



UGC App. No. 64785
Impact Factor: 4.213
ISSN 2348-3857

Research Reinforcement

(A Peer Reviewd International Refereed Journal)

रिसर्च रिइन्फोर्समेंट

Volume 6

Issue 1

May 2018 - October 2018



Research Reinforcement

(A PEER REVIEWED INTERNATIONAL REFEREED JOURNAL)

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From the Editor

Dear authors/ readers/ reviewers,

It is my pleasure to welcome you all and wishing you a very happy New Year 2019 in advance.

This Research Reinforcement journal, an initiative, was started to share research works, commenced in the disciplines of social science and humanities. Our focus is to provide platform to young and mature scholars who have been keenly exploring the possibilities to get their research published on one hand, and also to ensure reach upto the pioneer researchers and learners in their respective fields. This journal, which is UGC approved and is moving in its 6th year of its circulation, is attracting academicians from all corners of the country, and even from abroad like Nepal, Sri Lanka and Bangladesh. It is a peer reviewed journal which is academically cooperated by legendary experts from various disciplines as advisor and referees. Research papers and articles from social science and humanities backgrounds are published in this journal. We more prefer the first hand based research and analytical articles in this journal. Besides, we are equally providing space to the research papers based on survey, discussions and reviews.

We expect more scholars to join this platform and make this effort to contribute excellent in academia.

Best Wishes

Dr. Pankaj Gupta
The Editor in chief



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Towards Gender Equality in Education & Changing Pattern of Literacy in West Bengal: Evidences from an Empirical Research



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Abstract

Access to basic education lies at the heart of development. Lack of educational access, and securely acquired knowledge and skill, is both a part of the definition of poverty, and a means for its diminution. Sustained access to meaningful learning that has value is critical to long term improvements in productivity, the reduction of inter-generational cycles of poverty, demographic transition, preventive health care, the empowerment of women, and reductions in inequality. Equality of sexes in terms of men and women's command over resources, their access to education and health, and in terms of freedom to develop their potential has an intrinsic value in its own right. The equal treatment of the sexes for intrinsic reasons is, in the parlance of welfare economics, the equity reason for reducing gender-imbalances. The paper provides background narrative to the gendered contexts of education in West Bengal. It further discusses quantitative information on educational access according to gender. Both data and research literature are analysed to highlight the interlocking nature of educational inclusions and exclusions, viewing gendered access alongside issues such as education of children belonging to scheduled caste, scheduled tribes and Muslims & disability. In rural and remote areas, particularly among certain social groups and communities, girls and women are still facing problems in deriving the benefits of educational attainment. It has also been found that wide disparities in the attainment of education particularly among rural males and females, urban females and rural females and between belonging to scheduled and non-scheduled groups and certain minority communities. The intervention of gender sensitive planning and gender budgeting are call for the day to reduce the gender gaps in education. The demand for elementary education and schooling has considerably increased with an increase in female literacy, which was much lower in earlier decades, leading to an upsurge in enrolment of boys as well as girls. The education landscape is also changing within this wider social transformation, and a better understanding of these changes would help identify new spaces and language to promote greater gender equality.

Keywords: Gender Equity, Literacy, Education, Female

Introduction

Gender equity or equality in education means that males and females have equal opportunities in terms of economic, social, cultural, and political developments. If gender equity is exactly achieved this will contribute to future of girls and boys more than approaches men-centered, and girls will get benefits from public

and domestic life as much as boys. On the other hand, when gender equity in formal or informal education is attached importance; the vital issues such as gaps, divisions and conflicts between sexes in society are reduced. Despite of several governmental or non-governmental organizations or companies, inequalities about access to schools between genders still go on.

Strict traditional rules of society and patriarchal families in rural areas and east part of our county as in many countries of world keep girls at home. Opportunities offered to men and women are far from equality, many women are illiterate as results of poverty, discrimination, incomplete schooling, and inadequate education or denied education rights. While girls are kept at home as idle creatures, housekeepers, victims of patriarchy, or servants helping their mothers; boys enjoy fully of privileges offered by traditional norms of society. *"The boys are looked up as the future bread-winners, and consequently every effort is made to fit them for an honorable career in life"*

Aims & Objective of the Study

This paper provides an account of gender equity in education in West Bengal, with a particular emphasis on educational access. It aims to highlight educational access issues affecting both girls and boys in the state and the types of initiatives needed to secure meaningful and sustainable access for all. The objectives of the paper are:

1. To assess the gender equality in education in West Bengal.
2. To analyze district-wise literacy rate in West Bengal in relation to education.
3. To examine the literacy gap among the male and female.
4. To correlate the gender wise differentials in literacy with rural education.

Methodology and Database

To analyze the above stated objectives, the data has been mainly collected from various secondary sources. The study is based on secondary data obtained from census of India from different decades. Methodology adopted for this study is primarily oriented to examine the role of the determinants of gender gap in literacy in West Bengal. It examines regional patterns of literacy and education level at two spatial scales: state, district.

Study Area

The state of West Bengal has been selected as a study area which is located between 21°25' to

26°50' north latitudes and 86°30' to 89°58' east longitudes with three international boundaries i.e., Bangladesh, Nepal and Bhutan. It occupies a geographical area of about 88,752 sq. km. (2.70 per cent of the India's total geographical area) and extending from the Himalayas in the north to the Bay of Bengal in the south. It is surrounded by Sikkim and Bhutan in the north, Assam and Bangladesh in the east, the Bay of Bengal in the south and Orissa, Jharkhand, Bihar and Nepal in the west. According to 2011 Census, its total population is 91,347,736 (7.55 per cent of India's total population), density is 1029 persons per sq. km. (in terms of population density West Bengal is on the second among the Indian states). Since the time of British raj west Bengal is a cultural heritage and educational developed state then other states of India, because this time Kolkata is the capital of British raj that's why the dispersion of education from Kolkata in the whole state. But this state has huge diversity of literacy rate on the district level and micro level also, on the spot light of various socio-economic categories.

In present, West Bengal has held the 20th position on literacy rate rank of the Indian state and union territory. According to 2011 Census west Bengal literacy rate is 77.08 percent, where Indian literacy rate is 74.04 percent. In last decade, India increases his literacy rate 9.21 percent, where West Bengal has increases his literacy rate below the national level (8.44 percent). West Bengal has a literacy rate 77.08 with differential of 82.67 percent male literacy and 71.16 percent females. West Bengal has 31.89 percent urbanization which differs from 100.00 percent in Kolkata to 8.36 percent in Bankura.

Gender Equity in Education

It is well known fact that education plays a significant role in influencing the quality of life, awareness among the individual as well as in social transformation of the society. Given the vital importance of education at all spheres of human life, almost all the countries in the world have been trying hand promote education on the one hand and also trying to bring gender parity at all levels of education on the other hand. It is

visible as different states of India are providing special benefits in terms of fellowships, fee concession to girls in order to encourage girls for education.

Social development means the provision of equal opportunity & capabilities that enable everyone to assert their social & economic rights. Gender equality is recognized as a key of development in any nation. However, the social role prescribed for men and women by the society, kept them beyond the outreach of most of the developmental programmes for generations. In this context, education plays a vital role in the development of human capital in any society. Because equality of access to and attainment of educational qualifications is necessary to bring change in people's mind, to understand the value of human irrespective of sexuality. Thus, education has proved to be one of the best means for achieving development and economic growth that is both sustained and sustainable. It acts as a catalyst for social upliftment by enhancing the returns on investment made in almost every aspects of development effort like, population control, health, hygiene, employment of weaker sections of the society etc. Development of women does not mean to do some kind to them rather share the platform with them which they deserve. Therefore, women's education should be given the prime importance to achieve human development and social justice. This paper is an effort to capture the emerging picture with respect to women education in West Bengal.

Changing Pattern of Literacy in West Bengal

Whereas, in 2011, literacy rate in West Bengal was 76.26%, where that in men and women were 82.67% and 71.16% respectively. Kolkata had the highest women literacy rate (84.98%) in the state followed by Purba Medinipur (81.81%) and North 24 Parganas (81.05%). Purulia had the lowest women literacy rate (51.29%) followed by Uttar Dinajpur (53.15%) and Malda (57.84%). Various reasons are responsible for keeping women education in backstage. Child marriage is one of them, which constrain the path of women primary education. Educational attainment

demands time and this time delays the process of fixing marriage. Again, schools generally keep basic few records of their students and age is one of them. Age can be assumed from the school grade of the students that he/she attaining. Therefore, either parents keep out or the girl herself withdraws from the school to widen her age for marriage in the society. On the other hand, marriage is another mean of protecting child. If both the parents work outside then to protect their girl child from social cruelty like rape they use marriage as a secure weapon. The ritual marriage itself and the groom play the role of protector. Along with all these poverty, long distance of the secondary school, poor transportation, household work, and lack of family support are some hurdles that barricade the road of primary education. For children mostly of the 10-14 age group, are withdrawn from educational opportunities due to victimized by social crimes like child labour and trafficking. Mostly in rural areas where poverty, lack of job opportunity, ill health are become part of their life, in this kind of situations fraud people grab these children politely from family either in terms of some job assurance in city, or marry the girl and then sell them in the dark world. Playful childhood turns into slavery.

The decennial census data on literacy shows that over the last five decades, the literacy rate of West Bengal has been remaining closer to the national average and the overall gain in literacy rate (Person) over the last 50 years (1951-2011) in the state is more or less the same as that of the national level. District level literacy rate varies from a lowest of 47.9% in Uttar Dinajpur to a highest of 78.1% in North 24 Parganas (excluding the metropolitan district of Kolkata) with of course a large extent of literacy variation at block and village level too. The Educational Development Index (EDI) published by the NUEPA has placed the state as one of the low ranking states in India. The state has barely managed its 32nd rank out of 35 Indian States and Union Territories. Kolkata has been placed at the top of the list among the 19 districts in the

State. However, the all India rank of the district is 318. The 11 districts whose ranks are below 429 are included in the list of 142 Bottom Most Quartile at national level.

The problems relating to educational backwardness vary between regions and between groups of people. The prime objective of 'Education for All' is not just to maintain a moderate literacy rate. In order to have an educationally stable social order, it is necessary to minimise regional variation in literacy rates at micro level with an uniform spread in education amongst the population.

Female education has long been acknowledged to have strong correlations with other dimensions of human and social development. Despite strong economic and social evidence of the high returns to female education, most communities continue to under-invest in female education relative to male education. Even as the thresholds of schooling completion increase, with significantly narrowing gender gaps in primary education in particular, discrimination against girls in secondary and higher education remains an issue. Economic and social privilege also affect gendered patterns of access, with girls in secondary and higher education predominantly drawn from higher income and social groups, endowed with higher social status. While gender inequalities intensify with poverty, caste inequalities and geographical location (particularly in underdeveloped rural areas), particular gender-differentiated ideologies cut across all social groups, explaining why in all social groups, girls lag behind boys in access to and participation in education. These include specific views on the appropriate roles to be played by women in family and society, and the underlying controls placed on female mobility and chastity. These gender-specific ideologies are responsible for the continued wide gaps in female secondary schooling enrolment. Further, responsibilities for securing domestic water and fuel place tremendous time burdens on women, often shared with younger girls in the family who could otherwise be in school or at rest or

play. Investments in water supply, sustainable energy and renewable sources of fuel all can have significant impact on female education.

West Bengal has a literacy rate of 77.9% according to the latest census report. Education in West Bengal has always played an important role in the development of education infrastructure of the country. Educational environment of West Bengal was always very rich. This richness of educational environment can be dated back to the time of Ram Mohan Roy, David Hare, Ishwar Chandra Vidyasagar, Shashi Bhushan Chatterjee, William Carey and many others. These personalities had brought renaissance in the erstwhile Bengal. Indian government has created a foolproof admission process, which is different for every academic program. However, a few similarities remain.

It is also interesting to note that the rate of change of literacy from 2001 to 2011 is low in the metropolitan districts of Kolkata and its neighbouring districts like Hugli, Haora, North Twenty four Parganas, South Twenty four Parganas, Bardhaman. The rate of change of these districts varies between 3.83 to 6.96 is lower than state average (8.44%). But the traditionally backward districts and low base literacy districts up to 2001 have shown a greater change, more than nine percent. Purulia, Jalpaiguri, Uttar Dinajpur, Dakshin Dinajpur, Maldah, Murshidabad, Birbhum are in this category. Only the Medinipur (Purba and Paschim) district has shown a big change but have a good base of literacy. Special emphasis has been given on low literate districts to develop literacy by the different Government programme causes the higher rate of change of the mentioned districts.

Sex-wise literacy analysis in West Bengal

Picture of female literacy in West Bengal is said to be worse. Presently it is 70.54. The difference of Male and Female literacy is high, 11.15. (2011 Census). The highest Female literacy is observed in Kolkata (84.06) and lowest in Purulia district (50.52). Like general literacy distributional pattern, Female literacy is high not only in Kolkata

Metropolitan district but also neighbouring district of Kolkata. Those districts where general literacy is high, female literacy also high and vice-versa. But if we observed the Male-Female differential of literacy of different district of West Bengal does not follow any zonal pattern. For example Hugli and Bardhaman districts depict good literacy picture but Male-Female difference also high. Generally it is observed that the Male-Female difference is high where the literacy development is low. Male-Female literacy differential has changed significantly with the advancement of time. For every districts it is observed that the difference of Male and female literacy is went down from 2001 to 2011. The difference of Male-Female literacy for Purulia was 37.03 in 2001 but presently it is 27.34. So the difference diminishes up to 9.69 percent. More than 8 percent equalise for the district of Uttar Dinajpur, Maldah, South Twenty Four Parganas. Other districts of West Bengal also diminish the Male-Female literacy difference up to 5 percent, except Kolkata, Hugli, Bardhaman, Nadia. From the above discussion it is clear that the female literacy of West Bengal has increase sufficiently and Male-Female differentials also going to diminish with the passage of time. But the heterogeneity of distribution of female literacy in different districts in 2001 and 2011 can be measured by using some measure of dispersion.

Urban literacy is high than rural literacy due to good availability of educational infrastructure, in-migration of educated persons in the urban field and another important factor is the perception of urban dweller about education. In the state of West Bengal the urban literacy is 84.78 and rural literacy is 72.13 (2011). This type of difference is present in every district in the state. North Twenty four Parganas shows the highest urban literacy with 89.80 percent. Whereas the urban metropolitan district Kolkata ranked seventh among the all district of west Bengal due to illiterate labour migration in this metropolitan district. Higher urban literacy (above 85%) is found in the districts of Dakshin Dinajpur (89.42), PurbaMedinipur (89.14), Hugli (87.75), Darjilling (87.48), Haora (87.14),

Paschim Medinipur (87.01), Nadia (85.88), Low level of literacy is observed in the districts of Murshidabad (72.65) and maldah (76.82). The urban literacy is very close to state average (84.78).

The average rural literacy rate for West Bengal is 72.13 (2011). Purba Medinipur has the highest rural literacy rate among all districts of the state, 87.47. More than 80 percent rural literacy is found in another district, Haora shows the figure, 80.82 percent. Good rural literacy (75 to 80 percent) is observed in the districts of Haora (80.82), Hugli (79.22), North 24 Parganas (78.11), Paschim Medinipur (77.92), South Twenty four Parganas (76.78). Low rural literacy is found in Maldah (60.42), Murshidabad (66.27), Purulia (63.75) and Bankura (69.60) districts. (2011). The district wise distribution of Rural-urban literacy is differ in some districts but the basic pattern of distribution is more or similar because Kolkata and Kolkata surrounding south Bengal districts posses higher level of literacy development in both rural and urban frame. On another side, North Bengal districts and Plateau districts have low level rural and urban literacy development.

Rural Enrolment Ratio

The enrolment ratio of certain district are more than 1. Normally the ratio should be equal to one. Here 1 indicates the 100 percent enrolment. Highest enrolment is found in Dakshin Dinajpur (2.80) and Nadia (2.31) district. These numbers are exaggerated because the actual enrolment is not as high as it depicted. It is also mentioned in the interim report of Restructuring of School Education System in West Bengal published from IIM Calcutta in 2011 (IIMC, 2011). The report Gross Enrollment Ratio is based on 2008-09 data of DISE. This phenomenon has been noticed in other states of India like Maharastra. In August 2011, the department of education, Government of Maharashtra had conducted a survey of the enrolment rates for Standards 1 to 12. They found the rising tendency of number of bogus students. This survey showed that around 20% of the students on the rolls did not exist. It also found that these missing students were

fewer in government schools than in grantable schools (the schools typically started by local politicians). The report also reveals that in the backward districts has higher percentage of bogus students than in the more advanced districts (Sathe, 2012). If we look at West Bengal almost similar things can be found. Due to low enrolment at grantable school government may declare the school as sick and reduce various funds. So this fear of fund reduction is one of the reasons for high and fictitious enrolment ratio. Almost all the backward district of west Bengal have more than 1 enrolment ratio which include Puruliya, Jalpiguri, Daksin Dinajpur. Though there are some backward districts which have enrolment ratio less than 1. This district includes Murshidabad, Malda and Bankura. The extent of fictitious student is so high that even when we increase the age range (5-14) the enrolment ratio still more than one in two districts which include Nadia (1.06) and Dakshin Dinajpur (1.29). It has been done to capture the extent of fictitious student in the districts.

Discussion & Results

The overall literacy picture of West Bengal is not satisfactory even in the year 2011 though the percentage of literate persons is 3.04 percent more than national average. We are hopeful about future because the development during last decade is well and most important thing is that the literacy differentials among Male-Female, Rural-Urban and differentials among different caste has going to narrowed down. The female literacy has increase sufficiently in both rural urban frames. Regional imbalance and inequality is observed among different districts which maintained a zonal pattern. The literacy is high in Kolkata and surrounding districts and comparative low in North Bengal districts and Plateau districts of Bengal. Such type of regional imbalance should be eradicated as early as possible. Tribal literacy has increased significantly (14.52%) during the period 2001 to 2011 but the present percent of tribal literates is only 57.92. This difference is undesirable. Poverty is one of the barrier against literacy and educational development. Poverty

also compels the parents to involve their children to works, rather than sending them to schools. So any literacy programme cannot be success without poverty eradication programme. In this regard the policy implementation of Govt. of West Bengal is satisfactory. Recently the "Kannya Sree" project is highly successful to reduce drop out of females from the schools. It should not be the task of government only but each and every section of the society should be involved in such programmes.

Transition Process of Education in West Bengal:- Education system in West Bengal has gone through a drastic change to provide quality education to every student. Authorities have enforced the rule of 'aggregate marking' technique to measure student's level of knowledge. State government has also taken steps to provide special tutorial classes to civil service students. These new ideas have increased momentum of development, which is proceeding to give a new facelift to the education system.

Primary Education:- West Bengal primary education is the first stage of training a student to step into the world of competition. There are more than 67926 schools in West Bengal. Government of West Bengal understands that education is more than just printed alphabets on books. That's why they try their best to educate students with practical approach.

Secondary Education:- Secondary schools in this state are under direct authority of Central board of secondary education (CBSE), Indian certificate of Secondary Education (ICSE) and West Bengal board of secondary education (WBSE). West Bengal has become a leader in developing education infrastructure in India by making education available to all. Guidance of skilled and experienced teachers help the students to have a solid educational foundation, which helps them to do great in their higher studies.

College Education:- Number of colleges in West Bengal has already exceeded 260 and still growing in number. West Bengal is particularly known for its tremendous capability of providing higher education with the help of Engineering

colleges, B.Ed colleges, commerce colleges and all the important education streams. The colleges of arts and science have always shown their competence in producing scholars and leaders. In addition, the affinity of modern people towards fashion and business management courses has compelled the state government to establish new institutions of fashion designing and management in Kolkata and other places of West Bengal.

Universities:- Universities of West Bengal offer Undergraduate, Doctoral, Post Graduate, Diploma and Certificate programs. Every course is unique in design and proficiency. While coping with the modernization of education, these universities offer traditional distance learning programs. Currently, there are 22 universities in West Bengal. Most of them are state governed.

The recently released Socio Economic and Caste Census, 2011, conducted by the rural development ministry, has ranked West Bengal among the worst states in the country in secondary and higher secondary education. Though West Bengal runs close to the national average in primary and mid-level education, the survey indicates that the state has failed to attract these students to higher level of education. The state managed to get the 12th and 11th ranks in primary and mid-level education respectively. But it was bracketed among the last five states of the country in secondary and higher secondary education. The state managed to get the 33rd position among 36 states at secondary level with only 6.85%. This was far below the national average where 9.57 out of every 100 kids go to secondary school. The state was just above Bihar, Chhattisgarh and Rajasthan at secondary level. At the higher secondary level, the state ranked just above Tripura and Mizoram, with 3.46%. The national average at higher secondary level was 5.41%. At the graduation level, the state stood at 2.76%, while the national average was 3.45%.

The state has always failed to carry students through their academic career because there are hardly any promises at the end of the career. The students find it more lucrative to get into any

profession to earn money. They prefer to work in the fields, rather than go to schools. Through various schemes, the government has ensured that students go to primary schools.

Conclusion

The concept and approaches of gender and related social legislations should be incorporate in the study material of school education to spread social awareness. At last, to empowered women, there needs to be a change in the mind-set of the people all over. Not just the women themselves, but the men have to wake up, hold the hands and jointly move towards equality and equity. Swami Vivekananda once said "There is no chance of the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on one wing."

Thanks to the fight for women's rights, increasing participation of women in the job market and to the right to vote, women have emerged from the strictly private sphere to which they were formerly restricted. Women have broken the implicit social contract that, for more than hundreds of years, has confined them to home, child rear-ing, household tasks and fieldwork, while men worked outside the home. But because of insufficient interests, gender equity in education runs to failure for millions of girls and women under the heavy weight of circumstances throughout the world and needs supporters to take more active roles as early as possible in breaking down the traditional resistance against the education of girls.

Strategy/recommendation

1. General infrastructural facilities of the primary schools in West Bengal need due attention, especially in respect to accessibility within one km, approach road, housing condition, providing safe drinking water in urban areas, classroom conditions, separate toilet facilities for girls etc.
2. General teaching-learning facilities may further be improved by introducing pre-primary schooling facilities, removing the shortage of teaching posts, controlling

teachers' absence in schools and proper uses of science kits, mathematics kits and library.

3. The gender biased teacher profile should be balanced and on service training program for teachers in general is required for effective teaching.
4. In general, students' attendance should be increased to ensure the quality of education and for that purpose special attention be given in class I, girl students.
5. To minimize the students' absence in schools proper attention to be given to the student health care issues and to control the engagement in house hold works along with the engagement in wage earning or agriculture activities.
6. As quality of education is highly correlated with the students' attendance, endeavor to be taken for promoting attendance rates of the students particularly for girls, disabled and rural students.
7. Strengthening roles of managing committees, monitoring system and community awareness the attendance rate of the students as well as the goal of quality primary education may be achieved.

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A Study on Growth Indian Corporate Sectors and Impacts of Foreign Direct Investments Equity Inflows in India - An Paradigm Shift to Economic Development



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Abstract

This research investigates that the share of top investing countries, top sectors attracting growth and RBI's regional offices wise FDI equity inflows in India from April, 2000 to June, 2018 it also reveals that State/UT-Wise, economic activity-wise and authorized capital range wise status of companies registered and active as on 30th June, 2018 in India In this study used descriptive statistical tools such as percentage analysis, tables, and charts are used for analysis and interpretation of data. This study found that the total number of companies registered in India as on 30th June, 2018 recorded at 17,79,761 and out of the 11,89,826 active companies. It also find that during the study period out of 18 financial years, 13 financial year's shows positive growth and 5 were in negative growth of FDI. It also indicates that share of top ten countries contributed 87% and rest reaming 13% FDI inflows. Total top ten sectors attracted nearly 66% and rest 34% FDI inflow by others. This study results point towards top seven RBI's Regional Offices attracted 75% and rest by 25% FDI inflows. This research study concluded doing business 2018 report indicates that India is rank in 100th for ease of doing business. 156th rank in starting a business, 181st rank in dealing with construction permits, 29th rank in getting electricity, 154th rank in registering property, 29th rank in getting credit, 4th rank in protecting minority investors, 119th rank in paying taxes 146th rank in trading across borders, 164th rank in enforcing contracts and 103rd rank in resolving insolvency of business in India. This research study suggested that government of India, state and union territories governments, Ministry of Commerce & Trade, Ministry of Corporate Affairs, RBI, Ministry of finance and DIPP should not only focus in the top ten sectors and countries and also necessary to attract FDI inflows from rest of the sectors and countries by way of providing special incentives for rest of the counties by taking various economic reforms like interest loan subsidies, removal of restrictions, Tax holiday and tax exemptions.

Keywords: FDI, DIPP, Capital Formation, MCA21, East India Company

Introduction

The earliest types of associations to be known as "companies" were those engaged in foreign trade. It is earliest most famous is the East India Company, which was chartered by Queen Elizabeth in 1600¹. The Act provided for the first time that a company could be incorporated by

registration without obtaining a Royal charter or sanction by a special Act of Parliament². The East India Company was established in 1600 as a joint-stock company with a monopoly of the trade to and from the East Indies. Its political achievements form a large part of the history of the British Empire, and its economic power was

enormous, contributing substantially to the national wealth and causing the company to be the centre of most of the economic controversies of the 17th century³. East India Company seems to have resurged as an exemplar of the vices, and for some the virtues, of colonialism, globalization and power of multinational capitalism, migration, multiculturalism, transnational history, governance, policy making, modern capitalism, global capitalism modern joint-stock, multinational firm and treated as a global business enterprise⁴. Indian Company Law is conceived and developed in UK. Cherished child of English parents born and brought up England⁵. India has the independence since 1947 from British control, but the process of making and strengthening to the corporate Law had begin before 1947. With the arrival of various enactment in England, various Law were getting enacted in India⁶ that result in acts such as Joint Stock Companies Act 1850 of India, Joint Stock Companies Act 1857 of India, Companies Act 1866 of India, Indian Companies Act 1913, but the biggest of all procedural act of independent India came into force in 1956 to be called as Company Act 1956, which is recently replaced with the Company Act 2013⁷ is a radical experiment with corporate purpose⁸.

Company Act 2013

A Committee was constituted on 2nd December, 2004 under the chairmanship of Dr. J J Irani, Director, Tata Sons, with the task of advising the Government on the proposed revisions to the Companies Act, 1956. Based on the recommendations of J. J. Irani committee companies bill came into existence in the year 2008 that went through critical evaluations & after due considerations took the shape of Companies Act, 2013. The bill was passed on 18th of December, 2013 by Lok Sabha & Rajya Sabha passed the same bill on 8th of august, 2013. The bill then got presidential assent & was gazette to become an act⁹.

MCA21 E-Governance Plan

A Mission Mode Project under the Government of India's National E-Governance plan, MCA 21¹⁰ has put the Ministry of Company Affairs on track

to meet stakeholder needs in the 21st century. MCA21 is envisioned to provide anytime and anywhere services to businesses by Ministry of Company Affairs. Piloted in Coimbatore on February 18, 2006, the countrywide rollout of the project was completed on September 4, 2006, covering 20 Offices of Registrar of Companies (ROC), 4 Regional Directors and MCA Head Quarters¹¹. The MCA 21 project is an outcome of the MCA's quest for simplifying forms, making forms e-centric, promoting online transactions, and reaching out to stakeholders in an economy that is growing fast and adjusting to the demands of globalization. It is focused on striking the right balance between meeting stakeholder requirements and realizing the ministry's ultimate goals through employment of global best practices¹².

Foreign Direct investment

India's economic policy reforms have played a critical role in the performance of the Indian economy since 1991¹³. Foreign Direct Investment (FDI) has been one of the defining features of the World economy over the past thirty five years. Firms in all industries are expanding their operations through FDI than ever before in both developed and developing countries. FDI is considered as one of the important economic force through which developing countries can carry out economic growth consequently¹⁴. FDI plays a key role in the globalization process in terms of financing, transferring of skills, knowledge and technology between countries.¹⁵ The policies of the Indian Government seek to encourage investments in domestic infrastructure from both local and foreign private capital.¹⁶

Foreign Direct Investment (FDI) is an investment directly into production and services in a country by a company located in another country, either by buying a company or by expanding business in that country. It is a mode of doing business in a foreign country. Foreigners may subscribe to shares and debentures of another country's concerns¹⁷. FDI ensures a huge amount of domestic capital, production level, and employment opportunities in the developing countries, which

is a major step towards the economic growth of the country. The effects of FDI are by and large transformative¹⁸. The past three decades have observed significant growth in global diversification by multinational corporations¹⁹ need huge amount of capital investment.²⁰ FDI is the main source for capital formation in India²¹. India is ranked 100th out of 190 economies on the ease of doing business. 156th ranked in Starting a Business, 181st ranked in Dealing with Construction Permits, 29th rank in Getting Electricity, 154th ranked in Registering Property, 29th ranked in Getting Credit, 4th ranked in Protecting Minority Investors, 119th ranked in Paying Taxes 146th ranked in Trading across Borders, 164th ranked in Enforcing Contracts and 103rd ranked in Resolving Insolvency of business in India²².

The Government has taken various economic reforms²³ measures to make a path way to open new sectors so as to attract foreign direct investment. FDI policy modifications are introduced to bring ease of doing business and gear up the velocity of foreign investment in India²⁴. Indian emerging markets and attractive investment opportunities force external investors to invest in Indian economy.²⁵ Indian government incentives to foreign investors²⁶ to attract and promote foreign direct investment in order to supplement domestic capital²⁷, technology and skills²⁸, for accelerated economic growth²⁹. Liberalization of policies³⁰ plays a significant role³¹ foreign capital³² inflows rising steadily³³ for economic development³⁴, economic growth in the host economy³⁵ and across the world³⁶.

India wants to achieve rapid growth by attracting foreign direct investment (FDI) in a top priority³⁷. FDI has boomed in post-reform India.³⁸ Policy framework for FDI³⁹ is predominant and vital factor⁴⁰ for immediately identifies and implements⁴¹ reforms like interest loan subsidies, removal of restrictions, Double Tax Avoidance Agreements (DTAAs)⁴², tax exemptions, availability of cheap and skilled manpower⁴³, development of infrastructure⁴⁴, organizing investors' summits⁴⁵, economic reforms⁴⁶, liberalize the trade policies⁴⁷, to attract foreign investors⁴⁸

are necessary change to the regulatory environment in India.⁴⁹

Significance of the study

Foreign direct investment plays an important role of bridging the gap between the available resources or funds and the required resources or funds⁵⁰. FDI is a tool for economic growth through its strengthening of domestic capital, productivity and employment⁵¹. The new government policies are simple, transparent and promote domestic and foreign investment. India's abundant and diversified natural resources, its sound economic policy, good market condition and high skilled human resources make it a proper destination for FDI. After long years of journey FDI was also introduced in various sectors and states in India. The Investment of FDI in various states and sectors leads to rapid growth of Indian economy.⁵² in this backdrop this research significant it analysis an important role of FDI in the long-term development of a country not only as a source of capital but also for enhancing competitiveness of the domestic economy through transfer of technology, strengthening infrastructure, raising productivity and generating new employment opportunities.

Importance of the study

Since the implementation of economic liberalization policies in the early 1990s, India has recorded one of the most rapid growth economies in the world⁵³. Globalization process has completely changed the problem of capital availability in contemporary economy⁵⁴. With the introduction of the new economic policy, Indian economy has accepted the challenges of facing globalization of the economy⁵⁵ and opened up new avenues for the development of this important sector of Indian industries⁵⁶. After globalization of Indian economy there is a greater need of foreign capital in India⁵⁷. FDI can play an important role in modernizing a national economy and promoting economic development⁵⁸. Most developing countries consider FDI a vital source for their development⁵⁹. Developing and emerging market economies' increasing participation in FDI inflows over

the past two decades⁶⁰ shows increasing competition⁶¹, capital accumulation⁶² and increased tax revenues for the host country⁶³.

In the last decade, and beginning of the 21st century, one of the most infamous features of the new trends to Foreign Direct Investment (FDI) has been the improved contribution of developing economies in the world economy⁶⁴. This comparative importance is not only associated with their position in the world trade, but also, in terms of the flow of new competitive companies operating globally, in different forms; sale subsidiaries, production subsidiaries and acquiring high competitive firms in developing countries.

Review of the literature

N.J.Saleena (2013)⁶⁵ Concluded that FDI has positively influenced the growth of services export in the Indian economy, after the liberalization period.

Vrinda Gupta (2017)⁶⁶ suggested that though the national and sub-national governments should invest on generating human capital, attention should be given to improve the labor market conditions, physical infrastructure, and scale of economic activities.

Pradhan, J.P., V. Abraham and M.K. Sahoo (2004)⁶⁷ evaluated the employment and wage effects of FDI in Indian manufacturing. The findings suggested that foreign firms do not have any adverse effects on the manufacturing employment in India as compared to their domestic counterparts while they significantly pay relatively higher to their workers.

Reetu Sharma and Nikita Khurana (2013)⁶⁸ found that, Indian economy is mostly based on agriculture. So, there is a most important scope of agriculture services. Therefore, the foreign direct investment in this sector should be encouraged.

Mahanta Devajit (2012)⁶⁹ investigated the impact of FDI on economic growth in India and suggested FDI needed for its sustained economic growth and development through creation of jobs, expansion of existing manufacturing industries, short and long term project in the

field of healthcare, education, research and development (R & D) etc.

Shiva S. Makki and Agapi Somwaru⁷⁰ analyzed the role FDI and trade in economic growth of developing countries. It showed that FDI and trade contribute toward advancing economic growth in developing countries.

Research Gap

This study has examined many national and international research articles, research studies, research journals, working papers, books, policy documents, local and international news papers and seminars edited publications relating Indian Corporate Sectors and FDI in India. In these surroundings the current research diverges from the early researches in numerous ways and contributes the existing literature.

Research methodology

The present research study methodologies are data collections relating Indian corporate sectors, FDI and tools used for analysis and interpretation of data. The primary focuses with the data collection and the secondary parts deals statistical tools used for the purpose of analyzing and interpretation of data.

Data collection

This study carried out exploratory nature with the help of the secondary data. It contains the necessary data collected and compiled from already published international and national sources. The sources include the annual reports and other reports published by the various international organizations, newsletters, Ministry of Corporate Affairs, Circulars of RBI monthly Bulletins and the RBI Annual Reports, Department of Economic Affairs, SEBI, Department of Industrial Policy and Promotions Reports, Ministry of Commerce and Industry, Government of India and Economic survey of India.

Statistical tools used

This study has been carried out descriptive and exploratory nature with the help of the secondary data. In order explain the outcome of the study

results and interpretations of data by using tables, charts, graphs and descriptive statistical tools of averages and percentages. This present's research study period covers FDI equity inflows in India from April, 2000 to June, 2018 and Companies Registered as on 30th June, 2018 in India.

Objectives of the study

The following are the main objectives of the study;

1. To assess the State/UT-Wise and economic activity-wise registered and active companies as on 30th June, 2018 in India.
2. To examine share of top investing countries and sectors attracting highest FDI equity inflows in India from April, 2000 to June, 2018
3. To investigate the statement on RBI's regional offices (with state covered) received FDI equity inflows in India from April, 2000 to June, 2018.
4. To study the growth of financial year-wise FDI equity inflows from April, 2000 to June, 2018.

Results and Discussions

Total Number of Registered Companies as on 30th June 2018 in India

Table 1: Total Number of Registered Companies as On 30th June 2018 in India

1	Companies Registered as on 30th June 2018	17,79,761
2	Number of Closed Companies	5,43,467
i	No. of Companies Liquidated/Dissolved	10,532
ii	No. of Companies Defunct/ Struck-off (Section 248 of CA, 2013)	4,97,742
iii	No. of Companies Amalgamated/merged	21,367
iv	No. of Companies Converted to LLP	9,032
v	No. of Companies Converted to LLP and dissolved	4,794
3	Number of Companies lying dormant u/s 455 of Companies Act, 2013	1,390
4	Number of Companies under Liquidation	6,117
5	Number of Companies which are under the process of Section 248 of the Companies Act, 2013	38,858
6	Number of Companies lying AIPG (Active in Progress)	103
Number of Active companies		11,89,826
Of which		
Companies Limited by Shares		11,81,877
Companies Limited by Guarantees		7,518
Unlimited Companies		431

Source: MCA, MIB, June 2018.

Table 1 presents the summary picture of companies count as on 30th June, 2018. Its stood at 17,79,761. Of them 5,43,467 companies were closed. 1,390 companies were assigned dormant status as per the Companies Act, 2013; 6,117 were under liquidation; 38,858 companies were in the process of being struck-off. After being struck off previously, 103 companies were in the process of being re- activated. Taking the above into account, there were 11,89,826 active companies as on 30th June 2018. Out of the 543,467 closed companies, 10,532 companies were liquidated/dissolved; 497,742 companies

were declared defunct (and hence struck-off after issuance of notice u/s 248). 21,367 companies were amalgamated/ merged with other companies; 9,032 companies were converted to Limited Liability Partnership (LLB) and 4,794 were converted to LLP and dissolved. Out of the 11,89,826 active companies, 11,81,877 were limited by shares; 7,518 were limited by guarantee and 431 were unlimited companies. Out of the companies limited by shares, 71,506 were public, 11,10,371 were private including 18,153 one person companies. Among the public limited companies, 7,213 were listed⁷¹.

State/UT-wise status of companies registered as on 30th June, 2018 in India

Table 2: State/UT-wise Status of Companies Registered as on 30th June , 2018 in India

Sl. No.	State	Registered	Closed	Dormant u/s 455 of CA, 2013	Under Liquidation	Under Struck-off	AIPG	Active	% of share
1	Maharashtra	3,53,556	1,13,014	180	1,703	4,470	38	2,34,151	20%
2	Delhi	3,22,044	98,849	243	793	5,867	6	2,16,286	18%
3	West Bengal	1,97,823	57,757	181	697	4,850	2	1,34,336	11%
4	Tamil Nadu	1,36,650	54,895	111	368	3,360	16	77,900	7%
5	Uttar Pradesh	95,546	20,940	55	218	1,494	5	72,834	6%
6	Telangana	98,754	25,994	41	235	1,171	12	71,301	6%
7	Karnataka	1,07,424	35,368	81	539	1,817	4	69,615	6%
8	Gujarat	96,003	28,828	30	609	3,198	5	63,333	5%
9	Rajasthan	54,933	15,209	22	81	2,219	1	37,401	3%
10	Kerala	48,253	15,236	125	300	313	2	32,277	3%
11	Haryana	40,393	7,471	67	47	818	-	31,990	3%
12	Andhra Pradesh	28,432	6,112	17	53	278	4	21,968	2%
13	Bihar	29,203	4,289	22	41	3,303	3	21,545	2%
14	Madhya Pradesh	36,509	13,435	18	89	1,705	-	21,262	2%
15	Punjab	29,769	12,240	14	120	247	-	17,148	1%
16	Odisha	23,474	8,074	147	61	132	-	15,060	1%
17	Jharkhand	12,606	1,858	3	12	775	1	9,957	1%
18	Chandigarh	14,150	5,991	11	56	168	-	7,924	1%
19	Chhattisgarh	9,398	2,182	8	1	87	1	7,119	1%
20	Assam	10,706	3,103	-	14	1,102	-	6,487	1%
21	Uttarakhand	7,036	1,688	3	15	306	-	5,024	0%
22	Goa	8,297	3,393	6	15	657	-	4,226	0%
23	Himachal Pradesh	5,868	2,105	3	20	122	-	3,618	0%
24	Jammu & Kashmir	5,159	2,175	-	17	117	-	2,850	0%
25	Puducherry	3,082	1,769	1	6	11	-	1,295	0%
26	Meghalaya	1,008	370	-	1	59	-	578	0%
27	Manipur	680	162	-	-	32	1	485	0%
28	Dadra & Nagar Haveli	501	96	-	-	10	-	395	0%
29	Tripura	462	103	-	-	33	-	326	0%
30	A&N Islands	411	81	-	-	3	2	325	0%
31	Arunachal Pradesh	563	257	1	2	57	-	246	0%
32	Daman and Diu	367	84	-	3	37	-	243	0%
33	Nagaland	549	277	-	1	32	-	239	0%
34	Mizoram	135	59	-	7	-	-	69	0%
35	Lakshadweep	15	3	-	-	1	-	11	0%
36	Sikkim	2	-	-	-	-	-	2	0%
Total		17,79,761	5,43,467	1,390	6,117	38,858	103	11,89,826	100%

Source: MCA, MIB, June 2018.

The table 2 indicates that the State/UT-wise status of companies registered as on 30th June, 2018 in India. State/UT-wise distribution of registered companies indicates that Maharashtra has the highest number of companies (353,556), followed by Delhi (322,044) and West Bengal

(197,823). Amongst 'Active Companies', Maharashtra has the maximum number of active companies (234,151) (20%), followed by Delhi (216,286) (18%) and West Bengal (134,336) (11%) as on 30th June, 2018.

Economic Activity-wise Active Companies as on 30th June, 2018 in India

Table 3: Economic Activity-wise Active Companies as on 30th June, 2018 in India

Sl. No	Economic Activity	Private		Public		Total	
		Number	Authorized Capital (in Rs. Crore)	Number	Authorized Capital (in Rs. Crore)	Number	Authorized Capital (in Rs. Crore)
I	Agriculture	31,340	23,455.36	3,015	34,236.10	34,355	57,691.46
II	Industry	340,041	1,003,566.18	27,636	2,382,958.64	367,677	3,386,524.82
1	Manufacturing	215,688	571,638.05	19,935	900,919.16	235,623	1,472,557.21
i	Metals & Chemicals	75,878	212,771.18	8,607	368,329.48	84,485	581,100.66
ii	Machinery & Equip	50,716	226,246.80	3,704	402,902.78	54,420	629,149.59
iii	Textiles	29,863	38,928.87	3,043	56,299.49	32,906	95,228.36
iv	Food stuffs	29,341	56,193.05	2,712	40,799.47	32,053	96,992.52
v	Paper products	13,656	14,821.76	942	15,782.95	14,598	30,604.71
vi	Others	10,993	15,682.83	527	13,524.93	11,520	29,207.76
vii	Leather & products	2,746	3,520.02	211	1,911.68	2,957	5,431.70
viii	Wood Products	2,495	3,473.52	189	1,368.40	2,684	4,841.92
2	Construction	100,896	222,094.88	5,060	275,673.06	105,956	497,767.94
3	Electricity, Gas	12,250	166,062.29	1,829	1,144,326.15	14,079	1,310,388.43
4	Mining & Quarrying	11,207	43,770.97	812	62,040.27	12,019	105,811.24
III	Services	728,531	1,013,873.02	40,122	1,657,354.55	768,653	2,671,227.57
1	Business Services	359,330	395,582.68	11,212	630,333.60	370,542	1,025,916.29
2	Trading	147,214	207,868.96	6,705	111,022.61	153,919	318,891.57
3	Real Estate	71,278	90,036.06	3,648	39,419.61	74,926	129,455.67
4	Community	67,893	81,966.53	4,131	137,985.39	72,024	219,951.91
5	Finance	48,167	180,955.78	12,661	406,602.68	60,828	587,558.46
6	Transport & Comm	33,907	54,768.91	1,592	281,630.95	35,499	336,399.86
7	Insurance	742	2,694.10	173	50,359.71	915	53,053.81
IV	Others	15,927	41,955.38	3,214	139,855.72	19,141	181,811.10
	Total	1,115,839	2,082,849.94	73,987	4,214,405.02	1,189,826	6,297,254.95

Source: MCA, MIB, June 2018.

The table 3 clearly indicates that total number of active companies in sectors wise as on 30th June, 2018. It shows maximum of number of active companies are in services sectors 7,68,653 (65%), followed by industry sectors (3,67,677) (31%), agriculture and allied activities sectors (34,355) (3%) and remaining active companies are in other sectors (19,141) (2%). It shows

maximum of number of active companies authorized capital (in Rs. Crore) are in industry sectors (3,386,524.82) (54%), followed by services sectors (2,671,227.57)(42%), other sectors (1,81,811.10) (3%) and rest of the active companies are in agriculture and allied activities sectors (57,691.46) (1%).

