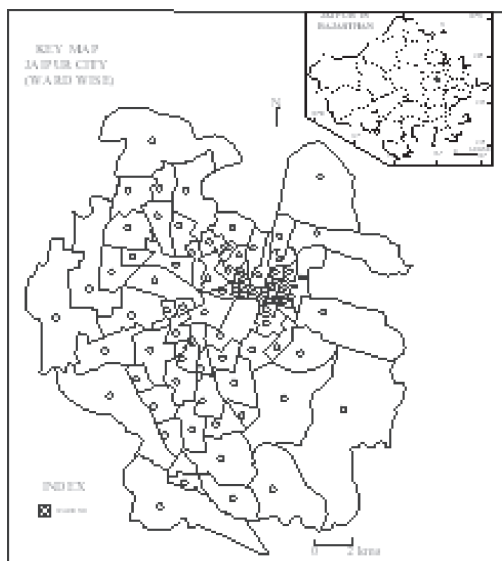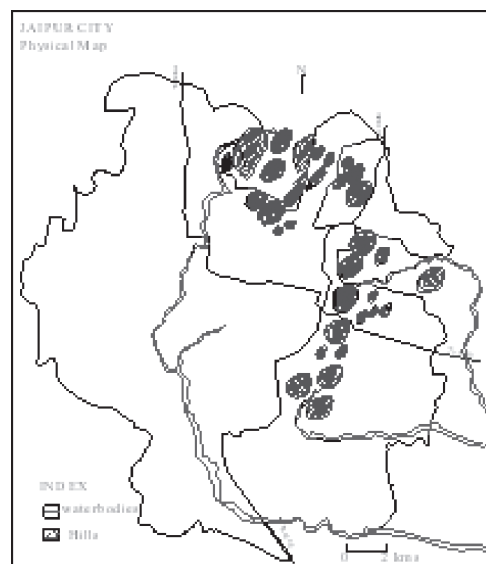

Fig. 1

Fig. 2

The city is surrounded by the Nahargarh hills (587 metres) in the north and Jhalana hills in the east which is the part of Aravali range. To the south and the west of the city are also prevailing hillocks but they are isolated and discontinuous in formation. The southern end of the city is open to plain. The walled city was originally located on the rocky street to provide an easy drainage system on either side of the city but future expansion of the city took place on the south and west on the alluvial plains in the confluence zone of Amani Shah Nala in the west and Jawahar Nagar Nala in the east. Topographical levels of the plain areas varies between 280 metres along Bandi and Dhund Rivers in the south to some 530 metres in the north east. The south slopes of the plain areas are in general gentle.

Physically the city has the obstacles in northern and eastern ends in the form of hills which affects the sprawl of the city as well. (Fig. 2)

Objectives

The present study intends to fulfil the following objectives

1. To analyse factors responsible for the inequalities in socio economic status.
2. To classify the city into backward, least developed and less developed wards.

3. To make identification of the relatively backward areas within the study.

Database and Methodology

The present study is mainly based on secondary data obtained from census of India (2011). This research aims to measure the spatial variation in the level of development in Jaipur city at ward level, with the help of various analyzing methods.

Various methods have been used to study the spatial variation. Main work in the direction had been done by Prof. Mitra A. (1961). He used 35 indicators to highlight regional disparities through ranking method. Prof. Pal (1968) compared the level of development on the basis of special parameters. Prof. Rao (1984) studied 175 taluka of Karnataka state on the basis of 85 development indicators. Prof. Mishra (2004) presented the planning of Tribal Sub Plan Area of Rajasthan.

Present research aims to measure the spatial variation in the level of development in Jaipur city at ward level with the help of analyzing methods. In order to make the study more comprehensive the indicators have been categorized into two categories-

(1) Social Indicators

(2) Economic Indicators

Social Indicators includes literacy rate and female literacy rate whereas economic indicators include main workers and population engaged in industrial activities. The concentration has been calculated with Location Quotient Method. The method gives the relative picture of such proportions is defined as the ratio of the proportion of a particular characteristic in an area to the same proportion in the region. Than Composite Index method has been applied for finding the level of development at ward level.

Observation and discussion

Ward wise socio and economic data have been collected from census 2011. Available data i.e. literacy rate and female literacy rate regarding socio factors and total main workers and industrial worker population regarding economic indicators have been collected.

For finding the level of concentration location quotient method has been applied. It is observed that regarding literacy concentration ward no. 26, 27, 28, 37, 38 and 40 are well concentrated i.e. Agarwal Farm, Mansarovar, Durgarpura and Malviya Nagar Area are involved. Ward no 26, 27, 28, 37, 38, 40 and 47 are showing high concentration of female literacy.(fig. 3 & 4) i.e. Agarwal Farm, Mansarovar, Durgapura, Malviya Nagar and Jawahar Nagar area.
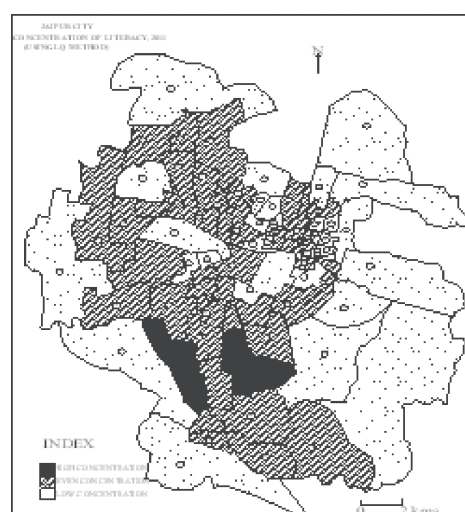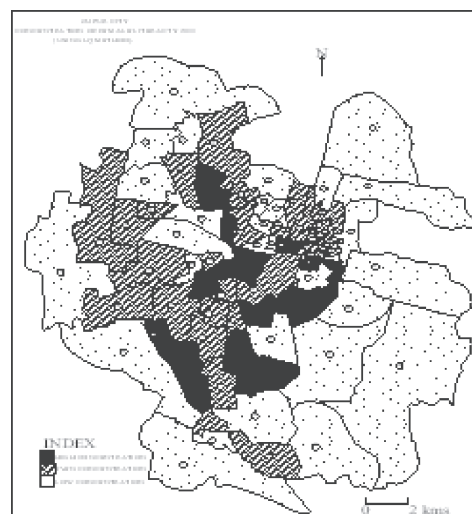

Fig.3

Fig.4

In respect of economic standards ward no.6, 24, 26, 27, 28, 37, 38, 39, 41, 47, 50 and 59 have high concentration of main worker population. It includes the area of Murlipura, Gopalpura, Agarwal Farm, Mansarovar, Durgarpura, Malviya Nagar, Barkat Nagar and Jawahar Nagar. while regarding industrial worker population ward no. 30, 53, 57, 58, 59 and 72 shows high concentration level. These wards refer to Sanganer and especially walled city area due to the presence of tie die industry and small scale industry. Concentration of each factor has been mapped. (fig. 5 & 6)
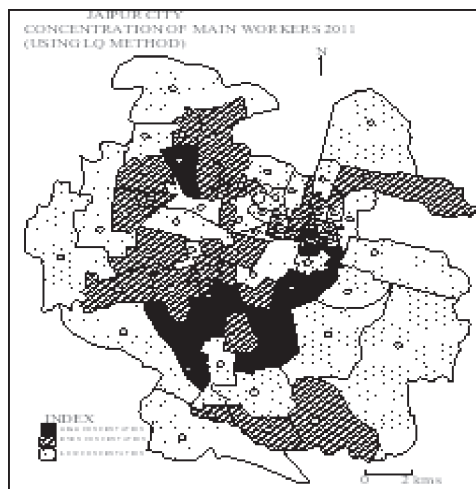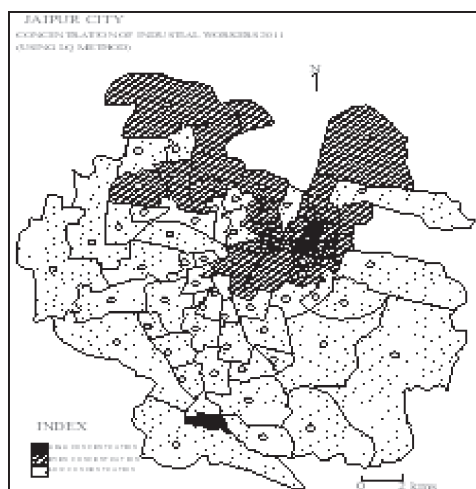

Fig.5

Fig 6

Average concentration has been found. Accordingly following categories have been identified-

1. High level of concentration & development—Regarding concentration of various factors, it is observed that ward no. 38, 47 and 58 are having location quotient more than 1.2 covering the area of Durgapura, Jawahar Nagar and Tripolia.

High Composite Index value i.e. more than 1, is found in ward no. 30, 38, 47, 53, 57, 58, 59, 60, 61 & 72. The locality is Sanganer, Moti Dungari, Jawahar Nagar, Hawamahal, Amber.

Direct influence of the concentration of factors on level of development has been found.

2. Average Level of concentration & development—This category includes the wards having average level of concentration of the factors with location quotient between 1.1 to 1.2 in ward no. 44, 50, 55, 56, 62, 64, 71 and 73, covering the areas of Adarsh Nagar, Surajpole, Chandpole etc.

The wards having Composite Index Value between 0.5 to 1.00 and consist ward no. 26, 27, 28, 37, 5, 6, 9, 18, 22, 40, 41, 46, 50, 59, 60, 61 and 71 including the area of Mansarovar, Sanganer, Vidhyadhar Nagar, Civil Lines , Adarsh Nagar, Johari Bazar and Nehru Bazar.

3. Poor Level of Concentration and development—This category includes the wards having Location Quotient between 1 to 1.1. It consists the ward no. 26, 4, 5, 6, 7, 9, 16, 17, 18, 41, 46, 52, 54, 67, 74, 75 covering the locality of Vishwakarma Industrial area, Vidhyadhar Nagar, Murlipura, Jhotwara, Barkat Nagar, Sanganeri Gate, Brahmapuri etc.

Regarding status of development the category includes the composite index value between 0 to 0.5 with ward no. 24, 30, 32, 4, 10, 13, 14, 16, 17, 23, 42, 43, 44, 45, 56, 64, 72 and 74. Mahesh Nagar, Sanganer, Sheopur, Khaatipura, Vishwakarma Industrial Area are involved in the category.

4. Very Poor level of concentration and development—This category includes the wards having location quotient less than 1 with 44 wards

covering the area of Durgapura, Mansarovar, Mangawas , Pratapnagar, Luniyawaas, Jhalana Dungari, Buddsingh Pura, Jawahar Nagar, Kacchi Basti, Amagarh Kacchi Basti, Transport Nagar, Bagru Walon ka Rasta, Laalwaas.

Maximum wards out of them shows composite index value less than 0 and shows very poor level of development.It is mostly outer part of the city and slum area. Thus it shows less concentration as well as level of development.

Table 1: Composite Index Value and Average Level of Concentration

Sr. No.	Composite Index Value	No. of ward	Total No. of wards	Average location quotient	No. of ward	Total No. of wards
1	Less than 0	25, 29, 31, 33, 34, 35, 36, 39, 2, 3, 7, 8, 11, 12, 15, 19, 20, 21, 48, 49, 51, 52, 53, 54, 55, 57, 62, 63, 65, 66, 67, 68, 69, 70, 73, 75, 76, 1, 77	39	Less than 1	24, 25, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 39, 2, 3, 8, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 42, 43, 45, 48, 49, 51, 63, 65, 66, 68, 69, 70, 1, 76, 77	44
2	0-0.5	24, 30, 32, 4, 10, 13, 14, 16, 17, 23, 42, 43, 44, 45, 56, 64, 72, 74	18	1.0 to 1.1	26, 4, 5, 6, 7, 9, 16, 17, 18, 41, 46, 52, 54, 67, 74, 75	17
3	0.5-1.00	26, 27, 28, 37, 5, 6, 9, 18, 22, 40, 41, 46, 50, 59, 60, 61, 71	17	1.1 to 1.2	44, 50, 55, 56, 62, 64, 71, 73	8
4	More than 1	38, 47, 58	03	More than 1.2	30, 38, 47, 53, 57, 58, 59, 60, 61, 72	8

Socio economic concentration level and level of development have been compared.(fig. 7 & 8)
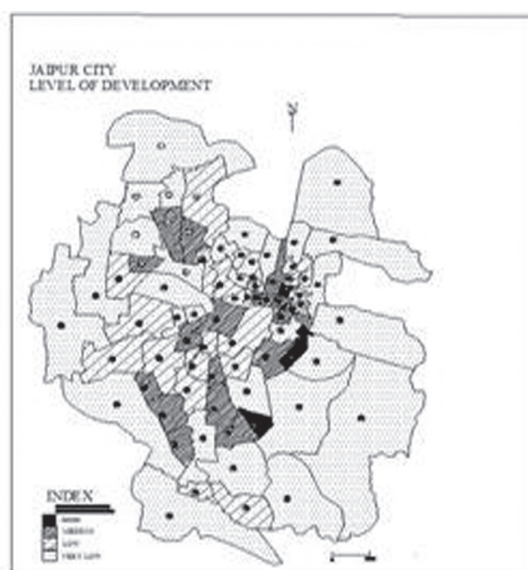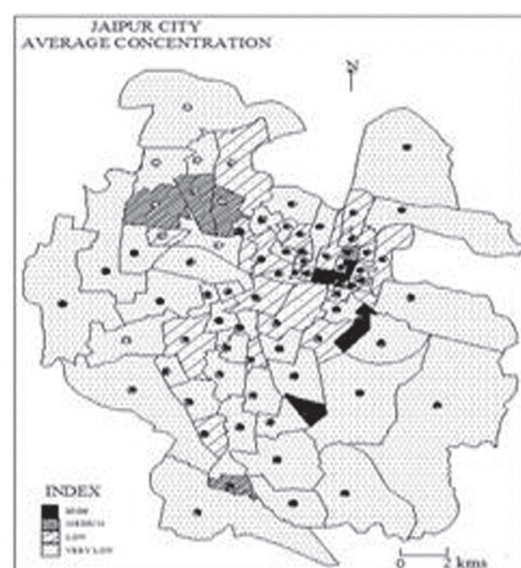

Fig.7

Fig. 8

Thus the affect of socio economic factors on development has been analysed. Postitive

relation has been found. Outer wards like Muhana, Sheopur, Jagatpura, Luniyawas, Amagarh Kacchi Basti, Machera, Dhawas show less socio economic concentration and level of development as well.