Financial Year-Wise FDI Equity Inflows from April, 2000 to June, 2018**Table 4: Financial Year-Wise FDI Equity Inflows from April, 2000 to June, 2018**

S. No	Financial Year	Amount of FDI Inflows		%age growth over previous year (in terms of US \$)
		In RsCrores	In US\$ Million	
1	2000-01	10,733	2,463	-
2	2001-02	18,654	4,065	(+) 65 %
3	2002-03	12,871	2,705	(-) 33 %
4	2003-04	10,064	2,188	(-) 19 %
5	2004-05	14,653	3,219	(+) 47 %
6	2005-06	24,584	5,540	(+) 72 %
7	2006-07	56,390	12,492	(+) 125 %
8	2007-08	98,642	24,575	(+) 97 %
9	2008-09	1,42,829	31,396	(+) 28 %
10	2009-10	1,23,120	25,834	(-) 18 %
11	2010-11	97,320	21,383	(-) 17 %
12	2011-12	1,65,146	35,121	(+) 64 %
13	2012-13	1,21,907	22,423	(-) 36 %
14	2013-14	1,47,518	24,299	(+) 8 %
15	2014-15	1,89,107	30,931	(+) 27 %
16	2015-16	2,62,322	40,001	(+) 29 %
17	2016-17	2,91,696	43,478	(+) 9 %
18	2017-18	2,88,889	44,857	(+) 3 %
19	2018-19# (up to June-18)	85,180	12,752	-
Cumulative Total (from April 2000 to June 2018)		2,161,625	3,89,722	-

Source: MCA, MIB, June, 2018

The table 4 shows that the Financial Year-Wise FDI Equity Inflows from April, 2000 to June, 2018 total amount of FDI equity inflows in Rs in crores (21, 61,625) and in US\$ Millions (3,89,722) received in India. During the study period out of 18 financial years, 13 financial years shows

positive growth of FDI equity inflows compared with previous inflows rest of the 4 financial year's results positive indicates negative of FDI equity inflows in India during the financial year April 2000 to June 2018.

Share of Top Investing Countries FDI Equity Inflows from April, 2000 to June, 2018**Table 5: Share of Top Investing Countries FDI Equity Inflows from April, 2000 to June, 2018**

Ranks	Country	Cumulative Inflows Amount Rupees in Crores	% age to total Inflows in Crores	Cumulative Inflows US\$ in Million	% age to total Inflows US\$ in Million
1	Mauritius	698,498	32%	129,073	33%
2	Singapore	436,914	20%	73,289	19%
3	Japan	158,521	7%	28,160	7%
4	U.K.	135,373	6%	26,086	7%

Ranks	Country	Cumulative Inflows Amount Rupees in Crores	% age to total Inflows in Crores	Cumulative Inflows US\$ in Million	% age to total Inflows US\$ in Million
5	Netherlands	140,846	7%	24,318	6%
6	U.S.A.	126,362	6%	22,765	6%
7	Germany	60,410	3%	10,990	3%
8	Cyprus	49,672	2%	9,612	2%
9	France	34,346	2%	6,298	2%
10	UAE	33,529	2%	5,841	2%
Top 10 FDI Inflows		1,874,471	87%	336,432	87%
Other Countries		287,153	13%	53,289	13%
Total FDI Inflows		2,161,624	100%	389721	100%

Source: DIPP, Fact Sheet April 2000 To June, 2018

The table 5 clearly explains that the Share of top investing countries FDI Equity inflows from April, 2000 to June, 2018 indicates that the Mauritius ranked as first position in invested cumulative inflows amount Rupees in Crores (698,498) and cumulative inflows US\$ in Millions (129,073). It is contributed totally 33% FDI Equity Inflows into India. Followed by Singapore secured as

second position in invested cumulative inflows amount Rupees in Crores (436,914) and cumulative inflows US\$ in Millions (73,289). It is contributed totally 19% FDI Equity Inflows into India. Followed by Japan ranked as third position in invested cumulative inflows amount Rupees in Crores (158,521) and cumulative inflows US\$ in Millions (28,160).

Share of Top Sectors Attracting Highest FDI Equity Inflows from April, 2000 to June, 2018

Table 6: Share of Top Sectors FDI Equity Inflows from April, 2000 to June, 2018

Ranks	Sectors	Cumulative Inflows Amount in Rs. Crore	% age to total Inflows in Rs. Crore	Cumulative Inflows (US\$ in Millions)	% age to total Inflows (In terms of US\$)
1	Services Sector	375,937	17%	68,617	18%
2	Computer Soft & Hardware	185,813	9%	32,230	8%
3	Telecommunications	180,593	8%	31,751	8%
4	Construction Development	118,331	5%	24,865	6%
5	Trading	123,574	6%	20,184	5%
6	Automobile Industry	109,232	5%	19,291	5%
7	Drugs & Pharmaceuticals	83,071	4%	15,829	4%
8	Chemicals	82,688	4%	15,387	4%
9	Power	76,926	4%	14,179	4%
10	Construction (infra)	81,715	4%	13,109	3%
Top 10 FDI Inflows		1,417,880	66%	255,442	66%
Other Sectors		743,744	34%	134,279	34%
Total FDI Inflows		2,161,624	100%	389721	100%

Source: DIPP, Fact Sheet April 2000 To June, 2018

The above table 6 reveals that the share of top sectors attracting highest FDI equity inflows from April, 2000 to June, 2018 into India. This result of the study indicates that the highest amount of highest FDI equity inflows attracted by services sectors 18%,

followed by Computer Software & Hardware sectors 8% secured as second position. Third place secured by Telecommunications sectors 8% of inflows, followed by Construction Development sectors 6% FDI equity inflows into India.

RBI's Regional Offices (With State Covered) Received FDI Inflows

Table 7: Statement On RBI's Regional Offices (With State Covered) Received FDI Inflows from April 2000 to June 2018

SNo	RBI's - Re- gional Office	State covered	Amount Rupees in Crores	(US\$ in Mil- lions)	%age to total Inflows (in terms of US\$)
1	Mumbai	Maharashtra, Dadra & Nagar Haveli, Daman & Diu	650,129	118,134	30%
2	New Delhi	Delhi & Haryana	448,400	79,760	20%
3	Bangalore	Karnataka	190,354	32,721	8%
4	Chennai	Tamil Nadu, Pondicherry	160,497	27,953	7%
5	Ahmedabad	Gujarat	107,316	19,155	5%
6	Hyderabad	Andhra Pradesh	92,131	16,487	4%
7	Kolkata	West Bengal, Sikkim, Andaman & Nicobar Islands	26,499	4,782	1%
8	Kochi	Kerala, Lakshadweep	11,192	1,973	0.50%
9	Jaipur	Rajasthan	9,502	1,673	0.40%
10	Chandigarh	Chandigarh, Punjab, Haryana, Him- achal Pradesh	7,273	1,472	0.40%
11	Bhopal	Madhya Pradesh, Chattisgarh	7,355	1,407	0.40%
12	Panaji	Goa	4,835	970	0.30%
13	Kanpur	Uttar Pradesh, Uttaranchal	3,732	680	0.20%
14	Bhubaneswar	Orissa	2,558	490	0.10%
15	Patna	Bihar, Jharkhand	671	113	0.03%
16	Guwahati	Assam, Arunachal Pradesh, Mani- pur, Meghalaya, Mizoram, Nagaland, Tripura	556	110	0.03%
17	Jammu	Jammu & Kashmir	39	6	0
18	Region Not Indicated		438,052	81,713	21%
Sub. Total			2,161,090	389,599	
RBI'S-NRI Schemes (from 2000 to 2002)			533	121	-
Grand Total(from April, 2000 to June, 2018)			2,161,624	389,721	

Source: DIPP, Fact Sheet April 2000 To June, 2018

The table 7 shows that the RBI's Regional Offices Received FDI Equity Inflows from April, 2000 to June, 2018. This study results indicates that the Mumbai RBI's Regional Offices includes the state of Maharashtra, Dadra & Nagar Haveli and Daman & Diu totally attracted 30% FDI Equity

Inflows into India, followed by New Delhi RBI's Regional Offices includes the state of Delhi, Part of Up and Haryana attracted 20% FDI Equity Inflows into India. Bangalore RBI's Regional Offices includes state of Karnataka attracted 8% FDI Equity Inflows into India.

Major findings of the study

The major findings of the study as follows;

- Total number of companies registered shows that 17,79,761. Out of this 11,89,826 active companies as on 30th June, 2018 in India.
- State/UT-wise registered and active companies indicates that Maharashtra has the maximum number of active companies (20%), followed by Delhi (18%) and West Bengal (11%).
- It shows maximum of number of active companies are in services sectors private (65%), public (54%) and total (65%), followed by industry sectors private (30%), public (37%) and total (31%). Agriculture and allied activities private (3%), public (4%) and total (3%) and other sectors private, (3%) public (4%) and total (2%).
- It shows maximum of number of active companies authorized capital (in Rs. Crore) are in industry sectors private (48%), public (57%) and total (54%), followed by services sectors private (49%), public(39%) and total (42%), other sectors private(2%), public(3%) and total (3%) and agriculture sectors private(1%), public(1%) and total (1%).
- It shows maximum of number of total active companies authorized capital are in up to 1 lakh (34.65%), followed by above 1 lakh to 5 lakh(16.67%) and above 5 lakh to 10 lakh (15.73%).
- During the study period out of 18 financial years, 13 financial years shows positive growth of FDI equity inflows compared with previous years inflows rest of the 5 financial year's results indicates negative growth of FDI equity inflows in India.
- It also indicates that share of ten top FDI equity inflows countries contributed totally 87% and rest of the countries contributed remaining 13% FDI equity inflows into India.
- Total top 10 sectors FDI equity inflows attracted nearly 66% and rest of the sectors

attracted 34% of total FDI equity inflows into India.

- RBI's Regional Offices of Mumbai, New Delhi, Bangalore, Chennai, Ahmadabad, Hyderabad and Kolkata attracted 75% and rest of the Regional Offices attracted 25% of FDI Inflows.

Conclusion

This research study finally suggested that Government of India, State and Union territories governments, RBI, Ministry of finance and DIPP should not focus only in the top ten sectors FDI inflows only but also necessary to attract FDI inflows from rest of the sectors. It's also suggested that governments and various FDI promotional organization should not focus only in the top ten countries FDI inflows only but also necessary to take various special incentives for rest of the countries by taking various economic reforms like interest loan subsidies, removal of restrictions, Tax holiday, tax exemptions, changes in labour law, development of infrastructure facilities for starting business, organizing foreign investors summits and liberalize the trade policies. It will yield good amount of return in future FDI inflows into India. This will bring into lot direct and indirect benefits economic development. This research study concluded that the growth of Indian corporate sectors resulted into number of new companies being set up will increase over a period of time as new business opportunities emerge and new technological frontiers are scaled in existing and in future. Many companies from various sectors in India and states/UT are now attracting FDI inflows that will grow big in the future. It is clear that the Indian corporate sectors and FDI inflows would contribute significantly to Indian economy development.

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Political History of Kullu State During the British Raj



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Abstract

The present study was delved to trace out the Political history of Kullu state (H.P) in the British raj. The data is based on historical facts which was available in the form of gazetteers & land revenue settlement reports, and census reports. The findings from the mentioned sources brings out the political history of kullu state during the British raj. During the span of a century, a number of improvements came to be made in the social & economic life of the people of Kullu state. Most of these improvements were partly the result of the forces that were unleashed by the British Raj & partly became possible because of the socio-economic, administrative & political changes made by the British. How did these changes influence the life of people, though from an interesting area of study, had not received proper attention. An attempt has been made to trace out the political history of Kullu State during the British raj.

Keywords: Political, History, Kullu, British, Conditions, Raja

Introduction

In this paper, an effort has been made to trace the political past of Kullu. Information about the earlier history of Kullu is quite sketchy, conjectural and unreliable. From about the 15th Century AD. Greater details become available. But as the paper deals with British period only, discussion in the paper mainly centers around the political developments of the 19th & 20th Centuries.

In recent years, there has been a great emphasis on research on the socio-economic and political conditions of Indian states. During the British Raj have been and varied attempts to explore the socio-economic and political past at the national and regional levels. In the process of building the socio-economic past of the country, research on the regional units has assumed new dimensions as socio-economic and political conditions continued to vary from region to region because of the play of both natural and

historical factors. Thus, still greater attention and efforts are needed to study the intra regional socio-economic and political similarities and dissimilarities or variations to knit a clearer picture of the life of the people at the provincial and national levels. It is in the light of this, that an attempt is being made to study the political conditions of the people of Kullu State during the British periods i.e. between 1846 to 1947.

As a result of the victory of the British in 1846 in the first Anglo-Sikh war. Jullundhur Doab and the hill territory lying between Sutlej and Ravi were annexed to the British empire. As a result, of it Kullu alongwith Kangra, Lahaul and Spiti came under the direct control of the British. Soon these areas were clubbed together and formed into a district and these continued to be administered directly by the British until 1947 when India got independence. Since there were wide variation in the geographical setting, socio-economic and political conditions of the people inhabiting Kullu, Lahaul and Spiti and Kangra Proper, it has

been thought advisable to undertake research separately on each region that is culturally and traditionally homogeneous. So the present paper has been restricted to study the Pol. Conditions of the erstwhile Kullu state.

The material at our disposal for reconstructing the early political history of Kullu is scanty and full of conjectures.¹ As such it is not possible to trace a continuous account of the state right from its coming into existence. Hiranand Shastri in one of the annual reports of the archaeological survey of India has no doubt given an interesting account of a Vansavali or the genealogical role of the rajas but this is also of limited help and in certain respects has been regarded as unreliable or open to suspicion.²

J.B. Lyall in this context has stated that there is undoubtedly much confusion in the document, which weakens its reliability, more especially in the older portion dealing with the Pal dynasty, and for which we unfortunately possess little corroborative evidence of any kind. It is probably because of this reason, he says that the history of the state really begins with the reign of Raj a Sidh Singh, the founder of the Badani dynasty, so far as the Singh or Badani dynasty³ is concerned, however, the Vansavali is corroborated by copper plate deeds and inscriptions, as well as references in the Tibetan records, Mughal histories, and the Vansavali of neighbouring hill states.

The only important information that one gets prior to A.D 1500 is that Kullu like other hill states was also of great antiquity going on far back as Pandvas. Besides this some information about the Pal and Singh Dynasty also becomes available from the Vansavali. In the Vansavali, it is stated that, the founder of the palline of the rajas in Kullu is believed to have come from the plains. The earlier seat of the family is said to have been at Prayag or Allahabad. From there they migrated into the mountains of Almoraj, and after sometime moved westwards and conquered Mayapuri or Hardwar, where they settled. They are also said to have extended their rule over the territory now in Suket and Mandi, and at an early period a cadet of the family,

named Behangamini Pal, is traditionally believed to have founded Kullu State.⁴ It can not be denied that the history of Kullu in the real sense of the term can be constructed only from the year A.D 1500. J.B. Lyall, the settlement Officer, Kangra district including Kullu has also categorically stated so. Between A.D. 1500 and 1840, the important rulers who ruled Kullu were Kelas Singh, Sidh Singh (Bahadur Singh, Pertab Singh, Purbat Singh, Prithi Singh, Kalian Singh, Juggut Singh, Bodh Singh, Manu Singh, Raj Singh, Jae Singh, Dedhi Singh, Prithum Singh and Brikhama Singh.⁵

Mughal Supremacy

With the advent of Mughal rule, all the hill states were compelled to bow to a foreign yoke, and right from the Akbar's reign serious attempts began to be made to bring them within the Mughal fold. During the reigns of Jahangir and Shahjahan the Mughal Empire attained to the zenith of its power, and as G.C. Barnes remarks, "the vigour and arrangement manifest in every branch of the government was felt and acknowledged even to this (Kangra) extremity of the Empire, The Hill rajas quietly settled down into the position of tributaries and the edicts of the emperor were received and executed with ready obedience."⁶

At the same time all accounts agreed that the imperial authority sat very lightly on them*. Their prerogatives were seldom questioned and there was no interference in their internal affairs. Indeed throughout the entire period of Mughal supremacy the hill chiefs seem to have experienced liberal and even generous treatment. They were left to themselves in the government of their principalities and were allowed to exercise the functions and wield the power of independent sovereigns. They built forts and waged war on one another without any reference to the Emperor, and sometimes even asked and received assistance in men and arms for this purpose from the Mughal Viceroy. Each chief on his accession had to acknowledge the supremacy of the emperor by the payment of the fee of investiture after which he received a sanad or patent of installation with a Khilat or dress of

honour,, from the Imperial court,, A yearly tribute called nazarana or peshkash was exacted from the states, and this amounted to four lakhs of rupees in case of the Kangra group in the reign of Shahjahan.⁷

In letters and other documents the chiefs were addressed as Zamindars and sometimes as Raj. the title of Raja being conferred only as a personal distinction and usually in recognition of service. On the decline of the Mughal Empire and the transfer of the Punjab and hill states to the Afghans, in 1752s the hill states came under the supremacy of Ahmad Shah Durani, but the Durani control was never more than nominal in the eastern states. The latter, in A.D.,1758, he appointed Raja Ghamand Chand to the office of governor of the Jullundhar Doab, who also sought to acquire the supremacy over the whole of the Kangra group of States,, In this design,, however, he was thwarted by the Sikh in roads into the hills, which began soon after 1760: and in the general confusion most of the hill states recovered their independence, Some bigger states even tried to increase their dominions at the cost of weaker states. Kullu also became a victim to the design of their neighbouring rulers In Chamba archives there existed an agreement in Tankari between Raja Shamsheer of Mandi; his son, Mian Surma Sen; Raja Sansar Chand of Kangra and Raja Raj Singh of Chamba, to attack Kullu and seize Banghal, and divide it equally among them, each taking the portion nearest to his own territory. The document is dated 1 Magh Vik. 1834 = A.D. 1778.⁸

Kullu under Sikhs

In 1806, however the feeling of resentment against Sansar Chand reached a climax in consequence of his attack upon Kahlur (Bilaspur), and a confederacy of all the Hill States as far west as the Ravi was formed against him. Communications were open with the Gurkha leader, Amar Singh Thapa, and he agreed to cross the Sutlej and invade Kangra. Moorcraft stated that the Katoch army had been weakened by the dismissal of old mercenaries, and the engagement of less efficient men on smaller pay.⁹

Whatever may be the precise reasons, Sansar Chand was defeated by the Gurkhas assisted by the confederacy, he sought refuge in Kangra Fort. After holding out for four years, he in despair asked, help from Maha Raja Ranjit Singh, the cost of which was the loss of the fort and the independence of his kingdom. In this subjection Kullu and all the other hill states were included. Soon afterwards, probably in 1810, a Sikh force advanced into the Kullu valley to demand tribute, which was paid to the amount of Rs.40,000 Three years later a second demand was made, and not being complied with an army under Diwan Mokham Chand entered the valley by Dulchi Pass, and the amount of Rs., 50,000 being still refused., the Sikhs plundered the capital and looted the treasury.

Mr. Moorcraft was the first European to visit Kullu on his way to Ladakh in 1820* On reaching Mandi he was refused permission by the Sikhs to proceed further, and went to Lahore to wait on Ranjit Singh. Armed with necessary order he returned by Nadaun and Tira—Sujanpur, where he was the guest of Raja Sansar Chand. On his further journey he passed through Baijnath and Guma, and over the Bajaura, or Dulchi Pass into Kullu. Of the Raja he thus speaks, “the Raja of Kullu, Ajit Singh, is at present means used to secure a surrender were probably regarded as perfectly legitimate in the case of a boy of less than ten years of age, and the affairs of the Raj are administered by the Wazir, Sobha Ram, who appears to be a plain and intelligent man, He complains bitterly of the tyranny and exactions of Ranjit Singh, and, in common with all the hill chiefs, is desirous of being taken under British protection.

For nearly twenty years after Mr. Moorcraft's visit, things seem to have moved on quietly in Kullu; the yearly tribute was duly paid, and there was no excuse for invading the state.¹⁰ No opposition was offered, and the force advanced to Sujanpur, the capital of Kullu, For sometime, a posture of friendly relations were kept up by the Sikh leader, and the Raja being unsuspecting was invited to the Sikh headquarters, and was made prisoner. Raja was then told that he would be set at liberty if he gave up the country, on a promise

that he would receive Waziri Parol in Jagir and to this he agreed. Ten days later a portion of the Sikh force marched to take over Saraj, and the Raja was compelled to accompany it, and to order his people to surrender the forts. It is said that the Sikh treated the Raja with great indignity and the report of this treatment aroused strong feelings of anger among his people. With the connivance of the Raja, they attempt to rescue him from the clutches of the Sikhs.

In 1840, Raja Ajit Singh was conveyed across the Sutlej to his small state of Shangri, which was under British protection, and where he knew he would be safe from the Sikhs. There he died in September 1841.

Kullu Under British

Kullu remained under the Sikhs until the conclusion of the first Anglo-Sikh war. As a result of the treaty concluded in March 1846, between the Sikhs and the British the Jullundhar Doab and the hill country between the Sutlej and Ravi, were ceded to the English Government by the Sikhs, and Kullu, with Lahaul and Spiti, became a portion of the new district of Kangra.¹⁰ The commissioner of the Trans-Sutlej States (Mr. John Lawrence) marched up to Sultanpur, and made a Summary Settlement of the country in the Beas valley. About the same time Kullu was again united to the Kangra District, and at the request of the landholders the taluqa of Banghal was separated from it and added to Tehsil Kangra.

The government confirmed Thakur Singh in his title of Raja and gave him sovereign powers within his Jagir of Rupinagar. Thakur Singh of Shangri made a claim at Shimla, but was told to be content with what he had got. He had no son at that time; but one named Hira Singh was born a few years later. On Thakur Singh's death in 1852, there were some questions whether the whole Jagir should not be resumed. As the mother of his only son, Gyan Singh, was not a regular wife, but only a Khawasia it was decided to give him the title of Rai, instead of Raja, and only half the jagir with no political powers; but only three years later on a reconsideration of his claims, the resumed half was given back to him. Government, however,

gave no powers, and reserved to itself the exclusive right to fell and sell timber in the whole Jagir.

The Descendents of the Kullu Raja

Rai Gyan Singh died in 1869, and was succeeded by Rai Dhalip Singh, his son, whom the estate was handed over on his attaining majority in the year of 1883. It had during the interval been under the charge of the court of wards. The young man enjoyed his possessions for nine years only, succumbing in 1892 to an attack of confluent small pox. He left no male issue except a son by a Thakur-Rajputni concubine. To this boy, Megh Singh, the Jagir was continued by Government as a matter of grace. He died on 10th May 1921 and was succeeded by his son, Rai Bhagwant Singh.

Division into Waziris

In the pre-British days the Kullu state including the upper Beas valley, from the Rohtang Pass to Bajaur with Lahaul and a portion of the Sutlej valley was divided into seven waziris or provinces.¹¹

I. Waziri Parol or Kullu Proper: The main Beas Valley from the Rohtang pass to the Phoja Nala; the Malana valley and the right side of the Parbati Nala, from the west of the Malana Nala to its junction with the Beas.

II. Waziri Rupinagar: The tract between the Parbati and Sainj Nalas on the left bank of the Beas, including the whole of the upper Parbati valley tract, known as Kanawar.

III. Waziri Saraj: The southern portion of the state divided into outer and inner Saraj by the Jalori ridge.

IV. Waziri Lag-Maharaja: The right bank of the Sarvari Nala to Sultanpur and of the Beas from there to Bajaur.

V. Waziri Lag-Sari: The tract between the phoja and Sarvari Nalas, on the right bank of the Beas.

VI. Waziri Banghal: A portion of Chhota Banghal.

VII. Waziri Lahaul: The tract was then called British Lahaul.

Administrative Divisions

After the state of Kullu passed on to the British, it was united with the District of Kangra, However, for administrative purposes it was treated as a sub-division of Kangra and an Assistant Commissioner was posted to look after its affairs. He was to be function under the overall

supervision of Deputy-commissioner of Kangra at Dharamsala, The revenue powers of the Assistant Commissioner were those of a collector. Between 1853 and 1917 as many as 44 Assistant Commissioner as given in the table No. 1.1 were appointed.¹²

Table No. 1.1 Showing the officers in charge in Kullu sub-division between 1853 to 1918.

1.	Major Hay	1853 to 1857
2.	Mr. G. Knox	April 1858 to October 1860
3.	Captain Marcer	1861 to 1861
4.	Mr. J.B. Lyall	May 1862 to June 1863
5.	Mr. Jones	1863 to 1863
6.	Captain Smyly	1864 to 1864
7.	Mr. G. Smyth	1865 to May 1866
8.	Mr. W. Coldstream	May 1866 to July 1867
9.	Mr. Chas. Rivoz	1867 to 1868
10.	Mr. W.M. Young	1868 to April 1869
11.	Captain A.F.P. Harcourt	April 1869 to March 1871
12.	Captain C. McNeill	March 1871 to March 1873
13.	Mr. R.I. Bruce	March 1873 to April 1876.
14.	Mr. R. Clarke	March 1876 to April 1878
15.	Mr. G.L. Smith	April 1878 to April 1880
16.	Mr. Alex Anderson	April 1880 to April 1882
17.	Mr. L.N. Dane	April 1881 to Nov. 1884
18.	Mr. Alex Anderson	Nov. 1884 to Jan. 1885
19.	Mr. D.C. Johnstone	Jan. 1885 to Sept. 1887
20.	A.H. Diack	Sept. 1887 to Dec. 1890
21.	Lala Moti Ram (extra Asstt. Commissioner)	Dec. 1890 to April 1891
22.	Mr. A.H. Diak	April 1891 to Nov. 1891
23.	Mr. M.H. Fenton	Nov. 1891 to April 1892
24.	Mr. H.A. Rose	April 1892 to March 1894
25.	Mr. C.M. King	Feb. 1894 to March 1896
26.	Mr. P.D. Agnew	March 1896 to Sept. 1897
27.	Mr. C.H. Harrison	Sept. 1897 to Feb. 1900
28.	Captain B.O. Roe	Feb. 1900 to Nov. 1900
29.	Mr. F. Fewdall	Nov. 1900 to April 1901
30.	Captain B.O. Roe	April 1901 to Oct. 1901
31.	Mr. B.T. Gibson	Oct. 1901 to April 1902
32.	Mr. A.A. Joseph	April 1902 to March 1904
33.	Mr. H. Calvert	March 1904 to July 1905

34.	Mr. R.B. Whithead	July 1905 to Oct, 1905
35.	Mr. H. Calvert	Oct. 1905 to June 1906
36.	Mr. F.W. Skemp	une 1906 to Oct. 1906
37.	Mr. H. Clavart	Oct. 1906 to March 1907
38.	Mr. G.C.L. Howell	March 1907 to Feb. 1910
39.	Mr. J. Coldstream	Feb. 1910 to Nov. 1911
40.	Mr. H. Fyson	Nov 1911 to Jan. 1912
41.	Mr. J. Coldstream	Jan. 1912 TO March 1913
42.	Major H.L. Ferrer	March 1913 to Dec. 1914
43.	Mr. H. Fyson	Dec. 1914 to April 1917
44.	Mr. H.L. Shutworth	April 1917 to Dec. 1918

Thus, the country was controlled first by Pals, then by Rajas and then by the British Government direct.

Conclusion

From the preceding pages of the paper, it becomes quite evident that during a span of a century, there did take place certain significant developments in Kullu. Politically Kullu became a part of British India, & began to be administered on the pattern evolved by the British. Many sub-divisional level administrative & public utility offices like that of P.W.D, health, education were established either at Sultanpur, the earlier capital, or in other parts of Kullu. Similarly, a British-oriented land revenue, police and judicial administrative edifice was raised in the state. All these changes in administration cut across socio-religious and caste barriers to a certain extent, & stressed at least in the theory the principle of equality before law. In a sense these changes encouraged the development of positive rights devoid of uncalled traditional societal constraints.

Historical documents reveal that next to Kashmir & Kangra; Kullu was probably the most ancient state in the Punjab. The name Kullu has been identified with Kulutas; this is probably a phonetic linkage. The earliest mention of Kuluta is on a coin of the first or second century A.D. In the social & cultural sphere, the change as usual has been very tardy.

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'Context-Specific' Liberty: A Concept of Liberty without Contradictions



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Abstract

Liberty or Freedom, many believe, should be the foundation of any social relation. It is unanimously accepted today that; only a society which is organized on the principle of equal liberty to all, could be a self-developing democratic society. In such a scenario, the meaning we give to the emotion, feeling or discourse of 'freedom' becomes cardinal to build a society which is ideal for living. Recent experiences has shown that, the meaning of freedom given by the common people has started to show its contradictions in the society. We are encountering innumerable instances where, the exercise of liberty of one person is negating the freedom of the other and the state which is expected to ensure equal liberty is found forlorn. This paper tries to locate the reasons for these contradictions on the meaning of 'liberty' in philosophical traditions and tries to develop a 'context-specific' concept of Liberty, a concept of liberty, if internalized will create lesser or no contradictions in the society and will aid in creating contented and happier communities.

Keywords: Liberty, Positive liberty, Negative liberty, Contradictions, Critical theory, Utility

Introduction

Liberty or freedom¹ means different to different persons. For some people it is a license to do what they think right in their life (Usd297.org, 2017), for school students it is there when they play on ground during exams (Dewan, 2017), for political philosophers and scholars, it is either absence of restraints or maintenance of an atmosphere where people can realise their individuality (Laski, 2014). This concept of liberty is paramount in building the political economy of modern era, manifesting itself in democratic institutions, free media, free market etc. And in return these manifestations, through discourses,² reaffirm this meaning of liberty in the minds of all social actors in the society knit by these social institutions; who in turn reweave the same meaning with the manifestations along with the changing social relations.³ All the discourses that common people encounter in the society are understood by them with the meaning they give to such a discourse, which they learned through involuntary socialisation or through voluntary

socialisation like formal education etc. Hence the dialectical⁴ liberty is undoubtedly shaped by every one of us knowingly or unknowingly. But today, these perceived freedom of individuals has started to show lots of contradictions in the society, which not only undermines liberty of other individuals but also disrupts the political economy of the region concerned, which itself is a manifestation of these discourses of liberty. This paper analyses the contradiction created in the society by today's discourses of liberty and locates the reason for these contradictions⁵ in the meaning of liberty developed by our famous political thinkers and philosophers and posit a new context-specific concept of liberty, which will create lesser or no contradictions.

Contradictions of today's meanings of liberty in the world

The world was stunned when an individual named Anders Behring Breivik killed at least 92 people in a terror attack at Norway in July

2011. The most stunning element was that, Breivik, few days before the killing, posted the quote of J.S. Mill in his twitter account which read 'One person with belief is equal to the force of 100,000 who have only interests' (Erlanger and Shane, 2011). Mill's passionate defense of 'power of the individual mind' and his eloquent defense of individual freedom have been used by a terrorist to defend his cowardly act! The reasons for such incidents are very simple. For Breivik freedom is 'self-mastery' and he looks within himself to make decisions and the common good he perceived was 'Misinterpreted reactionary Christian' common good⁶ and for him to uphold the Christian values (which he himself defined to his convenience),⁷ he has to wage a war against the state and its political elite.⁸ The emphasis of the individuality; individual rights; and individual values in the liberal society has made people extremely self-centered and egoistic. These social actors who learn this concept of freedom and the resultant egoism during their primary socialisation and through 'peer groups' during their secondary socialisation, successfully apply them in their social, cultural, political and economic activity. From marriage to market, these social actors hence act as an egoistic, self-centered individual. The words like 'rights' and 'freedom' have become the norm in everyday life. People have their own way of defining morality and ritualistically believe that they are right! Family values have completely eroded and individuality has taken control of the social life. In inordinately liberalised country like USA, a study shows that high school education have become low, marriage rates have reduced and births without marriage has increased (Murray, 2013). As Durkheim has shown us in the past, both lack of integration in the society (extreme liberal tendencies) and too much integration in the society (conservative tendencies) are dangerous to the individual and hence to the society (Durkheim, 2006).

The next biggest problem, the world faces today is the idea of free speech. The free speech has grown to that extent that people use it to stress their views on caste, race, gender etc and try

to reaffirm the dominant point of view and try to keep the oppressed always oppressed (Blay, 2017). We all accept that free speech is necessary. But the question is why we misuse the freedom of speech and expression? One of the ways by which we express ourselves is through dressing. We wear anything that we like, anything that we see in the market and call this as an inalienable individual right. But dressing sexily in the public, selling sexy clothes for young girls has many adverse impacts. A recent study has shown that most of the dresses available in the market for young girls in USA are 'sexy' (ScienceDaily, 2011) and informs that 'this has serious implications on how the young girls evaluate themselves according to a sexualized model of feminine physical attractiveness'. As 'objectivity theory' holds this might diminish awareness about internal bodily states and increase anxiety among these girls (Fredrickson and Roberts, 1997).

The question we have to ask ourselves is that, why people become extremely self-centered and why 'freedom' has become mother of all the terrorist and anti-social activities of the world today? Hence, it becomes important for us to understand the meaning given by political scientists and other philosophers of the world to the term 'freedom' or 'liberty', which invariably set the tone for the world's understanding of freedom and its manifestations.

Conceptions of Liberty in Philosophical Traditions

The discourses of freedom find its mention in almost all ancient philosophies. But its meaning has changed considerably to reach the present meaning of liberty as understood by today's world (Miller, 1991). Many thinkers like John Locke, Thomas Hobbes, Rousseau, T.H. Green, J.S. Mill have contributed a lot in such a development. But the concept of liberty has literally been hijacked by a famous thinker Isaiah Berlin during the late 20th century. His classification of liberty or freedom⁹ into negative liberty and positive liberty was accepted worldwide as a brilliant formulation instantly and is still being used in all theory books as the categories of liberty or freedom. Hence

it will be pertinent to start our analyses in the standpoint of negative and positive liberty as formulated by Berlin.

For Berlin, the conception of freedom is 'a desire not to be impinged upon, to be left to oneself' (Berlin, 1971).¹⁰ He distinguishes such a freedom into negative and positive freedoms. For him, the negative freedom is 'absence of restraints'. Before doing an action, when an individual looks at the law of the land and double checks whether he/she is allowed to do the action and then does it, then it becomes negative freedom. Positive freedom is when the individual wishes to be his/her own master who decides the actions on his/her own as a being of the society where he/she is a part of (Berlin, 1971). Before doing an action, when an individual checks whether he/she is justified in doing such an action, an action which he/she deems necessary for his/her self-development as a socio-political being as he/she is and then does it, then it becomes positive freedom. This is the famous conception of negative freedom and positive freedom developed by our political theorists led by Berlin in the field of political theory. Now let's critically examine the two concepts and determine its utility.¹¹

The concept of negative freedom, as Berlin formulates, is one of the first formulations of modern notion of freedom developed by classical liberals like Thomas Hobbes¹² and John Locke. For Hobbes 'freedom is what law permits and wherever law is silent' (Ramaswamy, 2015) and for Locke 'Liberty is to be free from restraints and violence from others, which cannot be, where, there is no law' (Locke, 2004). Both of them are asking us to follow the laws of the land to be free. It is in fact a commendable point where we ask people to obey laws and stress the importance of obeying the laws of the land to enjoy the true freedom. But consider the example of smoking. Consider a country like India where the law of the land bars the individual from smoking in public places. But according to the same law, if the person wishes he/she can smoke in a private place. Let's consider a situation. A woman has left her 2 year old child with her husband in home and has gone

to work asking her husband to take care of the child and avoid smoking when she is away as it would harm their child. The husband desperately wants to smoke as he is a chain smoker and as he starts to lit up his cigar, he finds his child crawling to reach him for attention. Is he in liberty to smoke? So can we smoke before children, even though our own, as the law of the land doesn't bar us? Evaluation of the above example in the light of positive freedom gives still more pathetic results. Berlin writes 'the "positive" sense of the word "liberty" derives from the wish on the part of the individual to be his own master. I wish my life and decisions depend on myself, not on external forces of whatever kind. I wish to be moved by reasons, by conscious purposes which are my own....I wish, above all, to be conscious of myself as a thinking, willing, active being bearing responsibility for my choices...' (Berlin, 1971). So according to Berlin, if a person could rationally explain the reasons to smoke in a public place or smoke before his/her child and if such a justification is true to his/her consciousness, then he/she can smoke! Now I hope we would have understood why people smoke in public places, drive vehicles after drinking liquor, see movies in pirated VCDs etc. We justify all these acts by comparing it with others, by criticising the inefficient and corrupt nature of government and call this as rational! Another small variant of this positive liberty says a person is at liberty if his/her true self which is conscious of the common good controls the lower self which is irrational and impulsive. Famous proponent of this variant is T.H.Green who defines freedom as 'the capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we enjoy in common with others' (Miller, 1991). The biggest problem in such a definition is the problem of locating 'common' good. In most human aggregate, the accepted morality is not universal morality but their own 'cultural' or 'ethnic morality' and it is very difficult to find 'who' or 'which factor' demarcates the boundaries of morality. Hence, if all the people try to be 'free', based on their own 'sectarian' moralities, clash of cultures would be inevitable.

J.S.Mill is one of the writers whose writings had resemblances of both positive and negative liberty. J.S.Mill classifies human actions into self-regarding actions¹³ and other regarding actions.¹⁴ Only in other regarding actions, Mill thinks that the state is justified in curbing one's liberty and in self-regarding actions Mill regards 'Over himself, over his own body and mind, the individual is sovereign' (Mill, 1976). Hence, according to Mill, in actions which is purely self-regarding, the state is not justified in curbing one's liberty. In other words, an individual is given a license to do whatever he/she desires in self-regarding actions. The theory holds well, but, does anything called as 'self-regarding' action, which concerns only our 'self', can exist in this world? Just think a small action of buying a shirt. Think how many people are involved in making and distributing that shirt? The world is so interconnected that even our smallest action other than those driven by biological impulse is directly or indirectly affects other people. Interconnection is so intense that, the collapse of a bank, Lehman brothers in USA had created 'Global financial crises' in 2007-2009 (The Economist, 2013) affecting the lives of billions of people across the world. Also, another important point is that, as G.H.Mead, a famous sociologist summarises, our 'self' and 'identity' are an outcome of our continuous interaction with the outside world and our internal perceptions of such an interaction (Mead, 2015). Hence, we should not forget 'one very simple principle'¹⁵ that Man develops in a society and can develop only in a society. In such a scenario, building an operational definition for 'self-regarding action' is almost impossible.

Theory of Freedom and its 'Utility'

What is a theory? Is theory, just 'a set of logically interrelated propositions and the implications that follow from them which is used to explain some phenomenon' (Johnson, 2000) or 'a set of interrelated definitions and relationships that organises our concepts and understanding of the empirical world in a systemic way' (Scott & Marshall, 2009)? As critical theory (Horkheimer, 2009) holds, a real theory is a theory which tries

'to liberate human beings from the circumstances that enslave them' (Horkheimer, 1982). As we know, the world is characterised by inherent inequalities, which are continuously shaped by the existing power relations and structures. Hence, the facts we get and the propositions we derive from the empirical world might be just an embodiment of such power relations. Hence a theory, which neither critically enquires the facts nor critically examines the propositions, would do nothing, but reaffirm the inequalities already existing in the society. What is the use of a theory which tries to reaffirm the preexisting power relations and does not try to change it? If any social and political theory or a concept once developed, starts to show contradictions in the society because of the inherent contradictions in the theory or its meaning, then such a theory or concept should be critically examined and revised so that it is useful to larger public. A sound theory is the theory, which not only has empirical validity and reliability but also has an inherent ability to foster social change towards creating a happier and contented society which is free of injustice. The soundness of a theory should always be measured in the scale of utility. A theory might be empirically sound and might still be reliable after decades of its formations, but if it starts to show contradictions in the society and hampers the social life, then such a theory should be ready to be changed or altered or completely scrapped for the benefit of the society. The theory of liberty or freedom in philosophical traditions is neither consistent in its meaning nor is devoid of contradictions. Hence such a concept should be rethought and reworked so that it creates lesser contradictions and is useful to a larger public.

'Context-Specific' concept of Liberty

Everyone of us knows, as history has proved us, liberty as a right of an individual is extremely important in the self-development of the individual. However, the point is, how do we understand liberty? Is liberty an absolute right possessed by everyone and can be exercised by them whenever they deem necessary or a

right which should be exercised with caution? The answer lies where we exercise our liberty. As political theory holds, liberty is a right possessed by everyone, but it is exhibited only in a context. The context can be anything, a school, a supermarket, an office, a place of worship etc. Every context has its own set of role expectations from the social actors and the actors generally internalise these expectations and act. Hence, liberty should be understood and defined only within the context, not outside it. Consider a situation. A person is going to a supermarket to buy his groceries for the month with his 3 children, where his wife works as a sales person. Is he free to play around with his children and wife in the supermarket? The context of the supermarket expects the person to act as a buyer and his wife as a seller. If they understand the context clearly, they will understand that they are not free to play here. But once they reach home, all of them are absolutely free to play. Hence freedom defers from context to context and defining it without 'context specific' is futile. Then how can we define freedom? 'Freedom is a right of an individual, which one can exercise only in the context with respect to the roles expected from them in the context'. The role expectations in the context could be governed by anything like morality, law, conventions etc or by all of them simultaneously. The onus lies on the individual to understand the context correctly and act accordingly.

Consider, the very first example we discussed about the freedom of smoking. When we analyse the said situation with the framework of 'negative liberty', the husband can smoke before his child as the law of the land do not bar him from smoking. Similarly, when we analyse the said situation with the framework of 'positive liberty', he can still smoke because he is the sovereign decision maker and if he can reason the act of smoking, which satisfies his conscience. All of us actually have one such ready-made justification to do such mischief. But, evaluate the same situation in the light of the above definition. The role expected from the individual from his wife was

that of a caring father who takes care of their child in the best way possible especially without smoking. The husband would never smoke if he has internalised such a role expectation, which is governed by each other's mutual love and family values (in this case). He will understand that he does not have the liberty to smoke. Hence, liberty is always 'context specific'.

The concept of 'context-specific' should not be confused with common good. The common good held by the positive liberals was almost impossible to ascertain. On the other hand, the context is very easy to realise if we understand the social roles and expectations, as most of the contexts we act involves our family members, friends, office colleagues etc. If two or more actors have different points of view about the expectations prevailing in a context, it could be ascertained through deliberation. Hence, deliberation becomes one of the essential conditions for exhibiting liberty.

Political theory, from the earliest times, has dealt with many different concepts of liberty. All those concepts have created many contradictions in the society which has made us to rethink the concept of liberty devoid of contradictions. It is the need of the hour to produce political theory and concepts which is less abstract and more useful to the larger public. It is not to say that, once such concepts are created, the world will change on its head, nor 'idea' will change the world. But, it is just to emphasise the responsibility of the intellectual class to sow the seed of change even though the discourses we are trying to create will take time to internalise into the minds of the people and its manifestations like market, democratic institutions etc. Keeping the larger social picture in mind, the political theorists should not define liberty such that it increases the individual ego and undermines the social values. Because such discourses of liberty are responsible for the unsafe world that we are living in. Everyone needs the individual liberty, but it should not be over emphasised to hamper our social life. It is the responsibility of all of us to change the meaning of liberty, so that we trigger

social change towards the formation of peaceful communities. The work of the philosophers is not just to interpret the world, but to change it.

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Transhumance to Home Stay Tourism: A Transformation of Cultural and Economic Activities at Lachen Valley, Sikkim



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Abstract

Pastoral nomadism is one kind of occupation practiced by human at the very beginning of domestication of animals. Transhumance (Locally known as gothwala system) occupation is as old as human civilization. Transhumance is a form of pastoralism -an activity performed by herds and herdsmen- where seasonal cyclic movements and utilization of resources in rotational way has practiced. The concept of Home stay is a corollary of ecotourism. Home-stay-based tourism is a new concept that is trying to preserve or revive the ancient culture of hospitality. It provides tourists multi-ethnic life condition with cultural experiences of tourists 'To one who has been long in city pent' (Keats, June,1816). It creates job opportunities for local communities and improves economic well beings and qualities of life for the local people. Lachen is a hamlet on the valley of Lachen Chu -a feeder tributary of Teesta- of North Sikkim where Lachenpas perform transhumance activities and Home stay tourism. Lachenpas are inhabited in the higher altitude and need a semi-nomadic life, as their traditional occupations were trade and pastoralism. After Indo-China war in 1962, the occupational pattern of Lachenpas has been changed to agro-pastoralism. Government tourism policy boosts them to create home stay tourism. An attempt has been made in this paper to explore how the new concept of home stay tourism leads to transform the transhumance activities. This paper is, therefore, an effort to study transhumance as a sustainable livelihood in the light of Home stay ecotourism for rural development. For this purpose, primary data are collected through a structured questionnaire /schedule and secondary data are collected from various sources and analysed in a systematic way. In conclusion part an attempt has been made to correlate the transhumance activity and Home stay tourism for the betterment of quality of life of the rural people and to enhance sustainable development of the people.

Keywords: Transhumance, Home stay, Pastoralism, Gothwala, Lachenpas, Sustainable

Introduction

Pastoral nomadism is one kind of occupation practiced by human at the very beginning of the domestication of animals. Transhumance occupation is as old as human civilization. The life and livelihood of some people are rounded by practicing as the transhumance yet now in

the North Sikkim. Their livelihood is changing rapidly with the introduction of Eco-tourism, village tourism, home stay tourism. Lachen is a small settlement with sublime beauty. The superlative beauty of Lachen requires certainly a keen eye to behold. For its past history and amazing natural beauty the village was declared

as one of the 31 sites from all over the country by the UNDP for development of village tourism. The inhabitants of the Lachen are mainly Bhutia whom are called as Lachenpa. In this study the nature of transhumance and the transformation of economy in the light of Home stay ecotourism are to be explored.