Conclusion

The study reveals that there is a positive relation between socio economic concentration and level of development. Higher the concentration of socio economic factors, higher the level of development. Older city wards have high socio economic concentration and level of development. While outer and newly included wards have poor facilitation and level of development. Physical constraints are there in the way of development. Northern and eastern hills affect the status of the wards. Uniformity is not found on city level.

Although the city is sprawling towards rural areas but the rural part is not getting urbanised in real sense. It is not bestowed by the proper facilities, so the level of development is poor in outer wards. It is observed that **integrated and inclusive** approach of development should be adopted, so the city can be a complete and even developed city. **Growth** of the city is not important but what really matters is the **development** of city. The city should be city in every part. Until and unless all the wards got similar treatment, disparities can not be eradicated.

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Gender Equality and Protection under Indian Constitution

Ms. Kiran Raj

Research Scholar
Manipal University, Jaipur (Rajasthan)

Abstract

Gender injustice is not a recent phenomenon. Crimes against women have been committed since antiquity. Any traditional custom that places women in subordinate positions within the society or in the family has the potential to turn violent. Gender based discrimination represents the ugly face of the society. This issue is global with varying degrees and very old. Really, it is a travesty of all cannons of social justice and equity that woman who constitute half of the world's population and who work two- third of the world working hours should earn just one- tenth of the world's property and also should remain victim of inequality and injustice. This anomaly is now, being openly questioned and some discrimination seriously challenged. As human development moves centre-stage in the global development debate, gender equality is emerging as a major challenge. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of the institutionalized deprivation. Women and girls are normally in a disadvantaged position all over the World. However, compared to developed countries, they are in a more disadvantageous position in developing countries due to abject poverty, other social, cultural, and derogatory Customary practices adopted in each country. Women face double discrimination being members of specific caste, class or ethnic group apart from experiencing gendered vulnerabilities. Women have always been exploited by the patriarchal society. Even after more than 50 years of our independence, Indian woman wear a pathetic look. They face an atmosphere of debilitating violence.

Keywords: *Woman and Girls, Gender Equality, Protection, Discrimination*

Introduction

"We must end the crime of female foeticides and eliminate gender disparity. We have a dream of an India in which every woman can feel safe, secure and empowered. We assured to our mothers, sisters and daughters a life of dignity and personal security and every young woman should be educated and skilled to make them capable of guiding a new generation"[1]

-Prime Minister of India

All over the world, 8 March, is celebrated as International Women's Day. But, Gender Equality is proclaimed as a fundamental right by the United Nations' Charter of 1945. However, years before this signing, women in San Francisco rose up in arms for their rights as early in 1912, there was a strike by total workers for equality. The Principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directives Principles. The Constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women.

The United Nations is committed to the principle of equality of men and women, meaning equality in their dignity and worth as human beings as well as equality in their rights, opportunity and

responsibilities. In its work for the advancement of women, the entire United Nations system has dedicated itself to ensuring the universal recognition, in law, of equality of rights between men and women and to exploring ways to give women, in fact, equal opportunities with men to realize their human rights and fundamental freedoms.[2]

Gender equality is, first and foremost, a human right. A woman is entitled to live in dignity and in freedom from want and from fear. Empowering women is also an indispensable tool for advancing development and reducing poverty. Empowered women contribute to the health and productivity of whole families and communities and to improved prospects for the next generation. The importance of gender equality is underscored by its inclusion as one of the eight Millennium Development Goals. Gender equality is acknowledged as being a key to achieving the other seven goals. Yet discrimination against women and girls - including gender-based violence, economic discrimination, reproductive health inequities, and harmful traditional practices - remains the most pervasive and persistent form of inequality. Women and girls bear enormous hardship during and after humanitarian emergencies, especially armed conflicts. There have been several organizations and institutions advocating for women, promoting legal and policy reforms and gender-sensitive data collection, and supporting projects that improve women's health and expand their choices in life. Despite many international agreements affirming their human rights, women are still much more likely than men to be poor and illiterate. They usually have less access than men to medical care, property ownership, credit, training and employment. They are far less likely than men to be politically active and far more likely to be victims of domestic violence. The ability of women to control their own fertility is absolutely fundamental to women's empowerment and equality. Gender equality implies a society in which women and men enjoy the same opportunities, outcomes, rights and obligations in all spheres of life. Equality between men and women exists when both sexes are able to share equally in the distribution of power and influence; have equal opportunities for financial independence through work or through setting up businesses; enjoy equal access to education and the opportunity to develop personal ambitions. A critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives. Women's empowerment is vital to sustainable development and the realization of human rights for all.

Gender Injustice is a Global Issue

Gender injustice is not a recent phenomenon. Crimes against women have been committed since antiquity. Any traditional custom that places women in subordinate positions within the society or in the family has the potential to turn violent. Gender based discrimination represents the ugly face of the society. This issue is global with varying degrees and very old. Really, it is a travesty of all cannons of social justice and equity that woman who constitute half of the world's population and who work two- third of the world working hours should earn just one- tenth of the world's property and also should remain victim of inequality and injustice. This anomaly is now, being openly questioned and some discrimination seriously challenged. As human development moves centre-stage in the global development debate, gender equality is emerging as a major challenge. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of the institutionalized deprivation.[3]

The question of gender injustice is a very old and burning problem of the world. In 1975, in Mexico, the First World Conference on Women Equality was held and Honorable (then) Prime Minister of India, Smt Indira Gandhi also participated in that; it inspired a movement that has helped, to reduce gender inequality worldwide. Illiteracy among women is declining, morality and total fertility rates are beginning to fall, and more women are participating in the labour force than ever before. However, much remains to be done. Persistent

inequality between women and men constrains a society's productivity and ultimately slows its rate of economic growth. Although this problem has been generally recognized, the evidence available of the need for corrective action is more compelling today than ever.

Difference Between Sex and Gender

The term "sex" and "gender" are often used interchangeably in everyday life, but literacy these are frequently differentiated. The term 'sex' is applied to those distinctions between men and women, which are based on biological differences, such as anatomy, physiology, hormones and chromosomes, and in this respect people are male and female. The term 'gender' is applied to the cultural aspects of male and female roles, in other words the behaviour, personality and other social attributes that are expected of males and females. These social attributes becomes the basis of masculine and feminine roles. Sexuality and the different capacity of men and women in the re-productive process are particularly likely to be thought of as giving 'natural reasons' for gender divisions in society. In short, sex difference is natural, but gender differences are creative difference on the basis of sex, by putting gender bias.

Constitutional Provisions and Gender Equality

Women enjoy a unique position in every society and country of the world. Despite their contribution in all spheres of life, they suffer in silence and form a class which is in a disadvantaged position because of several barriers and impediments. India, being a country of paradoxes, is no exception. Here too, women, an epitome of *shakti,* once given an exalted status, are in need of empowerment-legal, social, political and economic. However, empowerment and equality are based on the gender sensitivity of society towards their problems. The intensifications of women's issues and rights movements all over the world is reflected in the form of various Conventions passed by the UN. These international protections have helped in the articulation of feminist ideology.

Gender equality, as an ideal, has always eluded the constitutional provisions of equality before law or the equal protection of law. This is because equality is always supposed to be between equals and since the judges did not concede that men and women are equal, gender inequality did not seem to them to be a legally forbidden inequality.[4]

A Constitution is the basic document of a country, having a special legal sanctity, which sets the framework and the principle functions of the organs of the government of a State and declared the principles governing the operation of these organs. The Constitution aims at creating legal norms, social philosophy and economic values, which are to be effected by striking synthesis, harmony and fundamental adjustment between individuals rights and social interest to achieve the desired community goals.[5]

The Special Provisions in the constitution of India designed to secure equality for both men and women:

- Equality before Law and Equal protection of Law (Article 14).
- State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. And the State is permitted to make any provision for women and children (Article 15).
- Equality of opportunity in public employment (Article 16).
- Equal rights for men and women to adequate means of livelihood (Article 39 (a)).
- Humane conditions of work and maternity relief for women (Article 42).
- To secure for all citizens a Uniform Civil Code throughout the country (Article 44).
- It is a constitutional duty of every citizen of India to renounce practices derogatory to the dignity of women (Article 51A (e)).
- Not less than one-third of the total number of seats to be filled by direct elections in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243(3)).

- Not less than one-third of the total number of offices of chairpersons in the Panchayats at every level to be reserved for women Article (243D (4)).

- Not less than one-third of the total number of seats to be filled by direct elections in every municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a municipality (Article 245T (4))

Special Laws

The Government has also enacted specific laws for the protection of women and for the up-gradation of their status in the society

Marriage – related Laws

- *Special Marriage Act, 1954-* Any girl of 18 years of age or boy of 21 years of age can take resort of this Law irrespective of caste or religious considerations

- *Hindu Marriage Act, 1955-* Marriage is deemed to be solemnized on the performance of certain rights, especially saptapadi; while first marriage subsists, second marriage is forbidden; right to judicial separation and divorce is made available on certain grounds like unsound of mind, conversion to a different religion, incurable or communicable diseases, etc.

- *Dowry Prohibition Act, 1961-* Giving, abetting or taking dowry is a cognizable, non-bailable offences against the State and is not punishable with less than five years of imprisonment and a fine of Rs 15000/- or the amount representing the value of dowry.

- *Hindu Adoption and Maintenance Act, 1955-* An unmarried woman, a widow or a divorcee of sound mind can also take a child in adoption.

- *Prohibition of Child Marriage Act, 2006-* To overcome the shortcoming of the Child Marriage Restraint Act, the Government of India enacted the Prohibition of Child Marriage Act, 2006, which receives the assent of the President of India on 10th January, 2007. The Act came into effect from 1st November, 2007 to overcome the constraints of the former legislation in effectively dealing with the problems of child marriage in India and to put in place a comprehensive mechanism.

Violence Related Laws

- *Immoral Traffic (Prevention) Act, 1986 –* This Act aims at the prohibition of illegal traffic for purpose of sexual exploitation or abuse. It lays out procedure for rescue of a women or girl.

- *Commission of Sati (Prevention) Act, 1987 –* This Act provides for the prevention of the commission of sati and its glorification. The Act lays out extension provisions to check attempts to commit abet or glorify sati.

- *Protection of Women from Domestic violence Act, 2005 –* This Act came into effect from 13 sept., 2005.[6] The Act provided for more effective protection of the rights of women guaranteed under the Constitution who are victims of any kind occurring within the family and for matters connected therewith or incidental thereto. Under the Act, 2005, Domestic Violence covers any abuse or thereof that is physical, sexual, verbal, emotional or economic.

- *The Sexual Harassment of Women at Workplace (Prevention, Provision and Redressal) Act, 2013 –* It is an Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Whereas sexual harassment results in violation of the fundamental rights of a women to equality under Article 14&15 of the Constitution of India and right to practice any profession to carry on any occupation, trade or business which includes a right to safe environment from sexual harassment.

Conclusion

Gender Justice means injustice on the basis of Sex. But in practice, the story is different, in the

case of injustice to women; it is women only, except the rape cases. In most kinds of injustice and behind offences such as domestic violence, forced abortion, detection of sex, dowry death, etc., there are more roles of the women than men. Where the women plays role of sister-in- law she plays a different role and at that time she forgets that she is also a wife of someone or going to become wife of someone, but she treats her sister-in-law in such a way that she cannot tolerate such treatment. If here, she thinks after placing herself in her position or the mother-in-law thinks after placing herself in daughter-in-law's position; then we are sure such kind of injustice will not be committed by the men. Woman is that power which makes the man so high and she is also that who may ground the man into dust.

Gender Equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance. This recognition is currently missing in India. Transforming the prevailing social discrimination against women must become the top priority, and must happen concurrently with increased direct action to rapidly improve the social and economic status of women.