Objectives

The objectives of the study are---

1. To explore the concept of Home stay tourism.
2. To identify the change of occupation from pastoral nomadism to Home stay tourism.
3. To show the changing pattern of economy.
4. To incorporate some recommendations.

Methodology

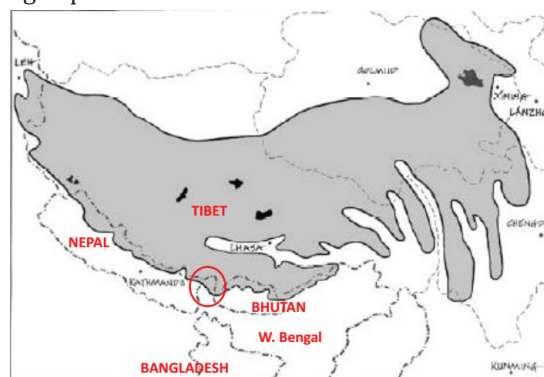
The data of this study was collected from both the primary and secondary sources. A structured questionnaire had been used for data collection. In 2014, a random as well as purposive sample survey was done by the authors in Lachen, Thangu, Kalep, Tallum, Toga, Lhonak Valley and Chopta Valley for collecting the primary data. The collected data are compiled and analyzed in a systematic way.

Location of the study area

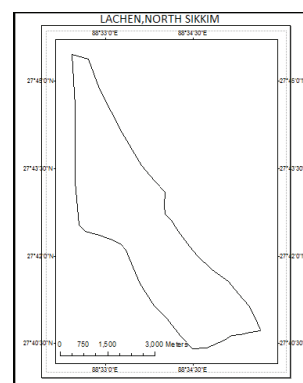
Sikkim is referred to as '*nye -ma-el*' (heaven) by the Lepchas, which means 'new place' in Nepali and '*Denzong*' (land of rice) by Bhutias. Sikkim Himalaya is a part of 34 globally significant biodiversity hotspots. It has four districts like North Sikkim, South Sikkim, East Sikkim and West Sikkim. North district is the largest of the four districts with headquarters of Mangan. It is the least populous district of the country (out of 640 districts). It has two administrative units- Mangan and Chungthang and with an area 4226sq km. Lachen is one of the 5 revenue blocks of Chungthan Subdivision. Lachen is located on the right Bank of Lachen Chu, the main feeder of Teesta. The average altitude of the village is about 2700 m above sea level. Lachen with an area of 3635.75 ha is inhabited by 2923 persons (census 2001). The Density of population is <1 person/ha.

Our present study

The inhabitants of the Lachen (meaning 'Big Pass') valley are known as Lachenpas who are mainly Bhutias and Lepchas. The peculiar feature of the village is that most of the Lachenpas practice transhumance either in nomadic pastoralism or agro-pastoralism.



Source: Map of Tibetan Nomadic Area (by D.J. Miller, 2007.



Source: Compiled by the Authors, from Bhuvan Panchayet

Discussions

1. Traditional Occupation

Nomads, nomadic pastoralism, agro-pastoralism are the similar term which are very much related to transhumance. 'Nomadism' is defined as a 'movement of the household during the annual round of productive activities' (Salzman and Sadala, 1980). Khazanov (1984) further defines nomadic pastoralism as a food producing economy based on extensive pastoralism and

migratory lifestyles. Agro-pastoralist is again defined as an admixture of agriculture and livestock herding by a numbers of people. All of the above sedentary subsistence human economic activities are very much related to transhumance activities.

The term 'Transhumance' is derived from two Latin words 'trans' means 'traverse' and 'humance' means 'earth'. The word was originally used to describe the pattern of human movement in the mountainous areas of Europe's Alpine region (Johnson, 1969). Transhumant pastoralist spent winter in the lower altitude and summer in the high alpine region for grazing and agricultural practices. This helps to conserve vegetation by alternating seasonal locations of grazing as well as their seasonal migration upholds soil fertility by generating organic manure from animal flocks.

2. Lachenpas as Transhumant

The Lachen valley is inhabited by two indigenous pastoral communities – the transhumant agro-pastoralists Lachenpas and the nomadic herders of 'Dokpas'. Both the communities are originally 'Bhutia' clan who were sprung from 'Chumbi Valley' in Tibet and 'Ha valley' in Bhutan and settled themselves in and around Lachen valley.

2.1. Dokpa: The Trans- Himalayan nomadic Tibetans the 'Dokpa' care and herd Yak, dzos (Cow- Yak hybrid), dee (Female offspring of Yak and Cow), sheep and Goat in the high altitude Tibetan plateaus and Alpine meadows adapted to sustain the harsh cold desert climate conditions. Presently, there are only 24 families of the Dokpas managing about 90% of Yak in Sikkim (Sharma and Dhakal, 2004 p.382). The wool, meat, cheese, fat (*tsitu*) are obtained from Yak and sheep are kept mainly for wool, meat and Barter (Exchange).

In the earlier time before closing the border in 1975, the movements of these herders were from Lhonak Valley, Muguthang, Thangu Tso Lhamo and Lashar Valley above 4000 m to Tibet and back through Nyima La or Naku La/Pass. But their movements were restricted to a limited to Tso Lhamo, Lhonak and Lashar plateau due

to border closing and some restrictions were imposed by the Government as the herders are threat to rich medicinal plants in high altitude. Now-a-days, these herders migrate to Tso Lhamo in October-November and return to their summer ranges in Lashar Giangong regions by early May. The life of Dokpas is too hard to live by using forage resources in a sustainable manner. The rudimentary shelters that they live in often blend incapable with the stark landscape. As there are no trees in their area, they use Yak dung as the source of fuel for heating and cooking through the winter months.

Banning of grazing led the Dokpa in problematic condition. But various studies show that grazing is considered to play crucial role in maintaining species diversity as well as dispersion of species. The living condition of Dokpa is too hard as they live beyond the tree line in the cold desert of periglacial region where excessive snow fall and blizzard is common in winter. Further, they live in near isolation from the modern civilisation though they are governed by the Pipon of Dzumsa system.

2.2. Lachenpa: The important inhabitants of Lachen valley are Lachenpas who are agro-pastoralist and their livelihoods are transhumant in nature. Transhumance is a highly developed form of pastoralism and is practiced in widely in the Himalayas. Seasonal cyclical movements make the transhumant's to regenerate resources as well as help them to adopt harsh climate. Primarily Lachenpas were nomadic grazing pastoralist and succeeding they are converting themselves as agro-pastoralists. Traditionally, animal husbandry was a way of life and the Lachenpa's whole existence revolved around migration of their flocks in search of pastures. This kind of pastoralism is known as '*gothwala*' system where '*goth*' means 'cattle shed' and the pastoralists are known as '*gothwalas*'. The grazing area is known as '*dekko*' or '*chareen*'.

3. Economy of Nomadic Pastoralists

The gothwalas economy is very much related to their herds. It has run in two ways- First, they churn milk for butter and curdle it for

cheese (churpi). Dehydrated churpi is sold to the market for earning money. Yak plays the multipurpose role for producing milk, meat, fur dung, manure, hides, horns etc. Smoke dried meat is preserved for winters to supplement food requirements when heavy snowfall renders the area inaccessible to the rest of the Sikkim. Lachenpas raise yaks, *dzos* (a breed of yak and common cow), *dee* (Female offspring of Yak and Cow), sheep, horses mules and pashmina goats.

3.1. Shift of occupation nomadic pastoralist to Agro-pastoralists: After the sealing the border a result of Chinese aggression in 1962, the occupational character of Lachenpas has changed to agro-pastoralism. Besides this there are more reasons which led them to change their occupation, such as-

1. Lack of access to grazing land leads to shrink in ovine(sheep) flock size by the livestock raisers in the area.
2. Recurring landslide events reduces the meadow of grazing land.
3. Young generations are not interested in pastoralism rather they opt to others jobs.
4. Lack of fodders during the winter months due to climatic change; discourage the herders to continue their traditional jobs.
5. The synthetic carpets are gaining popularity as they are easy to maintain and are cheaper. So the woollen carpets produced by the traditional craft persons are finding fewer buyers.
6. The ban on grazing by the Government of Sikkim forced the gothwala for selling their live stock.

Small-scale agro-pastoral production in the Lachen valley is oriented toward guaranteeing a subsistence livelihood by efforts to attain self-sufficiency of food production and reduces environmental risks.

The allotment of community pasture land (Known as Dekko/ chareen) and agricultural lands are distributed by the Pipon, the Headman of 'Dzomsa' system. Agro-pastoralism is practiced in Different agro climatic regimes:

3.1.1. Trans- Himalayan zones (4000-5000m): Agro-pastoralism in the alpine cold deserts of Lhonak valley, Chho Lhamo and Lashar valley above 4000 m asl in North Sikkim has been a part of human life support systems over several centuries. The trans-Himalayan nomadic Tibetans the *Dokpa* (graziers) herd their animals in this region.

3.1.2. Sub-Alpine agro climatic zone (3000-4000m): Lachenpas used to practice subsistence farming by cultivating variety of crops and fruits such as barley, wheat, potato, cabbage, apple, maize, peas, beans, peach, medicinal plants etc in the altitude areas of Kupuk, Thangu and Thegu. The people collect Sea buckthorn, Yartsa, Guenboob, mushrooms, tubers and many edible products from the wild nature for their livelihoods.

3.1.3. Lower altitudinal zones of below 3000m: The cultivation of barley, maize, and buckwheat is restricted to lower altitude of Lachen, Tallum, Sandong, Lamteng and Latong. The lower agro-ecological zone consists of a wide range of traditional production system that includes the terraced and valley rice cultivation, agro-forestry systems such as alder-cardamom (alachibari), mandarin (santolabari), various medicinal plants, wild edibles, underutilized and semi-domesticated crops.

4. Migratory cycle of Lachenpa

The Lachenpas have permanent houses at their respective villages. They use byah(tents) made of Yak hair during migration to high altitude pastures. Both the nomadic harders as well as agro-pastoralists Lachenpas take part for this seasonal migration or transhumance activity.

4.1. During summer: At the onset of summer especially after April, only young men and women migrate to the higher villages like Zema, Tallum, Yamdong, Yakthang, Kalep and later to Thangu. During summer season snow melts from ground and Lachenpas sow potatoes, radish and leafy vegetables.

The herdsman move further North for fresh pastures. At this time the children and old

members of the family are left to their original places. The migrated members came back to their original places after sowing the crops. Later at the end of May, the whole family members are migrated. This takes place in two different stages-

- 1) At first stage at 4000 metres and
- 2) At 4500 metres along the different tributaries of Lachenchu.

4.1.1. First Stage: At the first stage Lachenpas spread over different villages like Yakthang, Samdong, Tallum and Kalep on the tributaries of the Lachenchu 3660-4000 metre. The flock of Yak and Sheep are grazed here. Women cultivate root crops like radish and potato. Men collect minor forest production and rear their animals. This stages will continue up to 15th July.

4.1.2. Second Stage: After 15th July second stage migration starts towards 4500metre. They migrated in the villages of Thangu, Byanmzay, Tonga, Tseguk, Chopta valley and Divu thang. They stay in these places from 15th July to November. They start migration back to Latong, Denga and Guema during November in each year.

Table 1: Migratory Cycle of the Lachenpa

Name of Place	No of Houses/ Tents	Cultivable land in Ha
First stage migration upto 4000 metres		
Yaktham	22	6
Tallum	21	8
Samdong-I	15	2
Samdong-II	30	--
Kalep	16	3
Second Stage migration upto 4500-5000 metres		
Toga	21	7
Tseguk	7	2
Chopta Valley	2	1
Divu Thang	16	4
Thangu	15	--
Source: V. Bhasin, 2013		

4.2. During winter: At the beginning of winter especially in the month of November and December the 'goth' is shifted towards the

lower altitude. In the month of December and January Lachenpas comes down to Latong, Denga and Guma for grazing their animals and cultivating their fields. They further go down to Donking and Menshithong where 20 families of Sichepa (Tibetan refugees who were making utensil and agriculture implements for Lachenpas) are staying for rearing the flock of animals of Lachenpas. Lachenpas go further down towards Chungthan and Mangan and they engaged themselves for producing cardamom and sometimes trade related activities. Their trading activities include raw wool, blankets, rugs, churpi and other dairy products, potatoes, cardamom etc. This cyclical movement of the herdsmen and agro-pastoralists serve mainly five objectives---

1. To ensure availability of grass as a fodder for the herds and to allow the grass to regenerate.
2. The dung of the animals helps to restore the soil fertility.
3. This transhumance practice helps rotation of crops.
4. It helps to maintain the species diversity and dispersion of species rather than destruction of biodiversity.
5. This North- South movement of Lachenpa is governed by not only by inadequacy of pastureland but also determined by climatic conditions.

5. Government initiatives for the development of Pastoralists

The economy of the pastoralists is mainly at subsistence level and sedentary in nature. Since 1954, the Government of India takes various development programmes and it was boosted from 1962. The programmes include construction of transport and communication and introduction of essential services for the people. Lachen valley is the most important in terms of strategic and military purposes. Improvement of road network is for the sake of military purpose. This area has exposed as a focal point of tourism and it becomes popularize to the outsiders.

Joint venture of Government of India as well as Government of Sikkim boosts up the literacy rate from less than 5% in 1950 to 52.09% in 2011. Government take initiatives for the development of animal husbandry like feed banks, animal husbandry centres. Government started migratory school i.e. teachers will also migrate with the Lachenpa family. However, all programmes for development and subsequent changes have less impact on them due to fragile environment with complex ecological systems.

6. Transformation of Economy

The Lachenpas who want to discontinue their traditional occupation; they choose either become wages earner or find govt jobs like peons, teaching in schools and in the military. Younger generation are shifting towards alternative sources of livelihood like Government jobs, transportation, hotel business and other activities related to tourism. Some of them have opened small shops to supplement their incomes. Some Lachenpa have engaged themselves as tourist guide to the trekkers. Many Lachenpas have converted their roadside shanties into food stall and some are selling their Kitchen garden products to the tourist on the road side. Government of Sikkim initiated biking towards the Lachen- Gurudongma, trekking, nature camp, bird watching, angling and short treks amidst the forest and local people are engaged themselves in such activities. These promote the transformation of economy of the local people. One of the most important transformations of economy is Home stay tourism that leads them towards better livelihood of the Lachenpas/ agro-pastoralists.

7. Concept of Home stay tourism

Village/rural tourism are a new concept of eco-tourism especially in Sikkim where its rural hinterlands are endowed with fabulous natural beauty, virgin environment, heritage sites and unique cultural flavour. It will ensure the dispersal of tourists for 'To one who has been long in city pent' and for familiarize with unique village culture and heritage so that they

are mentally rejuvenated, culturally enriched and spiritually elevated. Home stay tourism is the distinct form of community based village/ rural tourism. Home stay directly empower and beneficial to the community members as well as it will help to preserve the environment. Home stay provides job opportunities for local communities and improves quality of life for local people (Bhuiyan et.al. , 2011), Levitt(1986) mentioned that 'some necessary components for Home stay are education opportunities, entertainment facilities, food availability proper arrangement of accommodation and hospitality. Chiyatorn et.al.,(2010) also mentioned that 'Home stay can ensure economic social and cultural benefits for local communities as well as sustainable development.'

7.1. Experience of Home stay in Sikkim:

Government of Sikkim promotes village tourism as well as Home stay tourism for boosting up the economic upliftment of the remotely located villagers. The followings are some of the initiatives taken by the tourism development authority as well as Govt of Sikkim—

1. Different potential areas of Village tourism will be identified and notified by the Department of Tourism
2. Tourism Department will monitor and regulate the proposal, any fraud cases and update of all information and its impacts.
3. A MOU will be signed between the Department and Panchayat keeping in view that no such unwanted activity will occur.
4. The schemes of central and state govt and any other agency will be used for the development of infrastructural facilities such as roads, streets, drainage lighting, parking, water supply, sanitation, open air theatre, parks, nature trails, handicraft bazaar, floriculture, organic food, fairs and festivals etc.
5. Government will allow grants, loans, incentives or concessions on various taxes for encouraging rural tourism.
6. Village products, organic products and local food are encouraged.

- | | |
|--|---|
| <p>7. Procedure for registration of Home stay tourism will be simplified.</p> <p>8. Publicity and marketing will be taken up for Home stay tourism.</p> <p>9. No tax will be levied for first 10 years for the traditional houses, old kothies, guest houses and other beautiful buildings.</p> <p>10. Traditional cardamom farm, ginger farm,</p> | <p>Orange farm, floriculture farms will be encouraged as a part of Home stay tourism, itenary and seasonal festivals will be organised.</p> <p>11. Any activity found illegal, immediate action will be taken.</p> <p>12. Govt will circulate do's/don'ts for the tourists as well as the tour operators.</p> |
|--|---|

Table 2: Some examples of Home stay tourism in Sikkim

S. No	Name of the District with Name of the Home stay			
	North	South	West	East
1	Dzongu	Maniram	Hee-Bermoik	Tumin
2	Tingchim	Kewzing	Yoksom	Pastanga
3	Lachen	Rong	Darap Valley	Gadi Budong
4	Kabi- Lungchok	Payiong	Dhungey	Zuluk
5		Tao Bin	Uttarey	

Source: <http://www.sikkimtourism.gov.in>

7.2. Some observations about Home stay at Lachen: The present study was based on secondary data collected from Home stay about the income by catering tourists, consisting of

10 Home stay of Lachen valley. As per tourism department there are about 25 Home stay in Lachen valley. There are 3-4 rooms in each Home stay.

Table 3: Rate and Income from Home stay

SL No	Name of owner	No of Rooms	Rent of Room (Twin Sharing)	Fooding cost / person	Total Income / Season
1	Mimi Dorje	2	Rs.1500/-	Rs.300/-	Rs.16000/-
2	Sawang Lachenpa	3	Rs.900/-	Rs.300/-	Rs.30000/-
3	Sanpa Lachenpa	4	Rs.1500/-	Rs.300/-	Rs.50000/-
4	Jula Lachenpa	5	Rs.1000/-	Rs.200/-	Rs.45000/-
5	Passang Kee	4	Rs.1000/-	Rs.250/-	Rs.32000/-
6	Digjem Lachenpa	3	Rs.1200/-	Rs.200/-	Rs.25000/-
7	Chang Lachennpa	3	Rs.600-800/-	Rs.200/-	Rs.20000/-
8	Topcham Lachenpa	6	Rs.600-700/-	Rs.250/-	Rs.28000/-
9	Thandem Lachenpa	6	Rs.800/-	Rs.200/-	Rs. 60000/-
10	Prem Tamang	4	Rs.800/-	Rs.200/-	Rs. 35000/-
Average		4	Rs.1005/-	Rs.240/-	Rs. 34100/-

Source: Primary Survey, 2015

From the above the it is observed that Average no of rooms per Home stay is 4 and room rent is Rs 1005/ where as their fooding charge vary between Rs. 150/- to Rs. 300/- per head of tourists and average cost is of Rs. 240/. The average income per Home stay is Rs. 34,100/

which is much higher than the income that obtained by pastoralism of Lachenpas.

8. Conclusion and recommendation

Pastoralism, whatever it may be said, either nomadic or agro based, is the traditional as well as very much sedentary subsistence type of

economy. It is very difficult to motivate to all the tribe for transformation but it may be possible to provide basic amenities like medical facilities for their betterment of livelihood. Government and various NGOs can play a crucial role for Dokpa tribe. Further transhumant practice may be well managed to retain the fertility of the land and to rejuvenate of pastureland on one hand and the livelihood of Lachenpas will be enriched on the other. Ecotourism may be encouraged and it will be led the Lachenpas towards better economic prosperity.

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The Importance of Valuing Ecosystem Services in the Eastern Himalaya with Special Reference to Sikkim Himalaya



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Abstract

Ecosystem are capital assets that provide a wide range of services. These include supporting services that maintain the conditions for life; provisioning services that provide direct inputs to livelihoods and the economy. Increasing demands on ecosystem goods and services are now putting pressure on the natural resources that they contain. Approaches for economic valuation of mountain ecosystem services in mountain areas are essential to comprehend and quantify the benefits for rural development in the Himalayan regions of India. Valuation of mountain ecosystem services is a challenge because of the biophysical characteristics of high altitude and slope as well as the large variation in temperature and moisture which results in a high degree of heterogeneity. Himalayan ecosystems and their associated biodiversity are highly dynamic and multifunctional and they interact in a complex way. Quantifying the economic value of ecosystem services is useful for strengthening the issue for conservation and providing a base for informed policy decisions, however methodological difficulties remain an obstacle to estimate the economic value. The mountain specificities of inaccessibility, fragility, marginality, and physical and economic vulnerability; as well as the fact that inadequate attention has been paid to the subject in the Himalayan region, are additional factors limiting the understanding of the true value of natural resources. Most of the critical conservation areas in the Himalayan region are located in remote and poorly accessible areas. The local communities living in these fragile mountainous areas have limited livelihood options, and often receive little benefit from development activities. Although some of the provisioning services such as food are relatively easy to access in monetary terms; others, which do not have a direct market value, pose a greater challenge. Ecosystem services are also vulnerable to natural disaster such as landslides, floods, and the impacts of climate change. This paper aims to bridge this gap by outlining a general framework for economic valuation of ecosystem services emphasizing on mountain specific situations, which could be applied in the Himalayan region with special reference to Sikkim and Darjeeling Himalaya for Rural development.

Keywords: Ecosystem services, Economic Valuation, Rural Development

Introduction

Since Agenda 21, mountains have no longer been on the periphery of the global debate on development and environment, but have moved to centre-stage. The whole Himalayan regions are considered multifunctional because they provide a diverse range of ecosystem services, which are

beneficial for studying the relationship between loss of biodiversity and loss of ecosystem services.

Mountains occupy 24% of the global land surface area and are home to 12% of the world's population. Mountains have an ecological, aesthetic and socioeconomic significance, not

only for those living in the mountain areas, but also for people living beyond them. About 10% of the world's population depends directly on mountain resources for their livelihoods and wellbeing, and estimated 40% depends directly on mountain resources for water, hydroelectricity, timber biodiversity and niche products, mineral resources, flood control, and recreation (Schild, 2008). Despite their important contribution for communities both in upstream and downstream, mountains are still marginalised in the development agenda. The need for valuation of mountain ecosystems are yet to be recognised scientifically. Approaches for economic valuation of mountain ecosystem services in mountain areas are essential to comprehend and quantify the benefits. However till date these have only been developed to a very limited extent.

The natural Mountain ecosystem provides opportunity for promotion of the 'Green Economy'. Awareness of the value of ecosystem services has grown rapidly in recent times; the recent convention on Biological Diversity Conference of the Parties (COP-10 in Nagoya, October 2010) led the global players to declarations on making the use of environmental goods part of the national accounts. While awareness for valuing mountain ecosystems is increasing, at the same time there is a need to develop just methodologies for valuing them to quantify the economic benefits and also to access the rate of environmental degradation. This paper aims to bridge this gap by outlining a general framework for economic valuation of Mountain Ecosystem Services, which can be applied in the Eastern Himalayan region in general and Sikkim in particular.

Data Base and Methodology

Various data used in this paper have been collected through primary and secondary sources. Primary data have been gathered by field survey and conducting PRA (Participatory Rural Appraisal) in different Himalayan states of India. Focus group discussions and individual interactions with various village community groups were held. The views and expressions of the individuals are reflected in this paper. The

Secondary sources of data were obtained from various government records, statistical reports, research publications and relevant websites.

Study Area

The Eastern Himalaya (EH) lie between $82^{\circ} 45'$ E to $100^{\circ} 31'$ E longitude and $21^{\circ} 55'$ North to $29^{\circ} 45'$ N latitude covering a total area of 524, 190 sq.km. (Fig. 1) The region extends from the Kaligandaki Valley in Central Nepal to northwest Yunnan in China and includes Bhutan, parts of India (North Eastern states, Sikkim and Darjeeling hills of West Bengal), southeast Tibet and parts of Yunnan in China and Northern Myanmar. Today's North-East India is comprised of eight sister states namely Assam, Arunachal Pradesh, Meghalaya, Manipur, Nagaland, Mizoram, Tripura and Sikkim. The eight states located at the northeaster part of India forms a distinguishable group for its rich ethnic culture and prevalence of Tibeto-Berman language. Till date it is considered to be one of the most backward regions in the whole country. Growing political instability, insurgent activities, ethnic classes, frequent violation of human rights coupled with maladministration and corruptions are the common events in some parts of North-East India. Moreover, prevalence of mass illiteracy, social taboos, superstitious belief, usage of traditional methods of production etc. are the prominent feature of the socio-economic life in NE India. It is characterized by low per capita income, poor rate of capital formation, heavy population pressure, lack of infrastructure, excessive dependence on agriculture and very backward transport and communication. Despite all the odds, the North Eastern Region is very rich in natural resources, covered with dense forests, has the highest rainfall in the country, with large and small river system nesting in the land and is a treasure house of flora and fauna. Marked by diversity in customs, cultures, traditions and languages, it is home to multifarious social, ethnic and linguistic groups.

Mountain Ecosystem services

Mountain ecosystems are found throughout the world, from the equator almost to the

poles, occupying approximately one fifth of the Earth's land surface. Beyond their common characteristics of high relative relief and steep slopes, mountains are remarkably diverse (Ives et al.1997) and globally important as centres of biological diversity.

With the advent of a globalised world, the mutual relationship between humans and mountains is now threatened by a growing population and its increasing demands on ecosystem services. Traditional resilience is being rapidly eroded leading to dependence on external inputs and the over exploitation of selective resources, threatening their sustainability. Rapid changes to fragile ecosystems driven by both natural and anthropogenic determinants pose unprecedented threats, not only to the livelihoods of the local community, wildlife and culture but also to the billions living downstream, and ultimately to the global environment. Besides demographic and socioeconomic changes, the political economies of marginalisation impose an additional layer of vulnerability. The inherent environmental fragility of mountain ecosystems and the socioeconomic vulnerability of mountain people have brought the issue of mountain ecosystems to the top of the global sustainability agenda.

Role and Importance of Economic Valuation and Payments for Ecosystem Services

Valuation of Ecosystem services is very important in the context of mountains as it helps in improving ecosystem management. Among others, valuation is a pre-requisite for developing programmes on payment for ecosystem services (PES). The major reasons for economic valuation of Mountain Ecosystems are as follows:

Raising awareness: Assigning a monetary value to ecosystem services in mountain areas will help to raise awareness of the importance of the services that upstream systems provide to downstream users. For example, when biodiversity conservation in mountain ecosystems is expressed in monetary terms, it will highlight the significance that these ecosystems have for local, national, regional and

global communities, and can help to overcome existing policy dilemmas concerning their conservation (Costanza et al 1997; Daily et al 2000; TEEB 2009b).

Creating a 'market' for ecosystems: Valuation of ecosystem services is essential for creating a market. Economic valuation of Ecosystem services not only demonstrates the importance and value of mountain ecosystems, but also provides insights about the gains and losses faced by different stakeholders directly or indirectly due to ecosystem degradation and subsequent loss of these services (Kumar 2005). Economic valuation can contribute to conservation of mountain ecosystems by rewarding mountain communities for their conservation of the ecosystem resources.

Improving management mechanisms: Valuation also helps in deciding between different policy options, in identifying more efficient and cost effective alternatives, and in designing appropriate institutional and market (and non-market) instruments, including payment of ecosystem services (PES). While valuation is a necessary first step, it is usually not sufficient in and of itself. For example, to make PES operational, it will also be necessary to mount a concerted effort in which clear roles are defined for multiple stakeholders and well defined mechanisms are put in place to facilitate and negotiate transactions and decision making (Huang and Upadhyaya 2007; UK National Ecosystem Assessment 2010).

Providing a framework for decision making: Economic Valuation will play an important role in decision making and prioritisation in resource allocation, distribution and management. In many countries, investment decisions on public goods and utilities such as dams, roads, and others often ignore the possible impacts (and real financial implications) that these activities have for the environment and for livelihoods (Bateman et al.2010). Pearce (2001) argues that measuring the economic value of ecosystem services is a fundamental step in conserving resources since "the pressure to reduce biodiversity based goods

and services are so large that the chances that we will introduce incentives (for the protection of biodiversity) without demonstrating the economic value are much less than if we do engage in valuation."

Assigning a monetary value to biodiversity and to the services derived from it is important because it means that the benefits associated with biodiversity are able to be directly compared with the economic value of alternative resource use options (Nunes and van den Bergh 2001).

Extending justice and equity: When valuations have been conducted, it is possible to show how costs and benefits are distributed across society. In general, uplanders are the custodians of mountain ecosystem services downstream dwellers are the beneficiaries. PES schemes are based on the principle that those who benefit from ecosystem services should pay for them, and that those who contribute to generating services should be compensated. They focus directly on creating a conditional benefit transfer between the providers of ecosystem services and the beneficiaries. However, providing an equitable share at the micro-level (such as the poorest of the poor) is still a challenging task. Hence, the approach seeks to create mechanisms that internalise what would otherwise be an externality (Pagiola et al. 2008).

Methods of Valuation

Many approaches have been used to define and describe ecosystems and estimate their economic value. Over the last several decades, economists have developed methodologies to evaluate the intangible benefits of ecosystem services that do not have explicit values. The valuation methods tend to fall in to one of two types: revealed preference and stated preference methods (Boxall et al. 1996; Bauer 2003; Rasul 2009). Both stated and revealed preference methods have advantages and disadvantages. The revealed preference method has a higher general acceptance as values are estimates based on certain physical parameters or data, and these approximations engender greater confidence

than data generated by interviews about a hypothetical situation (Paccagnan 2007). With hypothetical questions, stated preference may differ from a real situation

Recent approaches to improve estimation combine revealed and stated preference methods (Paccagnan 2007), and a few recent empirical studies use both methods (e.g., Whitehead et al. 2000; Anderson 2007).

Examples of Economic Valuation from the Himalayas

Empirical studies on willingness to pay using contingent valuation methods

Very few empirical studies have been conducted in the HKH region on willingness to pay (WTP) in order to make an economic valuation of the services provided by biodiversity. Existing studies focus on the recreational and aesthetic value of protected areas (Maharana et al. 2000a, b; Baral et al. 2008) and have assessed the willingness to pay for the conservation, maintenance, and enhancement of biodiversity resources using contingent valuation.

Maharana et al. (2000a) surveyed local communities and domestic and foreign visitors to estimate the environmental value of the Khangchendzonga National Park in Sikkim (India) and to elicit their willingness to pay for its maintenance and conservation. Using a random sample, the average willingness to pay for improvements in environmental conservation was US\$ 8.84 per foreign visitor per visit, US\$ 6.20 per household per year for the local community, and US\$ 1.91 per domestic visitor per visit.

In 2006, Baral et al. (2008) conducted contingent valuation surveys of 315 foreign visitors to the Annapurna Conservation Area (Nepal). Results suggested that most visitors would be willing to pay an entry fee considerably higher than the current fee of US\$ 27. The mean and median willingness to pay were US\$ 69.2 and US\$ 74.3, respectively. Based on this analysis, the studies recommended an increase in the entry fee to US\$ 50.

Application of Cost Benefit Analysis in economic valuation of ecosystem services in India

Badola et al. (2010) examined the economic value of selected ecosystem services such as the provisioning of biomass for fuel, recreation, carbon sequestration, nutrient cycling and catchment area protection for hydropower in the Corbett Tiger Reserve in Uttarakhand (India). The authors valued the service using cost benefit analysis, where the direct cost was derived from secondary sources and the indirect and opportunity costs were valued through socio economic surveys. The 'individual approach to travel cost' method was used to estimate the recreational value, and the replacement cost method was used to assess carbon sequestration. The maintenance cost of the reserve was estimated as US

Conclusion

Economic valuation cannot value everything; not all benefits provided by ecosystems are fully translatable in to economic terms. The damage suffered by ecosystems can be non-linear; and the impact of changes in ecosystems can be much higher or irreversible above certain thresholds. Methodological limitations constrain the extent to which economic valuation methods can capture the ecological interdependencies of different ecosystem entities. As a result, valuation analysis often ignores, or does not adequately account for, the internal structure of ecosystems, and the interdependencies and inter linkages of different ecosystem entities. Moreover, by relying on revealed or stated preferences, the economic valuation methods are not able to capture normative and ethical aspects of ecosystems. Thus economic valuation remains an indication of the value of an ecosystem rather than an actual value.

Economic valuation may help to inform management decisions, but is only useful when decision makers then take appropriate action for conservation. The aim of the economic valuation should be to identify a more cost effective and

efficient course of action for the conservation of ecosystems that will maximise human well being. Valuation is one element in the effort to improve the management of ecosystems and their services, but is in itself not sufficient. Other supporting elements are all vitally important for the effective conservation and management of resources with justice and equity; these include strong institutions and governance mechanisms, group or multi-stakeholders efforts, and sound policy. More importantly, the valuation of ecosystem services has to be context and ecosystem specific, in order to inform the policy decision.

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Opportunities through MGNREGA in Rajasthan: Transformation & Issues



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Abstract

India's rural population is more than double of the urban population, which is registered as 68.84% & 31.16% respectively (2011 census). Yet, due to higher proportion (not higher concentration level) of population in rural areas there is more net demand for infrastructural facilities and quality living. It is also essential to ensure symmetric, sustainable and holistic development of a political region (not a geographic or sectoral region). India's efforts to ensure rural growth since independence were in the direction to optimize productivity rather than qualitative living therein, which ultimately resulted in rural to urban migration. This has unfortunately, resulted in internal remittances shift from rural to urban areas. People who have been earning from rural areas, either through production or service, invest resources in urban areas for comfortable living and better future of their wards. As a result the sectoral Growth Rate (GR) of Population (in %) remained higher in urban areas (31.8 % in 2011 against 31.5% in 2001) as compared to that in rural areas (12.2 % in 2011 against 18.1% in 2001). This one sided shift of population is also leading to abnormally high areal expansion of cities on one hand and declining the interest of people in rural services and living therein on the other. Therefore emphasis on rural development in India is not only a priority but also it has to be adopted as a mission to reduce the rural-urban disparity, transform the rural population in to human resource and control the rapid expansion of urban areas. MGNREGA ensures employment to rural needy people, preferably unskilled and semi skilled, to get employment locally, especially during the lean period. Although it provisions for a limited number of days, but yet the job is available over almost one third of a year.

Keywords: Population Growth, Rural Development, Disparity, Rural Transformation, MGNREGA

Introduction

India belongs to those countries in the world where decadal growth in population in the recent decade is registered more than the world's average. The average decadal growth in population in the last decade is recorded as 12.97 percent whereas countries like Nigeria (26.84 %), Pakistan (24.78 %), India (17.64 %), Bangladesh (16.76 %) and Indonesia (15.05 %)¹ have registered more than the average. Major proportion in all these countries is constituted by rural population. In India 72.2 percent² of population was residing in rural area as per

census 2001 and the recent census says that still 68.84 percent people live in villages³. As per UN estimation there were about 786 million people living in rural India which is supposed to reach as 859 million in the year 2030⁴.

The Rural areas, wherever they are throughout the world, are the pivot of human resource. Besides, these are centers which nourish the needs of urban areas, but contrarily receive a very less concentration for their development. Hence rural areas feel being cheated by the rest world, as most of their resources are utilized to survive others. Mahatma Gandhi believed

that "*The soul of nation lies in Villages*" and that is why he visioned "*Gram Swarajya*". Since majority of population resides in rural areas therefore it may also be an appropriate apprehension that "*Comfort at village level indicates healthy, symmetric, and holistic development of a country*". On other side the high rate of unemployment, especially among unskilled labours, inappropriate infrastructure facilities, hardness of living, mainly agro- activity oriented living etc. deserve for special attention of planners to make the rurals' living better, if not at par with urban areas. In the previous decade of 1991–2001, migration from rural to urban direction was noticed at large scale as on the basis of net migrants by last residence during the past decade the state of Maharashtra with 2.3 million ranked first among all states and UTs followed by National Capital Territory (NCT) Delhi (1.7 million), Gujarat (0.68 million) and Haryana (0.67 million). This trend of migration is not only adding human load in urban areas but also leading to under use of rural resources as well as human resource crises therein.

Briefly the rural areas deserve focus on their development at national priority due to following reasons-

- Rural areas sources of resources of daily need including food. They supply all natural resource based commodities, like vegetables, milk and milk based other products, fuel wood, food grains etc. to rural other so called developed areas and hence they nourish people of a country.
- There are no proper roads, drinking water facility, sufficient availability of electricity, health facilities and educational facilities with the desired competency level in major proportion of rural areas. Therefore the rural landscape is still deprived of basic resources.
- Despite supplying commodities to other areas they are deprived regions and so they feel to be cheated as "*Looteri Artthavyastha (cheated economy)*".
- Major proportion of population resides in rural areas.

- They contribute a fair proportion in GDP of country, especially in developing world.
- They are day by day adding human load on urban areas for livelihood and to avail "*facilities*".
- They are still in early phase of Demographic Transition.

Earlier post independence efforts through various rural development schemes like AY, JRY, DPIP etc. which were launched prior to MGNREGS, are not denied as they were ably contributed in development of rural landscape initially but this is again a fact that they had some certain gaps which did not able them to get acknowledged as public interests' program like MGNREGS. Following gaps have been identified which did not make the earlier ongoing programs very popular and that of much public interest-

- There was no freedom of proposals' formulation as well as prioritization of needs to the local people.
- Guaranty of job to local needy people as mandatory provision was not ensured earlier.
- Preparation of plan, estimation, implementation of own planning but under eye watch of community was not altogether allowed earlier. Hence there was not much public response to many of the programs.

MGNREGA: A brief introduction

Mahatma Gandhi National Rural Employment Guaranty Act (MGNREGA) is a visionary and an appropriate initiation to establish **Gram Swarajya** in a real sense by strengthening rural areas through empowerment of its habitants, especially to the deprive ones, and infrastructural development therein. The idea was initiated by the UPA Government in the year 2005 and enacted by legislation on 25th August, 2005. It is being implemented as a mission in 625 districts of various states in India including Rajasthan. The National Rural Employment Guarantee Act (MGNREGA) is the act which ensures a legal

guarantee of 100 days' employment in every financial year to workable members of every rural household, who are volunteers to do unskilled manual work at a wage of Rs. 120 per day⁵. The Act launched a rural guaranty scheme, called as the National Rural Employment Guarantee Scheme (NREGS)⁶, throughout country (in 34 states and union territories except Delhi) in three different phases. It was primarily introduced to enhance the purchasing power of rural people, decelerate rural to urban migration and to create useful assets in rural areas on one hand and strengthening Panchayati Raj through '*Gram Swaraj*' on the other hand. The rural development aspect was basically conceived through following steps –

1. Encouraging rural people to prioritize their needs and getting involved in implementing their ideas for their own welfare with the funds estimated by them and made available by the Government.
2. Assets' building for sustainability of rural development efforts and to comfort people's living therein.

The Act was initially called as 'National Rural Employment Guarantee Act (NREGA) which has been later renamed as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) on 2 October 2009. The scheme (NREGS) was first inaugurated on February 2, 2006 in Anantapur of Andhra Pradesh and covered a total 200 poorest districts in the country in the first phase, including 6 districts of Rajasthan - Banswara, Dungarpur, Jhalawar, Karauli, Sirohi and Udaipur. On adding 130 districts more in the second phase (including 6 more districts from Rajasthan in this phase) in the year 2007-08, it has covered a total 625 districts (of 34 states and UTs) across the country till 2008-09⁷. The same number of districts is still continuing. In case of Rajasthan all the 33 districts are being benefited through this scheme. Although it is more a political decision to cover the entire state but it is also the need of the state to be supported through some privileged

assistance to empower its rural people for their betterment. This scheme is mainly demand-oriented instead of being supply-oriented.

Provisions and security

MGNREGA empowers those rural households who deserve to get employment locally as per criteria laid down by the act without any discrimination on the ground of cast, creed, religion, group or such other basis. It equally strengthened the local people to vigil the works being done or completed in their locality under this scheme. Although the needy one has to registered himself with the local governing body. However, following features may be highlighted as main provisions and job security to the beneficiaries.

1. The act / scheme provides legal guarantee of 100 days' employment to every rural house hold whose workable member volunteer to do un-skilled manual work. It further assures that if an applicant is not provided employment within 15 days the claimant shall be entitled for unemployment allowance.
2. It is mandate in the act that the works taken up under the scheme shall be in rural areas.
3. To ensure holistic development the scheme specifies that the construction works must be related to rural connectivity to provide all weather access, water conservation and harvesting, renovation of traditional water bodies including de-silting of tanks, flood control, construction and maintenance of embankments and irrigation canals including micro and minor irrigation works, drought proofing including aforestation and tree plantations etc, or any other construction work which may be notified by the Central Government in consultation with the State government. Besides, digging of new tanks, construction of small check dams and anicuts is also emphasized in the scheme.

4. It is also mandate that a task funded under the scheme shall be performed by using manual labour and not machines. It is a supportive to essentially employee local rural labour, and thus promotes employment generation in rural areas.
5. To prohibit labours' exploitation it is instructed in the act that "The scheme shall not permit engaging any contractor for implementation of the projects under it".
6. It is further guaranteed that under no circumstances shall the labourers be paid less than the wage rate, notified by the State Government.

The act is purely rural areas' welfare oriented and protects the rights and power of rural people. Thus it encompasses sustainable development through both economic and social infrastructure building in rural areas.

There are a number of stories which state that the scheme (NREGS) is contributing in tuning the development and nourishing the needs of public in rural India. The deprived sectors, especially SC, ST, unskilled labours, are being benefitted and therefore there is a notable increase in job avenues, even if not enough, in rural areas. It has decelerated rural to urban migration to a notable size which has reflected as in long period stay of rural adults with their families. Increase in family income, peace and prosperity are silently strengthening rural life.

Rajasthan and MGNREGS

Rajasthan is the largest state in India with its 3,42,239 Sq. km. geographical area. It is westernmost state, lying adjacent to the international border with Pakistan. Almost 2/3 of its area is covered with the Thar Desert and the Aravali ranges bisect the state into almost equal halves – eastern and western parts. The western part of the state (laying to the west of the Aravalies) is arid zone, with scare city of water and other resources, whereas the eastern part is agro –productive region. Thus the nature

has blessed the state a wide range of regional variations. Although the western is undergoing micro climatic changes but still it is far behind in terms of infrastructural development. Therefore this region in the state is infertile and still deprived of human resource, despite registering highest population decadal growth during last two decades. The eastern region, on the other hand is relatively advance but not so developed yet due to lack of availability of perennial water. The state lies in hot –dry climate region (called as dry tropical) with a little shift in season as shrinking winters and expanding summers but not much change in monsoon period. The annual temperature range is also high as during winters it ranges from 8 °C to 28 °C whereas during summers it varies between 25 °C and 46 °C. Despite regional changes in rainfall pattern the average rainfall in the state is unchanged.

Administratively the state has been divided into 33 districts and 7 divisions. There are 249 Panchayat Samities, 9177 village Panchayats and total 44,672 villages out of which 43,264 are inhabited villages⁸.

The population of the state was enumerated as 6,85,48,437 persons in 2011 with 52 percent male and 48 percent female. Decadal growth in population in the recent decade (2001-11) is registered higher (21.44 %) as compared with the national average (17.64 %). Population density is 201 people per square kilometer (whereas the national average population density is estimated to 382) and sex ratio is 926 (less than the national average - 940)⁹. So far as literacy is concerned, it is estimated 67.06 percent in the year 2011 and the state ranks 33rd place in India in descending order. In male literacy the state is placed at 27th rank whereas in females' literacy it stands in bottom with 35th rank¹⁰. Residence-wise 76.61 percent population in the state was residing in rural area, whereas almost same proportion (75.11 %) is still continuing its residence in villages¹¹. Distribution of rural population in the state is as follows (see Table 1)

Table 1: Distribution of Rural Population in Rajasthan in 2001 & 2011

S. No.	Population in Percent	No. of District(s)		Name of District(s) in 2011
		2001	2011	
1	< 40	-	01	Kota
2	40 - 50	02	01	Jaipur
3	50 - 60	01	01	Ajmer
4	60 - 70	02	02	Jodhpur, Bikaner
5	70 - 80	07	10	Ganganagar, Churu, Jhunjhunu, Dhaulpur, Sikar, Sirohi, Pali, Tonk, Bhilwara, Baran
6	80 - 90	16	13	Hanumangarh, Alwar, Bharatpur, Karauli, Sawai Madhopur, Dausa, Nagaur, Jaisalmer, Bundi, Rajsamand, Chittorgarh, Jhalawar, Udaipur
7	90 +	04	05	Pratapgarh, Dungarpur, Banswara, Jalore, Barmer
	Total	32	33	

Source: Provisional Population Totals- Rajasthan: Percentage share of Population by residence; Government of India (2011); Census of India; Pg. 10.

The aforesaid data of distribution of rural population states that there is a hardly change in the proportion of rural population in the state, but it doesn't mean that the efforts for rural development have contributed successfully therein and so the rural mass is continuing to residing there in their native regions. Contrarily the rural areas are still deprived and facing lot of problems, but people are not emigrating from the native places as there are not much scopes of livelihood earning elsewhere in the state, except few big cities like Jaipur, Ajmer, Bikaner, Jodhpur,

Udaipur, Kota etc. Therefore a large proportion of population is in need of remedial programs to sustain themselves. Besides, the ongoing rural welfare scheme –MGNREGA, has also decelerated rural to urban migration to some extent, which has further resulted in higher proportion of rural population in the state.

So far as the non-workers' magnitude is concerned, as per 2001 & 2011 censuses following is the status of non-working population in Rajasthan (see Table 2)

Table 2: Distribution of Non-working Population in Rajasthan; 2001-11

S. No.	Population in Percent	Census 2001*		Census 2011**	
		No. of Districts	Name of District(s)	No. of Districts	Name of District(s)
1	40 - 50	02	Jaipur, Kota,	03	Banswara, Chittorgarh, Pratapgarh
2	50 - 60	02	Bikaner, Ajmer	25	Ajmer, Alwar, Baran, Barmer, Bharatpur, Bhilwara, Bikaner, Bundi, Churu, Dausa, Dholpur, Dungarpur, Ganganagar, Hanumangarh, Jaisalmer, Jalore, Jhalawar, Jhunjhunu, Karauli, Nagaur, Pali, Rajsamand, sawai Madhopur, Tonk, Udaipur

S. No.	Population in Percent	Census 2001*		Census 2011**	
		No. of Districts	Name of District(s)	No. of Districts	Name of District(s)
3	60 - 70	02	Churu, Jodhpur	05	Jaipur, Jodhpur, Kota, Sikar, Sirohi
4	70 - 80	15	Baran, Sirohi, Nagaur, Dhaulpur, Chittorgarh, Bharatpur, Sawai Madhopur, Hanumangarh, Pali, Bundi, Bhilwara, Tonk, Jhunjhunu, Ganganagar	-	
5	80 - 90	07	Jalor, Dausa, Rajsamand, Karauli, Jaisalmer, Jhalawar, Alwar	-	
6	90 +	04	Udaipur, Dungarpur, Banswara, Barmer	-	
	Total	32		33	

Source: *Census 2001- Rajasthan: Economic characteristics- Non workers; Census of India, Government of India; 2003

** Calculated on basis of the data available in Table 1.28; Percentage of Agricultural labour to Total Workers by residence & Sex, Census 2011; pg.36; **Some Facts about Rajasthan, 2016**; Directorate of Economics & Statistics, Rajasthan; December 2016;

Looking upon the aforesaid table it's observed that the work participation rate in Rajasthan has increased as compared with the year 2001. The work participation rate in the state of Rajasthan (43.6%) is registered higher than the national average (39.8 %) in the year 2011¹². This is more due to increase in marginal labours. MGNREGS may be credited to increase in the number of marginal labours along with other factors such as increase in seasonal employment opportunities in urban areas and agro labours.

Similarly the status of labours, especially engaged in agro activities, is very poor in the state. Agriculture is a major source of livelihood of rural population in the state. The state is deprived of Industrial development; hence most of the economically working population depends upon agriculture, followed by service class in public and private sector. Here the ratio of labours, engaged in agricultural sector, to the total population, whom they are supposed to nourish, is shown in following Table -3. Estimating the proportion of agro- labours to the total population gives a very poor picture of the

state. It may be higher as computed on the basis of total workers, but that doesn't give the true contribution of the highest expected community of labours. Therefore, if the each category of the labours / workers is resized on basis of the total benefited mass of population, so that their existence and contribution may be understood more clearly.

It is observed for the following table that there were more districts where the proportion of the Agro=labours remained less of equal to 6 % only whereas only 4 districts registered more than 4 % of this category of labours. After intervention of various avenues to labours through Govt. schemes including MGNREGS, there is rise in number of Agro-labours and therefore the scenario of labour participation in Agro-sector has improvised. In 2011, there was majority of districts having 8 % and above percentage of agro-labours in Rajasthan. Rather, 9 districts have registered 10 % and more agro-labours therein with highest in Baran and Jhalawar (15 % in each).

Table 3: Distribution of Agro- labours (as % of total population) in Rajasthan; 2001 -11

S. No.	Population in Percent	Census 2001*		Census 2011**	
		No. of Districts	Name of District(s)	No. of Districts	Name of District(s)
1	02 - 04	08	Jaisalmer, Dhaulpur, Jhunjhunu, Bikaner, Dausa, Jaipur, Sikar, Barmer	03	Jaipur, Jhunjhunu, Sikar
2	04 - 06	11	Jalor, Tonk, Udaipur, Jodhpur, Banswara, Churu, Nagaur, Alwar, Karauli, Sawai Madhopur, Bhilwara,	04	Barmer, Bikaner, Churu, Dausa
3	06 - 08	06	Hanumangarh, Bundi, Ajmer, Chittorgarh, Bharatpur, Rajsamand	08	Ajmer, Alwar, Bhilwara, Dholpur, Jaisalmer, Jodhpur, Kota, Sawai Madhopur
4	08 - 10	03	Pali, Sirohi, Dungarpur	09	Bharatpur, Chittorgarh, Hanumangarh, Jalore, Tonk Karauli, Nagaur, Sirohi, Rajsamand,,
5	10 - 12	02	Jhalawar, Kota	04	Banswara, Bundi, Pratapgarh, Udaipur
6	12 +	02	Baran, Ganganagar	05	Baran, Dungarpur, Ganganagar, Jhalawar, Pali
	Total	32		33	

Source: *Census 2001- Rajasthan: Economic characteristics- Agro Labours; Census of India, Government of India; 2003; ** Calculated on basis of the data available in Table 1.28; Percentage of Agricultural labour to Total Workers by residence & Sex, Census 2011; pg.36; ***Some Facts about Rajasthan, 2016***; Directorate of Economics & Statistics, Rajasthan; December 2016;

Analyzing the all three situations altogether it is found that there are almost 3/4th districts in Rajasthan where backwardness due to high proportion of rural mass, non-workers magnitude and very less proportion of agro-engagement is prevailing and hence not only such schemes which address infrastructural development in the state are required but simultaneously those which may supplement job deficiency locally with assured wages, especially during lean

period, are required to strengthen people's living and to comfort their families' survival.

This scheme (MGNEGS) has been implemented in three steps in Rajasthan. It was initially launched in Feb 2006 in 06 districts. In 2007-08 six more districts were included, whereas remaining 21 districts have been included in the last phase (2008-09). A list of the districts, included in different phases, is shown in Table-4.

Table 4: List of districts included in MGNREGS in Rajasthan; 2006-09

Phase / districts	Phase- I (2006)	Phase- II (2007-08)	Phase- III (2008-09)
Name of districts	Banswara, Dungarpur, Jhalawar, Karauli, Sirohi, Udaipur	Tonk, Sawai Madhopur, Chittorgarh, Barmer, Jalor, Jaisalmer	Dausa, Rajsamand, Alwar, Baran, Nagaur, Dhaulpur, Bundi, Jaipur, Bharatpur, Sikar, Pali, Hanumangarh, Bhilwara, Jhunjhunu, Ganganagar, Churu, Jodhpur, Bikaner, Ajmer, Kota, Pratapgarh
Total	06	06	21

Source: Ministry Of Rural Development Department Of Rural Development Government Of India New Delhi.

Achievements

The scheme has completed its 5 years in the state and its impacts are visualized both in social and economic spheres. The implications of the scheme may specifically be seen in following areas-

Stay of rural labour in their areas. It has not only decelerated rural to urban migration within Rajasthan but also to other states notably. As per government record a total 41,47,558 cumulative number of households demanded jobs till mid of December 2011 (during the financial year 2011-12) out of which 39,23,107 (94.59 %) households have been given jobs. The reports of the government themselves shows that in this year only 2.46 percent of the total households, who have been given jobs, completed 100 days of their employment¹³. Although the period of job is maximum 100 days in a span, and it is also true that all households were not given jobs for 100 days, but it is equally true that the whatever days' employment has been provided to these unskilled labours, it has helped them to overcome their poor living, especially during lean period. Thus the contribution of the scheme is acknowledgeable and that is why it (the scheme) has gained popularity among rural people.

Inflation in wages of labours in both rural and urban areas has been taken almost thrice in the state. Scarcity of unskilled labour in urban areas for domestic and industrial purposes and also in rural areas for agriculture has emerged as a big challenge. It has insisted the employers to increase the wages to the level as decided by labour market itself. Therefore there may be variations in unorganized wages even within a city. On the other hand it has directly benefited to these deprived hard workers. A semiskilled labour was paid Rs. 170 per day in 2005, which on increase was later paid as Rs. 400.

Encouragement to local people to prioritize their needs, and so the works are being watched by them. Therefore it is the first time when a large number of cases of improper works, corruption and misappropriate use of funds have been highlighted by public

Constructions works of required infrastructures is again an achievement of the state. Recharge of underground aquifers has also been reported in some area. It has enabled people to get water available for drinking as well irrigation at lower depth. Besides, As per government reports total 13,750 works including rural connectivity, flood control, water conservation and water harvesting, micro irrigation, provision of irrigation facility to land development, renovation of traditional water bodies, land development, Rajiv Gandhi Seva Kendra (now renamed as Atal Seva Kendra by the NDA lead Govt.) and other works which have been approved by the Ministry of Rural Development have been completed in this financial so far. Besides, 3,66,864 works are in progress¹⁴. This huge number of works along with their budgetary details are available to the public which itself is an achievement.

So far as the employment generation in the state in the year 2017-18 is concerned it is reported that a total 76,77,239 persons demanded jobs and out of that 76,70,844 (99.92%) were offered jobs whereas 65,31,352 (85.1%) persons were provided jobs¹⁵.

Besides, updating the current status (2018-19; as on 18.11.2018), it is found that out of a total 64,70,551 persons, who demanded jobs, 64,62,037 (99.87%) persons have been offered jobs and 50,31,558 (77.8%) persons have been provided jobs¹⁶.

Some observations

Undoubtedly the scheme is a popular program which has its honest soul of rural development. It was initially implemented as a political agenda of the UPA government but the due to its ideal provisions and various check balances to utilization of funds, it has gained mass public support. It has become a hope of livelihood source to the needy poor people.

But there are a number of problems, being faced at government and other functionaries' level. Charges of corruption, misuse of funds, exploitation of poor & illiterate labours by making less payments etc. are some of the issues

that have to be addressed.

There are issues like employment to skilled and educated unemployed people locally, even to a certain period if not prolonged, to be incorporated in MGNREGS. In this way there may be the benefit of their services locally.

Besides, the instruction to utilize the funds in 40:60 (material and labour wages respectively) is arbitrary which can't be followed everywhere, especially in plain areas like Rajasthan where earthen works can't sustain over longer time.

Furthermore, there are issues related to the proper monitoring of the scheme and its ongoing projects, failing which, most of labour is detracting away from the scheme, leading to improper/ poor functioning at grassroots' level on one hand, and mal practices to get the projects/ tasks completed by 'any how' on the other hand. Therefore a sincere review of the scheme is required at Government and public levels in order to strengthen the scheme in favour of the real needy persons and uplift the economic level of the poor and deprived people.

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Self-Esteem and Well-Being: A Correlational Study



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Abstract

The present study investigated the relationship between self-esteem and well-being among adolescents. A sample of 250 adolescents aged 16-18 years were taken in the study. Sample was equally divided among boys and girls. Measures administered were self-esteem scale by Rosenberg (1965), psychological well-being scale by Ryff and Keyes (1995), WHOQOL-BREF scale World Health Organization Quality of Life Group (1998). Correlation analyses were carried out. Results indicated positive and significant relationship between self-esteem and well-being among adolescents.

Keywords: Self-Esteem, Psychological Well-being, Quality of Life, Adolescents

Introduction

There is no doubt that adolescents go through multiple conflicts and mood swings but adolescents can channelize their energies, take best in many aspects of their lives, feel satisfied in their relationships and be optimistic and hopeful about their future (Offer & Schonert-Reichel, 1992). Infact, Hall (1904) also stated adolescence to be "the best stage of life." Pickhardt (2010) pointed out that during adolescence, self-esteem drops especially when adolescents experience a sense of disappointment while confronting the challenges of independence, experiencing a state of identity crises and being routinely hard on themselves. According to Rogers (1959), the congruence between real-self and ideal-self contributes to the higher sense of self-worth. According to Erickson, a psychosocial theorist, every stage is marked by some kind of crisis which means that a person has to struggle to attain a resolution of crisis which is important to gain self-identity and healthy development at later stages of life. He believed that early to middle adolescence is marked by the crisis of identity versus identity confusion. Adolescents

must successfully develop self-identity for healthy adjustment.

The terms self-concept and self-esteem are often used interchangeably. They are different but related constructs. Rosenberg (1979) defined global self-esteem as "an individual's general sense of his or her value or worth." Various theoretical models of self-esteem indicate that it's an important aspect of an individual's personality. Evidence has indicated that high global self-esteem has been identified as an important factor in preventing negative outcomes like stress and depression (Rector & Roger, 1997; Major, Barr, Zubeck, & Babey, 1999).

Well-being is also defined as "living in accordance with one's true self" by Waterman (1993), which is called psychological well-being. Ryff and Singer (1998) defined psychological well-being "as the striving for perfection which indicates the realization of one's true potential and not just the attainment of pleasure". They proposed six essential components which promote psychological well-being i.e. Autonomy, Environmental Mastery, Personal Growth,

Positive Relations with Others, Purpose in Life and Self-Acceptance (Ryff et al., 1995).

Self-esteem has been positively linked with well-being as indicated by research evidence (Chen, Cheung, Bond, & Leung, 2006). Low self-esteem has been associated with psychological and behavioral problems, aggression and delinquency, depression, suicide, poor school performance, psychological adjustment problems and anorexia nervosa (Agrawala & Raj, 2003; Donnellan, Trzesniewski, Robins, Moffitt, & Caspi, 2005; Bhattacharjee & Debb, 2007; Orth & Robbins, 2013). Diener and Diener (1995) conducted a large scale study among college students from 49 different universities, 31 countries, and 5 continents. The results indicated that high self-esteem emerged as the strongest predictor of overall life satisfaction. Significant positive correlation was found between self-esteem and happiness.

The present study investigated the relationship between self-esteem and well-being among adolescents. Although, researchers in India, have started to bring their focus on studying character strengths and there is a growing concern to promote well-being in conjunction with preventing emotional and behavioral problems among adolescents. Still, the research related to studying self-esteem and well-being among particular population is limited. The present study will contribute in expanding literature.

Method

Participants

250 adolescents in the age range of 16-18 years were taken. The sample comprised of 125 males and 125 females. A list of Government Model Senior Secondary Schools of Chandigarh was obtained from DPI (Schools). Five Model schools were picked up. The school authorities were contacted to seek permission for data collection. The sampling technique was incidental in nature.

Hypotheses

1. There will be positive relationship between self-esteem and psychological wellbeing among adolescents.

2. There will be positive relationship between self-esteem and quality of life among adolescents.

Measures

1. Self-Esteem scale by Rosenberg (1965) measures global self-worth by measuring both positive and negative feelings about the self. It is a ten item scale. The scale has good psychometric properties and has been used in Indian setting by many researchers. For example, Sharma and Aggrawala (2015).

2. Psychological Well-being Scale by Ryff et al. (1995) measures six dimensions of psychological well-being (Autonomy, Environmental Mastery, Personal Growth, Positive Relations with Others, Purpose in Life, and Self-Acceptance). A total of 6 measurement scales have been developed to assess psychological well-being. For the present study, 84-item scale has been used. The scale bears good psychometric properties and has been used among adolescents in Indian setting by various researchers. For example, Parveen, Maqbool, and Khan (2016).

3. World Health Organization Quality of Life by WHOQOL GROUP (1998) measures quality of life in four domains which are Physical, Psychological, Social Relationships and Environmental. It is a 26 item scale. The scale has been used with adolescents in Indian setting. For example, Agnihotri, Awasthi, Chandra, Singh, & Thakur (2010).

Procedure

Informed consent was obtained from the participants. All the interested subjects were administered self-reports measures in a booklet form in a group setting. They were assured that the information and the results would be kept strictly confidential and used for research purpose only. Proper standardized instructions were given to the subjects as specified in the manuals.

Results

Means, Standard deviations are shown in **Table I**. Correlation values are shown in **Table II**.

Table I: Means and Standard Deviations (N=250)

S. No.	Variables	Mean	SD.
1	SE	25.44	6.11
2	AT	55.01	10.96
3	ENV-M	56.24	15.33
4	PG	54.24	15.20
5	PR	55.68	15.57
6	PIL	54.92	16.35
7	SA	55.64	15.62
8	PHYQOL	25.64	4.13
9	PSYQOL	21.64	4.44
10	SOCQOL	9.82	2.75
11	ENVQOL	27.77	5.65

Note: SE = Self-Esteem, AT = Autonomy, ENV-M = Environmental Mastery, PG = Personal Growth, PR = Positive Relations with Others, PIL = Purpose in Life, SA = Self-Acceptance, PHYQOL = Physical Quality of Life, PSYQOL = Psychological Quality of Life, SOCQOL = Social Quality of Life, ENVQOL = Environmental Quality of Life.

Table II: Correlation Matrix (N=250)

S. No.	Variables	1	2	3	4	5	6	7	8	9	10	11
1	AT	1	.63**	.58**	.63**	.61**	.67**	.77**	.53**	.59**	.47**	.41**
2	ENV-M		1	.52**	.61**	.59**	.63**	.66**	.49**	.56**	.44**	.38**
3	PG			1	.57**	.51**	.57**	.59**	.49**	.59**	.33**	.26**
4	PR				1	.55**	.59**	.68**	.57**	.65**	.44**	.41**
5	PIL					1	.57**	.59**	.52**	.58**	.43**	.40**
6	SA						1	.67**	.51**	.58**	.45**	.40**
7	PHYQOL							1	.52**	.57**	.45**	.39**
8	PSYQOL								1	.52**	.37**	.51**
9	SOCQOL									1	.49**	.46**
10	ENVQOL										1	.29**
11	SE											1

** indicates significance at 0.01 level

* indicates significance at 0.05 level

Discussion

Findings of the present study reported significant and positive relationship between self-esteem and well-being among adolescents. Findings are in line with existing studies. Self-Esteem boosts one's self confidence and potential to be successful in various domains of life i.e. relationships, career, personal growth etc. It is one of the vital aspects of well-being which enables one to lead a life respectfully, happily and lovingly. Turkisher (1994) indicated significant relationship between attachment style, self-esteem, and subjective well-being among late adolescents. Diener et al. (1995)

indicated that high self-esteem emerged as the strongest predictor of overall life satisfaction among college students. Paradise and Kernis (2002) examined the relationship between self-esteem and psychological well-being. The results revealed that high self-esteem indicated high well-being. The main effects for stable self-esteem emerged for autonomy, environmental mastery, and purpose in life. Self-acceptance, positive relations, and personal growth were influenced by self-esteem levels.

In view of present findings, it is important to discuss the implied value of results in promoting well-being among adolescents. Self-esteem is an

important factor to be considered in psychological skill training for children and adolescents in India. It acts as a buffer against negative consequences and promotes well-being (Furham & Cheng, 2000). Promising evidence comes from mental health promoting school programs conducted in Western setting suggesting incorporating self-esteem will be helpful in preventing problem behaviors in children and adolescents and will improve academics. Positive self-esteem will help adolescents deal with life's challenges as documented in research literature (Mann, Hosman, Schaalma, de Vries, 2004).

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Anti-Defection Law under Tenth Schedule of the Constitution: Issues and Challenges



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Abstract

In 2016 the decision of Uttarakhand Assembly's speaker to disqualify 9 rebel congress MLAs a day before crucial floor test to decide the faith of the then Chief Minister has brought the focus back on Anti-Defection Law. This controversial law is often invoked just before trial of strength to manipulate the numbers of the House. This cause for an introspection of Anti-Defection Law and its pros and cons. Hence in the present study an attempt has been made to discuss the various issues and challenges before the Anti-Defection Law as introduced by the Tenth Schedule of Constitution through 52th Amendment.

Keywords: Political defection, Allegiance, Quasi-Judicial, Parliamentary Privileges, ejusdem generis

Introduction

After Independence the political structure of the government was very stable. This could be concluded by the fact that the result of elections was unanimous and not divided. People gave clear verdict in the elections and the winning political party would get much more than the required strength of 282 seats. But so was not the case in legislative assembly elections. In India, the need to tackle defection arose only after 1967. Prior to 1967, there were only 500 instances, which mostly happened in the State level. Such defection mostly occurred for ideological reasons and not due to lure of office.¹ But the trend started changing as the game of numbers in the race for the chair began. Gradually, when the results of elections were not in favor of one party and no party was able to secure majority, the party that wanted to form a government started directing its efforts towards breaking other smaller parties to get enough numbers to support them to form a government. Whereas making an alliance with other smaller parties was a tedious process, which also required more commitment, on the

other hand luring a few members of the elected members was much easier.

Concerned over the malaise of political defection in natural life, the Lok Sabha adopted on 8 December 1967 a non-official resolution, urging the appointment of a committee for this regard.² A committee to put into effect the same was formed and its report was tabled, on the basis of which a bill was introduced in Lok Sabha. But before the bill could be passed the Lok Sabha was dissolved. Another attempt was made on 28 August, 1978 in the next Lok Sabha but it failed due to a lot of opposition from members of both the Ruling party and the Opposition. Finally, after 1984 general election, the assembly passed the Fifty Second Constitution (Amendment) Act, 1985.

Provisions of Tenth Schedule

The Fifty Second Amendment of the Constitution, popularly known as the Anti-Defection Law, came into effect from March 1985. It amended Article 101, 102, 190 and 191 of the Constitution. **It also added Tenth Schedule to the Constitution.** It

was amended in 2003 by the 91st Amendment Act. It lays down the following conditions for disqualification on the grounds of defection. The provisions contained are:³

- I. If a member of the Parliament or State Legislature, who was a candidate set up by a particular political party and is a member of the party while he takes up the seat, will be disqualified on the ground of defection if he voluntarily gives up his membership of the party or votes or abstains from voting contrarily to the directions of such party.
- II. An independent member, if joins any political party will be disqualified on the grounds of defection.
- III. A nominated member of the house will get disqualified on the grounds of defection if he joins any political party after the expiration of a period of six months of his taking the seat.
- IV. No members would be disqualified if the party they belong to merge with another party, if the merger is supported by not less than two-third of its members.
- V. The question of disqualification of the member has to be decided by the presiding chairman of the house.

Anti-defection laws are not only present in India but in a lot of Parliamentary democracies where there is a multi party system. Party loyalty and supporting ideologies is very important in a democracy because on a lot of occasions the people vote into power a particular ideology and not a person. However, it is the faith people have in the leadership and functioning of a party, which if betrayed is against the essence of democracy. The exercise of the right to freedom of speech and expression is also important because the candidate should keep the interest of the people he is representing over the benefits and bias of his party. Since the candidate is the only person who is representing the people of his or her constituency, he/she also has to take care of their interests. The right to freedom of expression also includes the right to dissent and a candidate should not be punished for that.

Defiance to party directions is not punished by unseating the member concerned in countries like U.K., Canada, Australia and New Zealand where parliamentary democracy similar to India prevails.⁴ Dissent is not considered because a dissenting member, who does not comply with a particular party directive, has neither changed sides, nor crossed the floor and thus continues to be a member of his party.⁵

If a member is not allowed to exercise his discretion on an issue then why in the first place is he elected to represent a particular constituency. There is no need for debates, discussions and deliberation in the house if at the end a Whip has to be issued by the party high command. The only possible outcome of such discussions in the house could be to attract other small parties to elect in favor of the big parties but that does not fulfill the requirements of a democracy. The provisions also discriminate between the nominated members and independent members elected to the house. If an independent candidate joins a political party then he can be disqualified on the grounds of defection. But a nominated candidate who does not represent any political party, if joins any party within first six months of his elections, does not get disqualified. A person nominated by any political party would own his allegiance to the party that nominated it and is likely to join the same party if he has to. So there exist a situation that is favourable to the ruling party and not other parties to get more members of the house to join them. This is principally unfair and violates Article 14.

The agenda in the assembly not always are limited to policies to be implemented by the government. The assembly also exercises **quasi-judicial** functions. If party politics starts influencing such matters and a person is not tried on the principals of equity and justice then it would be a violation of *Rule of Law*.

Criticism of the Law

A. Parliamentary Privileges under Article 105

In a democracy, it is very important for the people to be heard by the government. That is why there

is so much scope for people for voicing their opinion. However, in a bigger democratic setup, with a big population, which is spread all over the country, the scope for direct discussion becomes impossible. In India, there are one billion people and they are represented by only 543 elected members of the Lok Sabha and 250 Members of the Rajya Sabha. Similarly, on the State level there are a few MLAs elected to represent the people of the constituency. The people, who are spread all over, have different needs and requirements. For example, the people of North eastern India and people of Maharashtra would have different requirements and therefore different expectations from their representatives. The industrialist and the farmers are two opposite groups and they have different aspirations from the government. One political party cannot represent everyone collectively and it is only fair if MPs and MLAs from one political party are let to represent their constituency before the political agenda. To propagate the ideology of the party, there are many elected members in the house but to voice the problems of a region there is only one person elected from the constituency. To find a solution to this problem the Constitution makers provided for Article 105.⁶ This provision talks about Parliamentary Privileges that are available to the members of the Parliament. Similar provisions are available to the members of State Legislative Assembly under Article 194. The provisions guarantee Freedom of Speech and Expression in the parliament. The right includes the right to vote for or against any motion that is put up in the house. This privilege is so strong that no criminal proceedings can be done against a member who has voted even though he/she did it maliciously.⁷ The members of parliament voted against a motion after taking bribe from the ruling party but they got saved from any criminal proceedings because of the parliamentary privileges.

But the Fifty Second Amendment of the Constitution changed the above scenario. It added Tenth Schedule which lay down the process by which legislators could be disqualified on grounds

of defecation. The provisions of Tenth Schedule are not in this spirit. The provision militates against the basic freedom of association, opinion and expression - including freedom to change association, opinion etc. guaranteed under the Fundamental Rights of the Constitution. If votes are not allowed to be altered by arguments and speeches then what is the point of debates and discussion in the parliament. If to get compliance by the members, a Whip can be issued then how will the principles of parliamentary democracy be enforced. Accountability of the government can only be questioned by the parliamentarians. If by way of Whip, the decision of the party is enforced then why are candidate selected on the first place and not just the party. It cannot be denied that the people cast vote keeping in mind the political party the candidate belongs. However, India is a parliamentary democracy, is so that people can be heard of at the minute level. There needs to be a balance in advocating the interest of both stakeholders. A winning political party has more than 282+ seats in the Lok Sabha. These 282 seats represent a huge population, which cannot demand the same thing from the government. Thus there is a need to establish a platform where an elected members could dissent from the party's decision.

In this context, an Independent member has more autonomy to support a different ideology because he or she is not bound by whip and any outside support made by him is not considered as defection vis-à-vis a member elected on the seat of political party. Characterization for the same was laid by judicial decisions⁸ but it could not break the wall of difference between an independent candidate and a member from a political party. The considerations of the oppositions are also important to be discussed. In the modern day political scenario of India, the opposition party just wants to fail the motion raised by the ruling party. If the opposition party issues a Whip to its members then they would not be able to vote objectively. They are bound to abide by the decision even if it is bad for the country. This is a failure of democracy.

In *Kihoto Hollohan*,⁹ the court observed that: *"Debate and expression of different points of view, thus, serve an essential and healthy purpose in the functioning of Parliamentary democracy. At times such an expression of views during the debate in the House may lead to voting or abstinence from voting in the House otherwise than on party lines.."*

Apart from unrestricted speech, the Constitution provides for free voting in Parliament. Generally, courts have regarded voting by ordinary citizens to be a part of speech on the grounds that it is a tool of expressing feelings, sentiments, ideas or opinions of an individual.¹⁰ The right of a citizen to vote for the candidate of one's choice is nothing but freedom of voting, and it is the essence of democratic polity. While the right to vote is a statutory right, the freedom to vote is considered a facet of the fundamental right enshrined in Art. 19(1)(a).¹¹ Every person has the right to form his opinion about any candidate and have a political stance. Such a right is tantamount to expression of this preference. This final stage in the exercise of voting marks the accomplishment of freedom of speech of the voter.¹² Extending this finding to voting in Parliament, voting by an elected member becomes an essential element of the freedom under Art. 105(1) of the Constitution. Voting by members must not thus, be restricted by Paragraph 2(1)(b).

In *Parkash Singh Badal & Ors. v. Union of India & Ors.*,¹³ where such a restricted sense was approved. Tewatia J. said: *"If the expression: 'any direction' is to be literally construed then it would make the people's representative a wholly political party's representative, which decidedly he is not. The Member would virtually lose his identity and would become a rubber stamp in the hands of his political party. Such interpretation of this provision would cost it, its constitutionality, for in that sense it would become destructive of democracy/parliamentary democracy, which is the basic feature of the Constitution. Where giving of narrow meaning and reading down of the provision can save it from the vice of unconstitutionality the Court should read it down particularly when it brings the provision in line with the avowed legislative intent....."*

In this light, a member should be free to vote as he wishes on certain important social matters and not as the party directs him to. This would ensure that the true democratic spirit within the country is upheld.¹⁴ An example of this could be that the party may support an Agenda that favors one group like the bound Hindus but if the MP does not dissent to this and votes by his conscience then he is truly doing his job.

Article 102

Article 102 of the Constitution, which lays down the grounds of disqualification of the member of the parliament, originally did not mention dissent or defection as one of the ground. The constitution makers could have put in place a party based democracy in India where not following the ideology could have been a ground for disqualification but they did not do so because they knew the importance of dissenting in a country like India where so many factions exist among its people. It has been argued that there was no nexus between the vices, infirmities, incapacities, defects, and conflict of duty and corrupt election practices and the subject matter of Tenth Schedule.¹⁵ The inclusion of Clause (2)¹⁶ in the article by Fifty-Second Amendment therefore violates the principle of *ejusdem generis*. Nothing under the original Article 102 had anything to do with what a member does inside the house of the parliament.

B. Position given to the Speaker

The Speaker of the house in case of Lok Sabha and the Vice-President, who is the ex-officio chairman of Rajya Sabha, is the presiding authorities, who regulate the proceedings in the house. They are given many powers in matters of regulating the conduct of the house apart from their legislative function. The Speaker of the house is considered to be a sacred post by the court and it is assumed that the speaker will not have any bias against any person. His behavior and treatment towards all shall be fair and just. But the fact that the Speaker was formerly a member of the political party and was first elected on the seat by a political party and later

appointed as the speaker because of the support of the ruling party cannot be ignored. The same goes for the Vice President. Even he was formally a member of a political party and was appointed as the Vice President because of the support of a party. These posts are not secluded from the politics of the country and a blind assumption is not to be made as to their impartiality. In para 6 of Tenth schedule, the power to take a decision on the question of disqualification is given to the Speaker or the chairman, as the case may be, of the respective house. In the judgment of *Kihoto-Hollohan*, the Supreme Court held that the speaker's function under the Tenth Schedule can be called for a judicial determination of the issue under the law. The process of determining the question of disqualification could not be considered part of the proceedings of the house and as such not amenable to judicial review. The Supreme Court further held that paragraph 6(1) of the Tenth Schedule, would also extend to provide for judicial review.

Since the Speaker is involved in an adjudication process, fairness demand that generally the member in fault should be given some opportunity of explaining his position. However the complaint of violation should be given some opportunity of explaining his position. Any complaint of failure to follow the principles of natural justice will not succeed if the member concerned has not suffered any prejudice. For example, the Meghalaya Assembly Speaker suspended the voting rights of 5 independent members of the assembly before the house was supposed to have a no-confidence motion against the government. Later the speaker suspended 5 members from the opposition party and even ignored the stay order, which the members obtained from the Supreme Court. The Supreme Court asked the governor to include the member in the trial of the house. The stage was thus set for confrontation between the court and the legislature. This is not a unique incident and in fact other such incidents have happened wherein the Speaker has done his job maliciously and the decision of disqualification has not been fair.¹⁷

The difficulty in implementing the law has been that the speaker have not always exercised their power to decide whether or not a member has earned disqualification or not as a result of defection, objectively and impartially. The reason behind this has been correctly diagnosed by the minority judges in *Kihoto-Hollohal* case, as the speaker depends continuously on the majority support in the House. Therefore if a member defects from a smaller party to a bigger party and the speaker belongs to the bigger party, an impartial adjudication on the disqualification, extremely improbable. A very pertinent question raised is whether the power to disqualify a member on the ground of defection should continue to vest in the speaker, or should it be vested in some independent body outside the house, on which the house can exercise no influence. Some sort of judicial review is called for of the speaker's decision as it has been proved wrong again and again.¹⁸

C. Power of Judicial Review

The disqualification on the grounds of defection could have been included in Article 102 of the Constitution. But instead of that the Parliament enacted another amendment¹⁹ and placed this ground for disqualification under the Tenth schedule. The amendment was put under Schedule 8, which is a list of laws that stay out of the purview of Judicial Review. The intention of the legislature was to prevent a judicial review on Para 7 of the Tenth schedule. The Para 7 is a bar on Jurisdiction of Courts completely from the cases of disqualification on the grounds of defection.²⁰ The Supreme Court however struck down para 7 and declared that the provisions of para 7 of the Tenth schedule of the Constitution in term and in effect bring about a change in the operation and effect of Article 136, 226, and 227 of the Constitution of India, and, therefore the amendment should have been got ratified by State Legislature in accordance with the proviso to Sub-Article (2) of Article 368 of the Constitution. Since the ratification was not done, the provision of Para 7 was not valid.²¹ But the minority judgment in this case did not

agree with the reasoning. According to the, the purpose of enacting Tenth schedule was to exclude judicial review. Removal of Para 7 meant that judicial review could be exercised and this defeats the purpose. If this was not the purpose the legislators could have implemented the anti-defection law by just adding the provision in Article 102, as discussed above.

The judiciary struck down para 7 and upheld the powers of judicial review but the balance between the powers of the speaker and the court was not clear. In *Jagdambika Pal* this question was raised again in the case of Uttar Pradesh assembly where there was a direct conflict between the Assembly and the Allahabad High Court. Contempt of Assembly and court proceedings were also issued by both the assembly and court respectively. The pertinent question was whether the power of Judicial Review exists irrespective of the privileges of the house and it was asked to the Supreme court, but before it could be answered the matter ended.

Democracy is a part of the basic structure of the constitution and free and fair election with provision for resolution of disputes relating to the same, as also for adjudication of those relating to subsequent disqualification by an independent body outside the House are essential features of the democratic system in our constitution. Accordingly independent adjudicatory machinery for resolving disputes relating to the competence of members of the House is envisaged as an attribute of this basic structure, and the same prevails over parliamentary supremacy in managing its own affairs. The speaker does not satisfy the requirements of an independent adjudicatory authority, and his choice as the sole arbiter violates an essential attribute of this basic feature.

D. Cases of Merger and Split

Para IV of the Tenth Schedule discusses Merger of one political party with another and does not make it a ground for disqualification on the ground of defection. But the condition for a valid merger is not less than one-third of the members. This seems fair only from the outside because if

the strength of political parties is looked at, it varies. There are different types of parties. For example in the 16th Lok Sabha, the AamAdmi Party (AAP) has 4 members and on the other hand Bhartiya Janta Party (BJP) has 273 members. If 3 members of AAP join another party then it would not be treated as defection and the members would not be disqualified from the house. On the other hand if even 50 members of BJP defect and join another party it would be defection and would lead to their disqualification. This is unfair because it makes defection easier from small parties but a merger with good numbers from a big party becomes a ground for defection.

The same goes for a split. As per Para 3, disqualification on ground of defection shall not apply in case of split, where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party. This again makes it seem like the law tolerates changing of political loyalties when it is a large section doing so but is stringent when it is one or two members. This is incongruous and paradoxical to say the least.

E. Joining a party, as a ground of disqualification

According to the provisions of Para 2(2), and independent member gets disqualified from the house if he joins any political party but similar act done by a nominated member to the house, within six months of being nominated to the house is not a ground of disqualification. The problem with this provision is this, [i] that why should there be a difference in treatment of an independent candidate and a nominated candidate, [ii] the period of six month given to the nominated member is not reasonable and [iii] in case of a single member party defection, no such provision will be applicable.

An independent member is elected to the house by the people to represent the constituency and

is supposed to favor no political party because that is the mandate of the people. A nominated member to the house is also nominated to the house for the same purpose, to represent his field objectively. But if a nominated member, within 6 months of his election joins a political party then it does not amount to defection. This provision discriminates between the elected and a nominated member as both of them are sent to the house to represent their respective constituency or field, as the case maybe and not to indulge in any party politics. Secondly, the period of six months given to a nominated member is also not fair. This is just a way for the majority party to strengthen its population in the house. The justification to this contention is that after getting nominated to the house by one political party the nominated candidate will show his allegiance to the that party only. At least for the first few months his loyalty would remain to the party that brought him in the house. And this would result to an unfair decision by the nominated member.

Current Scenario

The Anti Defection law had been under much criticism and thus there have been many attempts made to change the law. This includes both constitutional amendments and judicial decisions.

A. 91st Amendment: The amendment of 2003 brought in new changes in the Anti-defection law. The provision available previously, by which if 1/3 members of a political party defected they would be recognized as a split group within the party and not get disqualified on the grounds of defection. Demands have been made from time to time in certain quarters for strengthening and amending the Anti-defection Law as contained in the Tenth Schedule to the Constitution of India, on the ground that these provisions have not been able to achieve the desired goal of checking defections. The Tenth Schedule has also been criticized on the ground that it allows bulk defections while declaring individual defections as illegal. The provisions for exemption from disqualification in case of splits

as provided in paragraph 3 of the Tenth Schedule to the Constitution of India has, in particular, come under severe criticism on account of its destabilizing effect on the Government. After this amendment, split was omitted as an exception at all. The amendment replaced the provision by providing for 'merger' of a political party with another, which had to be recognized by at least 2/3 members of the party. The impact of this was on both small and large parties. In small parties defection was made difficult, but in larger parties defection became almost impossible, as defection in such large numbers is not practical.

B. Uttarakhand Assembly Dissolution: Very recently there was disruption of the Uttarakhand assembly. A question arose regarding the confidence held by a certain party. The question of defection in this situation arose when certain MLA of the ruling party did not cast their vote in favour of the Appropriation Bill, which was presented by the ruling party. It is a parliamentary convention that if a Money Bill fails in the house then the government also falls down as it is a popular conception that a government cannot run without money. So in such cases a government has to prove its strength in the house by winning a confidence motion. If the government fails in doing the same, an opportunity may be given to the opposition party or the house goes into suspended animation as happened in this case. But regarding the status of the MLAs, it could be understood that voting against a Money Bill could be understood as defection as it amount to falling of the government.

*In Parkash Singh Badal & Ors. v. Union of India & Ors.*²² Tewatia J. said:

".....the purpose of enacting paragraph 2 could be no other than to insure stability of the democratic system, which in the context of Cabinet/Parliamentary form of Government on the one hand means that a political party or a coalition of political parties which has been voted to power, is entitled to govern till the next election, and on the other, that opposition has a right to censure the functioning of the Government

and even overthrow it by voting it out of power if it had lost the confidence of the people, then voting or abstaining from voting by a Member contrary to any direction issued by his party would by necessary implication envisage voting or abstaining from voting in regard to a motion or proposal, which if failed, as a result of lack or requisite support in the House, would result in voting the Government out of power, which consequence necessarily follows due to well established constitutional convention only when either a motion of no confidence is passed by the House or it approves a cut-motion in budgetary grants. Former because of the implications of Article 75(3) of the Constitution and latter because no Government can function without money and when Parliament declines to sanction money, then it amounts to an expression of lack of confidence in the Government. When so interpreted the clause (b) of sub-paragraph (1) of paragraph 2 would leave the Members free to vote according to their views in the House in regard to any other matter that comes up before it."

Conclusion

Defection is not only anti-democratic but even a form of corruption for underlying motivation is personal gain and not any conscientious change of heart on the part of the defecting legislators. The only purpose of anti-defection law is so that the voters of a constituent assembly, which the elected member represents, shall not be duped by him.²³ But to overcome a few problems the law cannot be implemented to create more problems. The solution for this could be that the legislature learns from the mistake it did, analyse the trend of defection and amend the law as required. A few suggestions are made to tackle the problem. *Firstly*, the speaker of the house should not be the sole authority in adjudicating the matter of defection. A special committee should be formed which consists of fair adjudicators to examine the act of the concerned legislator and then give its recommendation to the speakers. The members

of the committee should also be people who are experts of law, maybe the attorney general, or anyone who may not get influenced by politics.

Secondly, the judiciary in this matter should be given full powers to adjudicate the matter after the speaker has made the decision. The decision should not be finalized at the level of speaker but instead, it should be compulsory for it to come to the concerned High Court or the Supreme Court and only then the disqualification should be made.

Thirdly, the right to dissent and disagree with the party should be recognized in the anti-defection law. Even though there are only 3 situations in which a whip can be issued and that includes the internal matter of the party or any **party ideology** but the definition of this should be elaborated. A whip to be issued for passing a bill to fulfill the promise made by the party before election is more important than the right to dissent but it is very important to define elaborately what is the internal policy and if that was the reason why the political party came to power.

Lastly, in case of merger and split, first of all there should a numerical limit also be given to constitute defection. The one-third criterion is not enough as it only suits the cause of bigger political parties. For bigger political parties, which have a big numbers in the house, then for them instead of the one-third criteria there should be a number or the criteria should be reduced. In addition to this, there should be a way so that the other members of the party could also be considered. Merger and split should not just depend on the members elected to the concerned house. so a way should be formulated so that consent could be sought from the whole party.

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Women Empowerment through Education: Problems and Possibilities



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Abstract

Girls' education is a big opportunity for India to be developed socially and economically. Education is a key factor for women empowerment, prosperity, development and welfare. Discrimination of women from womb to tomb is well known. There is continued inequality and vulnerability of women in all sectors and women oppressed in all spheres of life; they need to be empowered in all walks of life. Women education in India has a major preoccupation of both the government and civil society as educated women can play a very important role in the development of the country. Education is milestone of women empowerment because it enables them to responds to the challenges, to confront their traditional role and change their life. So that we can't neglect the importance of education in reference to women empowerment and India poised to becoming superpower in recent years. Education of women is the most powerful tool to change the position in society. Women education in India has been a need of the hour, as education is a foundation stone for the empowerment of woman. . Education also brings a reduction in inequalities and functions as a means of improving their status within the family and develops the concept of participation.

Keywords: Education, Preoccupation, Milestone, Empowerment, Participation

Introduction

"If you educate a man, you educate an individual, however, if you educate a woman, you educate a whole family. Women empowered means Mother India empowered." —Pandit Jawaharlal Nehru
Although in the Vedic period, women had access to education in India, they had gradually lost this right. During British Raj, various socio-religious movements led by eminent scholars like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar etc. emphasized on women's education in India. Mahatma Jyotiba Phule and B.R. Ambedkar were leaders of the lower caste in India who took various initiatives to make education available to Indian women. Education as a concept has become the centre of a global pedagogic debate in the last few decades. If education is seen to be instrumental in providing a better life, then it is

necessary to define what is meant by education or by a better life, where and for whom.

Woman, colloquially known as the better half of man, is in reality his worse half. According to H. Sipla, "Half of the humanity that is women have yet to go a long way to achieve equality of status and opportunities along with men. It is still often a disadvantage to be born a female". The historical evolution of human beings has witnessed the ebb and flow of women's status. After Independence the Constitution of India conferred equality to men and women in status and opportunities in political, social and economic areas (Article 14). Humane work conditions and maternity relief is provided under Article 42. Any practice derogatory to the dignity of women should be renounced by every citizen as a fundamental duty. (Article 15 [A]).