However, the mind set of present age is changing very fast. The Constitution of India safeguards woman's right by putting her at par with man socially, politically and economically. Universal education has given her anew confidence. She has proved that she can equal to man in all walks of life. She has come out of the four walls of the home. More and more women are coming forward to wrest the levers of the power from men and challenging the self-claimed superiority of men. Women have proved to be better doctors, artists, administrators, academician and engineers than many of their counterparts. They are pressing for reservation of seats in Legislative Assembly. It is just the beginning much more remains to be done. Crimes against women and exploitation of women will not be taken lying down by the more conscious, confident and aggressive women in future.

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The Key Features of ASEAN

Dr. Abhilasha Abusaria

Assistant Professor, Department of Political Science
S.N.M.T. Govt.P.G. Girls' College, Jhunjhunu (Rajasthan)

Abstract

The Association of Southeast Asian Nations, ASEAN is most durable and successful regional group in the developing world. It a group of 10 members nations family-Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei, Vietnam, Laos Myanmar and Cambodia. This Association is characterized by great internal diversity. Despite great economic and social diversities there are certain other common factors for closer cooperation. Beginning in 1967, ASEAN began to move towards economic cooperation and integration. At the beginning it focused on merchandise trade but in 1990s, it added focus on trade, services, investment cooperation on macroeconomic and financial issues.ASEAN success is really considerable. If ASEAN were one economy, it would have the seventh largest economy in Asia and the seventh largest in the world. Collectively its gross domestic product is about 2.6 trillion US dollar. ASEAN has the world's third largest labor force with over 622 million people, after China and India. Its potential market larger than the European Union or North America. The ASEAN Community is composed of three pillars family the ASEAN SOCIO-Cultural Community (ASCC) and ASEAN Economic Community (AEC). APSC wants ASEAN to be a cohesive, peaceful, stable, resilient dynamic region and rule based community and shared responsibility for comprehensive security. ASCC is the commitment to lift the quality of life of its peoples through people-oriented, people-centered environment friendly cooperative activities. ASEAN AEC blueprint envision to create a highly integrated and cohesive economy, a competitive, innovative, resilient and dynamic ASEAN capable of responding emerging challenges in the interdependent world. Above these are considerable achievements for sustainability and effectiveness of this regional group.

Keywords: *Regional Cooperation, Economic Cooperation, Comprehensive Development, Economic Integration*

Introduction

The Association of Southeast Asian Nations , ASEAN is most durable and successful regional group in the developing world. It was born on August 8, 1967 at Bangkok by five founding, nations which were Indonesia, Malaysia, Philippines, Singapore and Thailand. The five original members were joined by Brunei in 1984, Vietnam in 1995, Laos and Myanmar in 1997 and Cambodia in 1999. Thus formed the ASEAN constituted a big territorial tract, a land connectivity spanning 4.5 million kilometers[1], housing a huge population exceeding 500 million people with a combined gross domestic product bearing 700 billion US dollars[2].

The ten members Association ASEAN is characterized by great internal diversity. ASEAN member countries are marked by clear heterogeneous differences in terms of political postulates, economic doctrines, cultural multifariousness and societal attitudes. Despite great economic and social diversities there are certain other common factors and precisions for closer cooperation. The energy crisis and the declining raw material prices have made the ASEAN countries aware of the fact that only by acting as a group they could secure a more equitable participation in growth of international economy.

Security has been another imperative for the ASEAN countries to subordinate their divergent national interests to perceived community of interest. This has provided the impetus to bring the ASEAN organization into the forefront[3].

Objectives

ASEAN declaration defines its objectives as under :

- Its principal objective was to accelerate economic growth, cultural development and social progress in the region through joint endeavour in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of south east Asian Nations.

- To promote regional peace and stability through abiding respect for justice and rule of law in the relationship among member nations by adhering to the principles of UN Charter;

- To promote active collaboration and mutual assistance on matters of common interest in all fields social, economic, political, technical, scientific and administrative fields for comprehensive development of the region;

- To actively assist each other in educational, technical professional and administrative arenas by proving technical assistance, training facilities and advancing research ;

- To promote studies regarding Southeast Asian region as a whole;

- To provide for effective utilization of agricultural and industrial might of nations by expanding trade and commerce, improving communication and transport facilities and endeavoring to raise the standard of living of all peoples inhabiting the region, and

- To maintain cordial international relations, foster the growth of similar regional bodies and forge ties of friendship and brotherhood among them in order to encourage international commodity trade and ensure meaningful cooperation among existing nations.

Fundamental Principles

The Treaty of Amity and Cooperation (TAC, 1976) in Southeast Asia stipulated the following fundamental principles—

- Mutual respect for independence, sovereignty, equality, territorial integrity and national identity of all nations;

- The right of every state to lead its national existence free from external interference, subversion or coercion;

- Non-interference in the internal affairs of one another;

- Settlement of disputed in a peaceful manner;

- Renunciation of threat or use of force;

- Effective cooperation among themselves.

Organization

To carry out the above mentioned objectives, it was stipulated in the ASEAN Declaration to institute the following machinery:-

- A meeting of foreign ministers of the signatory nations to be held once every year with the provision that more such meetings could be convened if the need arose. These will be referred to as ASEAN Ministerial Meetings.

- During the gap between foreign ministers meetings, a standing committee was to be constituted, headed by the foreign minister of host country or his accredited representative, along with the ambassadors of other member nations.

- An ad-hoc and a permanent committee of officials and specialists on the subject was also to be formed.

- There shall be a national secretariat in each member country to carry out work of Association on behalf of that country. Provision was made for having annual or special meetings of foreign ministers as also for constituting committees to carry out the work of the organization. ASEAN secretariat was established under Bali Declaration, 1976

The main objective of ASEAN is "to create peaceful, prosperous and resilient community

through joint cooperation with a view of strengthening the economic progress and social stability as well as promoting closer cultural ties among the respective member countries." [4] The first important landmark was the ASEAN summit convened in Bali on 24 February 1976. Various issues of cooperation were seriously considered. An effort was made towards their implementation. Since then ASEAN has become an increasingly important regional grouping which has continued to attract attention. [5]

The establishment of the ASEAN Secretariat has further fortified the foundation and framework for cooperation among the ASEAN member countries. At the Bali Summit the members of the ASEAN committed themselves to trade liberalization as long term objective to be pursued through the framework of ASEAN'S Preferential Trading Arrangement (PTA). More specifically PTA is to operate through five mechanisms namely (i) exchange of tariff influences; (ii) long-term quality contracts; (iii) purchase and finance support at preferential interest rates; (iv) preference in government procurement; and (v) liberalization of non –tariff measures. [6]

The Structural Profile

The ASEAN had a decentralized structure. Each country had its own National Secretariat, headed by the Secretary General whose responsibility is to act on behalf of his Government by coordinating activities related to ASEAN. ASEAN Central Secretariat was approved in Bali Summit, 1976. The Central Secretariat assumes mainly administrative and coordinative functions. The 5 Permanent committees of ASEAN are as follows:1. Food and Agricultural Commodities: 2. Industry;3. Trade; 4. Communication and Transport; 5. Banking and Finance. [7]

ASEAN Regional Forum (ARF)

ARF was created in 1994. It was established to involve major powers in a dialogue with the region. It laid down three stages of scheduled for itself-that is moving from the elaboration of approaches to the resolutions of the conflicts.

The ASEAN Charter

The ASEAN Charter is a constituent instrument of the Association of Southeast Asian Nations (ASEAN). It was adopted at the 13th ASEAN Summit in November 2007. [8]

Principles set out in the charter include:

- Emphasis on the centrality of ASEAN in regional co-operation.
- Respect for the principles of territorial integrity, sovereignty, non-interference and national identities of ASEAN members.
- Promoting regional peace and identity, peaceful settlements of disputes through dialogue and consultation, and the renunciation of aggression.
- Upholding international law with respect to human rights, social justice and multilateral trade.
- Encouraging regional integration of trade.
- Appointment of a secretary-general and permanent representatives of ASEAN.
- Establishment of a human rights body and an unresolved dispute mechanism, to be formalized at ASEAN Summits.
- Development of friendly external relations and a position with the UN (like the EU.)
- Increasing the number of ASEAN summits to twice a year and the ability to convene for emergency situations.
- Reiterating the use of the ASEAN flag, anthem, emblem, and national ASEAN day on 8 August.

Success of ASEAN

Established in 1967 and beginning in 1976 with its five original members ASEAN began to move toward economic cooperation and integration, initially with a focus on merchandise trade. In the 1990s, it added focus on services, investment and labor. In the past decade- now including all of Southeast Asia-ASEAN broadened cooperation on macroeconomic and financial issues ASEAN informally embraces 'open regionalism'. Many of ASEAN countries are together with its North

Asian neighbors - the 'Plus 3' of Republic of China, Japan and republic of Korea.[9]

If ASEAN were one economy, it would have combined gross domestic product of about US dollar 2.6 trillion, making it collectively the third largest economy in Asia and the seventh largest in the world. Next to the China and India, ASEAN has the world's largest labor force with over 600 million people. Its potential market is larger than the European Union or North America.[10] ASEAN established the ASEAN Economic Community (AEC) in 2015 with the goal of allowing the free flow of goods, services, investments and skilled labor, and the freer movement of capital across the region.[11] By opening sectors to competition and breaking down trade barriers, the new economic community potentially could lift ASEAN's economic output by 7 percent by 2025 and generate 14 million new jobs. ASEAN's greatest success to date with liberalization has been tariff reduction with 90% of member states, tariff lines now at 0%. ASEAN member states voluntarily offer almost all their preferential tariff rates to non members, resulting in more than 70 % of intra-ASEAN trade traveling at a most –favored nation rate of 0%.

The ASEAN Community is composed of three pillars namely the ASEAN Political-Security Community, ASEAN Socio-Cultural community and ASEAN Economic Community. Each pillar has its own blueprint.

The ASEAN Political-Security Community (APSC) blueprint envisages ASEAN to be a rule-based community of shared values and norms, a cohesive, peaceful, stable and resilient region with shared responsibility for comprehensive security; as well as a dynamic and outward looking region in an increasingly integrated and interdependent world[12]. It has the following components: political development, shaping and sharing norms, conflict prevention, conflict resolution, post-conflict peace building and implementing mechanism. The aim of the Asian Political –Security Community (APSC) is to assure that all of the countries in the region live peacefully with one another and the rest of the world in a fair, democratic and harmonious environment. The community members vow to resort to peaceful measures in solving intra-regional differences and consider their security connected to one another and tied by geographic location, common vision and objectives.

The ASEAN Socio-Cultural Community (ASCC) is the commitment to lift the quality of life of its peoples through cooperative activities that are people - oriented, people - centered, environmentally friendly, and geared towards the promotion of sustainable development to face new and emerging challenges in ASEAN[13]. The ASCC is committed to opening a world of opportunities to collectively deliver and fully realize human development, resiliency and sustainable development through Member States' cooperation on a wide range of area, including: culture and information, education, youth and sports, health, social welfare and development, women and gender, rights of the women and children, labor, civil service, rural development and poverty eradication, environment, trans boundary haze-pollution, disaster management and humanitarian assistance. The ASCC envisions an ASEAN Socio-Cultural Community where people enjoy the benefits of being part of ASEAN. The ASCC Blueprint 2025 will thus strive for a community that engages and benefits the people, and is inclusive, sustainable, resilient and dynamic.

The establishment of ASEAN Economic Community (AEC) in 2015 is a major milestone in the regional economic integration agenda in ASEAN. The AEC blueprint 2015 consists of five interrelated characteristics- (i) A Highly integrated and Cohesive Economy, (ii) A Competitive, Innovative and Dynamic ASEAN (iii) Enhanced connectivity and sect oral cooperation (iv) A Resilient Inclusive, people – oriented, and people – centered ASEAN[14].

Mega trends are large, transformative global forces that have a far-reaching impact on economics, Society, culture, technology, geopolitical condition and environment. ASEAN has already anticipated a number of mega trends. As ASEAN

integrated into the global economy, the region is not insulated from the significant impacts from global megatrends in the decades a lead. ASEAN fully recognizes this and the ASEAN Economic community (AEC) blueprint 2025 is envisioned to create a more dynamic and resilient ASEAN, capable of responding and adjusting to emerging challenges, including from global megatrends.[15]

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The Buddha Behind the Ashoka

Harish Kumar

Research Scholar, Department of Political Science
University of Rajasthan, Jaipur (Rajasthan)

Abstract

The historical and comparative analysis of Ashokan thought and the teaching of Buddhais taken up and they are judged for their relevance in contemporary political context especially for the objective of attaining good governance and furthering public interest.It is being understood how much Buddha was responsible for ethical Ashoka. It will be attempted that the teaching of Buddha and its implementation by Ashoka was shown to have positive impact on system of governance in his empire and whether it can be replicated in today's time.It is a qualitative research. Content analysis of Ashokan edicts and inscriptions is conducted. In second way, it is shown through this research that contents of edicts and inscriptions 'still talk to us'. That they can prove to be a beacon of light for current crop of policy makers and administrators. This research can be useful input for future work on the matter. However, the most important thing which is being attempted here is the noble wish that our executives both political and permanent find something of utility here and make the lives of vast sections of India relatively better through their administrative thoughts and actions.The message inherent in policy of dhamma which Ashoka took out to the world and which found ready acceptance is all about human and social ethics. It's been almost completely peaceful. This soft, noble and cultural power was always India's strength but now is again the time to leverage it for making India a respected and ethical power and not just an economic power. World is looking up to India.