"If you educate a man you educate an individual, however, if you educate a woman you educate a whole family. Women empowered means mother India empowered". PT. JAWAHARLAL NEHRU. Women education in India plays a very important role in the overall development of the country. It not only helps in the development of half of the human resources, but in improving the quality of life at home and outside.¹ If it is said that education is the key to all problems, then it won't be improper. Thinkers have given a number of definitions of education but out of these definitions, the most important definition is that which was put forth by M. Phule. According to M. Phule, "Education is that which demonstrates the difference between what is good and what is evil". If we consider the above definition, we come to know that whatever revolutions that have taken place in our history, education is at the base of them.²

When India became independent the masses were uneducated and illiterate. Therefore the planners of Independent India's future had the vision to spread education which would work as the flaming sword that would unshackle the poor, the backward and the oppressed from their bonds of illiteracy and inequality. The spread of education amongst the females is of more vital importance. The future of the nation is in the hands of the children of today and if the children are moulded properly the nation can be sure to be on path to prosperity. It is here that education among females attaches its due importance. An educated mother will definitely bring up her children in better fashion than an uneducated mother would. The Constitution of India empowers the state to adopt affirmative measures for prompting ways and means to empower women. Education significantly makes difference in the lives of women.³

Education was seen as a catalyst for the Indian women that would give her the equality, justice and dignity she had been denied. In almost half of the country's districts, female literacy ranges from 10 percent to 15 percent. For the unlettered women of India, literacy and inequality are

lifelong burdens. While enrolment continues to grow, fewer girls than boys enroll in school, even fewer stay on and an infinitely small percentage complete school to go on to higher education.⁴

In rural India even if a child is made available for education that child is invariably a boy. The tyranny of the household takes over a girl's life as soon as she can perform the simplest tasks. Girls between the ages of 6 and 11 not only sweep, wash, collect water and firewood, mind younger siblings and livestock but they also work in fields. The girl child's labour is as continuous as it is unrecognized, unpaid and unrewarded. By releasing her parents for more productive and remunerative work it is often the deciding factor in ensuring her family's survival. But in reality cutting her off from education and training, denies her many of the basic skills or information that would equip her to earn her livelihood.

Learning role behaviour is not confined only to the home. Schools and media also play an important part in the socialization process. With a few enlightened exceptions, the educational system reinforces the gender stereotypes learnt at home, with teachers promoting leadership and competitiveness in boys while encouraging girls to be accommodating, generous and feminine. Moreover where economic factors do not dictate a girl's exclusion from education, cultural values do. If the school is so far away that she needs to be escorted there, or if it is a co-educational school or her teachers are male, a girl may be withdrawn from school around the age of puberty. Further many a girl's education is cut short by early marriage. Social and community obstacles apart, there are number of deterrents inherent in the education system itself that keep the girl child from going to school.

- (i) There is shortage of girls' schools in rural areas;
- (ii) Inaccessible locations of school in isolated remote rural areas inhibit girls from joining them.
- (iii) Rigid school timings are not suitable for the rural schedule.

- (iv) There are few women teachers in rural areas; a result of low rural female education and the refusal of urban teachers to accept remote rural postings.
- (v) The curriculum bears no relationship to the day to day life activities and interests of rural girls.⁵

Today's girl and tomorrow's responsible citizen need to be empowered with information about sanitation, childcare and modern agriculture. She must have an elementary acquaintance with rural markets and distribution networks, banking and loan facilities and co-operative facilities. It is this knowledge gap between boys and girls based on traditional gender stereotyping, which forces females out of mainstream economic activity and forever relegates them to low-skill, low-pay and low-status occupations.

Constitutional Provisions

1. The Constitution of India has given provisions for empowering women. Some of these are as follows:
2. Equality before law for all persons (Article-14)
3. Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth (Article 15(1))
4. Special provisions to be adopted by the State in favour of women and children (Article 15(3))
5. Equality of opportunity for employment to any office under the State (Article 16), right to secure adequate means of livelihood for men and women equally (Article 39(a))
6. Equal pay for equal work for both men and women (Article 39(d))
7. Maternity relief (Article 42)
8. Promotion of dignity of women (Article 51A)
9. Reservation of not less than one third of total seats for women in direct election to local bodies (Articles 343(d)) & 343(T).

Conditions in the educational system must be made more convenient and congenial to her

needs. This means not only that there must be enough women teachers in girls' schools but also that school timings must conform to local domestic or agricultural work patterns to enable girls to come to class when they are free. It also involves providing essential support services like childcare facilities near schools, or locating schools in the same building. While there is widespread agreement at the central policy level on the need for support services in girls' schools, the means for implementing and coordinating these services have not yet been found. Crossing the bridge between good intentions and workable solutions now require some bold initiatives.

Initiatives Taken in Education

Some special provisions have been announced by our Government for the girl child:

- Free education upto the university level.
- Scholarships and free uniforms for Scheduled Castes and Tribes
- Special quotas for entry into teacher training and medical colleges.
- Separate schools for girls beyond class V
- Separate educational administration for girls' education.⁶

The National Policy on Education (1986) affirms that a new structure of equality between the sexes must rest on the cornerstone of education for girls. It aims at removing traditional discrimination and sex stereotyping by diversifying school curricula and promoting the access of girls to vocational and professional courses. It is apparent that there is an urgent need in education as in health, to focus on the neediest, the most deprived throughout history and to do so in an innovative manner.⁷

To make education accessible and relevant, we need to seek greater community involvement from planning to execution. Perhaps education needs to become as much a community responsibility as that of educational system. The provision of incentives will be necessary for the initial involvement of parents and leaders, and these incentives can take many forms depending on local needs and conditions. It is possible to

think of loans, subsidies or food compensation for families who release a girl for schooling.

The effect of a girl's education on every other aspect of her life and that of a family has even wider implications for the development of her community. Educated girls who are selected for training as teachers re-invest their knowledge enhancing not only their own status but that of those around them. To bring more girls into the main stream of development it may be necessary to introduce greater flexibility into recruitment procedures.

Scanning through documents of the Government from 1854 to the present, it is quite apparent that there is no dearth of policy recommendations for girls' education in India.⁸ They are:

- Provide schools within walking distance, closer to the place of dwelling, if necessary satellite schools for remote hamlets
- Provide child care facilities/creche within school premises
- Provide escort for girls, if school is away from the village or hamlet
- Introduce flexible school timings and region specific school calendar
- Provide alternative modes / forms of schooling, combine formal with non-formal, condensed courses for drop-outs, residential schools (Ashram Shalas) for special focus groups like nomadic tribes etc.
- Appoint more women teachers in rural areas and provide them with secure residential accommodation
- Expand pool of women teachers by lowering qualifications, providing intensive training (near the place of dwelling), providing regular educational support, organizing special condensed courses for drop-outs who can be trained to work as teachers, providing secure accommodation for out-station teachers, etc.
- Make curriculum relevant to the lives of poor women who are engaged in battle for survival
- Recognize the problem of working children, provide special facilities with flexible calendar and timings
- Introduce facilities for "bridge programmes" to enable dropouts to re-enter the school system
- Provide incentives like uniforms, textbooks, exercise books, attendance scholarship, free bus passes etc.
- Involve the community in managing the school through advocacy, mobilization and formation of village education committees with at least 50% women members
- Improve quality of education, motivate teachers to make learning a joyful exercise
- Decentralize educational planning and administration, bring it closer to people so that it reflects the special needs and aspirations of the community
- Create village level education committees to plan, support, encourage and monitor basic education
- Address management issues that inhibit the implementation of government policy, like grievance redressal, administrators and teachers union's resistance to flexible timings, school calendar, recruitment of women with lesser qualifications from rural areas, recruitment of local youth in remote areas where teacher absenteeism is rampant, appointment of teachers to a specific school and so on
- Mobilize public opinion for primary education and universal literacy in general and women's education in particular. Advocate for greater political will and administrative commitment
- Make it a national mission with time-bound goals and targets through National Literacy Mission (NLM), District Primary Education Projects (DPEP) and National Elementary Education Mission (NEEM)

Conclusion

Educational and vocational training offer girls a hidden spinoff in the form of an alternative role

model who is capable of reorienting her negative self-image. The teachers should be so trained that they can deliberately and consistently counteract cultural gender stereotypes to enable the formation of attitudes and skills which promote equality, dignity, confidence and a sense of self-worth. The woman education will sensitise women to their rights, raise their level of aspirations and achievements. It will also generate awareness in men that growth and development can only take place when women are also educated. A concerted effort by all governmental and private organizations is needed to achieve 'Education for All'.

While many women are able to work their way out, several others comply with the age-old roles for women defined by the society. Former Indian Prime Minister Jawaharlal Nehru once said, "You can tell the condition of a nation by looking at the status of its women." The northern state of Haryana in India, notorious for ultra conservative society who often consider girls wearing jeans or marrying out of community a sin, has recently introduced a program for girls titled '*Beti Bachao, Beti Padhao*' (Save daughter, educate daughter). The program offers incentive to parents who facilitate the education of their daughters. A federal government program '*Sukanya Samriddhi Yojna*' too incentivizes parents to ensure that their daughters contribute to the emerging labor force of India.

Recommendations

- The society should stop the discrimination of the girl child in the provision of education
- Parents and guardians should give their female children education and stop the imposition of early marriage on them
- The government should make policy statements to make the education of the girl child mandatory
- The society should encourage girl child education by awarding scholarships to them⁹

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Organoleptic Evaluation of Curd Obtained from Different Milk Sources



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Abstract

The present study was undertaken as Organoleptic evaluation of Curd obtained from different milk sources. 6 housewives in the age of 30-50 years were selected through threshold test for sensory evaluation of Curd. Curd were evaluated by 7 points hedonic scale. The characteristics of Curd appearance, taste, consistency and flavor were given weightage according to their importance by method of Composite scoring. Curd obtained from Buffalo's milk obtained 87.9% overall acceptability score and curd obtained from Goat's Milk scored 52.21%. Dairy's milk obtained 50.40% overall acceptability score and Vendor's milk scored 47.77%. cow's milk obtained 37.63 overall acceptability score. The result of the present study revealed that the Curd taken from different milk sources varies from each other in accordance to taste, consistency, appearance and flavor because of different solid content and purity.

Keywords: Organoleptic Evaluation, Curd, acceptability, appearance and flavor

Introduction

Quality is the ultimate criterion of the desirability of any food. Product food quality can be evaluated by sensory and objective methods. When the quality of a food product is assessed by means of human sensory organs the evaluation is said to be Sensory or Subjective or Organoleptic. Every time food is eaten a judgement is made. Sensory quality is a combination of different senses of perception coming into play in choosing and eating a food. Appearance which can be judged by the eye e.g. colour, size, shape, uniformity and absence of defects is of first importance in food selection. The effective characteristics is not the property of the food, but is the subject's reaction to the Sensory qualities of food.

Milk is the normal mammary gland Secretion of female mammals. It is a complex fluid containing Protein, Fats, Carbohydrates, Minerals and Vitamins. The composition of milk varies from sources to sources. For the same source the milk composition and yield is variable is decided by

the breed, age, milking time and season, location stage and health of the animal etc, even the certain constituents occurs within a definite range. The cow is the principle source of milk for human consumption in many parts of the world. Other animals as sources of milk for human beings are the buffalo, goat, sheep, camel, mare, etc. In India more milk is obtained from the buffalo than the cow. Some amount of goats milk is consumed.

During curd formation, the lactose of milk is converted into lactic acid. There is some breakdown of Protein increasing the non protein nitrogen. The fat globules coalesce and distribute themselves on the top. Physically, during dahi formation, milk Proteins are jellied and a thin exudates of clear serum on the curd is seen. The organism involved in dahi formation belong to the group of Lactobacillus and streptococci. The formation of consistently good quality dahi depends upon the use of the right type of starter. A starter culture containing yeasts, molds and gas forming organisms spoil the quality of dahi when

they are present. A product with a homogeneous texture of good aroma will not be obtained. There will be cracks and gas bubbles and the curd will be of poor quality and taste.

The methods of preparation and quality of dahi depends upon whether it is consumed as such or used for preparation of butter. In the preparation of dahi for consumption as food, milk is brought to a boil in order to destroy viable organism, cooled to the body temperature and seeded with dahi from an earlier batch. The quantity of seed depends upon the season of the year and severity of the climate. About 5-10% of the volumes of milk is added as starter during cold weather. More quantities are required during cold weather. Lesser quantities are required during summer. Milk is then kept in a warm or cool place, depending upon the season. After 6 to 24 hours, depending upon the climatic conditions, a smooth homogeneous product having an acidity of 0.90 to 1.0 percent acid is formed. Now, a starter for making dahi in a short time is available.

Dahi is used in the preparation of beverages by beating it with water and adding sugar of salt and spices.

Objectives

Dahi in India is the most important milk product of the total quality of milk converted into milk products, about 15% is used for Dahi making. Curd is reported to have a better nutritive value than milk. Though there is no increase in the Fat or Protein content of milk during fermentation, the digestibility of dahi is more than that of milk. The Calcium and Phosphorous contents of curd are easily assimilated. Dahi contains more vitamins than milk. Dahi can also be consumed by people who suffer from lactose intolerance. To undertake the above study the following objectives are as follows,

- To assess the purity of the curds obtained from different milk sources.
- To review the acceptability of curds obtained from different milk sources.
- To evaluate the acceptability of curds prepared from different milk sources.

Review of Literature

A comprehensive review of literature is important for any research work because it form the foundation upon which all future work is built. In the event of not taking stock of this knowledge our work is likely to become irrelevant and incoherent. There will also be chances of duplicity as the same work might have already been done by someone else.

Thus, primary objective of reviewing literature is to imbibe understanding of previous work that has been done on the subject and to chalk out a research endeavour with a focus on the hitherto unexplored aspects of the problem. In this way, review of literature helps us to distinguish between what has been done and what needs to be done.

Review related to Curd

Kar, et al. (1998) studied the influence of fermented whey drink microflora on digestion of lactose. Utilization of Channa whey in the form of a beverages cultured with 2% each of lactobacillus delbrueckii Subsp. W and Streptococcus thermophilus H, and its effect on the digestion of residual lactose in the gastrointestinal tract was studied. The beverage was cultured for 8 h. at 42⁰ C and was named "whey ghurt". Albino rats were fed with a preliminary diet of sucrose, lactose or sucrose + 20 ml. Of the beverages for 7 days, followed by a test diet of galactose and glucose or lactose, fresh of pasteurized (80 O'Connor's for 5 min.) beverages for another day consumption of Sucrose + 20 ml. of beverage as preliminary diet and beverage containing viable culture microflora as test diet improved the digestion of lactose with a maximum increase in serum galactose level and highest B – galactosidase activity (8.20 u mol/g per h. ay ph 7) Gastrointestinal survival of beverage micro organism was demonstrated in vivo upto 3 h. after feeding. It is concluded that consumption of milk based products.

Testolin, et al. (1999) studied the effect of Lactic acid bacteria and fermented milks in gastrointestinal functionality. The nutritive value of cultured milk and the role of lactic acid bacteria

in these products in improving digestibility of certain components and promoting absorption of nutrients are discussed. The beneficial effects of lactic acid bacteria in stimulating the immune system and balancing the intestinal ecosystem and their application in the control of intestinal inflammatory disorders, diarrhoea and colon cancer, are reviewed.

Pizzoferrato, (2000) studied the role of yoghurt in diet: naturalness and digestibility. The nutritional composition of yoghurt is discussed and average percentage of essential amino acids, organic acids, minerals, vitamins and Lactose and energy values in yoghurt are compared with those of milk.

LourensHattingh, et al (2001): found that the Yoghurt as probiotic Carrier food. This paper reviews the history of the development of probiotics and the effect of the human gastrointestinal micro-ecology. Furthermore, the application of probiotics to yoghurt, commonly referred to as bio-yoghurt and the effectiveness of yoghurt as Probiotic carrier food are also discussed. The paper also reviews the literature explaining in essence, the concept of "Therapeutic minimum levels" and the importance of the survival of probiotic microorganism in food products. The production of bio-yoghurt during retail storage, technical consideration for incorporating Probiotic microorganisms into yoghurt, starter culture technology and enumeration of the Probiotic organism are also reviewed.

Rota, C. (2001) studied about New fermented milks. This paper reviews the different types of fermented milks and their micro-flora, and the "new" health promoting products containing micro organisms isolated from the intestine, such as *Lactobacillus acidophilus*, *Lactobacillus casei* and *Bifidobacterium Sp.*. The nutritional attributes, organoleptic characteristics, therapeutic attributes and future prospects of these products are discussed.

Methodology

The present study deals with the evaluating the acceptability of curds obtained from different

milk sources (Cow's Buffalo's, Vendor's Dairy and Goat's milk). The different characteristics that are appearance Consistency, Taste and Flavour were evaluated by Organoleptic evaluation by the Panel member. The methodology is described under following sections.

(A) Experimental Plan:

- (i) Selection of Recipes.
- (ii) Standardization of Recipes.
- (iii) Selection of Judges.

(B) Proposed Plan of Work:

- (i) Basic recipe of Curd.
- (ii) Organoleptic evaluation of Curd.
- (iii) Scoring Techniques.

Before carrying the actual experimental plan, the Panel member were explained the following terms, which are used for Organoleptic Evaluation, as it would become easy for them to evaluate the characteristics of the curd obtained from different milk sources. The panel members were explained the following terms:

(1) Appearance: It can judged by the eyes, eg. colour, size, shape, uniformity and absence of defects. Some characteristics such as transparency, opaqueness, turbidity, dullness and gloss is mediated by the organs of sight.

In addition to giving pleasure the colour of food is associated with other attributes for e.g. The ripeness of fruits such as Banana and Strawberries judged by colour, toast which is too brown is likely to be rejected in anticipation of some what scorched, with taste etc. (Charley, 1982)

(2) Consistency: Ice cream may be too hard or too soft which can be found out by mouth feel. Gravies, sauces and syrups range in consistency. Consistency of food e.g. ghee, curd, cheese and Ice Cream.

(3) Flavour: It is the impressive perceived via the chemical senses from a product in the mouth. Defined in this manner flavor include:

- The aromatics i.e. olfactory perceptions caused by volatile substances released from a product in the mouth via the posterior nares.

- The tastes i.e. gustatory perceptions (salty, sweet, sour, bitter) caused by soluble substances in the mouth.
- The chemical feeling factors, which stimulate nerve ends in the soft membranes of the buccal and nasal cavity (astringency, spice heat, cooling, bile, metallic flavor) (Meilgaard et al. 1991)

(4) Taste: Taste i.e. gustatory perception and it is just limited to sweet, sour, salty and bitter. (Swaminathan 1995). It is secured by the taste buds, which are located in the Papillae on the Tongue (Charley 1982)

A. Experimental Plan: Further the following steps were taken for experimental purpose:

- (i) Selection of Recipes:** There are many recipes which could be prepared using curd.
- (ii) Standardization of Recipe:** Amerine et al., (1965) suggested that a standardized recipe should be such that it produces identical results whenever tried under the condition specified. Accordingly, all the variable such as the ingredients cooking time, duration of cooking, the quantity of water were controlled.

Development of Basic Recipe: A recipe is a formula by which measured ingredients are combined in a specific procedure to give pre-determined results. Once a recipe has been repeatedly tested and accepted by people, it becomes a standardized recipe that always gives the same results (Spears and Vaden)

Fresh milk is sterilized (in one heating) at 115^o to 120^oC, the time required being determined by the volume of the milk and the nature of the Container Properly heated milk should have a dark coloured cream but should not be distinctly browned. After cooling to least 37^o C, the milk is inoculated with pure strains of *B. acidophilus* which have been grown by repeated transfer of starter.

Sufficiently to bring about coagulation of casein present in milk within 24 hours is kept at temperature 35^o C to 37^o C. Viable milk culture of the organism are employed as the inoculum, and at least 10 C.C. of the inoculum are transferred for each litre of milk treated.

- (iii) Selection of Judges:** The study was conducted among Housewives of Ramganj locality of Ajmer.

The Criteria for selection were:

- (a) Subjects who were willing to co-operate in the study.
- (b) Those having qualified in Threshold Test.

Threshold Test: Threshold Test is defined as statistically determined point on the stimulus scale at which a transition is a series of Sensation or Judgement occurs (Ranganna 1984).

Taste Threshold simply indicates an endpoint relative to one's perception of a given stimulus. Although it is not a direct measure of sensitivity it can never the less serve as an indicator of degree of acuity (O'Mahony, 1975).

There are two types of threshold detection and recognition. Detection threshold can be defined as that solution in a concentration series which tasted different to water even though the basic can not be recognized, while the recognition threshold can be defined as that concentration at which the basic taste is recognized (Jellinick, 1958)

In the present study, concentration of Sugar solutions was taken as basic taste stimuli, to determine the sensitivity of the subjects and to select them for the sensory evaluation of the curd.

Sweet solutions were prepared in different concentrations. These solutions were poured in cups containing spoons and kept in a series of increasing concentration. Rinsing of mouth with water after tasting each solution was recommended and retasting of already tasted solution was not allowed.

B. Proposed Plan of Work

(i) Basic recipe of curd:

Table

Ingredients	Amount
Milk	200 Gm.
Starter (Dahi Culture) (MIXED CULTURE: STREPTOCOCCUS) LATIS	6 Gm.

Method:

- Take 200 ml. of milk and boil it.
- Keep it at the temperature of 60°C.
- Add 6 gm. Of Dahiculture (starter) to it.
- Put it in a caseroll and store it in a warm place.

The time taken for the curd formation was eight hours. Due to decrease in temperature in the atmosphere, the time taken for the curd formation was long.

(ii) Organoleptic Evaluation of Curd:

According to Preet, 1976 Sensory evaluation through various scientific techniques is used as a tool for measuring product characteristics and acceptability of Product attributes and quality level relative to degree of consumer preferences (Daget, 1977).

The main aim of carrying out an organoleptic test on Curd obtain from different milk sources was to see their acceptability (in terms of taste, consistency, appearance, texture and flavours)

(iii) Scoring Technique: Scoring is used because of its diversity apparent simplicity and ease of statistical analysis. The fundamental supposition of any quality (characteristics) is that the number expressing the grade is proportional to the Property to be measured (Plank, 1948). The scoring technique used to find out acceptability of curd obtained from different sources.

(a) Composite Scoring Test: In this test Scores are given for various quality characteristics of the product such as colour, consistency flavor and absence of defects and the total score is taken for the over all acceptability of the product (Swaminathan, 1979)

In the present study, curd obtained from different sources were subjected to evaluation. Curd were evaluated for general appearance, texture taste and flavours. Each characteristics was allotted a maximum score out of which the panel members had to score the samples. Rinsing of mouth with water after tasting each of the samples was recommended and re-tasting of the sample was allowed.

Hedonic Scale: The term hedonic is defined as "having to do with pleasure" (Table 1.1, *Hedonic Scale for Acceptability of food Products*). This method has been defined by Merine et al. (1965) as an approach, which refers to the "Psychology of Pleasurable and unpleasant states of consumers." Peryam and pilgrim (1957) defined it as "Special type of rating scale that measures psychological states directly." The reactions are indicated by descriptive words on a scale, for example, ranging from "like extremely to dislike extremely" in a 7 point scale.

Scales with different ranges and other experience could also be used (Ranganna, 1984). The scale used for the present study was 7 point scale, which was used for scoring the products..

The panel members selected for these tests were served sample of curd prepared in the house. They were asked to score each sample in terms of the most prominent characteristics eg. Taste, consistency, appearance and flavor. The term were explained orally and objective of study were stressed.

The test was conducted at home. No communication or discussion between panelist was permitted. They were provided with water for oral rinsing and score card.

Panel members were served 5 samples in a day with 5 minutes interval. Each sample served was in the same amount. Samples were served in similar bowl, which did not impart any taste or odour to the samples.

The scoring scale suggested by Plank (1948) was used to score the various characteristics. The scores used ranged from 0 to 6. In order to ensure uniformity in understanding of numerical values, qualitative description were assigned alongside.

For example, a score of 6 is equal to perfect, 5 is equal to excellent, 4 is equal to very good, 3 is equal to good, 2 is equal to fair, 1 is equal to bad and 0 is equal to inedible.

After the panel list had scored the various samples the total scores of each sample were computed. The 4 characteristics of each sample. Taste, Consistency, Appearance and Flavour were given weightage according to their importance as given below:

Taste	:	7
Consistency	:	5
Appearance	:	5
Flavour	:	5
Total	:	20

The scoring was then done for each characteristic on a 7 point hedonic scale testing. To see the acceptability of the Sample the 7 point scale was:

Table 1.1: Hedonic Scale for Acceptability of food Products

Scores	Product	Hedonic Scale for Acceptability of food products.
6	Perfect	Like extremely
5	Excellent	Like very much
4	Very good	Like moderately
3	Good	Like slightly
2	Fair	Neither like or dislike
1	Bad	Dislike very much
0	Inedible	Dislike extremely

The total score of each characteristic was obtained by multiplying the weightage by the score for each characteristic according to the points given was computed.

Table 1.2: Weightage given to different characteristics of Curd

Characteristics	Scores			
	Maximum Point	X	Weight of characteristics	Score
Taste	6	X	7	= 42
Consistency	6	X	5	= 30
Appearance	6	X	5	= 30
Flavour	6	X	3	= 18
Total maximum attainable Score				120

Results and Discussion

The present study was undertaken to conduct organoleptic evaluation of curd obtained from different milk sources. The result was basically obtained from the curd after being tested from females of the age group of 30-50 years.

The curd was evaluated by seven points hedonic scale. The characteristics of curd such as Taste, Consistency, Appearance and Flavour were given weightage according to their importance by method of composite scoring.

General Information of the Subjects

Total 15 members (females) were selected and threshold test was conducted out of which 6 were selected for panel out of 15, 6 were

selected as panel members. The subject surveyed belonged to Hindu, it was not deliberately done. All Subjects were from joint family.

Organoleptic Evaluation of Curd obtained from different milk sources

Organoleptic evaluation involves measurement and evaluation of those characteristics of foods and other material as are rated by Sense of Sight, Smell, Taste and Touch. In the present study Sensory evaluation was done for the acceptability of Curd obtained from different milk Sources. It was done with respect to the Taste, Consistency, Appearance and Flavour by Panel members (Females) who were selected using Threshold Test.

Table 1.3: Scores Obtained From Different Characteristics of Curd Prepared from Different Milk Sources

S. No.	Characteristics	Score Obtained				
		Cow's Milk	Buffalo Milk	Vendor's Milk	Dairy Milk	Goat's Milk
1	Taste	10.50	39.66	21.00	21.00	21.00
		(25.00%)	(94.42%)	(50.00%)	(50.00%)	(50.00%)
2	Consistency	13.33	24.16	15.83	15.83	15.00
		(44.43%)	(80.53%)	(52.76%)	(52.76%)	(50.00%)
3	Appearance	13.33	26.66	12.50	14.16	16.66
		(44.43%)	(88.86%)	(41.66%)	(47.20%)	(55.53%)
4	Flavour	8.00	15.00	8.00	9.50	10.00
		(44.44%)	(83.33%)	(44.44%)	(52.77%)	(55.55%)
	Over All Acceptability	45.16	105.48	57.33	60.49	62.66
		(37.63%)	(87.90%)	(47.77%)	(50.40%)	(52.21%)

The Comparative study of Curd obtained from different milk sources

The Curd obtained from different milk sources varies from each other in accordance to taste, consistency, appearance and flavor.

Curd obtained from different sources of milk were evaluated on the basis of taste by housewives and results revealed that acceptability of curd obtained from buffalo's milk was highest as compared to other milks. Buffalo's milk obtained the score of 39.66 i.e. 94.42 percent acceptability by the panel members. Vendor's Milk, Dairy Milk and Goat Milk obtained the score of 10.50 which shows that acceptability 25 percent. This may be because of lower total solid content of cow's milk.

Consistency wise, Buffalo's milk obtained the score of 24.16 i.e. 80.53 percent acceptability among the panel members. Vendor's milk and Dairy milk obtained same score of 15.83 which shows that acceptability is 52.76 percent. Goat's milk obtained 50 percent acceptability, whereas the acceptability of Curd obtained from cow's milk was very low, it was 44.43 percent acceptable by the panel members.

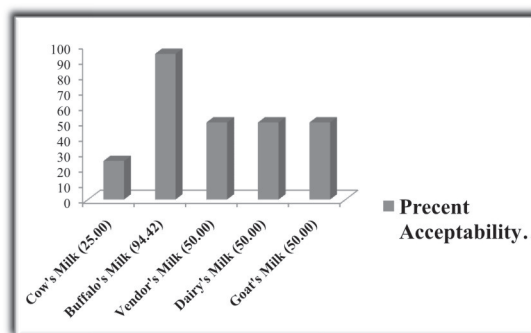


Figure 1: Acceptability Score of Curd Obtained From Different Milk Sources with Respect to Taste

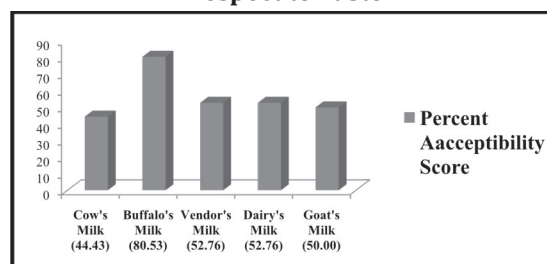


Figure 2: Acceptability Score of Curd Obtained From Different Milk Sources with Respect to Consistency

Results related to appearance revealed that Curd obtained from Buffalo's milk was 88.86 percent acceptable by the Panel members as compared to other milk. Goat's milk obtained

the score of 16.66 which shows 55.53 percent acceptability. Dairy's milk obtained the score of 14.16 (47.20%). Cow's milk obtained the score of 13.33 (44.43%). Vendor's milk obtained the score of 12.50 i.e. 41.66 percent acceptability among the Panel members. According to flavor, Buffalo's milk obtained the highest score of 15 i.e. 83.33 percent acceptability, this shows that the acceptability of buffalo's milk was highest as compared to other milks. Goat's milk obtained the score of 10 i.e. 55.55 percent acceptability. Dairy's milk obtained the score of 9.50 (52.7%). Cow's milk and Vendor's milk obtained same score of 8 which shows 44.44 percent acceptability with respect to flavor by the Panel members.

Over All Acceptability

Lastly it can be concluded that the acceptability of Curd obtained from Buffalo's Milk was high, (87.90%) by the Panel members. This may be because the Buffalo's Milk was 94 percent pure* as compared to other milk.

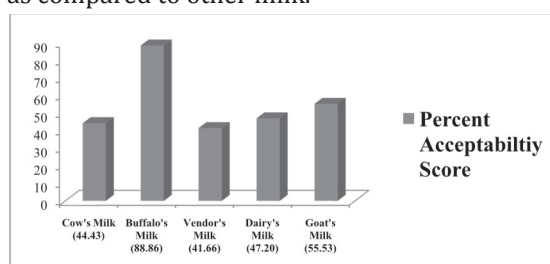


Figure 3: Acceptability Score of Curd Obtained From Different Milk Sources with Respect to Appearance

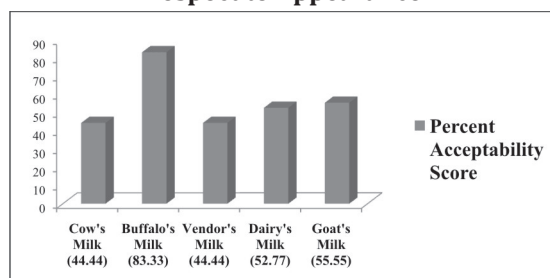


Figure 4: Acceptability Score of Curd Obtained From Different Milk Sources with Respect to Flavour

Acceptability of curd obtained from Goat's Milk was 52.21 percent, it was 85 percent pure*.Over

all acceptability of curd obtained from Dairy's milk was 50.40 percent. It was 90 percent pure*. Last acceptable curd was that, obtained from cow's milk. It was 88 percent pure* and 37.6 percent acceptable.

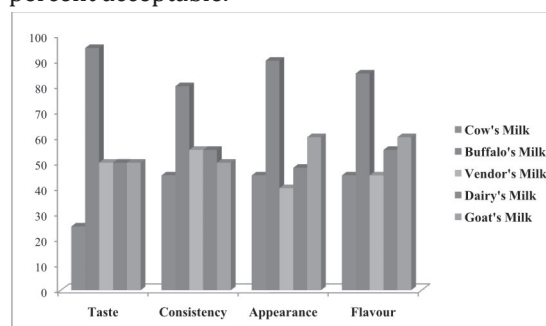


Figure 5: Acceptability Score of Curd Obtained from Different Milk Source with Respect to Taste, Consistent, Appearance and Flavour

Conclusion

Curd is India's most important milk product. Of the total quality of milk converted into milk products, about 15% is used for curd making. In the process the digestibility of milk constituents improves. The surplus curd is used as the intermediate product and churned into makkan (butter), while the liquid whey - chhach or mattha - is consumed as a refreshing beverage.

During curd formation, the status of thiamine improves. Curd also increases the pyruvic and lactic among children on a typical of Phosphorus and Calcium is made available to the digestive system by precipitation in the lower intestines due to the acid condition induced by Lactobacillus Sp. The consumption of sour milk also results in increased efficiency of the human body to Cope with a sudden influx of lactic acid in the system. Curd can also be consumed by people who suffer from lactose intolerance. Thus, curd in its different forms as lassi, shrikhand etc. also contributes significantly to improve the nutritive contents of an average Indian Diet. The present study was undertaken as organoleptic evaluation of curd obtained from different milk sources. Although the main emphasis of this study was

organoleptic evaluation of curd obtained from different milk sources, but other aspect like purity of milk was also studied by Lactometer.

6 housewives in the age group of 30-50 year were selected through threshold test. All the subjects surveyed belonged to Hindu community. All subjects were from joint family. The sensory evaluation was conducted by using 7 points hedonic scale. Curd prepared from different milk sources were Cow's milk, Buffalo's milk, Vendor's milk, Dairy's milk and Goat's milk.

The sensory evaluation results revealed that curd prepared from Buffalo's milk obtained overall acceptability score of 87.9% and curd prepared from Goat's milk obtained 52.21% overall acceptability. The curd prepared from Dairy's milk obtained 50.40% overall acceptability. There was not much difference in the Dairy's milk curd and Vendor's milk. Vendor's milk obtained score of 47.77%. The curd obtained score of 47.77%. The Curd's obtained from Cow's milk was low acceptable as compared to other milks, which may be due to lower solid content of the cow's milk. The overall results showed that curd obtained from different milk sources were not equally acceptable.

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Market Orientation and Innovation Strategies Mutuality in Indian Newsprint Media Market



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Abstract

Global newspaper industry is going through a lean phase, while the newspaper industry in India has sustained its expansion with increased circulation and readership. Various different reasons are responsible for the same including customer orientation, competitor orientation, interfunctional coordination, product innovation, marketing innovations and societal marketing. This paper investigates the relationship between orientation activities and various innovation strategies of newspaper firms operating in north and central India, and identifies the key components of the market orientation construct that interacts with the innovation strategies. The knowledge gained would guide the newsprint media firms to better invest their time, effort and money for sustaining the firms' profitability.

Keywords: Customer & Competitor Orientation, Product & Marketing Innovation, Societal Marketing

Introduction

Newspaper firms around the world are fronting diverse situations in different countries. The newspaper industry generates more than \$ 153 billion of revenue globally from content sales, advertising revenues and increasingly supplementary form of diversified revenue streams (WAN IFRA 2017). In developed economies, print newspapers are losing their importance as the primary source of news and their declining revenues are causing numerous layoffs and difficulties for newspaper firms to stay competitive. Print advertising revenue has declined by 8 percent worldwide from 2015 to 2016 over the previous period and down by 26.8 percent over the past five years. Total revenues of global newspapers (including print and digital) are down 2.1 percent in 2016 from a year earlier and are depressed 7.8 percent over the last five years (overall revenue decreased from \$ 160 billion in 2014 to \$ 153 billion in 2016) (WAN IFRA 2017). Nevertheless, despite global

downswing, the newspaper industry in India has been successful and maintained its advancement with increased circulation and readership. With more than 337 million copies sold every day, India is the largest newspaper market in the world. This is almost twice the circulation in China and about eight times more than in USA. Figure 1 has provided circulation figures of dailies for last 5 years, for India and USA.

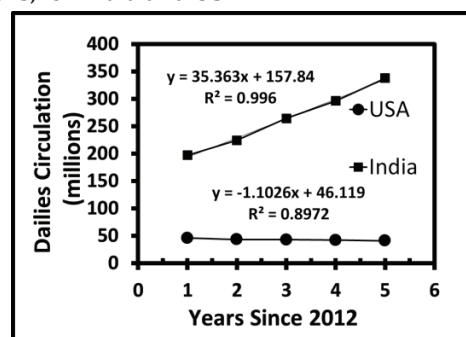


Figure 1: Newspaper circulations in India and USA for period of 2012-2016.

The plots show a 71.51% increase in newspaper circulation numbers for India (highest for any country) during the period of 2012 to 2016, while in the same period, USA newsprint media market reported a negative growth of 10.70%. With the exception of few countries; Portugal (in Europe), India, China, Indonesia, Malaysia, Thailand (all in Asia) and Chile and Mexico (in South America), most countries show a negative growth in circulation number, during the period of 2012 to 2016 (report by WAN IFRA 2017). The increase in the distribution of newspaper dailies in India can be attributed to numerous facts, few of which are given below;

1. The faster rise in overall population of India which is creating an ever growing market for every successful business commodity, as Indian population grew at the rate of 1.26% during 2010-2015.
2. The increase in literacy level and better living standards in India supports increased newspaper circulation. The Indian middle class doubled in size over an eight year period from 300 million in 2004 to 600 million in 2012.
3. A vibrant democracy like India also has a positive effect on newspaper subscription as common citizen is curious about the present political leanings and regime programmes.
4. Another important reason of newsprint media healthy growth in India could be ascribed to still unsaturated newspaper circulation and internet reach. Developed countries has fully developed cable TV news networks and an almost complete access to internet medium (almost 92% adult population in USA uses internet), while in India, the population of adult internet users are only 41% in 2016, which is far from saturation (report by WAN IFRA 2017).
5. News print media in India still has the advantages of ease of access, availability at home, competitive pricing, being part of daily routine, original reporting, professional editing and packaging, customized sections and pull outs over digital media.
6. Newsprint media has the power of written words over the cable TV news and digital news platforms. A recent survey by authors among middleclass, educated, adult Indians has shown that 55% respondents trust newsprint media, 29% trust cable TV news, 11% trust news websites and only 5% population trust social media sites for accurate and reliable news.
7. Print media in India has always been creative, knowledgeably helpful and always been appealing to the readers through a range of numerous market orientation activities, innovation strategies and societal marketing innovations (Khanduri and Sharma 2013; Kukreti and Sharma 2016). According to world news media outlook 2017 report-innovation research group, the greatest risk to a newspaper company's future success is reluctance to innovate, as shown in Fig. 2. This survey among newspaper firm's employees confirms the positive perception of innovation in the domain of newspaper industry. Assessing the relationship of innovation strategies with the newsprint media firm's market and financial performance is the topic of present study.

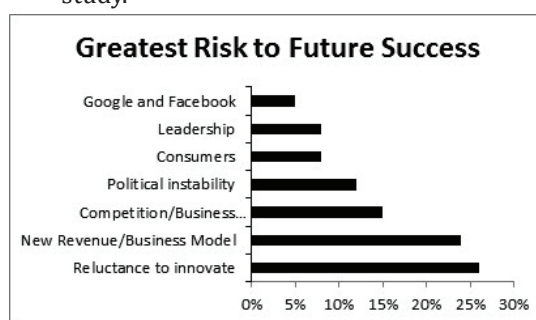


Figure 2: Newspaper employee survey result

In India, almost 39% Indians read newspaper (IRS-2017 report by MRUC 2018). There is an important association between the principled journalism and successful democracy, where free and fair journalism makes sure that its role of impartial arbiter would ward off the motivated

onslaught of data mining companies and social media platforms during election times. A specific case study could be the 2016 elections in a mature democracy like USA and the influence of hired data mining companies and compromised social media sites.

In a sign of things to come; the first time in Indian readership survey (IRS-2017 report by MRUC 2018), '*no English language daily featured among the India's 10 most read dailies*'. The top English newspaper (The Times of India) claimed a distant 11th rank, with 13 million copies sold per day. This should ring an alarm bell for newsprint media in India as English newspaper in India are subscribed by the affluent society and a smaller proportion of growth for English dailies may be telling a bitter truth; the educated and affluent Indians are switching to some other source of news media, which could be either TV cable news, news websites or social media. ***It may be suggesting a trend that as the smart phone and internet availability gains momentum, more and more people may switch towards another medium in place of news print media.***

If the Indian newsprint media goes into decline, it may face the heat of cost cutting. This could lead to a leaner journalism in the future – and perhaps less ethical and principled workforce, whose sole objective would be achieving the commercial targets. This could have a negative effect on the Indian democracy, with biased, motivated, compromised, confusing and misleading narrative propagated in the general public. *Therefore, saving the newsprint media in India is very much significant for saving Indian democracy, apart from the large economic impact it has on the general economy of India.*

This study seeks to determine if a relationship exists between Indian newspaper firms various market orientation activities and innovation strategies employed, as these exercises are supposed to be a positive influence in today's economy. In view of this, this work is not exclusively an academic research but it aims to find out the reasons behind the present healthy growth of Indian newspaper firms, so

that the marketing managers could understand the significant factors and sustain the Indian newsprint media market growth in near future.

Importance of Marketing Strategies for Firms performances in Oligopolistic Markets

Management expert Peter Drucker (1985) has stated that "if an established organization, which in this age necessitating innovation, is not able to innovate, it faces decline and extinction". Numerous economists and marketing researchers have tried to comprehend motivations behind market orientation and innovation strategies (Schumpeter 1942; Arrow 1962; Scherer 1967; Nickell 1996; Lukas and Ferrel, 2000; Aghion, Bloom, Blundell, Griffith and Howitt 2005; Gilbert 2006). It is broadly agreed upon that the market orientation and innovation strategies can lead to increased organisational performance (Narver and Slater 1990; Jaworski and Kohli 1993).

Indian newspaper firms operate in an oligopolistic market structure. Oligopoly is a bazaar system where the whole market is ruled by a small number of big vendors. Oligopolies could be created from various methods of complicity which shrink rivalry and bring about greater charges for customers. Each oligopolist would invest in competitor orientation as there are very few rivals. Every firm influences its rival's decisions and gets influenced with its rival's decision. Entering an oligopolistic market would require elevated venture cost, and overriding the strong consumer loyalty for existing brand. More often, oligopolistic businesses don't go for lower price option because it would start a price war, where firms are continuously cutting prices down. The newspaper firms compete through building a brand, giving discounts and coupons, providing customer service and product diversity etc. Because of these reasons the level of advertising, product differentiation and other sales promotional tools tends to be higher in oligopolistic markets. In recent times newspaper firms in India are adopting a wide range of marketing and selling practices which are unique and innovative in their own way to present their

brands in front of millions of end-users and thus compelling them to develop brand loyalty towards them. Augmented products and product innovations mostly comes from customer feedbacks, while competitor orientation would increase the replication efficiency of firms to compete with its rivals, while interfunctional coordination may give a superior value of produce for customers.

Orientation and Innovation Variables

The market orientation activities analyzed in present research work are customer orientation, competitor orientation and interfunctional coordination between various parts of newsprint media organizations.

Market Orientation

Market orientation has seen extensive consideration in the marketing literature during the past two decades. Narver and Slater (1990) defined market orientation as an organizational culture that most effectively and efficiently creates the necessary behaviors for the creation of superior value for buyers and, thus, continuous superior performance for the business. Barney (1986) defined it as an essential marketing culture that creates sustainable competition superiority. It refers to the organisation-wide generation, dissemination and responsiveness to market intelligence (Kohli and Jaworski, 1990). Market orientation has been recognized as an antecedent to superior firm performance by academicians and practitioners (Jaworski and Kohli, 1993; Slater and Narver, 1995; Cano et al. 2004; Kirca et al., 2005; Zhou et al., 2008; Baker and Sinkula, 2009). The components of market orientation considered for the present research work are;

- **Customer orientation:** It refers to all activities that enable organizations to develop a sufficient understanding of how to create value for their current and potential customers.
- **Competitor orientation:** It refers to the activities associated with creating knowledge about current and potential

competitor strengths and weaknesses, capabilities and strategies.

- **Interfunctional co-ordination:** It refers to the coordinated effort and resource utilization of the organization as a whole to create superior value for its customers.

The innovation strategies analyzed in present research work are product innovation, marketing innovation and societal marketing innovation.

Innovation Strategies: Application of a novel or considerably enhanced produce (good or service), or procedure, novel marketing technique, or novel organizational scheme in corporate practices, workplace organisation or peripheral dealings is demarcated as Innovation (Oslo Manual, 2005). Innovation not only leads to consumer happiness but also helps the firm to become more profitable. This area is therefore has always been a stimulating inquisitiveness to economists and marketers. Studies have proved that Innovation has a positive impact on the economy and a key element within the entrepreneurial process. Three forms of organizational innovation introduced in this research: product innovation, marketing innovation and Innovation in societal marketing.

- **Product innovation:** A product innovation is the introduction of a good or service that is new or significantly improved with respect to its characteristics or intended uses. *This includes significant improvements in technical specifications, components and materials, incorporated software, user friendliness or other functional characteristics* (Oslo Manual, 2005).
- **Marketing innovation:** A marketing innovation is the implementation of a new marketing method involving significant changes in product design or packaging, product placement, product promotion or pricing. *Marketing innovations are aimed at better addressing customer needs, opening up new markets, or newly positioning of a firm's product on the market, with the objective of increasing the firm's sale characteristics* (Oslo Manual, 2005).

- **Innovation in societal marketing:** *The societal marketing concept holds that the organization's task is to determine the needs, wants, and interests of a target market and to deliver the desired satisfactions more effectively and efficiently than competitors in a way that preserves or enhances the consumer's and the society's well-being (Kotler, 2000). The societal marketing concept introduces corporate social responsibility into marketing practices (Piacentini, MacFadyen & Eadie, 2000). The societal marketing concept is very well applicable to newspaper firms in India. Besides other marketing techniques societal marketing practices are being undertaken by various newspaper firms in order to differentiate themselves from competitors.*

Research Gap and Aims

Studies have shown that market orientation and innovation have positive relationship with business performance and also market orientation is positively related to innovation (Low, Chapman and Sloan, 2007). Market-oriented firms tend to be more innovative, thus resulting in improved financial performance (Narver and Slater, 1990). Market orientation is assumed to be an antecedent to firm innovativeness (Han, Kim, and Srivastava, 1998; Jaworski and Kohli, 1993; Narver and Slater, 1990). Nevertheless, some reported results have shown negative correlation between the constructs of market orientation and innovation strategies (Tauber, 1974; Verhees and Meulenbergh, 2004).

Therefore, the literature review of market orientation and marketing innovation literature suggests that *a research gap exists regarding the actual correlation of these orientation and innovation factors in the newspaper industry.* The present work tests the hypothesized relationships among three market orientation dimensions (*Customer orientation, Competitor orientation, Interfunctional co-ordination*), and three marketing innovation dimensions (*Product*

innovation, Marketing innovation, Innovation in societal marketing). To evaluate the correlation between various orientation activities and innovation strategies, we have proposed the null Hypothesis as:

Null Hypothesis H0: There is NO correlation between various Market Orientation activities and Innovation Strategies. (Correlation Analysis)
It would be a significant contribution to actually understand the individual association between the variables representing market orientation and innovation strategies in Indian newsprint media market. The knowledge gained would help Indian newspaper industry in understanding the importance of various factors and judiciously spend the limited resources, efforts, time and money to get maximum profitability.

Research Methodology

The study is based on primary data that was collected from firm's senior level managers & marketing head through questionnaires administered personally as well as electronically. A pilot survey was done with the help of an exhaustive questionnaire. It was conducted among 9 non-sample key-informants, who had sufficient knowledge and experience in the newspaper media industry to build a compact questionnaire and to validate the items used for each construct (Kumar, Stem and Anderson 1993). After this we conducted the actual survey by personal delivery and questionnaire posting by emails to randomly selected marketing heads of various newsprint media firms in north and central India, and their responses were acquired by personal interviews, telecalling and electronic mails. We implemented the criterion of Cronbach's alpha value > 0.7 , to check the internal consistency and reliability of items within each constructs. Principal Component Analysis (PCA) with Kaiser Criterion on various constructs was then performed to reduce the dimension and get the principal component representing the constructs (Cerny and Kaiser, 1977; Picard 2002, Costello and Osborne, 2005).

Finally we have used statistical tools (correlation analysis) to test the proposed hypothesis in the present research work.

Result and Discussion

In Table 1 the general information about the respondent firms is given. There are total 31 responses, with maximum 8 responses coming from different publication/edition centers of *Amar Ujala*, 6 responses from *Dainik Jagran*, 5 responses from *Rajasthan Patrika*, 4 responses from *Dainik Bhaskar*, 2 responses from *Dainik Navjyoti* and 1 response each from *The Hitavada*, *Business Standard*, *Central Chronicle*, *Hindustan Media Ventures*, *The Pioneer* and *The Times of India*. The *Hitavada*, *Central Chronicle* and *Dainik Navjyoti* have statewide coverage while rest all newsprint media firms considered here has nationwide circulation. *Times of India* is the oldest newsprint media firm with 180 years of experience while *Business Standard* with 43 years of experience is the youngest respondent firm in present study. *Dainik Jagran* with 76 years of publications has the highest daily circulation of 39, 21,267 copies, among all the firms. The respondent firms publications/editions selected here are north and central India. Overall, these firms circulate about 201, 83,400 copies daily. The respondents are from the newspaper firms operating in the north and central India.

Table 1: General Information about Respondent Firms

Name of the News-print Media Firm	Re-spondents Fre-quency	Daily Cir-culation Number (in Thou-sands)	Firm's Age (on 2018)	Cover-age
<i>The Hita-vada</i>	1	200	107	State
<i>Amar Ujala</i>	8	2961.833	70	Na-tional
<i>Business standard</i>	1	217	43	Na-tional
<i>Central Chronicle</i>	1	27.081	61	State

Name of the News-print Media Firm	Re-spondents Fre-quency	Daily Cir-culation Number (in Thou-sands)	Firm's Age (on 2018)	Cover-age
<i>Dainik Bhaskar</i>	4	3813.271	60	Na-tional
<i>Dainik Jagran</i>	6	3921.267	76	Na-tional
<i>Dainik Navjyoti</i>	2	881.040	82	State
<i>Hindustan Media Venture</i>	1	2611.261	100	Na-tional
<i>Rajasthan Patrika</i>	5	1840.917	62	Na-tional
<i>The Pio-neer</i>	1	525	153	Na-tional
<i>Times of India</i>	1	3184.727	180	Na-tional
Total	31	20183.4	994	

Table 2 gives the mean items response. There are 22 items remaining after Cronbach's alpha reliability test. The first 6 items are used to make up customer orientation construct (**CuO**), next 2 items are for competitor orientation construct (**CoO**), and next 3 items are used in construct for interfunctional coordination (**IC**). Items 12 to 15 makes up construct for product innovation construct (**PI**), next 3 items are for marketing innovation construct (**MI**) and societal marketing innovation (**SI**) has 4 items in its construct. Principal Component Analysis (PCA) with Kaiser Criterion on various constructs gave 1 factor for each construct which is then used for correlation analysis.

Table 2: Mean Items Response

S. No.	Items	Mean
1	Your commitment to serving readers/clients needs is closely monitored	4.52
2	Business strategies are driven by increasing value for customers	4.71
3	Your Competitive strategies are based on understanding readers/clients needs	4.52

S. No.	Items	Mean
4	Your objectives are strategies are driven by the creation of readers satisfaction	4.65
5	Customer satisfaction is systematically and frequently assessed	4.48
6	Close attention is given to after sales service	4.42
7	Your Sales people share information about competitors	4.48
8	You achieve rapid response to competitive actions	4.39
9	Information about readers is freely communicated throughout your newspaper firm	3.94
10	Business functions are integrated to serve market needs	4.39
11	Your managers understand how employees can contribute to value for customers	4.42
12	Your newspaper firm introduces number of significant changes to the design and presentation of newspaper every year	4.03
13	Your newspaper firm launches numbers of new newspaper supplements every year	3.45
14	With NPD (new product development), your newspaper firm explore/enters new markets segments	4.29
15	Your newspaper firm has employed a significant number of people dealing with innovations in newspaper presentation	3.19
16	Your newspaper firm employees a significant number of people to cater to the latent needs of the current customers and potential customers	3.52
17	Your newspaper firm employs innovative methods to attract new and potential customers/readers	4.55
18	Your newspaper firm stands first in the market to introduce new promotion and advertising tools	3.84

S. No.	Items	Mean
19	Your newspaper firm actively conducts social awareness campaigns every six months	4.48
20	Your firm spends considerable money on public relations	4.48
21	Your firm donates money to charity	4.35
22	Your firm actively invests resources and/or money in activities outside its business which aim to benefit the community	4.23

For various item's responses, a 5 point Likert's scale is used and all of mean responses are greater than the neutral response value 3, highlighting the importance of various orientation activities and innovation strategies in newsprint media. However, few of the items have mean response lower than or equal to 3.55 and that brings out some important statistics as explained below:

- Item 13 on "Your newspaper firm launches numbers of new newspaper supplements every year" has a mean of 3.45, which means that the idea of *newspaper supplement is somewhat applied but not very popular* with newsprint media firms.
- Item 15 on "Your newspaper firm has employed a significant number of people dealing with innovations in newspaper presentation" has a mean of 3.19 and item 16 on "Your newspaper firm employs a significant number of people to cater to the latent needs of the current customers and potential customers" has a mean of 3.52, which means newsprint media firms are *not very liberal with employing dedicated extra marketing or innovation executives*.

We have run the correlation analysis test in SPSS and the results are summarized in table 3. There is *sufficient evidence to reject the null hypothesis as the constructs of innovation and market orientation are found to be highly correlated*. The main results from correlation analysis are as follows:

1. The customer orientation and competitor orientation are strongly correlated, $r(29) = .615, p < .001$. The newspaper firms which invest in customer orientation are more likely to invest resources for competitor orientation since they understand the importance of all the components of market orientation.

2. The customer orientation and market innovation are strongly correlated, $r(29) = .605, p < .001$. The newspaper firms which invest in customer orientation are more likely to invest in new product ideas after getting the feedback from customers about their wants, needs and desires.

3. The customer orientation and societal innovation are strongly correlated, $r(29) = .640, p < .001$. The newspaper firms which invest in customer orientation are more likely to invest in societal causes, charity works, informative campaigns for larger good of society, branding beyond newspaper domain etc. after getting the feedback from customers about the societies concerns, trepidations, hopes etc.

4. The competitor orientation and market innovation are strongly correlated, $r(29) =$

.446, $p < .05$. Newspaper firms in oligopolistic market structure are always aware of their rivals moves, so it is not surprising that the firms which invest more on getting information about their rivals are more concerned about the marketing innovation aspects and keep working on the novel branding, packaging, positioning, new market segments of their newspaper.

5. The competitor orientation and societal innovation are strongly correlated, $r(29) = .626, p < .001$. The newspaper firms which invest in competitor orientation are more likely to invest in societal causes, charity works, informative campaigns for larger good of society, branding beyond newspaper domain etc. to claim the position of a friend and mentor of society and generate a broader goodwill beyond the branding as a good newspaper. Goodwill among society leads to a better financial performance for newspaper firms. So, in retrospection, newspaper industry is not just there to sell a product, but the society expects the newspaper firms to be more concerned and accountable towards society.

Table 3: Correlation between Market Orientation and Innovation Strategies.

		Correlations					
		(CuO)	(CoO)	(IC)	(PI)	(MI)	(SI)
Customer Orientation (CuO)	Pearson Correlation	1	.615**	.255	-.060	.605**	.640**
	Sig. (2-tailed)		.000	.167	.750	.000	.000
Competitor Orientation (CoO)	Pearson Correlation		1	.243	-.185	.446*	.626**
	Sig. (2-tailed)			.188	.320	.012	.000
Interfunctional Coordination (IC)	Pearson Correlation			1	.071	.182	.467**
	Sig. (2-tailed)				.704	.326	.008
Product Innovation (PI)	Pearson Correlation				1	.387*	.054
	Sig. (2-tailed)					.031	.773
Marketing Innovation (MI)	Pearson Correlation					1	.710**
	Sig. (2-tailed)						.000
Societal Innovation (SI)	Pearson Correlation						1
	Sig. (2-tailed)						
**. Correlation is significant at the 0.01 level (2-tailed).							
*. Correlation is significant at the 0.05 level (2-tailed).							

6. The Interfunctional coordination and societal innovation are strongly correlated, $r(29) = .467, p < .01$. The firms which are more inclined towards societal innovation and branding are expected to have good interfunctional coordination among its various departments for information sharing. *This could also be understood as an organization which has great understanding and synchronization among its various departments for information sharing could spend wisely to achieve better societal branding than its rivals.*

7. The product innovation and market innovation are correlated, $r(29) = .387, p < .05$. A newspaper organization which invests money, efforts and time for product innovation is expected to eventually spend money, effort and time in the products branding, packaging, positioning etc. to get the fruits of product innovation.

8. The market innovation and societal innovation are strongly correlated, $r(29) = .710, p < .001$. The newspaper firms which invest in product branding, packaging and positioning would eventually spend more in societal marketing to get ahead of their rivals by generating goodwill among different sections of society and create a new and larger market for their newspaper sale.

In Figure 3, the correlation scatter plots are shown for various factors of orientation activities and innovation strategies. The circles are drawn for the correlations which are statistically significant (given above in points 1 to 8). The plots in figure 3 even show the **trends for non-statistically significant correlations**:

- Customer orientation and interfunctional coordination are positively correlated.
- Customer orientation and product innovation are negatively correlated.
- Competitor orientation and interfunctional coordination are positively correlated.
- Competitor orientation and product innovation are negatively correlated.
- Interfunctional coordination and product innovation are positively correlated.
- Interfunctional coordination and marketing innovation are positively correlated.

- Product innovation and societal innovation are positively correlated.

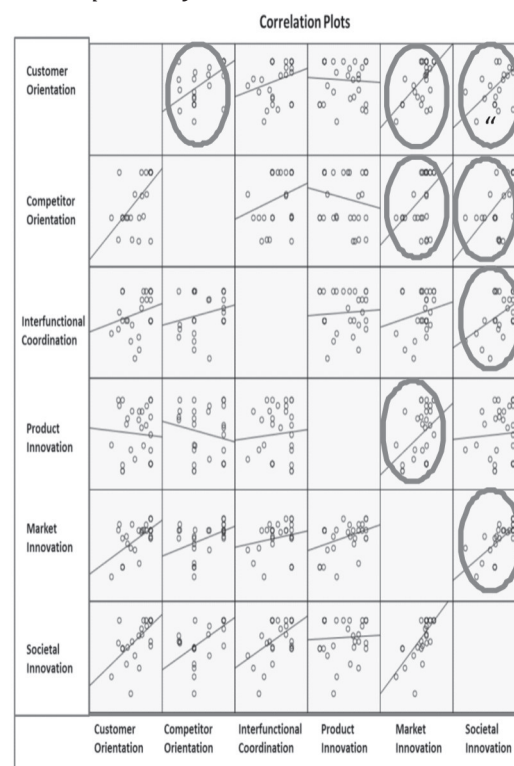


Figure 3: Correlation plots between Market Orientation and Innovation strategies.

Conclusion

In the present study a high level of positive association between factors of market orientation and innovation strategies in the newsprint media market is found. The present findings for Indian newsprint media market are similar to reported results by Low (2006) on Australian SMEs. The conclusions arrived at in this study could be the guideline for newsprint media marketing managers to follow and sustain the robust growth of their brand in the rapidly changing market scenarios. Understanding the correlation between market orientation and innovation strategies could be the first step towards judicious use of the time, effort and money to sustain the newspaper firms' profitability in the upcoming turbulent times in Indian newsprint media market.

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Violating the Dead: Necrophilia and the Indian Law



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Abstract

Necrophilia, also known as necrophilism, necrolagnia, necrocoitus, necrochlesis, and thanatophilia, is a sexual attraction or sexual act involving corpses. The term necrophilia was coined by Belgian Alienist, Joseph Guislain. It is pathological fascination with human dead bodies, which often takes the form of a desire to engage with them in sexual intercourse or sexual activities. The lethargy of the law in regard to some states or countries specially India to protect the dead is deplored in this study. Although, this heinous misdemeanor is prohibited by the laws of many countries, Indian laws are very much silent, or say, unclear in this regard in spite of barbarism that is associated with necrophilia, as, it must be noted that 'sex with corpses' is not explicitly stated in the Indian Penal Code, 1860, however the person convicted with the above offence can be charged under section 297 and 377 of the Code. Two most notable necrophiles of modern times have been Surendra Singh Koli and Moninder Singh Pandher from India, who allegedly committed several acts of necrophilia on dead bodies of young children. Their necrophilic acts came to public attention in December 2006 during Noida serial murder investigations. The present paper deals with necrophilia and laws related to it in some major developed countries in contrast with the weak, unclear and ambiguous Indian law in this regard.

Keywords: Necrophilia, Criminalize, Sexual Inadequacy, Dead, Corpse

Introduction

"Nekros" is a Greek term that means or relates to corpse or dead, the word "Philia" (is also Greek) means love or attraction, and collectively, both of these words form the term "Necrophilia" that is defined as a sick abnormal fascination with death and the dead. Necrophilia, sexual gratification by having sex with the dead, is one of the weirdest, most uncanny and revolting practices of abnormal and perverse sensuality. It is a psychosexual disorder which is categorized under the group of disorders of paraphilias, by ICD10 published by World Health Association and the Diagnostic and Statistical Manual (DSM) of the American Psychiatric Association¹, as a subtype of psychosexual disorder that involves unusual or bizarre fantasies or acts

that are necessary for fulfillment of sexual excitement.² This sexual attraction for or sexual intercourse with dead bodies or fascination with erotic interest in or stimulation by corpses³ is also known *necrophilism, necrolagnia, necrocoitus, necrochlesis, and thanatophilia*. It may be seen by itself or in association with a number of other paraphilias, namely *sadism, cannibalism, vampirism* (the practice of drinking blood from a person or animal), *necrophagia* (eating the flesh of the dead), *necropedophilia* (sexual attraction to the corpses of children), and *necrozoophilia* (sexual attraction to the corpses of or killings of animals-also known as necrobestiality). Even imagining such an act is abhorrent to most, because the largely unconscious taboo that we each carry within our internal world-one

does not kill the living to sexually enjoy their corpse becomes momentarily conscious when we read about such behavior, and engenders feelings of disgust and revulsion. It also keeps such fantasies, urges, and behaviors out of the conscious awareness of most people.

Origin of term

The term *necrophilia* seems to have been first used by the Belgian psychiatrist *Joseph Guislain* (1797–1860).⁴ The passage in which *Guislain* coined the term *necrophilia* is found in his *Leçons Orales sur les Phrénopathies*, a lecture that was probably delivered some time during the winter of 1850 in reference to contemporary necrophile François Bertrand: “It is within the category of the destructive madmen [aliénés destructeurs] that one needs to situate certain patients to whom I would like to give the name of necrophiliacs [nécrophiles]. The alienists have adopted, as a new form, the case of Sergeant Bertrand, the disinterment of cadavers on whom all the newspapers have recently reported. However, don’t think that we are dealing here with a form of phrenopathy which appears for the first time. The ancients, in speaking about lycanthropy, have cited examples to which one can more or less relate the case which has just attracted the public attention so strongly.”⁵

History

The practice of necrophilia is not a new phenomenon and has a long and rich history, perhaps as old as civilization itself. Mythology abounds with instances where a queen or goddess has succeeded in getting herself impregnated by a deceased husband. The Egyptian goddess Isis was said to have conceived her son Horus after her consort Osiris had been murdered and cut to pieces simply by using his severed member as a dildo while reciting ritual incantations. Necrophilia was practiced in some ancient cultures as a spiritual means of communicating with the dead, while others employed it as an attempt to revive the recently departed. In the ancient world, sailors returning corpses to their home country were often accused of necrophilia.⁶ Singular accounts

of necrophilia in history are sporadic, though written records suggest the practice was present within Ancient Egypt. Herodotus writes in *The Histories* that, to discourage intercourse with a corpse, ancient Egyptians left deceased beautiful women to decay for “three or four days” before giving them to the embalmers.⁷⁸⁹ Herodotus also alluded to suggestions that Greek tyrant Periander had defiled the corpse of his wife, employing a metaphor: “Periander baked his bread in a cold oven.”¹⁰ Acts of necrophilia are depicted on ceramics from the Moche culture, which reigned in northern Peru from the first to eighth century CE.¹¹ A common theme in these artifacts is the masturbation of a male skeleton by a living woman.¹² Hittite law from the 16th century BC through to the 13th century BC explicitly permitted sex with the dead.¹³ In Renaissance Italy, following the reputed moral collapse brought about by the Black Death and before the Roman Inquisition of the Counter-Reformation, the literature was replete with sexual references; these include necrophilia, in the case of the epic poem *Orlando Innamorato* by Matteo Maria Boiardo, first published in 1483.¹⁴ Aghoris, a small Hindu sect in India, have been known to live in graveyards, sit on corpses, wear ash from the pyre, drink urine from skulls, use human bones from graveyards for rituals, and desecrate corpses including various acts of necrophilia. Some reputedly even eat parts of the corpse.

Classification

Different authors and researchers classify Necrophilia in different categories. In 1989, Jonathan Rosman and Philip Resnick classified necrophilia into three types based on the acts of the necrophiles (persons practicing necrophilia) on the corpses, as:

- 1) *Homicidal Necrophilia*- the necrophile under this category murders a person to obtain the corpse for sexual gratification;
- 2) *Regular Necrophilia*- the necrophile uses already dead bodies for sexual pleasure;
- 3) *Necrophilic Fantasy*- these necrophiles just fantasize about the sexual activity

with corpses without carrying out any necrophilic acts.¹⁵

However, with time the society changes and there are changes in the situations, the types in which people derived sexual pleasures out of dead bodies increased in the years after Rosman and Resnick categorized it into three, therefore, in 2009, Dr. Aggarwal, a professor of forensic medicines at Maulana Azad Medical College, New Delhi, classified the three categories further into ten, in the Journal of Forensic and Legal Medicine¹⁶ giving names to each necrophile, viz¹⁷:

1) *The Role Players*- those necrophiles who do not want to have sex with the dead body but enjoy sex with the person pretending to be dead;

2) *Romantic Necrophiles*- these necrophiles are the normal saddened people who cannot bear the separation with their sex partners and hence they mummify their bodies of and continue to relate sexually;

3) *Fantasizer Necrophiles*- these necrophiles do not engage in actual intercourse, they are content only with the fantasy of having intercourse with the dead;

4) *Tactile Necrophiles*- these necrophiles are similar to those of the fanatsizers however, these people need to touch the dead body in order to get an orgasm;

5) *Fetishtic Necrophiles*- these necrophiles also do not engage in actual intercourse but whenever they come across any dead body, and get the change, they cut off a part of the body for fetishtic activities;

6) *Necromutilomaniacs*- these necrophiles are a step ahead of the fetishtic necrophiles as these people also do not engage in any sexual activity however, they derive erotic pleasure from mutilating the dead bodies and in some cases they even eat certain parts of the dead body;

7) *Opportunistic Necrophiles*- these necrophiles are generally content with the intercourse with living but when they get a chance, they, don't let it go, engage into sexual activities with the dead bodies;

8) *Regular Necrophiles*- these are, as the name suggests, the regular necrophiles who, do not enjoy the sexual intercourse with the living

people even when the choice is available and seek for a dead body for sexual intercourse, since they find it more pleasurable;

9) *Homicidal Necrophiles*- these necrophiles are, the most dangerous ones, capable of having intercourse with the living but their urge to have intercourse with the dead bodies is so high that they kill people in order to satisfy their urges;

10) *Exclusive Necrophiles*- these necrophiles are a step ahead to the regular necrophiles (who have sex with both the people alive and the dead), what makes these different is that these necrophiles cannot have sex with people alive and find it fascinating only when they have intercourse with the dead bodies.

Necrophilia is gender neutral, it goes beyond gender positioning and individual sexual curiosity;¹⁸ albeit, there have been cases of females having sexual intercourse with the male dead bodies and vice versa, it has been observed that generally and mainly only men engage into such activities.¹⁹

Legal Position

In many nations and jurisdictions, there are no specific laws against sexual intercourse with a corpse. Thus any necrophiles who are caught have to be charged under related laws, such as "disturbing the peace of the dead," "defiling a dead body," "disturbing law and order," and "hurting sentiments of relatives." Laws relating to necrophilia in some major nations and jurisdictions areas below:

United States of America

United States of America does not have any federal law relating to necrophilia; it is left on the individual states²⁰ to formulate the laws in this regard. Approximately forty out of fifty US states have some or the other version of a law that defines illegal actions with human corpses. There are four states viz: Arizona, Georgia, Hawaii and Rhode Island that explicitly use the word necrophilia in their respective statutes and the remaining thirty-six states have an assortment of laws that point towards necrophilia,²¹ for which the punishments range between one year (in many states) to fifteen years (in Georgia) and

twenty years (in Massachusetts). Also, the section 250.10 of the Model Penal Code²² (Official Draft, 1962) provides that it is a misdemeanor to treat corpses in a way that outrages ordinary family sensibilities.

United Kingdom

Sexual penetration of a corpse was made illegal under the Sexual Offences Act 2003, carrying a maximum sentence of two years' imprisonment. Prior to 2003, necrophilia was not illegal; however, exposing a naked corpse in public was classed as a public nuisance.²³

New Zealand

Under Section 150 of the New Zealand Crimes Act 1961, it is an offence for there to be "misconduct in respect to human remains". Sub section (b) elaborates that this applies if someone "improperly or indecently interferes with or offers indignity to any dead human body or human remains, whether buried or not". This statute is therefore applicable to sex with corpses and carries a potential two-year prison sentence, although there is no case law as yet that would apply the aforementioned statute.²⁴

South Africa

Section 14 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 prohibits the commission of a sexual act with a corpse.²⁵ Until codified by the act it was a common law offence.

Canada

The Criminal Code of Canada, 1985 makes necrophilia illegal without specifically using the word necrophilia, penetration or any sex oriented word. The section 182 under Part V of the statute states "whoever behaves indecently or improperly or offers any indignity to the dead body or its remains is guilty of the offence and is liable to the punishment of imprisonment for a term not exceeding five years".²⁶ The wording of this section, to some extent, is similar to that of section 297 of the Indian Penal Code, 1860 that also uses the words "...offers any indignity to any human corpse...", but the difference is that, a clear reading of the section 182 of Canadian law makes necrophilia fall under it and makes

its commission an offence, but section 297 of the Indian Law, however, fails to make necrophilia an absolute offence since it makes it an offence only when there is a trespass into burial ground whereas the Canadian law makes such act an offence whether the dead body is buried or not i.e. whether the offender trespasses into the burial ground or not. Also, the punishment under section 182 of the Criminal Code of Canada is five years which is five times the punishment under section 297 of the Indian Penal Code, 1860.

France

Even French Penal Code does not mention the word necrophilia or like, however the simple inference on the plain reading of its Article 225-17²⁷ makes such act fall well within its purview and therefore a crime. The punishment of imprisonment under French law also is only for one year (maximum two years) however, the fine imposed for such acts is high (€15,000- €30,000) at least from the Indian standpoint that is silent on the amount of fine to be imposed.

India

India has been witnessing a rising number of cases of necrophilia in the past decade, yet it does not have any law which specifically deals with this crime. In actuality, at one time a curious necrophilic custom prevailed in India. If a female who was engaged died before marriage, her fiancé had to deflower her before she could be cremated.²⁸ In the recent past, there have been several allegations, in our country, by the relatives of dead women that the bodies of their kin were defiled in the night by mortuary attendants, but none have been proved.²⁹ Even if these allegations get proved there is no law in India to punish such offenders. The only law related to corpses in India is section 297 of Indian Penal Code, 1860³⁰ that relates to trespass on burial grounds. For a person to be punished under this section he/she should have trespassed into the burial ground with an intention to offer indignity³¹ to the corpses, this indignity may include having sexual intercourse with it, i.e. commit necrophilia. Hence, for the person to be punished for necrophilia under this section, the precondition is, the person must have trespassed

the burial ground first and then had sexual intercourse with the corpse after digging it out of the grave, or otherwise. This keeps the people who commit necrophilia otherwise than trespassing into a burial ground out of the clutches of the Indian law. For instance- the morgue keepers, technically, if a morgue keeper engages into sexual intercourse with the dead body, he could not be punished for offering indignity to the corpse because he had not trespassed into a burial ground and there is no law to punish one who offers indignity to a corpse (has sexual intercourse with it) without trespassing into or outside the burial ground under our penal code. Also, even if such an incidence is proved, that the person has had sexual intercourse with the corpse after trespassing into the burial ground, the person so committing it would be punished with an imprisonment of not more than one year or fine or both. This punishment, not extending one year, in any prudent human's view, is very less for such unnatural offences of offering indignity to any human corpse in the form of sexual intercourse. Perhaps, the drafters of the Code did not intend the act of necrophilia to be punished under this section, had they intended, they would have clearly mentioned it in the Code and the punishment also would have been more than what is there in the section 297 of the Indian Penal Code, 1860.

It is because of this void in our penal law due to which in *Nithari case*,³² the two accused, Mohinder Singh Pandher a rich business and politically influential man and his cook Surendar Koli were not punished for necrophilia. In the present case, on the suspicion of murder of a nineteen year old girl, who was one among the several girls that went missing from the Nithari village, went missing after she had gone to the house of accused, this arose suspicion on the duo and out of suspicion, the police searched the house of the accused and recovered numerous pornographic CDs and pictures of naked children and women. This was followed by massive investigation and submission of report before the court that gave clean chit to Pandher due to lack of proof and a case was registered against Koli who assented to kidnapping, raping, murdering

and defiling the body of women and the girls after their death, under Ss. 302 (punishment for murder), 376 (punishment for rape), 201 (causing disappearance of evidence of offence, or giving false information to screen offender) and several other provisions of Indian Penal Code, 1860, since necrophilia is not a crime in India, no case could be registered against him for having sex with the dead.³³

Another such case came into light in Mumbai where the Sessions court sentenced the accused to life. According to the *Indian Express* newspaper, the accused had lured the girl victim to his flat where he beat her to death and then sodomised her. The accused confessed to having murdered the girl and sexually abusing her dead body.³⁴ However, he was punished for raping and murdering the girl and not for the post death sexual intercourse, again, because necrophilia is not a crime in India and no case for such act could be registered against him.

There have been debates on whether section 377 of the Indian Penal Code, 1860 could be invoked in such cases. The section provides for a punishment of imprisonment for life or up to ten years and fine to every person who voluntarily engages in carnal intercourse against the order of nature with any man, woman or animal. Since having sex with a corpse is not natural and hence falls under the category of unnatural offence, however one of the main ingredients of this section is the "voluntariness" and there is no way the consent could be taken from a corpse and if the consent is absent, the intercourse would also be involuntary, hence dissuading from the section. The second element is that the intercourse should be done with a man, woman or an animal; however, a dead body is called a dead "body" because it is not a "people" anymore.³⁵ They are most certainly human, but once a person dies he/she becomes quasi- subjects before the law. A dead body's legal status often makes necrophilia all the more impossible to fathom when we think about it in relation with the sacredness that many families will view a corpse as holding- the person may be dead, but they remain a loved one. And, in the eyes of law, a dead body becomes a kind of "property" for the next of kin that makes

necrophilia vandalism and not a sexual attack against a person.³⁶

Conclusion

Necrophilia is a little studied subject, mainly because legal material concerning this paraphilia is very sparse. People who perform necrophilia, not only adds to the sorrow of grieving family members, but also infringes other cultural norms. Necrophilia may be explained by the simple fact that the dead cannot give consent or refuse, reject or resist; they also do not tell tales or talk back. The predicament with many necrophilia crimes is that unless a specific law exists for making the acts illegal, it can become difficult to punish. It appears that one of the reasons for burning bodies after death in some cultures or burying them deeply or in solid granite and marble tombs was to prevent their violation by necrophiles.³⁷ There are nations like Louisiana, North Carolina, Oklahoma and Kansas that actually allow having sex with the recently departed ones i.e. the corpses, hence making necrophilia a legal act. Necrophilia is, today, though a poorly understood phenomenon almost all the countries have laws against it; some countries have strong ones and some weak or unclear. India falls under the lowest strata of the latter category of the countries since its laws in this respect are weaker and more unclear than others. This weakness and obscurity has given rise to a deliberate doubt on sections 297 and 377 of the present Indian Penal Code, 1860 as to whether it makes necrophilia a criminal offence or not? Keeping in view the increasing incidences of necrophilia, it is the high time; the legislature shall clarify the stand by taking an action to criminalize it either by amending the Indian Penal Code, 1860 or by inserting a new section to it. The research emphasizes therefore that it is long overdue that action be taken to criminalize necrophilia in general.

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(b) Improperly or indecently interferes with or offers any indignity to a dead human body or human remains, whether buried or not, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years. [R.S., c.C-34, c.178.]
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Imagination: An Intrinsic Significance of a Child

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Abstract

The work 'art' is commonly and even officially used loosely to stand for drawing and painting generally and modeling and sculpture some times. Child Art is also an equally important form of art. There are probably hundreds of definitions of Child Art, and each one describes correctly only one facet of the art. Child art is an expression and an intellectual performance. Child Art has provided a new outlook in education. It plays a vital part in training the emotions and in giving an outlet to creative power of a child so that the child helps herself in solving some of her problems and tries to be balance personality. The most important contribution of child art is to help in the holistic development of child's personality. Art experiences are important from the point of view of child's mental growth as well as aesthetic sense. this research paper will help teachers and parents in understanding the need, that their children should be able to express themselves more lucid manner and also enjoy the art as a subject.

Keywords: Imagination, Creativity, Child's Perspective, Expression

Introduction

At the early age, the choice of most of the children is very precise. They like certain toys and colors. These preferred choices are projected in their first drawing of lines, circles and their representatives' Symbols. This is the way by which they communicate their emotions and ideas. Such imaginations and his favor ideas are original and are expressed in art.



93. Not given Symbols



73. Kanchi Gupta Playing with Circular Forms

Picasso wrote "Every child is an artist. The problem is how to remain an artist once he grows up." Is children's art an act of genius? Are children more creative than adults? Perhaps Picasso was simply impressed by the spontaneity of children's art.

Methodology

My primary mode of research was the procurement of information through interaction

with children of different age. Some secondary sources like Scholarly Books, Journals, and Web Sites including articles and blogs, were used to illustrate key concepts in a clear and illuminating manner. Through these methods, I procured the necessary information that will validate my assertions.

Review of Literature

A History of Art Education," by Arthur Efland, offers a rich historical backdrop that will improve our understanding of today's educational landscape, putting current events into a wider context. This book examines the historical development of visual art education in relation to that of general education. He also mentions that art education is must for overall development of a child by participating in different art activities. Efland puts current debate and concerns in a well-researched historical perspectival resource for students, professors, and researchers. Thus, the book becomes a standard reference tool for art educators at all levels of the field.

According to Nancy Howe in his article "Painting: A Visual Language of Self-Expression" stated that, painting is the earliest forms of self-expression, painting is a visual dance of the imagination. It precedes oral language, making thoughts visible, allowing even the youngest children to communicate their ideas, express what they are feeling, construct knowledge and attempt to make sense of their world. Painting is a universal language of self-expression that transcends time and place. Painting involves a number of cognitive tasks for children, including concentration, planning, making choices, problem-solving, evaluating, executing, reworking and persistence. It also inspires a growing understanding of artistic elements and spatial concepts such as color, shape, size, line, texture and directionality. As children explore with paint, they experiment with imagery, patterns, cause-and-effect relationships, critical and symbolic thinking and visual discrimination.

Children's picture has the most typical characteristic that sometimes appears to be amazing. The representation in children's works seems to be in the line of ancient Mughal Art. The sky is shown by only narrow strip and there

is a vacuum between crust and sky. The sky is sometimes adorned with sun and at other times moon and stars. Mountain is projected huge and wavy with black or green color, rather than grayish blue and soft outlines of distant hills. Blue rivers are flowing like ribbons across the picture or down from mountains. The background is half covered with bulgy lakes.



104. Asel Tolebarva Rainbow

Temples are colossal in size, while huts are diminutive. The size of trees can vary proportionately from mere plants to huge trees near the distant hills. The colors mostly chosen by them are strong blue, green, yellow, brown, scarlet, black, white and above all red. This formula is also adopted by a well-known artist Jamini Roy who himself has written about his artistic inspiration that he was motivated by simple child art. He has mostly used flat colors, simple shapes and bright color patterns in his drawing. Lines in most paintings are broad but strong; as that of a child of 6 years.



76. Chitra Goyal I and My Servant



98. Nischya Goyal Repetition of Man Forms

The evaluation of child art depends on the point of view of an observer. The educator seeks the route to development personality while a psychologist tries to construe the behavior and artist can perceive the feelings attached to the work of the child. But educator psychologist and artist look upon child art as unconscious non-verbal and pre-verbal mode of expression which can be directed by unconscious and also by pre-conscious processes.

Rhythm is originated from art. The child finds great contentment in producing rhythmic alliterations. He often repeats figure, color or maybe line. Drawings are generally in the group of four having 8 to 10 legs. This is because the child finds joy in repetition.

Sometimes these appear to be futile to some adults. But these repetitions are also seen in most of the matured artists. A child of 4 to 5 depicts her mother or a man by round head attached to arms and legs. In some pictures, the arms and legs are shown by a single line. There is also a depiction of five toes and five fingers on either foot or hand respectively. Along with some details as hair-bun, two lines over the shoulder represent the saree, there are two strokes for arms and legs.

This representation based on the fixed formula, which is enough to present a figure. He also adds one or two peculiar points about a person he is depicting. He never tries to imitate the person but symbolizes every aspect of the picture. Such symbols are often reiterated even if his drawings

become much elaborated because a child depicts everything. A child knows about the person rather than what he sees. The fixed formula as mentioned earlier is used in varied forms when depicting a college. The figures drawn by children are not prosaic but filled with mercurially. Such figures are also based on symbolism and come near to action in arms or legs. For instance, the figure depicts the action or drinking milk and the complete action is represented by arms and tilt of a head. In another depiction, the children doing circular clapping dance facing in all four directions and almost standing on their heads as they go around the circle. Such is the line of development in children's drawing.

A very small child of six follows a different formula. He depicts body as the front view and heads a sort of elongation of a trunk is dorsal view. Nose and mouth are represented by general formulas. Feet are depicted a side view. An eye is always kept in front and both eyes are depicted in side view.



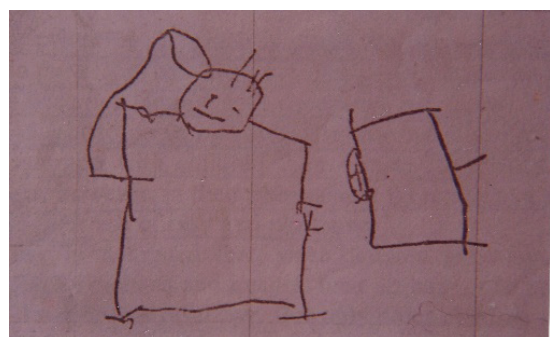
58. Tania S. Patel Elephant Ride

Such symbolism is also practiced by eminent artist like Gongva and Emil Burner who thought of painting like children. To some extent, characteristics of child art such as the use of bright pure colors, the presence of ornamental shapes instead of natural ones, neglect of natural proportions and symbolic sketching of imaginative simple shapes in place of real figure of the object.

Children also represent the picture on the plane and never try to hide any part. The lower limbs though they are shown very small but are always drawn so that no part is left out.

A child never tries to paint three-fourth of a portrait, similarly, they show wheels of bullock cart side by side and four legs of an animal in a row below its body. Children sometimes come across with difficulty in representing animals in various poses; as their anatomical perception about these animals is very hazy. So they evolve their indigenous skill and use them in a vivacious manner in all their artwork. Some of such works are drawn from view but some of them have faces depicted in profile. Eyes are drawn in boat-shaped.

To illustrate the above point let's discuss the painting of 4 year old child who is not enrolled in any school. This painting represents "A dog watching the man shaving" (fig no.87). The dynamism of this painting is most interesting in which slant of the head and movement of the arm have been reproduce. On the contrary there is no representation of left arm and legs are also missing but the feet are marked at lower corners under square body. The boy has also marked three strokes to represent hair. Mouth is also clearly visible and eye is marked by a dot. Ears and neck are completely missing. The petit figure on the right represents a dog whose head is clearly seen in left and stroke on right is like a tail.



Umang Gupta

Man Shaving, Watched by dog

If the child draws man climbing the coconut tree, she puts an old woman at the bottom for chopping them open to being drunk. At the other instance, a child can depict a number of children playing together with a ball. In the family gathering depiction of a child can show all the figures like sister rocking the cradle, son showing his book to the father. The houses are shown with transparent walls or three walls in

houses. While illustrating sports and playground the field is shown flat while drawing a crowd of people, they draw people standing with feet together and heads coming out. They never show the picture one behind the other and they never confine them to fix area.



72. Urkarsh Gupta

Men Walking on Road



51.

Norika Miyashita

Tizo

Thus every child uses his own standard patterns for creating his imaginations. Sometimes they are the mere collection of individual works. He, for instance, can draw a road, the trees, and houses perpendicular to each other; resulting in upside down of the picture. Some children turn round their paper to drawn certain images and these are to be turned around by observer. Such works also lead to momentum in the viewer and the idea is easily communicated. The size of the image depicts the importance as for instance the king is portrayed bigger in size than other figures in the scene.

Every child has his own personality and reacts differently for same situation. This leads to different artistic expressions, for instance, a child who is found in fruits and vegetables will draw piles of such articles in a bazaar scene. A child who likes clothes will express a man selling clothes. Another child has drawn a lady in a fine saree, for instance, a servant with a plain saree or no blouse.

The production of artworks by a child indicates his intellectual growth. But there is a huge difference between growth of child's mind and the thinking of an adult. Those adults and children who try to imitate become schematic but the impalpable child is proved to be more creative.

Conclusion

Art is not merely coloring books or mimeo sheets. Even it is not copying or coloring between the lines. Art is not restrictive. To be art, a work has to demonstrate individuality.

Art is important for children, especially during their early development. Children love art because it's fun and provides them with authentic self-expression: the freedom of choice, thought and feeling. Research shows that art activities develop brain capacity in early childhood; in other words, art is good brain food. Art engages children's senses in open-ended play and develops cognitive, social-emotional and multi-sensory skills.

As children progress into elementary school and beyond, art continues to provide opportunities for brain development, mastery, self-esteem and creativity. Children's art is many things to many people. To a parent, art is a display of their child's imagination. To an educator, it's a teaching tool. To a psychologist, art is a way to understand a child's mind. To a grandparent, it's a way to feel connected. To a librarian, it's a way to enhance

book knowledge. To a child, art is a way to have fun, make decisions, and express choices.

Child art, like most child behavior, is direct and uncensored. A young child doesn't critique his work – he paints freely and with pleasure, enjoying the fine and gross motor experience of moving paint over a paper and watching lines, shapes and colors come to life. Art puts a child in the "driver's seat" and provides freedom: the freedom of choice thought and feeling.

Research shows that parent's involvement in their child's education is positively related to learning and achievement. Art can be a wonderful family activity. Parents who understand the value of art are more likely to keep art supplies at home, designate a household area for "messy art," and become involved in art themselves. Parents and teachers working together to nurture creativity – imagine the possibilities.

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Indian Courts and Legal Service Authorities on Victim Compensation Scheme in India-Recent Developments



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Abstract

It is urged from long time that Indian criminal justice system is accused centric not victim centric. More emphasises was given on the punishment of offender and ignores the real victim often compelling him/her to find extra legal methods of getting justice. Only in the recent years the criminal justice system has started paying attention to the actual sufferers i.e. victims of crime. A new provision section 357A, 357B, 357C was also added to The Code of Criminal Procedure, 1973 by way of amendment in year 2009 and 2013 respectively. Insertion of victim compensation scheme has further broadened the horizon of compensatory jurisprudence in order to ensure victim justice. This research article attempts to shed light on the victim compensation scheme followed in India. This paper will also focus on the major fallacy of the recent laws and how the courts have responded towards the victim justice in India by highlighting the trend of compensation through case study of different judgment given by High Courts or Supreme Courts of India in criminal cases recently, where order was made for compensation to be given to victims of crime and the present status of compensation awarded by court and legal service authorities.

Keywords: *Compensatory Jurisprudence, Compensation, Justice, Reformation Victim*

Introduction

"Victim Justice – Not only a legal problem but it is an extension of sociological and ethical implication."