Keywords: *Buddha, Dhamma, Ashoka, Social Ethics, Administration*

Introduction

Mauryan Emperor Ashoka had set on an extremely different path in his times and was pioneer in the field of cultural diplomacy embedded in state ethics and personal responsibility of the ruler and the subjects alike[1]. He was different in the sense that he wanted state to be ethical and considerate towards its subjects so it wasn't one sided loyalty of the populace towards the king alone. It was a unique political context where king himself was gauging his conduct constantly and everybody else (officials) was required to behave as well. This responsibility and high standards of ethics from the top political leadership have only become common in 20th century.

An effort will be made to show that forced insularity from religion may not necessarily adhere to democratic ethos and public welfare and that some religious doctrines do contain social ethics. Almost all governments and their agencies today have all the modern technologies, finances, research findings, international collaboration and expertise yet public services and their delivery fall far short of expectation. Ultimately, it is people who suffer and all governments lose credibility. The reason is lack of imbibing of values of service orientation, empathy, compassion, sensitivity, initiative, transparency, integrity and selflessness.

Ashokan edicts clearly show his head start in the following modern concepts and terms say, secularism, unity in diversity, national unity and integrity, cultural diplomacy, a strong and large army, dialogue and persuasion, direct communication with the public, ever accessibility to the top leadership and accountability of both political and permanent executive. However, there existed at that time no such terminology or concepts. Can we attain the objective of an ethical and efficient administration if Ashokan thought is put into practice? Can the aim of furthering public interest be achieved by following the Ashokan policy of Dhamma? Will it lead to modern concept of good governance?

Teachings of Buddha are said to be scientific and universal and based on roots of compassion, friendship, equanimity towards all beings and understanding the roots of phenomena. It puts human beings, their misery and happiness at the centre of the universe. It is here and now.More importantly, it is experiential. Emperor Ashoka, through his edicts is known, put the same ethical teaching in his administration and felt pleased doing so.[2]

Ashoka is said to have killed his own brothers for the thronearguably. However, by the time hebreathed his last, he possessed nothing. It is not just about the horrors of Kalinga war. But his change of mind as he probably underwent a profound mental transformation and pledged never to wage a war again, a promise which he kept till the last. But more importantly, the way he shaped his empire, the kind of social welfare and citizen centric works[3] he did and surely how much pains he took to communicate directly with his people, the way he tried to convince and persuade his subjects towards his mind and 'dhamma' that happened for the first time in history. What made him so passionate about dhamma and inculcation of ethics in people? This will be understood by investigating Ashokan mind through his edicts.

Ashoka was an emperor who not only wanted to take care of mundane needs of his populace but who was equally interested that they be of noble minds and lives, that they earn merits and virtues and thus be happy in this life and after through the theory (Pariyatti) and practice (Patipadi) ofdhamma[4]. The impact is felt when one considers that he was an allpowerful emperor, these were times of ruthless monarchies and kings, then what made him change so dramatically and to embark on a noble path? The concept of 'popular will' didn't exist then. There was no concept of relentless opposition parties, civil society and 24x7 news channels were nonexistent. Being a monarch, he could have asked for anyone's head. But he chose to win over his people and neighbours instead through the policy of dhamma. Question is why? Was *dhamma* of Buddha had anything to do with Ashoka espousing peace, nonviolence, and compassion towards all sects? Did something happen to Ashoka and his mind? Was his mind transformed through serious and deep meditation sittings? How much was Buddharesponsible for ethical Ashoka? Would there have been an Ashoka the Great if there was no Buddha?

Why was he so zealous to convince and persuade his subjects to his mind, intentions and dhamma? Was he truly reformed inside? Was there a very serious impact on him of dhamma to be democratic, compassionate and secular or was it some sort of political innovation as suggested by Romila Thapar?[5] Such issues are being looked at in the paper.

If the answer is negative, then he would have been content with waging no more wars or conquests. There certainly was a deep change of his mind which made his entire system of administrationdhamma centric, his appointment of officials, *rajukas,* (rural officers) and *dhammamahamattas*and his constant exhortation to all his people and functionary to abide by edicts inscribed on rocks, pillars and elsewhere. Officials were instructed to read out the message in edicts and inscriptions even to a single layman. And he clearly exhorted his officials to approach him wherever he was regardless of time and place for official business[6]. The modern Weberian bureaucraciesthat swear by 9 to 5 office timings

pale in comparison. This much emphasis was given to direct communication and accessibility of people to state policies and top leadership by the Ashoka.

Two questions now arise: first, what is *dhamma*? The second question is, is it the same Dhamma, which Buddha talked about, the second refuge for Humans and Gods (Dev-manushya), the first being Buddha himself and third comprising Sangha? Or is it some sort of practical and ethical invention by Ashok to manage his vast empire, an intelligent and secular political practice to establish peace and prosperity among his subjects?

This work investigates whether this was the same *dhamma,* which was discovered and practiced by Buddha himself and taught to one and all transcending barriers of *varna, jati,* age, sex and class. The *dhamma* of Buddha spread through both monks and householders to even servants and slaves. Buddha had for the first timedemocratized spirituality. And all, low and high, rich and poor and man and women were beneficiary of his teachings, compassion and *maitri.* Being a devout follower of *dhamma*, Ashoka probably used it as a convenient political mission to establish peace and security in his empire. He firmly believed persuasion and winning over adversaries is better than forcing your will on others. His cultural diplomacy proved successful. He sent Buddhist missions in neighbouring countries where the teaching of Buddha is still flourishing and these countries feel gratitude towards India.

The word *dhamma* is *dharma* in Sanskrit and Hindi today. In ancient India, it had a very comprehensive meaning; similar word in English doesn't exist. It generally meant the law, the law of nature, rules, thoughts, principles and the nature of things and phenomena which apply on all that exist uniformly. For instance, it is the Dharma of the fire to provide heat and light, and the nature of ice to be cold and provide coldness. It also meant righteousness, justice, fairness, carrying out of right things to oneself and others and not to harm living beings or nature. It means

one's duties to oneself, his or her family and to society as well. It surely meant teachings of all Buddhas too. In English, it is crudely and limitedly translated as religion or organized religion today. And today almost all people associate *dhamma or dharma* with narrow and truncated sects, which is a belittling of all encompassing *dhamma or dharma.*

Letus see how Buddha described *dhamma.* Once an old and unlettered woman who used to watch him give discourses everyday in the evening asked him what Dhamma is. Tathagata, another name of Buddha, meaning one who walks on the path of truth replied, "To perform all wholesome deeds and to abstain from all unwholesome deeds and to continuously strive to purify one's mind is the Dhamma.[7]" Importantly, it was Buddha's usual way of connecting with the commoners the way they would be able understand his teachings. Thus, another meaning of the term *dhamma* is teaching of Buddhas or the other enlightened ones before and after Buddha. Buddha didn't invent the dhamma, he only discovered it. It is the law of nature, which exists before, during and after any enlightened one. If one follows it, one feels happy and free and if one violates it one feels misery, suffering and dissatisfaction. It doesn't discriminate between Hindus, Muslims, Buddhists, Jains, and Christians, rich or poor, man or woman, urban or rural, young and old and so on. It rewards and punishes all alike.

The thing is when one looks at the descriptions of *dhamma* in words of Buddha, there are 82, 000 Suttas of Buddha and 2000 of his chief disciples and juxtapose them with rock edicts and inscriptions of Ashoka, there is no divergence. Words may vary but essence remains the same. However, Ashoka in none of his edicts and inscriptions makes it clear that it is the same *dhamma* which was taught by Sakyamuni Siddhartha Gautama. Notwithstanding, in Bhabra Minor Rock Inscription, he emphatically expresses his 'deep' 'respect' and 'faith' in the Buddha, *Dhamma* and *Sangha.[8]*

However, historian Romila Thapar opines, '*dhamma* was Asoka's own invention. It may have

borrowed from Buddhist and Hindu thought, but it was in essence an attempt on the part of king to suggest a way of life which was both practical and convenient, as well as being highly moral.[9] See the similarity between Buddha's views on *dhamma* as told to the old woman and what Ashoka got inscribed on Delhi-Topra Pillar Edict 2[10]. It read, "*Dhamma*is great but what is*dhamma*?'asks Ashoka? 'To abstain from unwholesome deeds, to perform wholesome deeds, compassion, donation (generosity), truth and purity (of mind)', the emperor replied.

When it was time for Buddha to leave his mortal body and enter Mahaparinirvana, many beginner monks were inconsolable, even one of the chief disciples, Ananda was in tears. Part of the reason for their miserable condition was that Ananda still hadn't attained Nirvana and the lord was leaving. Seeing this Buddha addresses Ananda, "Ananda, may be, you are thinking that the*shasta* is parting with us. Never let this thought come to your mind. The *dhamma* and *vinaya* enunciated by me is now your teacher after me."[11] It means the teaching of *dhamma* becomes the teacher now, the Buddha himself. Probably, this was one of the reasons for Buddha not appointing any heir after him. As his teaching, the dhamma, was mastered by so many of his disciples, both monks and householders and had spread far and wide. Thus, there was no need of a successor. Besides, it is believed there is none who could replace Buddha as he is nonpareil in the universe. Apart from similarity in essence between Buddha's words and Ashokan pronouncements, his use of word dhamma almost everywhere and his insistence that*dhamma* be the watchword for all things administrative, "For this is my principle: to protect through *dhamma*, to administer affairs according to *dhamma*, to please the people with *dhamma*, to guard empire through *dhamma*, " has striking similarity with the Buddha's view

of *dhamma*. Is this *dhamma* the fountainhead of ethics in Ashokan edicts and resultantly in his administration?

Now see the importance which Buddha places on *dhamma*... The Gift of dhamma wins over all other gifts (the gift of Dhamma is the greatest), the sweetness of*dhamma* triumphs all other sweetness (sweetness of dhamma is the greatest); to live by *dhamma* transcends all other happiness (It is the greatest indulgence or happiness). It becomes clear that Ashok was influenced by Buddha's views on *dhamma*and went on to profess it zealously. His edicts also mention the phrase the *madyammarga*, literally the Middle path; it is the other name of Arya Ashthangika Marg or the Noble Eightfold Path shown by Buddha, which is his teaching in all its dimensions. Thus, it is clear that it was Buddha who was behind the first native emperor of India, Ashoka the Great.

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Impact of Non-Formal Education: A Comparative Analysis of Rural and Urban Centers in Rajasthan

Bimla

Principal

Indian Angels Mahila T.T. College, Aashawala/Bakshawal, Sanganer, Jaipur (Rajasthan)

Abstract

Five small scale case studies from different five blocks (Surajgarh, Khetri, Udaipurwati, Pilani and Jhunjhunu) explored the impact of targeted non-formal education (NFE) initiatives on reducing poverty for the participants and their communities. Participating blocks were all members of a 31 rural and 42 urban non formal education centers of Jhunjhunu district run between March 2000 to July 2002. All participating blocks completed fieldwork and visits to the study sites before end of December 2001. The paper summarises their final findings and contexts and highlight potential comparable key characteristics across the blocks in terms of concepts of poverty and poverty reduction; non-formal education methodologies; curriculum content that specifically addresses poverty related issues; and perceived benefits of the programmes for the participants. The participatory methodology and research questions for the case studies including primary and secondary sources of data were developed as a collaborative process amongst all five blocks, though context specific variations influence the final methodology in each study and also the nature of the findings in terms of emphasis. Another major finding of the five case studies is that poverty is a multidimensional problem whose reduction requires collaborative effort of different states and national sectors. The relevance of the paper is that it comprises diverse definitions of poverty as a multidimensional global problem, and context- specific poverty reduction educational interventions. Implications for non formal centers cooperation suggest that educational interventions and sharing of resources and information are crucial to identify contextualised definitions of poverty, educational interventions and existential needs of different groups of poor people.

Keywords: *Non Formal Education, Poverty Issues, Rural-Urban Centers, Impact Outcomes*

Introduction

This paper offers a comparative analysis of five case studies in the five different blocks in terms of analysing the impact of Non- Formal Education on poverty reduction. The paper illuminates the process and outcomes of the five case studies. While the process involve an analysis of the design of the programmes and how they were being implemented, the outcomes are the diverse contributions of the NFE programmes to the general livelihoods of the beneficiaries and other stakeholders in the communities served by the NFE projects. Since the studies were conceived as part of their countries' strategic efforts to reduce poverty, the outcomes analysis also includes an assessment of the contribution of the NFE programmes to the poverty reduction, the needs of the beneficiaries and their respective communities. Whilst a comparison of processes enabled a deeper understanding of the range of non-formal education programmes on offer in different settings, a comparison of the outcomes revealed the emergence of differing interpretations of poverty and therefore poverty

reduction, in different settings. The diverse definitions of poverty have a great impact on how different communities identify poverty, problematise it and ultimately tackle it using different means at their disposal. Nevertheless there were insights and patterns in the findings that enabled the author to make some recommendations for possible improvement of NFE programme provision in order to achieve poverty reduction goals and specific objectives.

Comparative analysis: A Conceptual framework

Firstly, the five case studies for five blocks were used to jointly develop a conceptual framework for the comparative analysis of the case studies presented in this paper. However, a review of the main features of that framework forms a good starting point for this paper. Based largely on Schweisfurth's (2001) analysis of comparative research literature, five criteria are used in order to assess the rigour and purpose of multiple case study analysis. These are: selection, verification, cumulation, generalisation and application.

Selection—Selection is concerned with the basis on which cases for comparison were chosen. The case studies that form the basis for this chapter's analysis were selected from five blocks, from 31 rural and 42 urban NFE centers. Each block researcher process of selecting cases to investigate depended on the priorities of the researchers, but also reflected the kind of NFE programmes that the researchers were working with. The case studies represented a range of NFE programmes.

Verification—Verification of the data collected in the five blocks was important if the comparison presented here was to make sense. This was achieved through a number of strategies including, adopting a common understanding of the two concepts of NFE and poverty through a series of discussions. With this understanding, the researcher developed a common proposal which was concerns with the questions of original questioners of research work, thereby refining further the understanding of concepts and coming up with common research questions

that would guide the case studies. While it was understood that each country might make modifications to the proposal based on the nature of the NFE programme under study, a common framework of participatory, qualitative and interactive approaches was adopted by all researchers. Key questions for the participatory activities themselves were also shared to ensure commonality of issues as presented although researchers were allowed to modify them to contexualise and suit their unique situations. Finally, at the data analysis stage further discussions and comparisons were made amongst all researchers in a team meeting and subsequently by pairs of researchers during cross blocks visits and presentations in the host blocks.

Cumulation—According to Schweisfurth (2001), cumulation is the criterion that helps assure that case studies do not remain "one-off", neither seen in the light of related research, nor contributing to the wider discussion. In the case studies reported in this paper, an attempt to minimise this was made by ensuring that partners looked at the bigger picture of NFE provision, not just their block cases, in the analysis.

Generalisations—Generalisation in terms of universally applying laws with regards to the process and outcomes of NFE provision was not our goal in the research reported in this paper. Indeed this may not have been possible given the varied range of programmes under study. However, the comparative nature of the approach and analysis meant that the insights generated increased understanding of issues and factors that influence the process and outcomes of NFE provision. For instance, good coordination of NFE programmes, either through Ministry of Education department or other coordinating agencies and having a general culture that supports NFE is instrumental in realising both participation in NFE and outcomes.

Application—In terms of application we were able to highlight patterns that might be applicable in similar contexts. The goal for the case studies was to: 'explain what is actually happening rather

than what ought to be happening' (Schweisfurth, 2001p. 221) – but the comparative, analytical process would enable us to explore possibilities for improvement and change.

In this respect the remainder of this paper reports some of the distinctive characteristics of the case studies and some commonalities that began to emerge. They are discussed in terms of country policy contexts for NFE, process, interpretations of poverty and outcomes as perceived by the beneficiaries and other stakeholders.

Country policy contexts for NFE

All five blocks were operating within established NFE frameworks. Surajgarh has a long tradition of NFE to compensate for lack of participation in formal schooling such that the state has strong government intervention for this type of education. Khetri, like Surajgarh, has a long tradition of NFE provision through community education, mostly government supported initiatives but in the form of short term projects. Generally the tutor-learner ratios are higher than those provided in state contexts and the curriculum focus is less concerned with income generation needs. Jhunjhunu, too, has a long tradition of NFE with a Government Department for Non-formal Education which focuses on a broad range of activities, mostly centred on literacy and post-literacy interventions which are made through partnerships between the Government of Rajasthan and local non-governmental organisations (NGO), community based organisations (CBO). In Udaipurwati, there is a government supported tradition of NFE, manifested through a draft policy for NFE, the establishment of the Udaipurwati Distance Teaching Centre and also an NFE Inspectorate. Though funding support is limited, there is evidence for consequent impact on monitoring and coordination of NFE programmes. The context Pilani is that NFE provision has not been emphasised by the Ministry of Education. The first NFE programme targeting non-literate adults, which started to be implemented on a national scale in the 1980s was coordinated by the Ministry of Education and Community Development. The NFE programme used in this study is the first of its kind to be supported by the Ministry of Education. Although there are other similar programmes supported by Non-governmental organisations and national agencies, hardly any coordination existed.

The process of NFE provision

In terms of process, the findings suggest that non-formal education provision operates on a continuum, from being relatively formal and structured, to being very informal and unstructured. The level of formality or structure does not necessarily reflect the degree of government support. For example, the NFE programme used as a case study for Jhunjhunu was the most unstructured, representing the extreme end of the continuum. The programme not only had flexible timing, but in addition, it allowed for voluntary participation of learners as and when they wished to attend. The part of the curriculum that catered for unemployed youth, which were the focus of the study, was locally adapted although that for formal learners from the Jhunjhunu Colleges where the students were studying was more structured and centralised, as it was in partial fulfilment of their programme requirements.

The Surjagarh NFE programme under study represented the opposite end of the continuum catering for out of school children and youth. Reflecting its formalised government support through the Ministry of education, the curriculum for the case study was designed to complement the formal school system. And just as is the case with formal schooling in that country, the programme had a standardised curriculum that applied across all the learning centers allowing for very little adaptation (for example in choice of local facilities such as a garden for use during lessons). All lessons were presented in the form of detailed lesson plans which had to be strictly followed by the facilitator. Timing of classes was fixed in agreement with local communities, but generally consisted of two or three hours teaching five days a week, all beginning at one o'clock in the afternoon in all the centers. With

all these characteristics, the programme could be described as being more structured.

The Udaipurwati case study fell somewhere in between the Jhunjhunu and Surajgarh case studies. Depending on the location, the learning centres catered for either out of school children or adults. Both Government and NGO-led programmes organised locally situated classes in remote regions for approximately two hours per day, five days a week at a time that was agreed with the participants. The curriculum used standardised workbooks but was otherwise adapted to suit the needs of the learners in their specific contexts. The flexibility in timing and the choice of who should attend made it similar to Jhunjhunu case study. However, the use of standardised workbooks reflected the Surajgarh case study meaning that it lay somewhere between the continuum of structured and unstructured provision.

The Khetri case study on the other hand was closer to that for Surajgarh on the continuum. Provided by the NFE Agency for Adult and Non-formal Education it targeted out of school youth and women. Although there was some negotiation with participants concerning curriculum content, in general, this was standardised. The location was negotiated with the learners, largely bringing it to their doorsteps in their respective compounds but the curriculum was presented in a standardised format, thus leaning more towards the structured end of the continuum.

The Pilani study investigated two NFE programmes—one offered a structured, fixed, twelve week programme running full time for vulnerable adults, which makes it more similar to the programme investigated in Surajgarh. The second offered an open access day and evening shelter where participants could take part in both informal and structured learning opportunities, reflecting more closely the Jhunjhunu case study. This signified that within one country, state and district, several types of NFE programmes could be in existent at any point on the continuum. Figure 1 below indicates the diversity of NFE programmes within the five case studies.
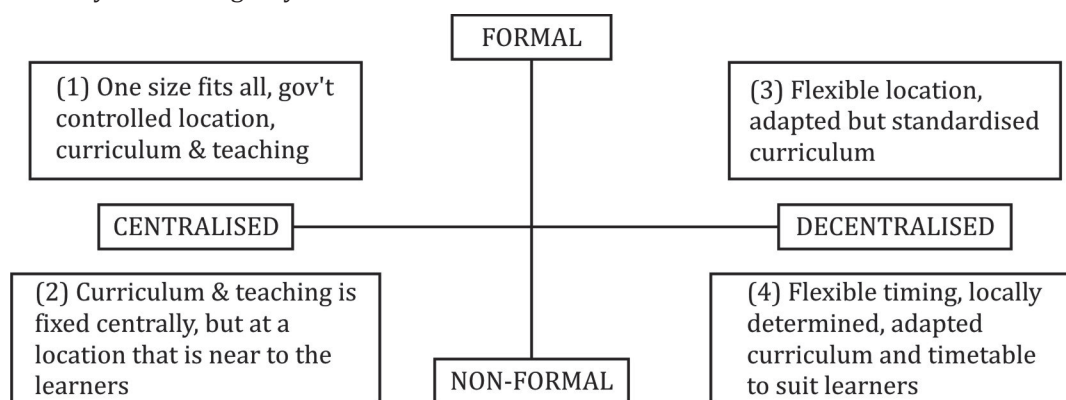

Fig. 1: Educational processes in different NFE programmes

This variation in NFE provision among the different states and even within a state was not surprising; earlier research has described similar situations across states and within a state (see for example Shrestha et, al., 2000 for a varied range of NFE programmes in Australia). In the five studies, however, researchers also looking at interpretations of poverty both as an outcome and as a starting point for understanding what were the participants' learning expectations in relation to programmes on offer. It is to this section that the paper turns.

Interpretations of poverty among different communities

The NFE programmes presented in this paper were conceived as one way of addressing the poverty reduction objectives of the different

blocks. Four out of the five case studies took place in what are officially categorised as developing blocks according to a number of internationally identified indicators often identified with quality of life. Such indicators include literacy levels, gross domestic product, life expectancy levels, unemployment figures and health indicators such as child mortality rates and HIV prevalence. The blocks were at different levels of developing, with different Human Development measures and therefore ranked as 1st, 2nd, 3rd 4th and 5th out of 8 blocks for Jhunjhunu, Pilani, Udaipurwati, Khetri and Surajgarh respectively. The adult literacy rates and combined primary, secondary and tertiary gross enrolment rates for the four countries generally reflected the trend of the HDIs, although there was a slightly reversed trend on adult literacy rates for Udaipurwati and Jhunjhunu where the literacy rates were 72.2 and 74.2 percent respectively (Census 2001).

Definitions of poverty

The case studies adapted Sen's (1999) definition of poverty as "unfreedom" (reflecting both economic and human development elements) as the basis for analysing poverty experiences and poverty reduction outcomes. But each case study community also provided its own description of what it was to be poor, thus forming the basis on which commonalities and differences were illuminated.

In Khetri poverty was considered first in terms of economic and material insufficiencies. These were described as lack of access (freedom) to three square meals, poor health, and inability to generate income beyond existing livelihood levels. Indirectly, however, the beneficiaries, especially the women, attributed poverty to their lack of freedom to engage in personal decision making and to take initiatives that would have enhanced their own economic well-being. In this sense, economic poverty was seen in Khetri as a product of some "unfreedoms" that the women experienced in many facets of their personal, social, family and work lives.

In Surajgarh, on the contrary, poverty was defined to include a whole range of situations including economic aspects and meeting basic human needs as reflected in Sen's freedoms. The beneficiaries and the community in general saw the lack of vocational skills in the NFE programme as a limiting factor to the success of the NFE programme since this meant that the learners could not use the programme as a gateway for income generation.

In Jhunjhunu, the official definition of the extent of poverty in statistical terms is as the incidence of poverty, which refers to the proportion of persons Below the Poverty Line (BPL), was 30.6% in 2000/01. This is revised from the preliminary figure of 30.3% that was published in December 2001 States brief. The incidence of poverty in urban areas was 19.4% compared with 44.8% in rural areas (Central Statistics Organisation, 2002).

The report further states that, the BPL/ Consumption shortfall (or poverty gap) and the severity of poverty (or poverty gap squared), were considerably higher for rural areas than for urban areas as seen in the table below:

Table 1: Severity of poverty

	Poverty gap (P_1)	Severity of Poverty (P_2)
Urban	6.5	3.6
Rural	18.4	9.8
National	11.7	6.0

The work beneficiaries defined poverty in terms of lack of material possessions and acquisition of agro-forestry skills were perceived as one of the stepping stones to improved on-farm knowledge for better sources of livelihood. In all the areas studied, poverty was perceived more severe in rural than in urban areas.

Stakeholders in Surajgarh defined poverty in the form of Sen's unfreedoms, largely in terms of *capability* and *participatory* freedoms. While *capability* freedom concerns itself with an increased range of things that people can do, *participatory* freedom concerns the enhancement of the range of things people can be. In terms of *capability*, the study revealed

that the vocational skills enhanced the learners' knowledge and skills for personal wealth and productivity. The learners were able to use locally available materials to construct items for sale and in some cases the communities developed micro-credit arrangements. *Participatory* freedom was evident in the community's perception of how people participated more in social life and community decision making processes after going through the NFE programme. For example the adult learners had become members of a range of village development committees and organisations such as burial societies, crime prevention and disease prevention committees.

Reduction of poverty as economic gains and reduction of poverty as 'unfreedoms' were the interpretations that beneficiaries in the Pilani case studies identified after attending the NFE learning centres. Some 'freedom' outcomes of NFE for such beneficiaries included increased confidence, self esteem and sense of urgency, hence enhancing their capability to act in their worlds. Some beneficiaries also gained employment and therefore reduced their income poverty. Among the social benefits of the programme were increased participation in

family life and the communities from which the learners had been distanced. Others reported themselves as being calmer than they were before, being alcohol and drug free, thereby being liberated from the psychological bondage of poverty.