- J. Malimath

Crime is essentially a harmful, antisocial behaviour. It is a conduct that is perceived as a threat to the existence of a peaceful social order. The laws accordingly regulate such conduct through the imposition of appropriate sanctions that commensurate the harm perpetrated. For every crime committed, there is an accused as well as the victim. The crime affects the victim, his life, health, property or general well being. For a restorative step in criminal jurisprudence rehabilitation of victim was the need of hour. Thus victimology became a new era in itself. Victimology is the science of crime and criminal behaviour then, for the sake of simplification, we can say that victimology

is the science of victims and victimization.¹ No compensation can be adequate nor can it be of any respite for the victim and 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.² The idea of relief and compensation to victims is not a new one. Earlier too, our laws provided for compensation to the victims of accidents. In some cases, the law combined punishment of the offender with monetary satisfactions for the injured party as a means of forestalling enmity through counter-violence by the victim's kin. In the 1950s, an English reformer initiated a modern movement to bring the victim back into the justice equation. "Victim compensation" refers to payments made

from state funds to victims of crime. Advocates of victim compensation have argued that since the state is responsible for protecting its citizens from crime, the failure to do so obligates the state to indemnify those who are victimized. The state is believed to be responsible to the victims because imprisonment prevents offenders from paying damages. The general welfare policy also is cited as justification for governmental assistance to the unfortunate victims of crime.³

Who is Victim?

Victim has its root in the early religious notions of suffering, sacrifice and death. In each civilization the law mandated that the victim should be recognised as a person who deserved to be made whole again by offender.⁴ As per UN Declaration of Basic principles of justice for victims, 1985, Victim is defined as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within the member states, including those laws proscribing criminal abuse of power."⁵ UN defined term Victim very broadly. Principle 2 of the UN Victims Declaration makes clear that "a person may be considered victim, under this Declaration, regardless of whether the preparatory is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim." As per Code of Criminal Procedure, victim means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression includes guardians and legal heir of the victim.⁶ This definition which was incorporated by the Criminal Procedure (Amendment) Act, 2008, is a step in positive direction. Indian legislation drafted the term victim as consistent with international standards and include the family i.e. guardian or legal heir of the victim.

Journey of Victim Compensation Scheme in India

Victim Compensation Scheme⁷ was inserted on the basis of 152nd and 156th report of the

recommendations of Law commission in 1994 and 1996 respectively. Before 2008, state remained itself away from the obligation of compensating the victim, but as Criminal procedure Code was amended, liability is imposed on state for such compensations. The 14th Law Commission in its report recommended state compensation, which is justified on the grounds that it is the political, economic, and social institutions of the state system that generates crime by poverty, discrimination, unemployment and insecurity.⁸ In its 154th Report on the Cr.P.C influenced by the Tamil Nadu system of "*Victim Assistance Fund*", the Commission suggested the setting up of a similar Fund. The Malimath Committee also made following recommendations:

- (a) Victim compensation is a State obligation in all serious crimes, whether the offender is apprehended or not, convicted or acquitted. This is to be organized in a separate legislation by Parliament
- (b) The Victim Compensation law will provide for the creation of a Victim Compensation Fund to be administered possibly by the Legal Services Authority. The law should provide for the scale of compensation in different offences for the guidance of the Court. It may specify offences in which compensation may not be granted and conditions under which it may be awarded or withdrawn.⁹

It is the considered view of the Committee that criminal justice administration will assume a new direction towards better and quicker justice once the rights of victims are recognized by law and restitution for loss of life, limb and property are provided for in the system. The draft bill on the subject submitted to Government in 1995 by the Indian Society of Victimology also provides a tentative framework for consideration.¹⁰

National commission to review the working of the constitution¹¹, has also recommended for a victim oriented approach of criminal justice system and also provided for victim compensation scheme. Finally, after considering above recommendations new section 357A has

been inserted¹² with effect from December 31, 2009, which envisages Victim Compensation Scheme. The subject of criminal justice reforms in our country has received considerable attention in recent years. While it was perceived that the 8 volume report of the National Police Commission (1977-1981) was not given due attention for many years, it was the recommendations of the Justice Malimath Committee on Criminal Justice Reforms (in 2003) which triggered a lively debate between police officials, the judiciary, practicing lawyers, academics and civil society activists.¹³

What is the Victim Compensation Scheme in India

Every State Government in coordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victims or his dependents who have suffered loss or injury as a result of the crime and who requires rehabilitation.¹⁴ It is a mandatory provision which should be followed by each State. Recently in 2015 Madhya Pradesh prepared Victim Compensation Scheme on direction given by Supreme Court. However, it is heartening to see that the State Governments have made a Victim Compensation Scheme as envisaged by Section 357A.

Quantum of Compensation

It is to be noted here that under Victim Compensation Scheme, District Legal Service Authority or State Legal Service Authority decides the quantum of compensation to be awarded on recommendation of Court.¹⁵ Now question arises that when does court recommend to DLSA/SLSA for awarding compensation? Legislation also inserted the provision relating to this question. If trial court, at the conclusion of trial, is satisfied, that the compensation awarded under Section 357 is not adequate for such rehabilitation, or where the cases end in acquittal and discharge and victim has to be rehabilitated, it may make recommendations.¹⁶

VCS further states that where offender is not traced or identified, but the victim is identified, and no trial takes place then victim or his

dependant may make an application to DLSA or SLSA for awarding compensation.¹⁷ On such recommendation and application, DSLR or SLSR after due enquiry, award adequate compensation.¹⁸ The time period of enquiry is also specified by victim compensation scheme i.e. within two months. Another reformative step is taken by Indian Criminal Justice System by introducing provision of immediate first aid facility and medical benefits made available free of cost to victims,¹⁹ but it requires certificate from Magistrate or Police officer not below the rank of officer incharge of police station of the area concerned. An interim relief is also provided to victim as appropriate authority deems fit. So, the VCS removes the loopholes of section 357.²⁰ This scheme is indeed a progressive measure to ameliorate the woes of crime victims and providing them a restorative relief.²¹

State Victim Compensation Fund and Central Victim Compensation Fund

A Victim Compensation Fund is created out of which amount of compensation under this scheme shall be paid to the victim or his dependants. The State Government shall allot a separate budget for this every year. The fund shall be operated by the Secretary of State Legal Service Authority.

In acid attack case²², a survivor filed a PIL in the Supreme Court in 2006. Supreme Court in its final order directed the State Government and the Union Government to fix the compensation. Subsequent this PIL, the Ministry of Home Affairs held consultations with various State Governments and UTs. Recently in October, 2015 Central Government has introduced a Central Victim Compensation Fund (CVCF) Scheme with an initial corpus of 200 crores, from '*Nirbhaya Fund*' to enable support to victims of rape, acid attacks, human trafficking etc. The current central scheme is aimed at harmonizing the state schemes with a minimum fixed amount of compensation for victims of various crimes.

The CVCF Guidelines mentioned three broad objectives. Firstly, to support & supplement

the existing victim compensation schemes of the state governments, Secondly, to reduce the disparity in the quantum of compensation amount fixed by the various state governments. Thirdly, to encourage the state governments to effectively implement the compensation scheme to continue financial support to victims of various crimes.²³

State can access the funds from CVCF only when State has notified a victim compensation scheme as per Section 357A. The quantum of compensation fixed should not be less than the amount mentioned in CVCF. Thus, States might be more interested in implementing the victim compensation scheme, now that the Union Government will reimburse the compensation amount. This is expected to encourage states and also to harmonize differences in the quantum of compensation.

Indian Courts and National Legal Service Authorities on Victim Compensation Scheme

India is a welfare state, and victim support should be a primary objective of the criminal justice system. Therefore, the importance of such research cannot be emphasised enough. In keeping with the objective of the paper, we examined the status of crime victims and existing victim assistance in India. In this section of the paper, we will elaborate on the status of victims of crime in India Courts and Legal Service Authorities.

Recently, Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled *Nipun Saxena Vs. Union of India* opined that "it would be appropriate if NALSA sets up a Committee of about 4 or 5 persons who can prepare Model Rules for Victim Compensation for sexual offences and acid attacks taking into account the submissions made by the learned Amicus. The learned Amicus as well as the learned Solicitor General have offered to assist the Committee as and when required. The Chairperson or the nominee of the Chairperson of the National Commission for Women should be associated with the Committee." In view of the above, NALSA set up a committee. Committee has finalized the Compensation Scheme for

women Victims/Survivors of Sexual Assault/ other Crimes and submitted the same before the Hon'ble Supreme Court of India on 24.04.2018.²⁴

The present status of victim assistance through courts and legal service authorities are shown in Table I below

Table I: Status of Victim Compensation Scheme in India

Year	Applications received including Court Orders	Applications Decided	Applications Pending	Compensation Awarded
April 2016 to March 2017	21958	7314	4427	899869598
April 2017 to March 2018	15855	8861	7637	1234617773

Source: National Legal Service Authority Statistical Report on Victim Compensation Scheme.

Having a closer look at the above table it has been found that in Year 2017-18 amount of compensation awarded to victims increased by 27.11% from year 2016-17. Applications decided by courts and legal service authorities are also increased by 17.45% in year 2017-18. Thus the participation of courts and legal service authorities towards victimisation is appreciable step. But when we have a look on the part of awareness of the victim compensation scheme to people then we came to know that total applications received by authority is decreased in number in year 2018. Thus the awareness of this scheme is foremost requirement for the proper implementation of this scheme.

Judicial Interpretation of Victim Compensation Scheme in India

Ultimately, the efficacy of the law and its social utility depends largely on the manner and the extent of its application by the courts. A good law badly administered may fail in its social purpose and if overlooked in practice, will fail in purpose and utility. Section 357A has a social purpose to serve and has to be applied in appropriate

cases. The Law Commission of India has not only admitted the fact that they are “not particularly liberal” in utilising these provisions but also observed: “it is regrettable that our courts do not exercise their statutory powers under this section as freely and liberally as they could be desired”.²⁵ Despite the absence of any special legislation to render justice to victims in India, the higher judiciary, particularly the Supreme Court, has adopted affirmative action to protect the rights of victims of crime and abuse of power.

The first of its kind, **Rudul Shah (1983)**, which came before a three judge bench of the Apex Court raised questions relating to the competence of Courts to grant adequate compensation/exemplary costs to victims against abuse of powers by State and its administration while deciding a writ petition under Article 32. Here, the petitioner challenged his illegal detention in prison for a period of fourteen years by invoking the writ jurisdiction of Apex Court under Article 32 claiming a patent violation of his right to life and personal liberty guaranteed under Article 21. This case incorporated the idea of compensation where Apex Court assumed to itself the power to order exemplary costs as a remedial measure which is in addition to, and not including, the appropriate damages claims in civil courts.

In Re: Indian Woman says gang-raped on orders of Village Court published in Business & Financial News dated 23.01.2014 three Judges Bench of J.P. Sathasivam, J. Sharad Arvind Bobde and J. N.V. Ramana also stated that In 2009, a new Section 357A was introduced in the Code which casts a responsibility on the State Governments to formulate Schemes for compensation to the victims of crime in coordination with the Central Government whereas, previously, Section 357 ruled the field which was not mandatory in nature and only the offender can be directed to pay compensation to the victim under this Section. Under the new Section 357A, the onus is put on the District Legal Service Authority or State Legal Service Authority to determine the quantum of compensation in each case.²⁶

Regarding victims of acid attack, under Sec 357 A,

In **Laxmi v. Union of India**²⁷, the Supreme Court, had held that, a uniform compensation of Rs 3 lakhs must be paid by all states and union territories to the victims. Of which 1 lakh should be paid immediately within 15 days and remaining 2 lakhs should be within 2 months as expeditiously as possible. The apex court even stated that compensation must be provided to the victim irrespective of the outcome of the prosecution. In **Ankush Shivaji Gaikwad Vs. State of Maharashtra**²⁸ court clears the doubt relating to discretionary power of court for awarding compensation to victim. Court stated that there exists a mandatory duty on the court to apply its mind to the question in every criminal case. Application to mind to the question is best disclosed by recording reasons for awarding or refusing compensation. It is axiomatic that for any exercise involving application of mind, the court ought to have the necessary material which it would evaluate to arrive at a fair and reasonable conclusion. A landmark decision in victim compensation under Sec 357A came very recently in **Suresh v. State of Haryana**²⁹. In this case the Supreme Court awarded an interim compensation under Sec 357 A, and directed the state to pay an amount of Rs 10 lakhs to the family of the victims who had been abducted and murdered. Court held that High Court ought to have had awarded the compensation even without an application from the dependants. Supreme Court also further stated that There is no reason as to why the victim family should not be awarded compensation under Section 357-A by the State. Apex court in the same case directs to lower courts and high courts in following way:

- It is the duty of the courts, on taking cognizance of a criminal offence, to ascertain whether there is tangible material to show commission of crime whether the victim is identifiable and whether victim of crime needs immediate financial relief.
- On satisfaction on an application or on its own motion, the court ought to direct grant of interim compensation, subject to final compensation being determined later.

- Gravity of offence and need of victim are some of the guiding factors to be kept in mind, apart from such other factors as may be found relevant in the facts and circumstances of an individual case.
- There is need to consider upward revision in the scale of compensation and pending such consideration to adopt the scale notified by the State of Kerala in its scheme, unless the scale awarded by any other State or Union Territory is higher.

In **Shail Kumari Devi v. Krishan Bhagwan Pathak**,³⁰ Court directed that interim compensation ought to be paid at the earliest so that immediate need of victim can be met. For determining the amount of interim compensation, the Court may have regard to the facts and circumstances of individual cases including the nature of offence, loss suffered and the requirement of the victim. Recently, in the case of **Manohar Singh v. State of Rajasthan and Ors.**³¹ Hon'ble Apex Court has observed that punishment to the accused is one aspect, determination of just compensation to the victim is the other. Just compensation to the victim has to be fixed having regard to the medical and other expenses, pain and suffering, loss of earning and other relevant factors, while under Section 357A of Cr.P.C., financial capacity of the accused has to be kept in mind under Section 357(1) of Cr.P.C. Compensation should be invoked out of the state funds to meet out the requirement of just compensation. In **Mohd. Kaleem v. State of U.P.**³² court held that Section 357A of Cr.P.C. is retrospective contemplating compensation in the cases pending on or before 31.12.2009 and appellate court is competent to grant compensation under Section 357A of Cr.P.C. and it is manifest that legislature enabled the court to order interim compensation either on the application or on its own motion, which will of course be subject to final compensation being determined later on. In **Upendra Paswan v. State of Bihar**³³ court held that interim compensation ought to be paid at the earliest so that immediate need of victim can be met.

Suggestions & Conclusion

Introduction of Victim Compensation Scheme in Criminal Procedure Code, 1973 is undoubtedly a tremendous step taken by criminal justice system which reforms the status of victim in society. Judiciary is also performing its role towards the implementation of the scheme well enough by pronouncing the judgements and directing the states as required. After the insertion of section 357A legislation had removed the lacuna of absence of statutory provision for compensation to victim which it had earlier. But now some issues are there.

Firstly, need for creating awareness on Victim Compensation Scheme. The success of any programme depends largely on its acceptance by the people and participation of the people. It is a duty of court and legal service authorities that they inform about the scheme by giving notice or advertising or in any other manner to victim as soon as possible or take an action suo moto. A United State of America devotes time and money for creating awareness in the general public to help crime victims. The Office for Victims of Crime³⁴ established by the Victim of Crime Act (VOCA), 1984 to oversee the various programmes evolved for the benefit of crime. Europe also celebrates 'European Victim Day' with new initiatives annually.³⁵

Secondly, mechanism of compensation. Legislature should make such policy in which amount of compensation depends on age and income of victim as well as the physical disability of victim. Section 357A (5) Cr.P.C. provides that the District Legal Service Authority after due enquiry will award adequate compensation. What would the term adequate compensation envisage? The Supreme Court in the case of **Sarla Verma v. DTC**³⁶ while interpreting the Motor Vehicles Act interpreted 'just compensation' to be adequate compensation as fair and equitable, on the facts and circumstances of the case. Assessment of compensation though involving certain hypothetical considerations, should nevertheless be objective.

Thirdly, the uniformation of the scheme. All the States and Union Territories shall make all endeavours to formulate a uniform scheme for providing victim compensation. A victim suffers a same kind of pain after the commission of same kind of crime. It makes no difference in his or her life that commission of crime occurred at Rajasthan, Delhi, Goa etc. Then why the limit of compensation is differently applied. At present it is found that the limit of amount of compensation for the offence of rape ranging from Rs.20,000/- to Rs.10,00,000/- under section 357A needs to be introspected by all the States and the Union Territories. Thus, they should consider and formulate a uniform scheme specially for the rape victims in the light of the scheme framed in the State of Goa which has decided to give compensation up to Rs.10,00,000/-. Justice M.Y. Eqbal and Arun Mishra³⁷ also directed States and Union Territories for the Uniform Scheme in all over India. States might be more interested in implementing the victim compensation scheme, now that the Union Government will reimburse the compensation amount. This is expected to encourage states and also to harmonize differences in the quantum of compensation. Recently, the Victim Compensation scheme of Andhra Pradesh notified in April, 2015 fixed the compensation for a rape victim at 2 lakh while the CVCF guidelines fixed the minimum compensation at Rs. 3 lakh. Such differences are expected to be sorted out with CVCF.

Fourthly, apart from these measures the government should also start 'Victim Rehabilitation Centres' with professionally qualified voluntary social workers who could be contacted by the potential Victims for help, guidance and counselling and social case work to the victims to reduce their trauma, to increase their moral base and to relieve them from a total psychological breakdown. Such programmes are already in existence in other countries like U.K, U.S.A, Canada.

Now Justice Services must operate for the victim. Support, reparation and information must be available to victims. Increasingly, specialised

commissions and even legislators recognise what must be done, but much more is needed to go from this rhetoric to real action. Making a mandatory provision for compensating the victim of crime by State may not solve all the problems of the victim of crime unless victim is aware of Victim Compensation Scheme.

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Sociological Study of Poverty among Scheduled Castes

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Abstract

Poverty is one of the thrust areas in the field of social stratification and in social inequality. The explanation of poverty is not easy to explain rather it is much more complicated and complex. It requires different strategies to study it. Poverty should not be taken as uni-dimensional rather it is a multi-dimensional concept. Studies by Wang and Alkire (2007), Alkire and Foster (2010) and Wang et al. (2013) suggested that poverty is a multi-dimensional phenomenon. Definitions of poverty and its causes vary by gender, age, culture, and other social and economic contexts. In India caste and class are having strong nexus and it has also been found that wherein the caste is having lower status in the social hierarchy is also found to be economically poor. This study is an attempt to understand this nexus by focusing on the Scheduled Castes of India. Literature shows that the pathetic condition of the SC community cannot be attributed singly to either economic factors or social factors. Rather this is the result of the complex combination of social, economic and cultural aspect and it is difficult to separate them as cause and effect.

Keywords: Poverty, Scheduled Caste, Caste and Class

Introduction

Poverty is one of the problems which have attracted attention of sociologists and economists. It indicates a condition in which a person fails to maintain living standards adequate for his/her physical and mental efficiency. It is a situation from where people want to escape. According to Adam Smith, "Man is rich or poor according to the degree in which he can afford to enjoy the necessities, the conveniences and the amusements of human life" (Azad Indian Foundations, 2004). Poverty, and its hand maiden, inequality, in their myriad incarnations can be seen everywhere.

Even after more than 70 years of independence India still has the world's largest number of poor people. Poverty in India is still a reality, with almost one-fifth of the population living

below poverty line; India has a long way to go bringing economic reformation. The Oxford Poverty and Human Development Initiative's Global Multidimensional Poverty Index of 2017 suggested that majority of the countries with maximum poor population comes of course from the South Asian nations. Based on a 2014 World Bank data, 21.3% of Indians live below \$1.90 per day on purchasing power parity. In simple words, 21.3% Indians live on less than Rs.120/- per day (Sontankke, 2017).

The subject poverty has come to the focal point in World Summit for Social Development (WSSD), held in March, 1995 in Copenhagen, Denmark. Poverty still needs to be researched if we seriously want to move from pious platitude and administration of untested prescriptions. While the problem of poverty is Global, its solutions will

have to be local. According to Yogesh Atal, “we have to bring back local culture in our scheme of things. This is the essence of the new demand for “Think Globally, Act Locally”. For more than 5 decades the world has focused on development and yet the destination is not in sight. The prime focus of development work in the past was on the eradication of poverty. And yet it is poverty that has defied all the prescriptions” (Atal, 2002).

Statement of the problem

Poverty is essentially a relative term, and refers to a condition measureable in terms of the living standards and resources of a given society, at a particular time. It is related to a condition of being poor and poor are those who are unable to meet their daily basic needs. In other words, poverty can be understood in terms of the life below minimum subsistence level and in terms of living standards of a society at a given time and place. In India 21.3% population lives below poverty line and it is seen that the incidence of poverty in Scheduled Castes (SC) is significantly higher than among the non-scheduled castes. The SCs comprises 16.5% of India's population and the rate of poverty among them is 36.2% (Census, 2001). In Indian context it is seen that caste and class usually go together, where in the caste which is lower in social hierarchy is also economically poor. Thus, the present paper is an attempt to understand the caste-class nexus with major foci on poverty among SC.

The Concept

Poverty is one of the most familiar and more or less enduring conditions known to humanity; it is an extremely complicated concept to understand. Different researchers tried to explain and define the concept poverty in their own terms. In broader terms, there are two types of poverty defined in economic literature. They are absolute and the relative poverty. In India, in majority, scholar has explained poverty in absolute terms. Indian Labor conference, 1957 was the first platform where the attempt had been made to define poverty. Then the Planning Commission (1962), Calorie criteria recommended by Task

Force (1977), Dandekar and Rath (1971), Bardhan (1973) and Ahluwalia (1978) defined poverty on the basis of calorie intake. Sundaram and Tendulkar (2003) studied Headcount Ratio, Poverty Gap Index to measure poverty. Gupta (2004) used Human Poverty Index and Capability Poverty Index, Ray and Lancaster (2005) used alternative definitions of poverty line.

The first pioneering study of poverty in sociology was done by ‘Rowntree’ in England, at the turn of 20th century. He defined it as, occurring in families where total earnings are insufficient to obtain the minimum necessities for the maintenance of merely physical efficiency. But what we mean by necessities? Adam Smith in 1776 pointed out, “I understand not only the commodities which are indispensably necessary for the support of life, but whatever the custom of the country renders it indecent for creditable people, even of the lowest order, to be without” (Townsend, 1979). Famous economist, Amartya Sen (1985, 1999) also tried to overcome some of the limitations of the poverty based on only income approach and focused on multidimensional aspects of poverty which includes people's capabilities and potentialities in dealing with deprivation (Kakwani & Silber, 2008). Himanshu (2010) is the first who used new methodology of expert group and later gave a new poverty line for India. Hence poverty is viewed as a product of a lack or deficiency in such instrumental variables as economic opportunities, political freedom, social facilities, transparency guarantees, and protective security (Alkire, 2007).

Therefore, the definition of an absolute standard of living is not without its problems. This difficulty comes when we compare living standards between people or groups of people. What unit of measurements to be used or the parameters that should be employed for comparisons are only a few issues that complicate the process. Poverty has different meaning to different people and is the source of much debate in the public arena. This is largely due to the fact that there are many potential causes of poverty, ranging from those that could be categorised as causes

stemming from one's personal choices and actions, while other are causes stemming from structural constraints and inequalities in society or the causes that arise from government welfare entitlement programs (Westover, 2008).

The Magnitude of Poverty among SC

The Scheduled Castes (SCs) and Scheduled Tribes (STs) constitute the lowest strata of caste hierarchy of Indian society. They have been subjected to economic deprivation, exploitation, discrimination and depression of the worst kind from time immemorial. Scheduled Castes and Scheduled Tribes constitute half of the total poor deprived households. Vivek Kumar said that in India caste and class identities are overlapped and the social identity of Dalits led to cumulative deprivation cutting across the parameters for identification of poor. Economic deprivation is very much depends on the social identity in country (Ghildiyal, 2011). High poverty levels are related with poor quality of life, deprivation, malnutrition, illiteracy and low human development. These all characteristics attached with the marginalized and vulnerable section of the society. Poverty in India is a major social problem and SC and ST population has found disproportionately high in this circle.

From the last five decades from our independence, much welfare measures, both at the central and state level, have been adopted to promote the quality of life among SCs and STs. But no significant changes seem to have taken place in their life-style. It is observed that the fruits of any sort of development are largely shared by the privileged section of the society (Sahoo, 2005). The poor economic condition of socially marginalized groups namely SC and ST has its historical root in the social exclusion where SC was excluded and discriminated from the caste system while ST was physically excluded. Inequality has been commonly seen since a long time. After the adoption of draconian new economic policies which open and liberalize the market for the capitalists, inequality further perpetuated to flourish in India. Between the periods 2000 and 2014, the percentage share of

the top decile in total household wealth increased from 65.9 to 74% (Kumar & Prakash, 2017).

According to T. K. Oommen, "Free India's commitment to a socialist, secular, and democratic order required the state to inspire and institutionalize change in tune with her national objectives (Sahoo, 2005). By technological development, there is growth, but this growth is said to be lopsided, because the resources pumped in rural areas have been appropriated by the higher echelons in the hierarchical agrarian society at the cost of the weaker sections of population. It is generally believed that our development benefits have yet to 'trickle down' to the poor section of the society especially among the SCs and STs. The development programmes which are aimed towards the upliftment of unprivileged in the agrarian society have played them by temporary relief, but it has failed to release the weaker section from the poverty trap.

All the goals set forth in all Five Year Plans are yet to be full-filled and attempts made for the transformation of the socio-economic conditions of the SCs and STs have succeeded partially. Majority of them still suffer from poverty, social inequality and economic exploitation. The SCs and STs are still suffer from unprecedented miseries not because they do not have the motivation to develop but because the ecology, and culture are yet not be very conducive for the removal of poverty and ignorance. Despite so many facilities for the development of education among the SCs and STs, the literacy percentages among them are much below than the level of national figure. Below is the figure which is describing the caste distribution in India.

Table 1.1: Caste-wise distribution of population in India (1971-2011)

Caste	1971	1981	1991	2001	2011
SC	14.60	15.75	16.1	16.3	16.6
ST	6.94	7.76	8.01	8.2	14

When India became republic in 1951, the special Acts were passed to bring SCs closer to the higher castes. The Directive principles of State Policies

(of states) provide that state shall provide special provisions to the education and economic interest of weaker sections of the society and in particular, SCs. Further, the state shall protect them from social injustice and from all forms of exploitation. In brief, the spirit of Constitution reflects the upliftment of SCs in many ways (Sharma, 2004). Although the incidence of poverty declined during 1977-78 to 1987-88 in all the social groups but still it is found higher in the case of SCs and STs compared to others as evident from Table 1.2.

Table 1.2: Incidence of Poverty among Social groups in percentage from (1977-88)

Year	Total population	SCs	STs
1977-78	51.2	64.6	72.4
1983-84	40.4	53.1	58.4
1987-88	33.4	44.7	52.6

Source: Government of India, VII Five Year Plan, p.420

According to socio-economical statistics and caste census of 2011, nearly 79% of rural adivasi's households and 73% of dalit's households are most deprived among rural households in India. While 45 percent of scheduled caste and 30% of scheduled tribes households are landless and earn their livelihood by manual casual labor. Poverty is generally seen as the economic aspect, but many thinkers especially sociologist point out that it is not only economic rather other aspects are fully contributing in maintaining individual's position in the class system.

Lewis Coser observed that the poor, from heterogeneous origins, belong to a common category by virtue of an essentially passive trait, namely that society reacts to them in a particular manner (Coser, 1965). Oscar Lewis in 1966 gave the concept of '*culture of poverty*', where he mentioned that cultural traits and material possession shape individual's personality.

Further, the social conditions create social reality, by which people make their assumptions, perceptions and meanings of particular situations and circumstances. Culture is a process

of adaptation in which people share the same set of ideas, interests and tastes. Oscar Lewis (1965) prepared a list of 70 traits of '*culture of poverty*' like poor housing condition, unemployment, absence of savings, lack of privacy, physical violence in child training, fatalism, mistrust, strong feelings of powerlessness, marginality, helplessness, female centered family, dependence, inferiority etc. (Coward et.al, 1973). For Sociologist and Anthropologist the poverty emerges out of culture and there is a vicious circle of poverty among poor. There are number of factors which are playing a significant role in their existing structure. Following is the figure represents the vicious circle of poverty.

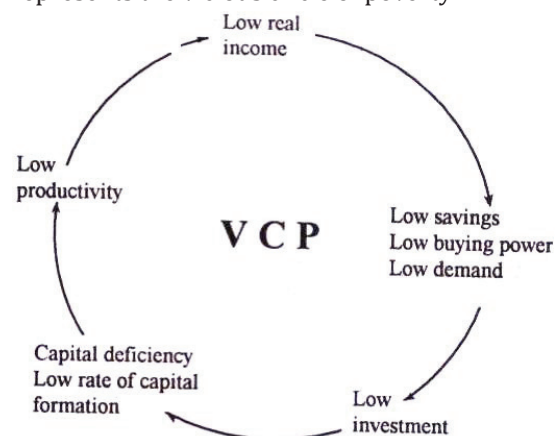


Figure: The vicious circle of poverty (Source: Nurkse, 1953)

The thesis given by Prof. Nurke, *the vicious circle of poverty*, "states that poverty itself sets up well nigh unsurmountable obstacles to its own conquest. It is presented in several distinct and different variants, which, however, are not exclusive but cumulative" (Bauer, 1965, p.4). For poor people, due to their low level of income, savings is almost impossible. Further this put bad impacts on their level of consumption. In addition there are other factors like malnutrition and poor health leads low in their productivity.

Conclusions

Traditionally Scheduled Castes or untouchables were suffering from several disabilities or problems. The Scheduled Castes from time

immemorial has been leading a miserable life. No doubt various programmes have been launched by government to uplift this stratum of society but still a large section lives a life of uncertain economic status which affects their overall well-being. A policy for reservation in jobs and in education, positions, and educational facilities, constituencies for state assemblies and the Lok Sabha and for nomination to local bodies has been adopted by the governments of independent India. In India the largest section lives in the poverty is still belonged to the SC category. Thus to understand the poverty level there is need to explore and throw light on aspects other than the economic criteria.

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A Review of Literature on Regional Disparities in Agriculture Production and Productivity in India with Special Reference to the State of Rajasthan



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Abstract

Enhancing the growth of agriculture sector in various states is vital for the overall sustainable growth of the nation. There has been a lot of work done on different dimensions of regional disparities in agricultural development at national, state level and regional level. Quite a few of them pertain to the state of Rajasthan. There are very few studies that have been conducted to analyze regional variations in agricultural production and productivity at district level in Rajasthan. The main focus of the present paper is to fill this gap by focusing attention on analyzing existing literature on agricultural production and productivity. An attempt has also been made to review the different methodologies used in various researches to measure agricultural productivity and regional disparities. The main aim of this paper is to suggest standard indicators so that any plan or policy towards regional disparities can be formulated keeping in mind the specific needs of these underdeveloped districts.

Keywords: Agriculture Production, Productivity, Regional Disparities, Literature

Introduction

Regional disparities in the process of economic development have become a worldwide phenomenon. Development invariably occurs unevenly across different regions, primarily due to natural or historical factors, which leads to regional disparities. Even developed countries are not exceptions and have witnessed the widening regional disparities in the initial stage of their development. But in the later stage, regional disparities should narrow down. Numerous economic, social, and political problems emanate from regional variations. Hence, understanding the nature and the extent of regional disparity becomes vital for regional balance in the process of development. Though in some cases this phenomenon is the natural outcome of the development process itself, but in certain cases it may also be due to ignorance and

complacency on the part of the policy makers.

The progress of a nation depends in real sense on the development of weaker states. Similarly, progress of a state depends in real sense on the development of smaller and weaker districts. There is an urgent need to develop standard indicators for identifying backward districts so that any plan or policy towards regional disparities can be formulated keeping in mind the specific needs of these underdeveloped districts. Regional inequalities are a development challenge, especially those in large geographical areas, a situation in many developing countries including India.

This phenomenon is explained by Myrdal¹ in cumulative causation and core periphery models, in which he demonstrated that the larger backwash and smaller spread effects lead to increased regional disparities. He was of the view

that regional imbalances were likely to widen in the absence of state intervention and narrow with the necessary political intervention, until finally the periphery becomes a beneficiary of the external economies of the core. More recently, Krugman's New Economic Geography² explained the phenomenon of growing inequalities in the core-periphery concept with the liberalization of markets.

There are various neo classical theories wherein it is argued that growth concentrates in selected regions and increases efficiency of these locations before growth spreads to other regions. In the model of unbalanced growth, Hirschman³ proposes that economic progress could not appear everywhere at the same time, therefore, the economy should first identify the potential sectors to develop. According to the popular inverted-U shaped growth curve proposed by Kuznets⁴, regional disparities increase during the initial stages of development and fall during the later stages of development. According to Williamson⁵, at the catching up stage of development in a country, capital and skilled workers concentrate in some growth pole regions and thus aggravate regional disparities in the initial stages of development.

Disparity in the process of growth and development has bothered economists for a long time, from the days of Adam Smith to the recent debates on convergence and globalization. The issue of regional disparities in the process of development may be viewed in terms of the two schools of thought viz. self-balance and imbalance. The self-balance school, which has a neoclassical orientation, treats disparities as a temporary and self-correcting phenomenon. According to this approach, the free play of market forces with perfect mobility of factors of production would ensure equitable development across regions. The assumptions of the equilibrium model are highly unrealistic and do not help in analyzing empirical trends in regional inequalities. As a result, the imbalance school of thought gained grounds in the 1950s, which suggests that the process of economic development is essentially

unbalanced. Gunnar Myrdal supports this view and points out that,

*"the play of the forces in the market normally tends to increase, rather than to decrease, the inequality between regions ... if things were left to market forces unhampered by any policy interference ... economic activity would cluster in certain localities and regions at the expense of other localities and regions where instead relative stagnation or regression becomes the pattern."*⁶

The factors which lead to regional imbalances are to some extent natural and to some extent historical. Some regions of an economy are endowed with more natural resources and once the spiral of development starts, they attract more industries especially industries where raw material considerations play an important role in deciding the location. However, it has been observed that in many cases economic activity gets started at some particular place in the economy (because of political, social or other considerations) and then economic and industrial activity tends to concentrate around that place. In many countries, such historical forces have proved to be more important than the natural ones and have had a decisive impact on all future economic growth.

Whether regional disparities emanate from natural or historical factors, regional balancing in the process of development is crucial from social, economic and political considerations. The social justice demands that greater efforts be made to remove the gaps in the provision of human development, infrastructure and basic services so that no region or sub-region remains deprived of the fruits of development and at least attains a minimum standard of living. Apart from social considerations, differentials in the level of development among regions of a country also involve an economic cost. Development of a backward region is expected to contribute to the nation's economic growth through the activation of the hitherto unexploited natural and human resources of the region. The problem of regional disparities assumes serious proportions when it

threatens national integration, political stability and unity of a nation. Recently, this phenomenon has become quite evident with the outcry for regional autonomy or demand for separate statehood within different states in India.

Widening regional disparities in development levels in states, districts and among various social groups is one of the major characteristic of development experience in India. While the size of the country and the geographical diversity do create some imbalance in the resource base, a country with 65 years of planned development ought to have exploited the available resources of the regions to spark off some sort of development in every region.

The equity-promoting role of central and state planning assumes added importance in the wake of the emerging policy environment. With the opening up of the economy and removal of controls, the play of market forces may tend to exacerbate disparities. As the economy gets increasingly integrated with the global economy, the state may be required to play a stronger equity-promoting role and to secure sufficient space for all the federal units to work out their own strategies of development, harnessing global regimes or forces for the purpose, rather than being overwhelmed by them. In this context, the approach paper to the eleventh five year plan forcefully advocates steering the Indian economy "Towards Faster and More Inclusive Growth".

*"Differences across states have always been a cause of concern but there exists imbalances within states as well. Backward districts of otherwise well performing states, present a dismal picture of intra-state imbalance and neglect. The Centre and the states will together have to deal with this problem on a priority basis otherwise discontent; injustice and frustration will only breed extremism."*⁷

There has been a lot of work done on different dimensions of regional disparities in agricultural development at national, state level and regional level. Quite a few of them pertain to the state of Rajasthan. There are very few studies that have been conducted to analyze regional variations

in agricultural productivity and development at district level in Rajasthan.

Review of Existing Literature

Wiggins (2000)⁸ assessed the performance of agriculture in sub-Saharan Africa through the evidence from 26 case studies of change between the mid-1970s and the mid-1980s at the district or village level. The paper had concluded that without some market opportunity, farmers are not going to develop their farming in ways which enhance their incomes or contribute significantly to national development goals and secondly, lands marginal for cropping owing to their susceptibility to drought do not present either many or promising opportunities for agricultural development. Regarding policy matters the paper suggested that there is a need to facilitate access to markets for agricultural growth.

Mengxiao (2001)⁹ had thrown light on how this policy has helped China to increase food production, rational utilization of land, water resources and other resources. China occupies 12% of world species and rank third after Brazil and Colombia in germplasm resources. The paper suggested that diversification should be in various species of cultivated crops, diversifying the cropping system in order to be self-reliant within the physical resources available within a country and Chinese farmer pioneered this concept much earlier.

Mueller and Mueller (2014)¹⁰ analysed the Brazilian model of agriculture development. The paper analyses that how Brazilian agriculture has moved from the backward and dysfunctional sector to one of the breadbaskets of the world in last 50 years. The paper had thrown light on the surprising fact that how agriculture production in Brazil has increased by nearly 300% whereas total area under agriculture had remained almost constant since mid seventies. The paper had shown that how Brazil had created a fiscal, monetary and political environment in which Brazilian model of agriculture could work. This model has become enticing for Africa and other poor countries for the fact that this model

achieved simultaneously a significant drop in poverty and inequality since 1995.

Chand and Chauhan (1999)¹¹ analysed regional disparities in term of per hectare agriculture productivity and income among various states since 1980-81. The study had witnessed widening gap between developed and underdeveloped, and, poor and rich states. Disparities in terms of per hectare productivity and per rural person NSDP in agriculture among major states (16 states) for different year had been calculated through co-efficient of variation. Results of the study showed that regional disparities in agriculture productivity have increased from 36% during 1980-81 to 1984-85 to 40% during the later half of 1980s and further increased to 43% during 1990s. Similar trend with higher magnitude had been shown in per person NSDP. Inequality in land man ratio was the reason stated in paper for these disparities and the study suggested that there is need for more vigorous efforts on technological, institutional and infrastructural fronts to raise productivity and to accelerate growth in agriculture sector.

Mishra (2007)¹² had shown dependence of agriculture on monsoon and multiple risks in agriculture – income, yield, price, input, technology and credit among others in India. The paper has used regression analysis and was based on secondary data. The paper has discussed the increasing dependence of population on agriculture and indicated that lack of rural non-farm employment opportunities were major reason behind this. The paper has also shown that on an average, returns to cultivation per farmer household was Rs.11, 259/- in 2002-03 and on account for the drought it would be less than Rs.15,000/-, which given a family size of 5.5 turns out to be less than eight rupees per capita per day which means farmers need to look upon other sources of income to remain above the poverty line. The paper suggested that risk management in agriculture should address yield, price, credit, income or weather related uncertainties among others.

EPW Report (2008)¹³ discussed the prevailing disparities at state, inter-state and intra-state level and challenges imposed on agriculture sector in terms availability of finance. State-wise analysis revealed that a substantial proportion of farmers wanted to leave farming profession as now it is no longer profitable. Inter-regional disparities had further widened and ground level credit shares of central or eastern region had either declined or stagnated, in spite of increase in state income share of almost all underdeveloped regions between 1993-94/1995-96 averages and 2002-03/2004-05 averages.

Bhalla and Singh (2009)¹⁴ had throw light on the changes in Indian agriculture in terms of crop yields and total agriculture output in post economic liberalization period (1990-93 to 2003-06) and compared it with pre-reform period (1980-83 to 1990-93). To support the study the authors studied detailed data for 281 districts of India and provided district-wise analysis on agricultural growth in India from the beginning of liberalization to the period of slowdown in agriculture and rising farmer distress. The paper discussed changes in cropping pattern that have taken place in area allocation as well as in terms of value of output. The results of the study had shown that slowdown in the process of cropping pattern change meant that most government efforts to diversify agriculture have failed to take off.

Chand, Garg and Pandey (2009)¹⁵ studied a database on value of crop output, productivity per unit of land and per worker at district level. The paper prepared the estimates of value of crop output for 551 rural districts (out of total 618 districts 551 districts were selected on the basis of availability of data) in the country by using data and information for the year 2003-04 and 2004-05 and has used secondary data from Statistical Abstracts of each State. The study has included 45 crops. Using state level implicit prices physical output of various agriculture crops was converted into value terms. The study has shown that as per CSO methodology such prices represent farm gate prices. The result

of the paper has shown that there exist vast district disparities in crop productivity in the state as well as across the whole country. As a policy recommendation the paper suggested that there is need to develop regionally differentiated strategy for agriculture development.

Bhalla and Singh (2010)¹⁶ carried out this study with a view to analyse the regional patterns of levels and growth of agricultural output, productivity per agriculture worker at district, state and regional levels. This report had used techniques like cumulative frequency, Lorenz curve and econometric model to analyse the disparities. This study was conducted to analyse the impact of new seed-cum-fertilizer technology from 1990-93 to 2003-06 with special emphasis on 1991 since it followed the introduction of economic reforms in India. The results of the study had shown that prior to liberalisation Indian agriculture was protected from the world competition and a huge amount of subsidies and various tariff concessions were provided to promote private investment. After liberalisation in 1991, though no direct reference was made to agriculture sector, but changes in macroeconomic policy, exchange rate and trade policy, devaluation of the currency, reduction of tariffs and reform of public enterprises put the agriculture sector in a tight corner. The net effect thus was agriculture sector had negative protection and was discriminated against. The study covered 17 major states, 46 crops, 288 composite district units by combining 420 districts. The study concluded inter-district disparities increased during 60s, came down during 70s, 80s and a rapid reduction during 90s. Increasing land productivity to compensate the declining farm family income due to squeezing of their land holding size was provided as a solution.

Birthal, Singh, and Kumar (2011)¹⁷ investigated the accelerated economic growth among major Indian states during the period of economic liberalization (1980/81–2004/05) and also analyzed the factors that enhanced economic growth in these states and lead these states towards an identical steady state. Results

indicated that there was absolute divergence in income levels across states. The paper suggested that investment in physical infrastructure and human capital alone were not sufficient, rather investment in these sectors should be accompanied by a reduction in employment pressure on agriculture by improving labour market linkages of agriculture with non-agricultural sectors to enhance economic growth, and by promoting growth-enhancing labour-intensive agricultural technologies.

Chand, Garg and Pandey (2011)¹⁸ studied instability and regional variation in Indian agriculture. The major reasons found for the existing and persistent regional disparities in agriculture development and farm income levels in the country were that technologically progress and formulation of government policies have unevenly affected the regions. Access to irrigation was found to be the main factor for inter-state variations in instability in area, production and yield. The results of the study found that impact of new crop technologies and policies adopted during different periods since 1951 to reduce variations in production and resulting risk had been lacking. Developing area specific insurance and others were suggested as suitable measures in the paper to overcome the problem of farm income.

Kannan and Sundaram (2011)¹⁹ studied the trends in the pattern of agriculture growth at national and sub-national levels for a period ranging from 1967-68 to 2007-08. The study had shown that the cropping pattern in India had undergone significant changes from cultivation of foodgrains crop to commercial crops for the time period under study. The study covered 17 major states of India and 44 crops. Semi log method was used to calculate compound annual growth rates and the whole time period of the study was divided into four phases. Study divided the crops into major and minor crops based on the method Crop Concentration Ratio (CCR) and the crops with CCR above 0.40 were identified as major crops. The crop output growth model indicated by the study had shown that the enhanced capital

formation, better irrigation facilities, normal rainfall and improved fertilizer consumption will help to improve crop output in the country.

Binswanger-Mkhize and D'Souza (2013)²⁰

The results of the study found that the labour productivity differences had widened in agriculture and non-agriculture sector and due to economic growth, the consumer demands had shifted from the products which had low income elasticity like cereals, pulses, oilseeds to the products which had high income elasticity like horticulture, livestock products. Among states also economic growth had also started to converge than diverge. The paper also suggested that Gujarat model of agriculture could be adopted by other states as an encouraging model for accelerating growth of agriculture sector in their states.

Singh, Yadav and Singh et al. (2013)²¹ analysed the interstate disparity in the development of agriculture and disparity in the use of modern agricultural inputs across the states between two points of time 1993-94 to 2003-04. The paper had selected 12 indicators and used the methodology of single variable approach and multi-variable approach and principle component analysis method. The results of the study had shown that three top position states- Punjab, Harayana and Andhra Pradesh in 1993-94 remained the same for 2003-04 but had changed for bottom position.

Bathla (2014)²² had shown the concern about present and future growth of agriculture sector in India. The time period taken for present study was from 1980-91 to 2007-08 to study the state-wise magnitude of public and private GCFA. In the present paper the nominal series on investment and SDPA in agriculture and allied sector was converted into real prices based on base year 1999-2000 using GDCP and SDP deflators. The results of her study found that there was wide state-disparities in the growth of public and private investment and thus the farm income. Rural poverty and high capital intensity on farm sectors were found to be inversely related. High rates of growth in private investment and farm income was found in the states who had heavily

invested in infrastructure and irrigation which helped in pushing market-driven agro-industrial policies. The paper suggested that there is need for better coherence between farm sectors and food processing industries for faster growth in the farm sector.