Although the outcomes in terms of poverty reduction for the Jhunjhunu case study were limited due to the total unstructured nature of the programme, some perceptions of poverty could be discerned from the findings and challenges. The programme had potential for raising awareness of the utility of diversifying agriculture and moving it from subsistence to commercial levels.

The foregoing section shows that poverty as lack of economic gains, manifested through income, and poverty as "unfreedom" were the common interpretations from the different communities targeted by the NFE programmes. However, the nature of the unfreedoms and lack of income and the manner in which they were articulated varied from programme to programme. The interpretations of poverty were used to judge the outcomes of the NFE programmes at both individual and community levels.

Community and individual outcomes

Fig. 2: Educational outcomes

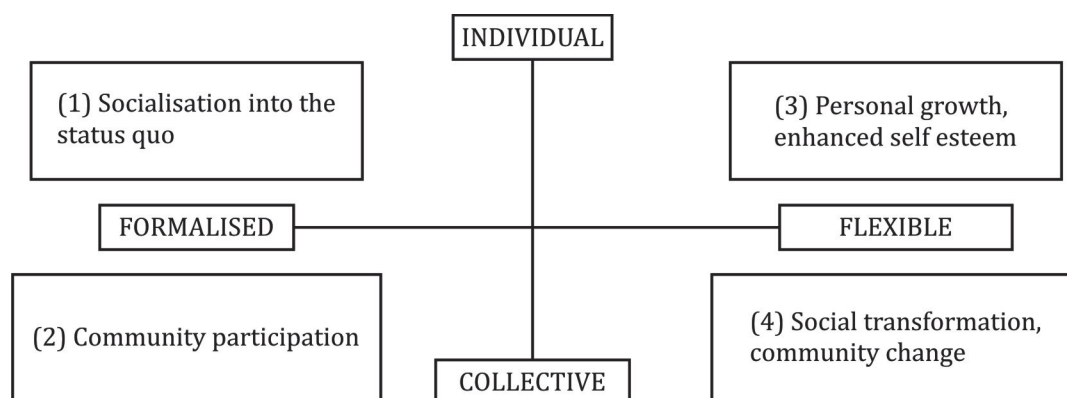As has already been argued earlier, the extent to which NFE provision impacts on the broader livelihood improvement of its beneficiaries depends partly on the curriculum on offer but also on the nature of that provision and

how the country and its people perceive NFE or poverty. Where, for example, there is limited coordination and monitoring of NFE programmes, the benefits may not be widespread

The Udaipurwati case study for example led to gains in self-esteem of the herd boys who were motivated to widen their horizons and ambitions for the future. The project opened up possibilities for generating income through the handi-crafts which the learners made at the learning centre and sold to passers by. In addition, NFE was seen by the people of Udaipurwati as a community development tool, in the spirit of facilitating ownership over learning. Through NFE, the community feels that learning is taken back to them, compared with formal schooling which took it away from them. The improved behaviour of the herd boys after attending the NFE learning centres was highlighted in the form of their contribution to community needs. Described in this way, the Udaipurwati case study could be seen to contribute not only to personal growth and enhanced self-esteem of the herd boys, but also to community participation and change and social transformation. The outcomes of the programme could therefore be deemed to fit in quadrants two, three and four of the outcomes framework presented earlier.

The herd boys in Udaipurwati valued literacy as a cognitive skill in its own right. Despite this however, they also recognised the need for more than the basic vocational skills that were taught in the programme. They called for a combination of business skills with literacy so as to have a more holistic, multi-partner approach. This would help them realise their vision of transforming their lives and that of the community - thereby enhancing the outcomes presented in quadrant four of the outcomes framework.

The Surajgarh case study, like the Udaipuratiw case study, took place in a rural location and targeted school age children and youth. Despite the difference in context from Udaipurwati, there were some commonalities in the gains by the beneficiaries. The Surajgarh learners showed increased self-esteem after learning how to read and write and some of the practical skills that they needed for a better life, such as making manure to increase food production and making improved versions of local artefacts which they could sell. The gain in practical skills was not only attributed to benefiting the learners but also the community, thereby contributing to the transformation of the society as a whole. The gains in self esteem and better behaviour stimulated critical thinking and desire for more, including in terms of quality of the NFE learning centres. For example, stakeholders asked for more structured division of classes, either according to age or whether or not the learners once enrolled in formal schooling, so that cognitive literacy skills could be learned more effectively at different levels of learning, something that was also true for the Udaipurwati stakeholders. Similarly, the need for a more holistic multi-partner approach in NFE provision requested by stakeholders in Udaipurwati was also shared by Surajgarh stakeholders although the emphasis for the latter was on inclusion of vocational skills and involvement of organisations that could provide loans for learners to start small scale businesses. The outcomes in the Surajgarh case study could thus also be plotted in quadrants two, three and four of the outcomes framework.

The Jhunjhunu case study on the other hand was a semi-rural Agro forestry project where participants were allowed to drop in when they felt it fit based on their needs to benefit from the programme. The objective was to move agro- forestry from the level of subsistence to commercial and thus generate income for the targeted beneficiaries. The participants themselves were at various levels of educational achievement so this was conceived as a Post-literacy project. In such a situation, the benefits were focused on increased awareness of income generation potential of agro-forestry work, an aspect that is rarely practiced in Jhunjhunu. The advantage with this approach is that it links more directly to the real world of business and marketing. However, due to the seasonal nature of the project, it was not possible to generate income to give beneficiaries, especially the youth, an opportunity to graduate from poverty to non poverty. The gains in terms of increased self esteem and sense of accomplishment

were particularly evident on the Jhunjhunu Colleges graduates who successfully fulfilled their structured programme requirements. This enabled them to graduate with the required internship credit and widened their access to employment opportunities where a certain amount of practical work was required.

Considering the outcomes presented in figure one above, the gains from the Jhunjhunu case studies were limited to personal individualistic gains as represented in quadrants one and two, with little community participation. Considering the structure of the NFE programme, one would suppose that for the outcomes to be more wide-reaching there might be a need for some structure in the provision in order to facilitate better management and monitoring of learners and their progression needs.

In the Khetri case study the participants were not as poor or as poorly educated. Perhaps significantly, in view of the fact that the projects were state governed, the community and beneficiaries had limited ownership of content resulting in perceived limited outcomes for poverty reduction. Most of the gains were individualistic and to a large extent not shared by the rest of the community. The stakeholders thus called for a more needs-led provision but also, as for the other studies, a more holistic and multi-sectoral approach. In line with the stakeholders of other countries like Surajgarh and Jhunjhunu, the request was on the need to link up provision to other wider income generating resources.

The Pilani case study was an urban project targeting people with relative rather than absolute poverty. One was very structured, one semi structured but with considerable personal support. The NFE provision was holistic in terms of involving many partners thereby treating the whole person rather than bits and pieces of their needs. Despite these contextual differences, there were some commonalities in terms of impacts with the case studies in the Rajasthan contexts. For example, just as for Udaipurwati and Surajgarh, the programme resulted in enhanced self esteem and improved behaviour

of the beneficiaries, making the outcomes largely individualistic and fitting within quadrants one and two of the outcomes framework. The Pilani case study however highlighted other important characteristics of NFE provision for increased impact. For example it stressed the importance of having caring relationships - something that was also mentioned by stakeholders in Udaipurwati. Similarly, the Scottish case study showed the importance of targeted provision of NFE programmes – learning amongst people with similar experiences. This was one challenge for the case studies in Udaipiurwati where some herd boys had dropped out of school if they felt different from their peers. The Surajgarh case study faced similar challenges with older youth feeling more frustrated than younger ones when the emphasis on school teaching was purely on cognitive learning.

Conclusion

The five small scale programmes had common-alities and differences. NFE programmes are designed within the context of the objectives to be met, and the needs of communities they are intended to serve as part of the overall aim to reduce global poverty. They are testimony that whatever the differences and similarities, blocks in the east and south can still work together on identified themes provided there is a common ground.

Implications for Rajasthan

The comparative analysis of these NFE programmes targeting different segments of communities of districts at different levels has revealed a number of interesting issues relating to process and outcomes of NFE and implications for Rajasthan in NFE programmes.

(a) With regard to process, NFE is offered within the range of formal to informal on the one hand and structured to completely unstructured on the other, with some programmes fitting neatly in these and others lying in between. With regards to outcomes, these were largely dependent on the process involved. While the formal and structured programmes resulted in less learner

satisfaction because they had little or no input into the curriculum or process and therefore experienced limited outcomes, those that were highly informal and unstructured also tended to have limited outcomes.

(b) The second is that context, be it in form of support and coordination or general perception of NFE, also drives the outcomes of targeted interventions. However, there appeared to be consistent recognition that a holistic, multi-faceted and multi-sectoral approach was more effective at addressing the various poverty unfreedoms which participants faced. These findings suggest that literacy which emphasises cognitive skills alone at early stages of learning may build confidence and self esteem in the learners, but this is insufficient for sustainable change. There is a need for continuity of progression opportunities and immediate evidence of how to apply such learning in practical settings but with ongoing, semi-structured support.

Recommendations

(a) Community expressed needs both at the inception of the programme and the programme being implemented should be taken into account to ensure ownership over the process. For this to be achieved, participatory methods of data collection are also important to ensure qualitative type responses rather than quantitative descriptions of poverty.

(b) An element of structured learning that starts where learners are at and creates a monitoring element to continue motivating learners, especially while they are still vulnerable and not self sustaining, should be built in the process of NFE provision.

(c) In order to achieve the poverty reduction objective, NFE needs to link with a wide range of institutions/ organisations – in particular partnerships with those that relate to income generation and learning progression for Rajasthan in the all districts.

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Judicial Initiative Towards Women Empowerment

Suman Paliwal

Research Scholar, Department of Law
University of Rajasthan, Jaipur (Rajasthan)

Abstract

Over the years Indian Judiciary has always been addressed as an activist judiciary. The phenomenon that bears testimony to this label is the spate of judicial decisions dealing with public interest litigation. PIL became operative remedy for all those who advocate social justice and who believe in working for the public interests This paper also traces the role of judiciary in empowering the women folk. Paper contains many examples of cases which show judicial attitude and activism towards the women's rights. Suggestion has been given at the end as to how the Indian judiciary can guard against over-activism in the urge to provide effective justice.

Keywords: *Public Interest Litigation, Judicial Activism, Locus Standi*

Introduction

The development of the country definitely depends upon the social status of their women folk. Women constitute half of the word's population. It is a harsh fact that women have been sufferer of exploitation by male dominated society, so she need to be empowered and men need to be oriented about their obligations towards them. The condition is almost same everywhere whether the area is developed, the developing or under developed. Women perform various roles during different stages of their life as a daughter, sister, wife, etc. despite of her contribution to human beings, she still belongs to a backward class on account of various social, economic, political and psychological barriers and hindrance.

On the one side she is worshipped as goddess, on the other, she is exploited, suppressed, depressed and victimized by the male dominated society. According to United Nations report; "Women represents half of the population , they perform nearly two thirds of work hours, they receive one tenth of world's income and they own less than one hundredth part of world's property." The need of the time is to make them empower and equal to men. The word empowerment means decentralization of power and authority. Its aim is to get participation of deprived section of people in decision-making process. It means to give voice for voiceless.

Empowerment may make equal status to women with men. For this women should be given an opportunity and freedom to develop herself. The women empowerment looks at fundamental women's rights attempts on organising to attain them. Women empowerment can influence not only their own lives but also their lives of their families.

Women empowerment may enhance their self-confidence and ability to work and their willingness to challenge oppressionand so many other things. Women empowerment aims at eradication of discrimination and challenges gender inequality. This paper discuss judicial initiatives towards women empowerment.

Judicial Initiative

All though bundles of litigations exits, due to ineffective implementation, women are exploited

by the male dominated society. Male chauvinist society has found ways to circumvent the provisions of the act as a barricade against women empowerment. Due to the failure of the legislation in the protection of women right, judiciary came forward to protect them. In protecting their rights, the Indian judiciary has removed all the procedural shackles and handcuffs and judiciary has thoroughly revolutionised constitutional litigations. The judiciary has cheered widest possible coverage of the legislation by liberal interpreting the provisions and specific terms. Judiciary has been shifted from doctrine approach to pragmatic approach, which was conductive to all interest in the society. The courts have shown their enthusiasm in granting the constitutional remedy for all women. The judiciary had filled up the gape which was created by the legislative machinery by land mark judgements. The judiciary had extended its helping hands towards women. When the legislature denied, the higher judiciary has shown its concern to words the women's right, it also has been greatly influenced by the international declaration and convention related to women's right.

The vibrant judiciary has recently distinguished the dignity of women by its judgements. In the case of **Municipal Corporation of Delhi V. Female workers and Ors.** AIR 2000 SC 1274, Apex court extended the benefits of maternity benefit Act, 1961 to the Muster Roll (Daily wagers) women employees of Delhi Municipal Corporation. In the case of Chairmen, Railway Board V. Chandrima Doss , AIR 2000 SC 988, apex court granted compensation of 10 lacks to an alien women, the who has been sufferer of rape under Article 21 of Indian Constitution.

In the case of **Geeta Hariharan V Reserve bank of India** AIR 1999, SC 1149, Section 6 (a) of Hindu minority and Guardianship Act 1956, and section 19(b) of Guardians and Wards Act 1890 has be interpreted in such a liberal way towards women as father and mother get equal status as a guardians of a minor. Apex granted equal right to maintenance under section 125 of Cr.P.C. to divorced woman in the case of Mohammed Ahmed Khan V. Shah Bano 1985 SC 945.

Judiciary realised that large section of society which have been traditionally subjected to unjust and unfair treatment, women are one of such section.

In the case of **Uttarakhand Mahila Kalyan Parishad V. State of uttar Pradesh** AIR 1992 SC 1695, The supreme court struck dowm the discriminatory rules of Education Department of Government of Uttar Pradesh, and strictly criticize them. The landmark judgment, **Air India V. Nargis Mirza** (AIR 1981 SC 1829), Apex court again struck down the discriminatory Rules of Indian Airlines. In so many cases Apex court jeld the offence of rape is an offence against the fundamental human rights of women. In Saveetha Samvedhi case (1996) SCR 1046, a married daughter has been allowed for accommodation in her parental house even after marriage. In the case of **Delhi working women's Forum V. Union of India** 1995, SCC 14, The Supreme Court advised the formation of a segment for awarding compensation to rape victims at the time of convicting the person found guilty of rape. The court suggested that criminal Injuries compensation Board and to the courts while deciding the amount to take account shock, pain, suffering and loss of earnings due to pregnancy and expenses of the child if it occurs as a result of rape.

In **Gourav Jain v. Union of India** (AIR 1997 SC 302), the apex court laid down important guidelines including the essential of counselling, coercing the victim women to recover from prostitution and rehabilitate them.

There are so many legislations, which take care of rights and privileges of women. But due to ignorance and illiteracy those legislations cannot be effectively enforced. The bundles of Indian Legislations objects women empowerment. The judicial decision given by the Indian Courts, depicts their active role to protect women from exploitation, at a stage where legislations are uniformed due to lack of adequacy of enforcement machinery. The judiciary has placed the women in a better position in the society. Yet the women in India have to go for miles to achieve absolute empowerment.

Public Intrest Litigation and Indian Judiciary

Public interest litigation ; The term public means larger interest of public, general welfare and interest of the masses, and the term litigation denotes, a legal action including all proceedings initiated in the court of law with the object of enforcing legal right or seeking legal remedy. Thus public interest litigation means 'any litigation for the benefit of the public.'

The seeds of the public interest litigation were initially sown in our nation by J. Krishna Iyer In the year of 1976 in the case of **Mumbai Kaamgar Sabha v. Abdul Thai** AIR 1976 SC 1455.

Hussainara Khatoon v. State of Bihar is one of the earliest case of public interest litigation. This case was concerned with a series of news and published in a prominent newspaper "The Indian Express" which exposed the predicament of under trial prisoners in the state of Bihar.

This writ petition has been filed by an advocate to draw the Court's attention to the disgraceful plight of these prisoners. Many of the prisoners had been in jail for longer periods than the maximum permissible sentences for the crimes they had been charged with. The Apex court accepted the locus standi of the advocate to mainmtain the writ petition.After this, a series of cases has been followed in which the court issued directions through which the "Speedy Trial as a Right" was deemed to be an intrinsic part of the protection of right of life and personal liberty. In the another case, a journalist, Ms.Sheela Barse, took up the disgraceful and miserable condition of women prisoners, who were confined in the police jails in the Bombay city. Ms. Sheela Barse asserted that detained women were victims of custodial violence. The Apex Court took cognizance of the matter and issued directions to the Director of college of Social Work, Bombay. He was ordered to visit the Bombay Central Jail and conduct interviews of various women prisoners in order to ascertain whether they had been subjected to custodial violence and ill-treatment. The court directed him to submit a report to the court in this regard. Court also issued directions that accused women must be interrogated only in the presence of the woman police, female prisoners must be guarded by female constables etc.

In the recent time women empowerment is the burning issue in the mind of nation's policymaker as I commands a lot of media focus and international attention. Empowering women socially, educationally, politically and legally is going to be a Herculean task. It will not be easy to change but by the continuous effective with determination we can achieve the goal.

Approach of Judiciary towards Matrimonial Disputes

As we all know Marriage is a sacred ceremony, its main purpose of which is to enable the young people to settle down in life and live peacefully. There has been outburst of matrimonial disputes in present times.. The matrimonial litigation should not be encouraged so that the parties may pounder over their mistake or defaults and terminates their disputes amicably by mutual agreement instead of fighting it out in the court of law where it takes years and years to reach there and by that process the parties lose their "precious" days in chasing "cases" in different courts. Duty of Court: As pointed out in the case of **Sushil Kumar Sharma v. Union of India**, It was held the courts should be extra cautions while dealing with the allegations relating to demand of dowry so that possibility of false accusations of an innocent person is ruled out. But at the same time, the legislative object of striking at the roots of the dowry menace is also successfully achieved.

It has been stated in the case of **State of Karnataka v. M.V. Maju Nathegowda**, that the practice of giving and demanding dowry is a social evil having deleterious effect on the entire civilized society and it has to be condemned with a view to curb the increasing menace of deaths, the evil practice of dowry remains unabated. The court cannot be unconscious to the indictment of the legislative and the purpose for which the enactment of law and amendment has been effected. Every court must be sensitilized to the enactment of the law and the purpose of which it is made by the legislative keeping in view the

evil practice of giving and taking dowry which is having a negative effect on the civilized society. It must be given a meaningful interpretation so as to advance the cause of interest of the society as a whole No leniency is warranted to the perpetrator of the crime against the society.

Compulsory Registration of Marriage, Directions given by the Apex Court: Seema v. Ashwani Kumar

Apex Court directed to states and the Central Government to take required steps as directed for registration of marriage compulsory. The Apex Court also observed that the registration itself can not be proof for valid marriage, although it has a great evidentiary value in the matter custody of children, right of children born from the wedlock of the two persons whose marriage is registered and the age of the parties to the marriage. That being so, it would be in the interest of the society if the marriage is compulsory registered. Section 8 of the Hindu Marriages Act 1955, It is necessary, since in large number of cases, some unscrupulous persons are dyeing the existence of marriage, taking advantage of the situation in the most of the States as there is no official record to the marriage.

Recommendation of Supreme Court for amendment in the Act of Marriage and Incorporate Irretrievable Breakdown of Marriage as A Ground

In the case of Naveen Kholi v. Neelu Kohli, the Apex court recommended to central government to seriously consider brining an amendment to the Hindu Marriage Act, 1956 to incorporate irretrievable breakdown of marriage as a ground for grant of divorce. The same view was echoed in the case of Savitri Pandey v. Prem Chandra Pandey, But the law of marriage was not reformed. In the case of Jorden Diengdeb v. S.S. Chopra, also it was stated that it appears necessary to make irretrievable break down of marriage and mutual consent as ground of divorce, the legislature in its wisdom, has not thought it proper to enact that irretrievable break down of marriage will also be a ground for divorce.

Guidelines given by Supreme Court for Under Trial Women Prisoners

Considering various reports, affidavits of various State Governments, Union Territories, Union of India and submissions made in respect of women under trials in various jails, the following guide lines were issued by the Apex court, in the case of R.D. Upadhyay v. State of A.P.A child shall not be treated as an under trial convent while in jail with his/her mother. Such a child is entitled to food, shelter, clothing, education, medical care and recreational facilities as a matter of right. Before sending a woman (who is pregnant) to a jail, that the jail should has the basic minimum facilities for child delivery as well as for providing prenatal and postnatal care for both the mother and the child. When a women prisoner is found to be pregnant at the time of her admission or any time thereafter, the lady Medical officer shall report the fact to the superintendent. As soon as possible arrangements shall be made to get such prisoner medically examined at the female unit of the District Government Hospital for ascertaining the state of her health, pregnancy duration of pregnancy problem date of delivery and so on. After ascertaining necessary particulars, this report shall be sent to Inspector General of Prison stating the date of admission, term of sentence, date of release duration of pregnancy, possible date of delivery and other material facts. Gynecological examination of female prisoners shall be performed in the District Government Hospital. Proper prenatal and post natal care shall be provided to the prisoners as per medical advice.

Conclusion

Thus we can say Indian judiciary has really played an imported role to make women more empowered and confidant. Many judgement have been given for their upliftment. Parliament shows its respect towards the judiciary by making new favourable legislation, and amending laws according to guidelines given by judiciary.Now Women are getting their glorious respect by the combined efforts of judiciary and parliament, which they lost in ancient period.

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A Planning for Solid Waste Management in Bhilwara based on Geospatial Approach and Techniques

Pushkar Singh Bagria

Assistant professor, Government Girls College, Hode, Dist. Sikar (Rajasthan)

Narendra Gupta

Assistant professor, M.P. Government College, Chittorgarh (Rajasthan)

Sushma Loth

Assistant professor, M.P. Government College, Chittorgarh (Rajasthan)

Abstract

The solid waste management involves management at waste generation level, storage at the source of generation, primary collection, street cleaning, temporary storage at locality level, regular and periodic transportation of this temporarily collected waste to disposing sites and treatment plants. The rapid urbanization created acute problem of solid waste management in urban area. The per-capita waste generation rate in Bhilwara has increased from 0.13 kg per day in 1996 to 0.55 kg per day in 2016. This paper deals with selection of suitable site for the disposal of solid waste in Bhilwara city using geospatial approach and techniques.

Keywords: *Solid Waste, Weighted overlay, Multi-Criteria Analysis.*

Introduction

Solid waste management includes all the administrative, financial, legal and engineering functions involved in finding a solution to all the problems of solid waste. It is an essential service that is provided for the protection of the environment and public health, as well as to promote hygiene, recover materials, avoid waste, reduce waste quantities, emissions and residuals, and prevent the spread of diseases. Population growth and industrialisation in most urban area has also caused serious problems of pollution. Implementation of SWM, many countries have now benefited from recycling and reusing waste, converting it to energy. In the Bhilwara municipality, it is estimated that around 180 tons per day of waste is generated and only 25% of the Municipal waste in Bhilwara is collected and transported to the disposal site. The remaining 75% of the waste is left to be eaten by animals, burned, illegally dumped or swept away by storm winds into the town where it accumulates in heaps.

The generated waste is growing at increasing rate and the municipal council is not able to provide service for solid waste collection due to the rapid increase in the population and urbanization. A large amount of the solid waste generated by the market areas during working hours produced different types of waste in Bhilwara municipality which is not being properly managed, and might have detrimental effects on the environment, health and ecosystem. Despite all of these problems, little is known about the challenges associated with SWM in the city area. Therefore this study was conducted to identify the challenges, problems and to recommend the appropriate methods that can be used to manage solid waste generated in the Bhilwara municipality. Other objectives are to assess the types, quality, and quantity and identify the current method used to manage the solid waste generated. It has been reported that most site selection methods has lack practical application with complexity of the mathematical models which include the factors and constraints

required in decision making. Employed GIS technique for site selection which is prepared by using map overlay technique based on the selected criteria and sub-criteria.

Study area and location

Bhilwara is the industrial city in Rajasthan and is located 250 kilometers west of Jaipur, the state capital. Bhilwara is surrounded by the Aravali Mountains. Bhilwara is bounded by Ajmer district to the north, Bundi and Tonk district to the east, Chittorgarh district to the south and Pali district to the west.

Problem created by solid waste in study area

As per Municipal solid waste Management and Handling rules -2000 , solid waste management is in the obligatory function of urban local bodies , but in actual practice the solid waste management is given the last priority and the duties are either not performed or poorly performed consequently the city has to face numerable problems related to environment and sanitation . As per the reports of the committee constituted by the Supreme Court of India in March1999, the lack of financial resources, inefficient institutional arrangement, inappropriate technology, weak legislative measures and unawareness in public towards solid waste management has made the service most unsatisfactory and inefficient.

Methodology

To delineate the solid waste structures, in Bhilwara city, Rajasthan some materials and methodology are prepared utilizing remote sensing, field studies, ASTER Digital Elevation Model, Survey of India Toposheet and Geographical Information System (GIS). Quantification of the solid waste generated solid waste was also calculated based on data observed from government staff and local area leaders' respondents using the following formula:

$$\rho = m/v$$

Where:

ρ=Density of un-compacted solid waste (332 kg/m3 used by Municipal Council)

v=Volume of skips used to store solid waste (7 m3 used by Municipal Council)

m=mass of Solid waste generated (kg) Results, Discussion and Observation

The entire solid waste management can be divided in following actions:

Waste Generation

According to BMC, around 101.15 TPD solid waste is collected every day which is around 80% of the waste generated, therefore the estimated quantity of waste generated in the entire city is around 121 TPD. While the estimated quantity of waste generated in 2011 was around 119 TPD and 80% of that waste was being transported each day which comprised fresh as well as old waste of backlog. Hence from 2001 to 2010 the total municipal solid waste generated has increased by 16%.

Sources of waste generation in the city of Bhilwara

S. No.	Sources of waste generation	Waste generation Per day (MP)	Percentage to the Total
A	**Local Inhabitation**		
1	House holds	54.04	68.96
2	Shops and commercial Establishment	1.04	2.08
3	Grain and vegetable Markets	6.50	7.61
4	Construction and Demolition Waste	3.00	3.80
	Institutional and Medical	3.50	4.57
	Industrial	9.00	11.48

S. No.	Sources of waste generation	Waste generation Per day (MP)	Percentage to the Total
	(Sub Total (A)	77.08	98.10
B	**Floating Population**	1.30	1.90
	Sub – Total (B)	1.30	1.90
	Grand Total	78.38	100.00

Source: Reports Municipal Committee, Bhilwara.

Waste Segregation

Waste segregation is one of the major steps in the municipal solid waste management but there is no procedure of waste segregation takes place at the source in the whole city because of which it is very difficult to separate them later. Segregation is important because:

- If the waste is not separated properly, it all gets mixed up in landfills. The danger of this is that they all leak after a period of time, resulting in leach ate or toxic soup at the bottom, which can contaminate ground water and release hazardous methane gas.
- Segregation protects health.
- When the waste is not separated properly it leads to less recycling because it is not easy to remove materials later for recycling. This means many resources are wasted.

Waste Storage and Collection

Storage of MSW at the source is substantially lacking in most of the places in the city. The solid waste management activity in Bhilwara consists of wastes generator throwing the waste into the cubic community bins which is common for both decomposable and non-decomposable waste (no segregation of waste is performed). The main system of primary collection of waste is street sweeping the sweepers sweep the road and drain and transfer the waste into small heaps on the road or into the bins. A sweeper who sweeps the roads put the road wastes into a wheelbarrow, and then transfers the waste to dustbins or collection points.

Waste Transportation

Transportation of MSW is carried out completely by BMC which covers whole 50 ward. The MSW collected from the dustbins and collection points is transported to the disposal sites using a verity of vehicles. The trucks used for transportation of MSW are generally of an open body type and are usually kept uncovered; thus during transportation, the waste tends to spill onto the road resulting in unhygienic conditions. According to the BMC, they use 70-80 vehicles for the transportation of the municipal solid waste from the communal bins to the disposal sites. Table shows the types of vehicles used for the collection and transportation of MSW from the source point to the disposal sites.

Disposal of wastes

The city has a total 58.45 km^2 area for municipal land fill sites. The village Sanganer on Kothari river is only one site for landfill suitability. The waste generated in the city is being depositing at the landfill sites. No scientific method of waste disposal was adopted at this landfill sites.

Results and Findings of the major problems related to MSWM

Solid waste management is a worldwide phenomenon. It is a big challenge all over the world for human beings. The problem of municipal solid waste management (MSWM) is also prevailing in the urban environment of Bhilwara. Therefore the present study was taken to find out the problems and prospects of Municipal solid waste in Bhilwara city. There are mainly four stake holders of the MSWM: • Communities • Informal sector • Municipal Authority • Private Entrepreneurs. Communities are the major stake holders in MSWM because they are responsible of generating garbage and they stands at the source side of the MSWM.

Issues related to the Communities and people in MSWM

Like other cities Bhilwara city is also comprised of few areas where living condition much better than the other areas where overcrowded low-income settlements do not have proper MSW collection and disposal services. To identify the pattern of MSWM, a survey of two areas is done in Tilak Nagar and R.C.Vyas Nagar. To distinguish between these two areas a separate survey is done to identify their social network analysis. In this survey it has found that the areas whose social network is stronger and where people are more socially connected have a better MSWM than the area whose social network is less strong and people are not much connected.

Issues related to the Informal Sector

In MSWM informal sector is very large and plays a vital role in the city. It comprises of rag pickers who retrieve recyclable waste from the communities and the land fill sites. The rag pickers who buy recyclable municipal solid waste from the households are called as *kabariwalla.* During the unstructured interview of few rag pickers and middlemen despite of quite reluctant to give any information it has found that being not associated to any organization both of them facing some problems from each others.

Issues related to the Municipal Authorities

Municipal Authorities like Bhilwara Municipal Authority have the responsibility of handling and auditing MSWM. According to these organizations it is very important to have people's participation while managing MSW properly. Despite of having placed community bins, people usually throw the waste nearby their house and does not bother to walk few meter and drop the waste in the bin. So in the case of collecting the waste through street sweeping it is very much possible that some amount of waste left out and it also increased the amount dust getting mixed with the wastes. According to the BMC the situation is even poor at those highly dense places where community bin is not able to place. At those places people usually throw the

garbage wherever they like and because of that stray animals scatter the whole waste and some of that get flow out through sewer. According to Rajasthan State Pollution Control Board both people and Municipal Corporation are not giving priority to municipal solid waste. They also feel that only public participation can make lot easier for the Municipal Cooperation to handle the MSW effectively. The worker of the BMC do not give priority to most of the areas of the city which leads to proper MSWM in some area and in other there is not proper way of handling the MSWM.

Issues related to the disposal of MSW

MSW in India differs from the MSW in western countries. The C/N ratio ranges from 20 to 30. Calorific value ranges between 800 and 1000 kcal/kg. In cities, the major fraction is com-postable materials (40-60%) and inert (30-50%). The organic fraction increases while moving from rural to urban areas. The percentage of recyclables is very low as these are picked up by rag pickers from houses. Treatment and disposal methods in use in India for MSW mainly include land filling, composting and very few wastes to energy initiatives (incineration, RDF and bio methane). Bhilwara is also facing the similar situation where open, uncontrolled and poorly managed land filling is common. Usually no segregation of waste takes place and MSW dumping appears to be the most widely used practice. The unsanitary methods adopted for disposal of solid wastes is, therefore, serious health concern. The poorly maintained landfill sites in Bhilwara are prone to ground water contamination because of leach ate production. Open dumping of garbage facilities the breeding for disease vectors such as flies, mosquitoes, cockroaches, rats, and other pests.

To identify the urban solid waste disposal site there are nine parameter, different sating criteria, various referenced materials and sources are used. The overlay analysis of the given factors using raster calculator in Arc GIS software produced the suitable solid waste dumping site. The final solid waste dumping site suitability map was divided into four categories: not suitable, less suitable, moderate suitable, highly

suitable. The result indicate that 15.52 % of the study area is not suitable, 76.92 % area is less suitable, 5.40 % area is moderate suitable and 2.16 % study area is highly suitable for dumping site. Out of total study area 5.70% means 3.32 km^2 (820.389 acres) area is highly suitable for dumping. There are 5 potential sites are identify in study area, out of the village Sanganer dump yard is the existing waste dumping site.(Fig.01) The best suitable landfill site will be near village Pur adjoining RIICO industrial area on Karoi Gangapur road. By using the stated criteria, the suitable areas for solid waste dumping site fall on the northwestern, northeastern and southern direction from the city.

The areas were highly suitable for solid waste dumping site suggested that selecting the optimum site for solid waste dumping may facilitate transportation and reduce the cost of transport. Moreover, suitability, for slope analyses had shown that slope less than 10 % are more suitable in order to minimize environmental impacts.

Conclusion

The study demonstrated the capacity to use GIS, GPS and remote sensing technology for the effective assessment of solid waste management system will minimize the environmental risk and human health problems. The results have shown that five sites were selected as the highly suitable. The sites are easy to access; manage for disposal of solid wastes. These places are far-away from any water sources, direction of wind throughout the year, slope of the area and other variables put into analysis. The study demonstrated the capacity to use GIS and remote sensing technology for the effective identification of suitable solid waste dumping sites will minimize the environmental risk and human health problems. The study is useful in planning for the city in future. It emphasizes on the importance of the requirement of solid waste management system.

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Book Review

Development of Denotified Tribes: Policy Practice

Basanti Shahu

Research Scholar, Department of Tribal Studies
Indira Gandhi National Tribal University, Amarkantak (Madhya Pradesh)

The book "*Development of Denotified Tribes*": *Policy Practice* (2006) is focused on the ex-criminal tribes those who belongs to Siddhapuram and Stuartpuram settlements of Andhra Pradesh. It is more on the new addition on their literature. He worked a lot on the existing literature and used to relate his present work. He gave a beautiful structure to this book. It's a well-managed book on de-notified tribes that give whole idea about de-notified tribes from their past to present. First he described the concept of de-notified or criminal tribes and written that these communities are suffering from the stigma as 'Criminal'. Few researchers have worked on them and have written on their ways of living, customs, superstitions, rituals, traditions and ceremonies. They called them 'Primitive Tribes'. Gandhi also use this literature to make a clear cut understanding about de-notified tribes.

The aim of this book is to critically analyse the socio-economic conditions of these two selected settlements or colonies. He makes an endeavor in establishing linkages between their past socio-historical background to present and between the non-tribal and tribal as well the colonial administration. The author is trying to trace historical background of these de-notified or ex-criminal tribes.

He found that these communities have poverty, unemployment and that is the main cause to force them in illegal means of livelihood. He had critically analyzed these problems and draw their life style. In addition, the impact of welfare programs and family planning also studies. The
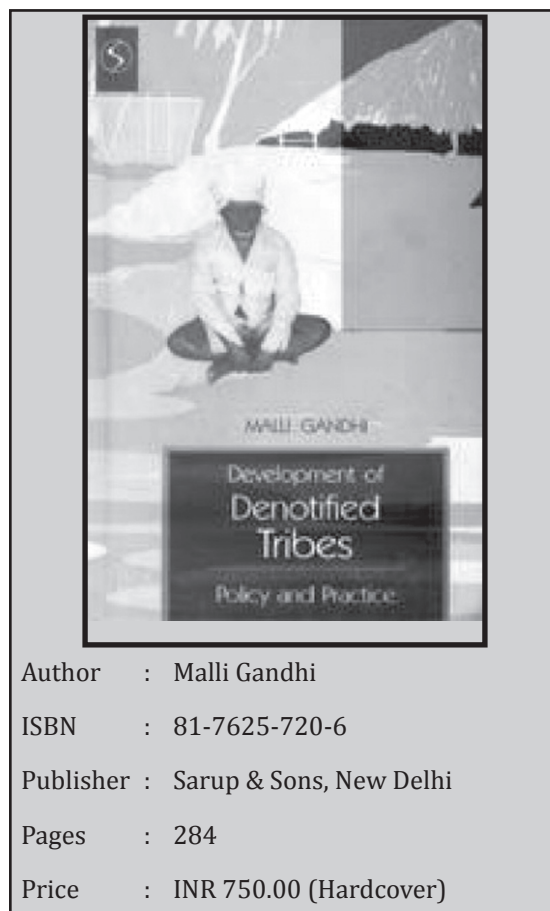
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researcher had taken care of the role of women and children in the context of their contribution in the family economy. The study look into the present scenario of their all aspect of social life and the finally their rehabilitation and

reformation. He used the maps, tables for batter explanation and understanding.

The book have five chapters as, first chapter have the introduction in that he described the difficulties that faced by these tribes because of the British rule and policies as like exploitation of tribes, displacement and deprivation of the tribes, changes in shifting cultivation. He also explain the crime as, it is a means of livelihood etc.. In the meddle part of this chapter he wrote the statement of the problem of this study, it's aims and objectives, also the description of universe of the study, review of literature and a brief about the chapterisation.He divided this chapter in five parts.

The second chapter entitled "Crime and Criminal Tribes Acts" deals with the different Criminal Tribal Acts and their impact and revocation. He have written the definition of crime and criminal and its stigma on de-notified tribes. He also worked on the role of social workers and government in revocation of the Criminal Tribes Acts. This chapter is again divided in four parts. In the first part of this chapter he described the F. Booth Tucker's classification of Indian criminals as, the incorrigible criminals, the habitual criminals, the ordinary or accidental criminals, hereditary criminals, the juvenile adult, and the child criminals. In the fourth part of this chapter he focused on the history of legislation to deal with 'Criminal Tribes'. He described the main features of different CTs Acts as, the Act of 1871, 1908, 1911, 1924 and The Habitual Offenders Act of 1948, 1952. He also provided a brief note of the results of his survey

The socio-economic part of these de-notified tribes discussed in third chapter. He provides their present social, cultural and economic life and state of affairs in studied area in this chapter. This chapter is divided into two sections in the first section there is again eight sub sections in that he have written about their past and present status in context to settlement, ethnic background, economic life, social life, festivals, ceremonies, superstitions, education, health, criminality- Modus Operandi, administrative set up of the Siddhapuram settlement and with the same sub themes he added few more and written about Stuartpuram settlements in the second section.

The forth chapter entitled reformation rehabilitation. He divided this chapter into five parts. In the first four sections he have written about trends in modernization, presents rehabilitative measures of the colonial administration and carried out in Independent India. In the last parts he have concerned and written about the steps that should be taken by social workers and government to remove their stigma of criminality and give more than ten suggestions.

The last chapter of this book is conclusion. He sum up all findings and written in the four sections. In this chapter he again highlighted the major findings of the study and provide some suggestions relating to their empowerment and rehabilitation programmes.

This book is useful for the scholars those who working on de-notified tribes, academics and other practitioners in the field of social science and more on culture, and even the policy makers. This book shows the different Acts in a collective way that is effected to de-notified tribes. The author also attached the format of forms those was compulsory to fill by these communities' people. It is an overview of de-notified tribes from past to present.