Kumar and Joshi (2014)²³ answered to the question which had stronger effects on agriculture development and for the same they had selected two cereal crops wheat and rice and had used the simplified version of unified approach. The results of the study had shown that technology had stronger effects in controlling rising prices of factor, thereby safeguarding the interests of both party's producer as well as consumer. On the other hand, weaker effects of input subsidy on output supply had been analysed in present study.

Muthumurugan, Muthaiyan, and Elumalai (2012)²⁴ examined inter-regional variations in the development of agriculture in Tamil Nadu. The paper has selected 16 variables for two bench mark years i.e. 1998-99 to 2008-09 for 24 districts. The paper suggested that government and other development agencies needs to concentrate on backward districts and should make appropriate plans for reducing the variations in agriculture development in Tamil Nadu.

Ramesh and Kumari (2012)²⁵ analyzed district and regional level disparity in agriculture development in the state of Uttar Pradesh using 13 agricultural development indicators with the help of UNDP based methodology. Relative variations and changes in ranks of different districts have been computed through composite index for two cross-section years 1990-91 and 2008-09. Results of the paper had shown existence of high and persistent inter-state disparity in agriculture in the state over the years. Development of agriculture in western region followed by central region remained polarised and there was least development in Bundelkhand region over the periods of 1990-91 to 2008-09. Moreover the paper evidenced that maximum number of districts located in western

and central have scored best record where agriculture was commercialised, technology was also advanced. Three suggestions had been provided in this paper for the problem of inter-state disparities – to develop region specific policies, to develop a mechanism that ensures credit and subsidy to the neediest regions, and need to identify the agro-climatic zones that have problems. The paper also suggested that to make development process truly inclusive a more determined, effort on the part of the policy makers was needed.

Raghuvanshi and Gupta (2015)²⁶ analyzed the regional disparities in production of food grains in Rajasthan over a period from 1995-96 to 2004-05. The techniques used in the study were composite ranking, equal weightage, deprivation method, correlation and standard deviation. The study concluded that disparities cannot be totally removed by equal distribution but can be reduced considerably by better planning and deliberate strategy.

Das, Khan, Dasguptanayak, et al. (2016)²⁷ attempted to identify the existing regional imbalances in agricultural development in West Bengal. The study assumed inputs effects and spatial effects as major two reasons for disparity in agricultural development. On the basis of the experiences of developing countries the study recognized that at least in initial stage of economic development, considerable regional imbalances in development arises.

Kaur and Singh (2013)²⁸ analysed the prevailing poverty based on incidences of income and consumption among different farm-size in rural Haryana in 2007-08. Using random sampling method total 23 villages, out of which 535 farm households were selected from high, medium and low productivity region. The results of the study found that as the productivity of the district increases the incidences of poverty decreases in these farm size categories. The study also found that the consumption based poverty was slightly less than income based poverty among small and marginal farmers across three districts because of institutional as well as non- institutional

sources which help these farmers to maintain a minimum level of living.

Mishra (2013)²⁹ studied how far productivity has been achieved with the change of farm size and technology across crops in old (13) Cuttack districts of Orissa. The study had used both primary as well as secondary data. The sample size of 550 farmers was selected for different crops. The result of the study has shown that there is a need for a lower administrative unit to reduce regional disparity in the development of Agriculture.

Patil (2013)³⁰ analysed the levels of agricultural development at tehsil stage in the Dhule and Nandurbar districts of Maharashtra state for the period from 2001-03. The paper concluded that agricultural zone is a way to identify the weaker and prosperous zones of agriculture development.

Mkhize (2013)³¹ had made a comparison between structural transformation in India and China. The results of the paper had shown that in India share of agriculture sector in GDP has declined but with a larger portion of population still dependant on this sector. Whereas in China, agricultural share in GDP has been declining faster too, but so has its share in employment. This was found to be one of the important reasons for structural transformation in China. India was found to be still far away from a turning point in its structural transformation. The paper also discussed rising feminization in agriculture sector, and had thrown light on issues like - farm sizes will continue to decline, part time farming will become the dominant farm model.

Conclusion

Agriculture is the sine qua non of an economy particularly in a developing economy as majority of the population depends directly or indirectly on it. Developing agriculture and reducing gaps between regions with regard to the efficiency of the agricultural system can only achieve regional development in an overwhelming agricultural situation.

India continues to be an agrarian economy since time immemorial, which holds true for economy

of Rajasthan as well. Rajasthan economy is predominantly agricultural and rural in nature. Rajasthan, the biggest state of India, has a large portion of its population dependent on agriculture. Without the development of this sector Rajasthan will neither be able to accelerate growth nor fiscal consolidation. But even at present farm sector in Rajasthan is plagued with numerous problems like declining farm incomes, size of land holdings, labour and land productivity, cropping pattern, ecological degradation and overcapitalization etc. Therefore, to stabilize incomes and employment in the farming sector there is need for crop diversification within farm sector.

Rajasthan had about 71.51% of its total reporting area as total cropped area in 2011-12. In spite of such vast farm area under cultivation, Rajasthan's yield is neither encouraging nor remunerative to the cultivators. Due to changing circumstances the plight of Rajasthan agriculture is in a deplorable condition. No one can deny the fact that the future growth of state lies in the growth of agriculture. To bridge the startling agricultural productivity gaps between developed and underdeveloped districts there is need for significant technological improvements in terms of new alternative crops in agriculture sector. Income gains among rural masses through agricultural development will help in the development of other sectors as well. As shown by a research done by Rangarajan (1982) a one-percent increase in agricultural output tends to raise industrial production by 0.5% and augment national income by 0.7%³².

The center has an important role to play in promoting balanced development in which all states and regions within states have the opportunity to develop evenly. However, understanding the nature and the extent of these imbalances and proper identification of backward regions is vital for regional balancing.

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Rawls Chain Principle and Marginalized Sections in India: A Study in Context of Indian Democracy



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Abstract

John Rawls, through his principles of Justice, has pointed out that Justice depends on the existence of both, Liberty and Equality, in the society. Through his Chain Principle, he has pointed out that for a just social order, efforts must be made to improve the position of the weakest section in the society. The Indian Constitution also aims to secure Liberty, Equality and Justice to all the citizens. But even after seventy years of Independence, the Marginalized sections in the Indian Society have not been completely integrated into the mainstream. The present study examines the Constitutional provisions as well as the efforts made by democratic institutions in India to improve the position of the Marginalized sections in the Indian society. The study also explores the present position of these sections in the social, economic and political spheres. The paper argues, on the line of Rawls Chain Principle, that unless the upliftment of the marginalized sections takes place in India, the Indian society can neither be regarded as strong society nor political democracy can achieve its aim of securing Liberty, Equality and Justice to all.

Keywords: Rawls Chain Principle, Marginalized section, Liberty, Equality, Justice

Introduction

In the contemporary period, an important advocate of social justice is John Rawls, who presented a theory of social justice in his book "A Theory of Justice". According to Rawls, Justice can be established, when every individual is ensured Liberty and Equality in the society. This can be seen in the two principles of Justice propounded by Rawls, where Rawls have accepted Liberty and Equality as the two constituent notions of Justice. Rawls believes that a just social order can be established only when it is based on the two principles of justice. However, in a just society the gap between the higher sections of the society and the weaker or marginalized sections should be minimum because the greater the gap between them, the higher will be chances of exploitation of the marginalized section. The existence of greater gap between them is against the "democratic equality" as because of this the

marginalized sections will not be able to enjoy equality of status, dignity, opportunity and rights in the society. Rawls believes that a just society can be created only when the situation of the marginalized section improves. (Rawls, John: *A Theory of Justice*, 1999)

Here, it is important to point out that Rawls through his Chain Principle has compared the society to a chain, whose strength depends on the strength of its weakest link. As the strength of the chain is determined by the strength of its weakest link, in the same manner, the strength or growth of the society should be determined by the strength or growth of its weaker or marginalized sections. It means that, a society in which the marginalized section has made progress and has been accommodated into the mainstream can be regarded as a strong or developed society. Such society can be regarded as a just society as compared to a society in which the weakest link,

that is, the marginalized section are deprived of their basic social, economic and political rights. In the Indian Context, Democracy was established 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 Indian Constitution also aims to establish justice in the society by trying to strike a balance between liberty of the individual, in the form of Fundamental rights, judicial protection etc., and equality in the society, through Directive principles, welfare state etc. The Indian constitution has enabled the democratic institutions to work for peoples' welfare ensuring economic growth, social justice and political stability. The Constitution has developed the powers and functions of the democratic institutions in such a manner, so that they can attain the legitimacy of the people by working for their well-being. In other words, it has made enough provisions for the welfare of all the sections of the society, so that they feel attached to these institutions and believe that they are working for their benefit. Thus, the Constitution has laid strong foundation for a welfare state in India, which can satisfy the needs and aspirations of the people, especially the marginalized sections of the society.

Meaning of Marginalization and Marginalized section/group

Marginalization is a complex multi-faceted, multi-causal historical phenomenon. It is difficult to understand the intricate nature of 'Marginalization' as there is no universally agreed definition of the concept of marginalization. However, in general sense the term Marginalization is used to denote group/section of people within a human society, who are perceived as less desirable and who performs residual functions and are thereby excluded from the mainstream societal activities.

They exist outside the prevalent societal system of integration and protection and thus have limited access to resources, opportunities, liberties and equality. Such groups of people who are segregated from the mainstream society and occupy lower hierarchical ranks in the social, economic and political order are described as Marginalized sections of the society. According to Merriam Webster dictionary marginalization means "to relegate to an unimportant or powerless position within a society or group". The Encyclopedia of Public Health describes marginalized groups as the groups which are '.....placed at the margins, and thus excluded from the privilege and power found at the centre'. "Marginality is a complex condition of disadvantage that individuals and communities may experience because of vulnerabilities which may arise from unequal or inequitable environmental, ethnic, cultural, social, political and economic factors" (Mehretu, Pigozzi and Sommers, *Concepts in Social & Spatial Marginality*, 2000)

Thus, marginalization has roots in the historical, social, cultural and ethnic practices of the society, as a result of which certain groups of people are discriminated & accorded inferior status as compared to the privileged sections of the society. The Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Children, Elderly people, Disabled people, Minorities etc. are generally included in the list of marginalized sections of the society. The present paper concentrates on the working of the democratic institutions in India for the welfare and upliftment of the **Scheduled Castes (SCs), Scheduled Tribes (STs) and Backward Classes (BCs)** and also points out the discrimination faced by these sections in various spheres.

Constitutional Provisions for the Protection and Welfare of SCs, STs and BCs

The Democratic Institutions in India can make policies and issue directions for the welfare of the SCs, STs, and BCs because the Indian Constitution has included various provisions for integrating these marginalized sections of

the society into mainstream. These provisions act as the guiding principles for the democratic institutions and thereby enable them to maintain their legitimacy in the Indian society. These Articles includes- Article 14 to 18, 23, 29-30, 32, 38 (1), 38 (2), 39 (a), 40, 42, 46, 226, 330, 332, 338 and 339. (Source: Basu, D.D.: *Introduction to the Constitution of India*, 2008) Thus, the Indian Constitution has made enough provisions to ensure that social, economic and political justice is guaranteed to the people belonging to the SCs, STs and BCs and to the Women citizens. On the basis of the powers conferred by the constitution on the democratic institutions in India, these institutions have also developed policies and implemented several programmes for the welfare and upliftment of the SCs, STs, and BCs.

Challenges before Democratic Institutions regarding these Marginalized Sections

As a result of the Constitutional provisions and efforts of the democratic institutions, no doubt, the position of the SCs, STs, and BCs have been gradually improving but still, despite of all these

efforts the SCs, STs, and BCs are facing severe socio-economic deprivation and discrimination, even after more than seventy years of independence. In spite of the democratic institutions formulating and enforcing several schemes and programmes, marginalization in Indian society continues as a serious problem, as one official report cites "on the subtle examination of the schemes from the point of view of implementation, it appears much is said than done. In other words, much remains to be done." (Cited from <http://egyankosh.ac.in/bitstream/123456789/20423/1/Unit-11.pdf>) These socially, educationally and economically deprived section of the Indian society constitutes almost three-fourth (around 9% of ST, 19% of ST and 44% of OBC) of the total Indian population in 2012 (Cited from: <https://blogs.timesofindia.indiatimes.com>), but still from ancient period they have been subjected to acute social, economic and political discrimination and exploitation and this continues even in the present day democratic structure in some form or other.

Table1: Forms of Discrimination & Exploitation

Marginalized Section		
Forms of Discrimination & Exploitation		
Social Sphere	Economic Sphere	Political Sphere
• Social Exclusion • Society Divided on Caste lines • Educational Deprivation • Harmful Practices & Discrimination • Low status in Social Hierarchy • Deprived of Social Justice	• Economically backward • Problem of Bonded Labour • Engaged in Residual Economic functions • Deprived of Share in Economic development • Social discrimination despite of Economic status • Deprived of Economic Justice	• Violence, Crimes & Political inefficiency • Violation of Human Rights • No Equal Participation • Vote Bank Politics • Divisive Politics • Deprived of Political Justice

Social Sphere

Since the ancient times the SCs, STs and BCs have faced severe social oppression and discrimination, which continues even in the present day 'democratic' society. In the Indian society, multiple form of exclusion, social, economic & political, exists based on social identities such as caste, religion, class etc. The

form of exclusion which is deeply rooted in the Indian society is Social exclusion. The social exclusion has further led to exploitation and exclusion in the economic and political spheres. Buvinic defines social exclusion as "the inability of an individual to participate in the basis political, economic and social functioning of the society", and further states that social exclusion is "the

denial of equal access to opportunities imposed by certain groups of society upon others" (Buvinic M. & Maze J. (eds): *Social Exclusion and Economic Development*, 2005).

There are several examples of incidents in India, even in the present times, where the people belonging to marginalized sections are humiliated and their self-respect is violated. There occurs several occasions every year, when people of these groups have been beaten because of drinking water from common sources. (UP: Dalit man, Daughter beaten for water from handpump at Ashram, <http://www.news18.com>, Aug 10, 2016) There have been numerous incidents of honour killing, where a marginalized section boy/girl was killed because he/she married a girl/boy of higher caste. Social boycott of these groups are ordered if they violate the established norms of the society. Thus, the individuals of these marginalized sections are not allowed to merge themselves with the mainstream societal activities and functions. This has led to a sharp division in the Indian society on the basis of caste. Dr. B.R. Ambedkar opposed the caste system because he believed that Indian nation and society could not develop as a result of the evils of caste system. He remarked that "The caste differences destroyed the Hindu *vansh*. It drew out the Hindu society in deep darkness and now it has remained as a powerless and weak society" (Bali, L.R.: *Dr. Ambedkar, Jeevan aur Darshan*, 1987). He believed that democracy in India could be successful only when the caste system is uprooted because the dominated castes tend to dominate the political sphere for their own gain and for the exploitation of the lower castes. As a result of social exclusion and marginalization these sections have been deprived of their right of education. In the field of education, though there have been gradual spread of awareness among these groups since Independence, but still they are deprived of the avenues and opportunities which are available to the dominant castes. The figure below highlights that the social and caste structure does not allow the individual belonging to marginalized sections to pursue education

upto graduation or above level. Even after reservation in educational institutions, the level of education (secondary and above educated) status among SCs (17%), STs (21%) and OBCs (30%) is still low compared to Upper Castes 'UC' (46%). Their situation in the higher education category is much worse with just 3% of STs, 4% of SCs and 6% of OBCs graduates compared to 15% of UC. (Cited from: <https://blogs.timesofindia.indiatimes.com>)

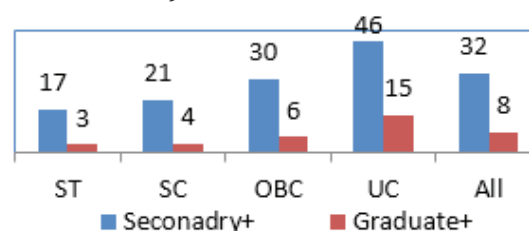


Figure 1: Level of Education by Social Groups, 2011-12, (Source: NSSO)

(Cited from: <https://blogs.timesofindia.indiatimes.com>)

The Social marginalization is a man-made artificial division, which is deeply embedded in the Indian Society and created an unequal and exploitative relationship of domination and subordination. The existence of caste based hierarchy in India society has placed a few dominant people of higher castes at the helm of social, economic and political spheres and thereby they decide the mainstream culture, principles, beliefs and attitudes of the society. On the other hand, within this arrangement, the vast majority of people are left marginalized, disentranced and powerless. They occupy the bottom of the social hierarchy and are continuously been discriminated in the social structure. As a result of this, the ideal of Social justice enshrined in the Preamble of the Indian Constitution seems to be a distant dream.

Economic Sphere

The Social exclusion of these marginalized sections has deprived them of economic opportunities and prosperity. Since centuries the social stratification in Indian society, based on caste, has prevented the socially, economically and educationally backward classes to occupy

higher economic position and status in the society rather the caste system pre-determines their occupation and economic status in the social order. This has been criticized by Dr. Ambedkar in the words "As an economic organization caste is therefore a harmful institution, in as much as it involves the subordination of man's natural powers and inclination to the exigencies of social rules." (Guha, R.: *Makers of Modern India*, 2012). He further states that "Now the caste system will not allow Hindus to take to occupation where they are wanted if they do not belong to them by heredity. If a Hindu is seen to starve rather than take to new occupations not assigned to his caste, the reason is to be found in the caste. By not permitting readjustment of occupations, caste becomes a direct cause of much of the unemployment we see in the country"(ibid, 2012). This is true even after seventy years of Independence, certain jobs, which are regarded as 'pure' are retained for higher castes, whereas the 'unclean' jobs are reserved for the people of marginalized sections. This hereditary determined economic role in society has lead to the problem of bonded labour in India. Though this form of labour is punishable offence under Constitution but even today in many parts of the country, the people are forced to take up hereditary occupation due to debt taken by their forefathers and then their generations have to work without any proper wages paid to them. 'Incidence of Bonded labourers is reported from 17 states from time to time. As per the Ministry of Labour & Employment, large number (2,86,839) of Bonded labourers have been identified (Annual Report,2007-08).....About 83% of the rehabilitated bonded labourers belong to SC & ST & 16% from the OBC Communities.'(Socio Economic & Educational Development Society, *A Report on Bonded Labour Rehabilitation scheme under centrally sponsored Bonded Labour system (Abolition) Act, 1976 in the State of Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu & Uttar Pradesh*, 2007-08)

The people of Marginalized sections are more engaged in residual economic functions. Figure 2 highlights that SC, ST and OBC are majorly

involved in causal job than the regular jobs. Here causal job means irregular, daily basis and less paid jobs whereas regular jobs are well paid and long term in nature. Marginalized social groups are largely engaged in casual type of jobs, (83% of STs, 75% of SCs, 64% of OBCs), while 70% of the upper caste (UC) are involved in regular type of jobs. (Cited from: <https://blogs.timesofindia.indiatimes.com>)

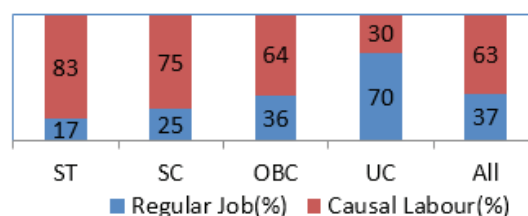


Figure 2: Job Workers Status of Employment, 2011-12. (Source: NSSO) (Cited from: <https://blogs.timesofindia.indiatimes.com>)

In Public sector, the job share of Marginalized social groups is almost equal (8% of STs & 18% of SCs) to their population share but significantly less in the private sector (3% of STs & 13% of SCs). The UCs representation in private jobs (39%) is almost twice of their population share. (Figure 3) (Cited from: <https://blogs.timesofindia.indiatimes.com>)

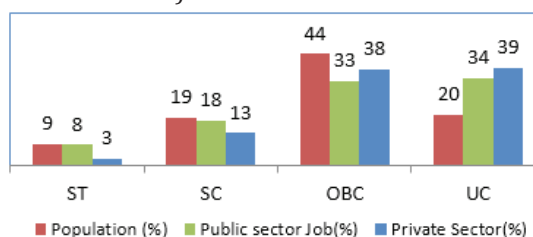


Figure 3: Share of Jobs in Public and Private Sector by Social Groups, 2011-12, (Source: NSSO) (Cited from: <https://blogs.timesofindia.indiatimes.com>)

The Governments affirmative action, in the form of reservation has benefitted these sections in the public sector. However, an important point here is that, in public sector, the people of these groups are largely involved in unskilled or low skilled and less salaried jobs. Like 60% of the

sweepers in central government ministries are SCs. (Dubey, A. & Desai, S.: *Caste in 21st Century India: Competing Narratives*, Economic & Political Weekly, March 2011)

The Social, Educational and job profile of the people of the marginalized sections have left a large proportion of their population below poverty line as compared to other sections of the society.

Table 2: Poverty ratio among the Social groups

Percentage of their population, Below Poverty Line			
Social Group	Rural Year		
	1993-94	2004-05	2011-12
SCs	62.4	53.5	31.5
STs	65.9	62.3	45.3
OBCs	---	39.8	22.6
Others	---	27.1	15.5
All Population	50.1	41.8	25.7
Urban			
	1993-94	2004-05	2011-12
SCs	51.7	40.6	21.7
STs	41.1	35.5	24.1
OBCs	---	30.6	15.4
Others	---	16.1	8.2
All Population	31.8	25.7	13.7

--- Data not available in the official estimates for 1993-94

Source: Planning Commission

During the last decade, Indian economy has made rapid growth but the people of marginalized sections have been deprived of their share in the economic growth. The statistics from various government and private institutions point out that the social status and economic deprivation of the members of these groups is a matter of serious concern. Thus, the democratic institutions have not been able to completely secure economic justice for the people of marginalized sections of the society.

Political Sphere

The social discrimination and economic backwardness has adversely affected the capacity of the people of these sections to actively participate in the political process of the country. Since the ancient times, the dominant caste in the social structure has played an important role in the political system also. The caste system plays an important role in determining people's access to power. The privileged upper caste groups by gaining substantial economic and political power is more benefitted as compared to lower caste groups, which enjoys limited access to power. The caste system distributes economic strengths to different castes in hierarchical manner. The upper castes then transform this economic power to political power by manipulating the economic and political system. (Craig, Jeffrey: *Caste, Class, and Clientelism: A Political Economy of Everyday Corruption in Rural North India*, Jan 2002)

The upper castes having dominant economic positions and enjoying political protectionism, often tries to subjugate the lower castes by means of atrocities and violence. According to Human Rights Watch Report, "Dalits and Scheduled Tribes continue to face discrimination, exclusion and acts of communal violence. Laws and policies adopted by the Indian government provide a strong basis for protection, but are not being faithfully implemented by local authorities." (India Events of 2007, <https://www.hrw.org>) The Human Rights Watch World Report 2017 has alleged that India has failed to protect women, dalits and minorities, who lives under constant threat as incidents of violence against them continues to increase. According to India Human Development Survey data for 2011-12, over 27% of the Indians have admitted practicing untouchability, despite the fact that it has been declared illegal by the Constitution. There are high chances that this figure is likely to be an underestimate because people often refuse to accept practicing untouchability, even if they do so. As per the National Crime Record Bureau (NCRB) data, 2016 during the last decade from 2006 to 2016, the rate of crime against

Dalits & STs increased more than 8 times & 12 times respectively. The cases pending police investigation for both marginalized groups has risen by 99% & 55% respectively, while the pendency in courts has risen by 50% & 28% respectively. A surprising revelation of the NCRB data is that crimes against SCs & STs in metropolitan cities is on rise & is even comparable to rural areas. (<https://theprint.in/governance/over-a-decade-crime-rate-against-dalits-rose-by746/47516/>)

The crimes against SCs & STs have continuously increased during the last decade. Often these crimes have political affiliation or political motivation or their perpetrators finds political shelter. People are often divided on caste lines. The political parties repeatedly exploit caste to gain power and in the process employ every possible means including instigating violence to consolidate caste vote in their favour. This element of caste politics has negatively affected the democratic institution in India. As Rajni Kothari points out "It is not politics that gets caste-ridden; it is caste that gets politicized." (Kothari, Rajni: Caste in Indian Politics, 1970). The Constitution provides reservation of seats for SCs & STs in Parliament and State Legislative Assemblies. This has certainly led to rise of certain leaders at the national and regional level. But, the common people belonging to SC, ST and OBC are deprived of any say in the political system. It is commonly believed that in Democracy, the power flows from People to Parliament by means of ballot. But without economic prosperity among these sections political democracy cannot strengthen its roots in India. The Indian political system cannot be declared as developed unless the social & economic upliftment of these sections is ensured.

Thus, on the basis of above arguments it can be concluded that:

- a) The Constitution, in theory, has made enough provisions for the protection and promotion of the SCs, STs and BCs;
- b) In practice, the democratic institutions has not been able to completely secure socio-

economic development of the marginalized sections because of the caste system;

- c) The caste system is responsible for the deplorable condition of the marginalized sections of the society in social, economic and political fields;
- d) So, unless the boundaries/margins drawn in the social sphere are not blurred, the economic and political spheres cannot work independently to ensure socio-economic and political justice to all the citizens of India.

Conclusion

(1) The Indian Constitution emphasis on ensuring Liberty, Equality and Justice to every citizen. It accepts that a just society is based on the pillars of Liberty and Equality. Therefore, it tries to strike a balance between Liberty of an individual and ensuring equality in the society, through positive functions of the state. The framers of the Indian Constitution firmly believed that political democracy in India cannot be successful in the absence of socio-economic equality. As observed by Jawahar Lal Nehru "Democracy has been spoken of chiefly in the past, as political democracy, roughly represented by every person having a vote. But a vote by itself does not represent very much to a person who is down and out, to a person, let us say, who is starving or hungry. Political democracy, by itself, is not enough except that it may be used to obtain a gradually increasing measure of economic democracy, equality and the spread of good things of life to others and removal of gross inequalities." (Nehru, J.L.: Inaugural address at Seminar on Parliamentary Democracy, 25/02/1956)

(2) Rawls, in his theory of Justice, has also pointed out that justice can be secured only by emphasizing on both liberty as well as justice in the society. Also, he pointed out, through his Chain Principle, that unless the weakest link of the society is uplifted, justice cannot be established in the society. So, the state should take necessary steps for the development of the marginalized sections of the society. In other words, as long as, the society is not strengthened, through the

progress of the weakest or marginalized section, the political structure of the state also cannot secure its goal of ensuring justice to all.

(3) Therefore, to make political democracy a success in India and to ensure justice to every individual in the society, it is important that socio-economic equality to be established in India, to a greater degree. So long as the marginalized sections of the society are not integrated into the mainstream, the Indian society cannot be regarded as a developed society. Further, if the weakest link of the Indian society, that is the marginalized section, is not given enough opportunity to develop itself, then it may adversely affect the legitimacy of the democratic institutions in India.

(4) The efficiency of the democratic institutions in India can be further enhanced by emphasizing on social development. A developed society only can support a developed economic and political system. Diffusion of democratic political culture is essential for bringing about 'equality' in the society, which has been described by Pye as essential for political development. Political and social awakening, along with education is necessary for reforming the society. Political and social awakening of the people through 'socio-political education camps' in villages, schools, colleges etc. may be encouraged. Importance should be given to social unity and harmony. Caste based division of society have to be prohibited. In school and colleges, writing of caste could be prohibited. Social interaction of various sections of the society must be encouraged. This will help in building a healthy and united society, which will in turn strengthen democratic institutions in India.

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Right to Privacy and Judicial Decision



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Abstract

Judiciary has played an important role in development and transformation of Indian constitution. Liberty and equality has been main pillar of democracy and right to privacy is important element of concept of liberty and equality. In last few years India judiciary has heard and given verdict on several cases related to individual liberty, equality and privacy. Puttaswamy case in this regard is an important landmark case. Supreme Court decision on issues like homosexuality, Aadhar card has widened the scope of right to liberty and privacy. Supreme Court decision has proved that Indian constitution is not static and has to change with time. This 'Transformative constitutionalism' is important part of Indian constitution. This paper will analyse that how right to privacy got a status of fundamental right from different interpretation given by judiciary by analysing several decision given by Indian judiciary.

Keywords: Constitutionalism, Right to Privacy, Judicial Review, Homosexuality, Liberty

Introduction

Development of democracy has developed several concepts of rights like human rights, legal rights, civil rights, constitutional rights, political right, economic rights etc. Judiciary is important institution to safeguard these rights. If rights are breached by individual, institution or state then judiciary has power to re-establish these rights or nullify, reinterpret laws as per constitution. Indian constitution has given some fundamental rights to its citizens. Article 12 to 35 in chapter 3 of Indian constitution deals with fundamental rights.

Recent debate over right to privacy has emerged after Supreme Court decision in Justice K S Puttaswamy (Retd.) vs Union of India and Ors WP (C) 494/2012 case related to Aadhaar card and individual right to privacy. Three judge bench referred matter to larger bench while hearing on Aadhaar card compulsion. Supreme Court's nine-judge Constitution Bench led by

Chief Justice of India J S Khehar declared on 24 August 2017 that right to privacy of citizens is a fundamental right under the Constitution. The petitioner said that Aadhaar was started as voluntary scheme in 2009 to provide identity card but now government making it compulsory scheme in several government welfare schemes and for bank account, mobile etc. The petitioner appealed that compulsion of Aadhaar in government and private sector is against individual right of privacy as it leaks individual information to public or private firms. Government argued that it is making Aadhaar compulsory because it will make transparency in distribution of subsidy and other financial and government services like health, education, food to ordinary people. Aadhaar does not violate any civil or fundamental rights. It can end corruption in public distribution, money laundering etc.¹ Then Attorney General Mukul Rohtagi rejected the argument that individual can deny scanning

of iris or finger print and said in the court that "the concept of absolute right over one's body was a myth."²

Supreme Court in its decision said that "Privacy is the constitutional core of human dignity. Privacy ensures the fulfilment of dignity."³ The nine judge bench in its unanimous decision said that "right to privacy is a natural right and intrinsic part of right of life and personal liberty under Article 21 of fundamental rights."⁴ By making this judgement Supreme Court has refuted earlier decision of Supreme Court in M P Sharma case and Kharaksingh in which court had ruled that privacy is not a fundamental right. The Supreme Court also criticized court decision of 1976 in ADM Jabalpur or Habeas Corpus case in which five judges bench upheld the government decision to detain anybody during emergency. Inspired from the USA's court decision of 'right to let alone', Chief Justice Khehar wrote that "The right to be let alone is a part of the right to enjoy life. The right to enjoy life is, in its turn, a part of the fundamental right to life of the individual."⁵ On the government's argument that privacy is 'elitist construction' court said that every individual irrespective of economic or social status is entitled to autonomy and intimacy which is part of privacy. There can be no discrimination between rich and poor in this context. It said that "The refrain that the poor need no civil and political rights and are concerned only with economic well-being has been utilised through history to wreak the most egregious violations of human rights". Court also rejected government's argument that privacy can be provided under statutory laws. Court said that statutory laws can be taken away by simple parliamentary majority. Therefore there is need to elevate many rights from the status of statutory law to fundamental right so that individual rights could be protected from legislative majority. Court also said that though privacy is fundamental right but it is not absolute and government can make law which intrude in privacy for public and legitimate state reasons. State can impose restriction on right to privacy but it has to ensure that - (i) Existence

of law that justify encroachment of privacy (ii) Law should be made to fulfil reasonable aim of the state and it must protect against arbitrary action of the state (iii) Means adopted by state should be proportional to the objects and laws. A person can challenge laws which break privacy in High Court and in Supreme Court. Court ordered government to establish robust regime for data protection and to enact comprehensive legislation on privacy. Even before court decision the government had established an expert group under former justice of Supreme Court B. N. Srikrishna to make draft legislation for data protection.⁶

Judicial Decision and development of Right to Privacy

Right to privacy is inherent in article 21 of Indian constitution. According to article 21 "No person shall be deprived of his life or personal liberty except according to procedure established by law." First important case related to article 21 was AK Gopalan vs The State of Madras (AIR 1950 SC 27). Gopalan challenged his preventive detention on the basis that it violates his right to personal liberty. Court following the doctrine of "procedural due process" said that though detention violates his some fundamental rights but his preventive detention is legal because preventive detention is valid law under the Constitution. Its meaning was that court did not accept inter-relation between different fundamental rights.

M.P. Sharma vs Satish Chandra case (1954) Dalmia group filed petition in the court that Delhi District Magistrate order to search their offices and premises is breach of fundamental rights. D.M. ordered search when preliminary investigation revealed that Dalmia group affiliated companies were indulged in misuse of fund of their stockholder and submitted false documents. Court in its decision said that for the social security state should have power of search and seize but this power is regulated by the law.⁷ Kharag Singh, a dacoit was arrested in 1941 and Uttar Pradesh police arrested him under

chapter XX of Uttar Pradesh police regulation. Kharag Singh challenged these regulations under article 19(1) (d) and 21 of Indian Constitution. Six judge bench in its decision on 18 December 1962 struck down one clause of chapter XX of regulation but maintained other clauses. Court in its decision said that right to privacy is not a fundamental right and "therefore the attempt to ascertain the movements of an individual is merely a manner in which privacy is invaded and is not an infringement of a fundamental right guaranteed in Part III".⁸

Police law and state surveillance was again questioned in *Govind vs State of Madhya Pradesh* case in 1975. Govind questioned MP police regulation related to surveillance. Supreme although rejected petition of Govind but advised MP police to reform its regulation which are reached to the level of unconstitutionality.⁹

In the case of *Additional District Magistrate, Jabalpur vs SS Shukla* (1976 AIR SC 1,207) detention under emergency was challenged. Petitioner challenged government decision to suspend fundamental right during emergency. They argued that right to life and liberty are natural rights of human being and state just cannot take or suspend article 21 because state provides them. Arrested person moved to high court to seek a writ of habeas corpus. Court said that "there could be no review of the presidential orders without reviewing the detention as that was the nature of a writ of habeas corpus." when constitution was enacted all pre-existing rights were surrendered and there are no right beyond constitution. Therefore court did not accepted principle of natural and human rights.

Maneka Gandhi vs the Union of India (1978 AIR SC 597) case was another step forward in this direction. Maneka Gandhi's passport was seized in 1977 without citing any reason. She challenged this action in court on the basis that her fundamental rights were breached. Supreme Court said that procedure under article 21 should be fair, reasonable and also tested with other articles like 14 and 19 of the Indian constitution. By this interpretation Supreme Court shifted from doctrine of 'procedural due process' in

Gopalan case to 'Substantive due process' in *Maneka Gandhi* case. Acceptance of substantive due process by court has enlarged the definition of article 21.

The *ADM Jabalpur* or Habeas corpus case's decision or interpretation which was damaged in *Maneka Gandhi* case was finally over ruled by nine judge bench in this Aadhaar and right to privacy case. Court in Aadhaar case ruled that-

"Life and personal liberty are inalienable to human existence. These rights are, as recognised in *Kesavananda Bharati*, primordial rights. They constitute rights under natural law.....The right to life being inalienable to each individual, it existed prior to the Constitution and continued in force under Article of the Constitution."¹⁰

In *Naz Foundation* case (2014) Supreme Court upheld the validity of section 377 of Indian Penal Code and thereby made homosexuality an offence. Nine judge bench while hearing on right to privacy said in majority opinion that "The right to privacy and the protection of sexual orientation lie at the core of the Fundamental Rights guaranteed by Articles 14, 15 and 21 of the Constitution."¹¹ This opinion of judges indicated that in future article 377 may be made invalid by court.

In 2016 Five petitions were filed by Navtej S Johar, Ritu Dalmia, Ayesha Kapur, Sunil Mehra, and Aman Nath. The petitioner argued that their right to life, privacy, sexual autonomy, equality and dignity are violated by section 377. Supreme Court in its verdict on 6 September 2018 has decriminalise homosexuality and strike section down section 377 partially. Supreme Court said in its decision that this section is against article 14 and 21 of Indian Constitution. By this decision court has reversed its own decision of 2013 in which it upheld validity of section 377. Then chief justice Deepak Mishra wrote in his judgement that 'what nature gives is natural.' Sexual attraction toward same sex is determined by neurological and biological factors. "Homosexuality is neither mental illness nor moral depravity." Therefore section 377 needs to be change. Constitution is living document. So judiciary need to interpret constitution dynamically. Individual right cannot be suppressed because of majority opinion.

Uniform and standard philosophy in a society is against constitutional morality. By this decision court has again privileged constitutional morality over majoritarian morality. Justice Nariman on the basis of Indian Psychiatric Society's report opined that homosexuality is not psychological disorder. Homosexuality has been part of human sexual history. There is no medical treatment for changing sexual orientation. Finally he rejected section 377 on the basis that there is no reason behind this law and without reason law should not exist. Justice Chandrachud argued that article 15 of the Indian Constitution prohibits discrimination on the basis of sex and discrimination on the basis of 'sexual orientation' of an individual also prohibited under Article 15 of the Indian Constitution. Justice Indu Malhotra agreed with Justice Chandrachud that Article 15 prohibits discrimination based on 'sexual orientation' and she said in her judgement that "history owes an apology to the members of this community and their families, for the delay in providing redressal for the ignominy and ostracism that they have suffered through the centuries".¹²

Supreme court in its judgement over Puttaswamy case and Jairam Ramesh case on 26 September 2018 upheld the constitutional validity of Aadhar card but strike down certain sections like 57, 33(2), 47 etc. of Aadhar act. Section 57 had provision that private companies could ask consumer for Aadhar card for authentication of identity. Court said that allowing private corporate institution to use personal data may lead to misuse of private information and therefore it is unconstitutional. Section 33(2) had provision that in case of National security issue private data can be disclosed with approval from government official who hold with rank above joint secretary. Court amended this provision and added that Aadhar data can be disclosed by government official above the rank of joint secretary along with permission of sitting high court judge.¹³

Court allowed government to use Aadhar card for authentication purpose for PAN (Permanent Account Number) card and for ITR (Income Tax Return). Aadhar card will also remain must for

government welfare schemes to ensure that benefits of the schemes reaches to the needy and poor people. According to government Aadhar authentication has helped them to save rupees 90000 crore in several welfare schemes.¹⁴ But as education is fundamental right so children cannot be stopped from benefits of several welfare schemes on the basis that they does not have Aadhar card. Court said that TRAI's circular of linking Aadhar with mobile number is not valid because it has not been backed by law. Court also opined that Aadhar will not create surveillance state because information collected will remain in silos. Security measures have been established to prevent misuse of data. There is also a Technology and Architecture Review Board and Security Review Committee. For security purpose UIDAI made it mandatory to use registered device for authentication purpose. Court also ordered that authentication record should not be kept for more than 6 month.¹⁵ Aadhar act had provision that data record can be kept for more than 5 years.

Conclusion

Supreme Court decision has wide ranging impact on several issues like Aadhar scheme, women rights, homosexuality, euthanasia, abortion, artificial intelligence and beef ban law etc. These Supreme Court decisions are result continuous evaluation of these interrelated issues about privacy, liberty, equality and dignity etc. Earlier decision also indicated that in future homosexuality may be decriminalised and Aadhar may not be mandatory in several verifications. In 2017 Supreme Court ripped apart earlier two judge bench decision of Supreme Court given in 2014 which uphold section 377 of Indian Penal Code and criminalises consensual sexual acts of adults in private. Larger bench then in its decision said that section 377 "poses a grave danger to the fulfilment of one's sexual orientation as an element of privacy and dignity." Judgement also said that state cannot interfere in individual food choices. Now in September 2018 Supreme Court has finally decriminalised homosexuality. Recent Supreme Court decision on Aadhaar card and homosexuality the dimension of individual liberty and privacy has further extended. Now

homosexuality is not a crime and aadhar will not be mandatory in several government schemes. By accepting privacy as fundamental right India also fulfil "article 12 of Universal declaration of human rights and article 17 of International Covenant on Civil and Political Rights, 1966."¹⁶

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SAARC-The Way Ahead

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Abstract

Today the world has become a global village where interests and development of nations cannot be restricted by their national boundaries. Various countries have created a common forum or group in order to secure their common interests-cultural, economical, political and social. European Union, Arab League and ASEAN are some such examples. SAARC i.e. South Asian Association for Regional cooperation is one such organization with the goal of accelerating the process of economic and social development of member states through cooperation. SAARC came into existence on 7-8 December, 1985 and has currently eight member states (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka and Afghanistan). In last thirty years, the pace of development of SAARC has been slow due to various reasons including stress in bilateral relations, big brother syndrome for India, postponement of Summits and many others. But still the achievements of SAARC in various areas of cooperation cannot be ignored. This research paper discusses the achievements of SAARC and analysis the barriers which are hindering the success of SAARC. This paper also suggests various means to increase the pace of development of SAARC. The methodology used is interpretative, exploratory and analytical.

Keywords: Establishment, Achievements, Constraining Factors

Introduction

Regional and international organizations are considered useful for mutual understanding, cooperation, peace and overall i.e. economic, social and cultural development of the region. Establishment and successful working of regional organizations like European Union, ASEAN gave high hopes for similar progress and development of South Asian region through SAARC but its progress in more than 30 years from its formation, has shredded those hopes. South Asia has shared social and cultural history and heritage, common belief systems, material practices and social relationship. The natural environment of the region is interdependent and hence forms a common ecosystem.¹ These countries of South Asia had faced a long era of colonial domination and exploitation and had fought collectively in

Freedom Movement. When there is so much common in this region then automatically the question arises that why regional cooperation in South Asia is not making satisfactory progress. Why there exists tremendous suspicion, hostility, intolerance, misinformation and prevention of interaction among people. Why the SAARC is so much criticized for its progress. Hasn't it made any remarkable development in all these years?

Though unsuccessful in some area, the overall assessment of SAARC performance is not very negative. What is needed is collective responsibility and efforts to encourage more and more regional co-operation and make SAARC successful.

Establishment of SAARC

The idea of regional co-operation in South Asia was first proposed by the late President

of Bangladesh, Zia-ur-Rahman in 1980. After several meetings of Foreign Secretaries and Foreign Ministers of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, the First SAARC Summit was held in Dhaka on 7-8 December, 1985 where Heads of States and Government adopted the charter and SAARC officially came into existence for promotion of social, economic and cultural development of South Asian region and for friendship and cooperation with other developing countries and international organizations. Its headquarter is in Kathmandu, Nepal. Its seven founding members were Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka while Afghanistan joined SAARC in 2007. Observer states include USA, Australia, China, Japan, South Korea, Myanmar, Mauritius, Iran and European Union. 18 Summits have been held till date. 19th Summit was to be held in Pakistan in November 2016. But India, Afghanistan, Bhutan, Bangladesh, Sri Lanka and Maldives boycotted the Summit and it was postponed.

Achievements of SAARC

The SAARC Vision for the Second Decade has rightly stated that achievements of SAARC to date can be viewed from two divergent perspectives – "A glass that is either half empty or half full. Skeptics of South Asian Regional Co-operation have often noted the empty aspect but failed to take cognizance of the content in terms of growing list of items which the member countries have begun to consider on a regional basis."² In the past 32 years SAARC has made significant progress in many areas.

The IPA i.e. Integrated Programme of Action is an important programme of SAARC. Initially IPA has identified eleven areas of cooperation which was reconstituted into seven areas based on the report of the independent group of experts which was further reconstituted in 12th SAARC Summit as SAARC Integrated Programme of Action (SIPA). The included areas are-

1. Agriculture and Rural Development (including livestock and fisheries)

2. Health and Population (including nutrition and drug related issues)
3. Women, Youth and Children
4. Science, Technology and Meteorology
5. Education, Skill Development, Arts, Culture and Sports
6. Transport³

In the direction of promoting people to people contact program like SAARC Audio Visual Exchange Programme (SAVE), SAARC Visa Exemption Scheme, SAARC Documentation Centre, SAARC Chairs, Fellowships and Scholarships, South Asian Festival, South Asian Youth Volunteer Programme have been launched from time to time.

SAARC leaders have signed many important regional agreements and conventions such as

- a) Agreement on establishing the SAARC Food Security Reserve
- b) The SAARC Regional Convention on the Suppression of Terrorism.
- c) The SAARC Convention Narcotic Drugs and Psychotropic Substances
- d) South Asian preferential Trade Agreement (SAPTA) Signed in 1993 that came into force on 7th December, 1995.
- e) South Asian Free Trade Agreement (SAFTA) which was signed in 2004 and came into effect on 1st July, 2006
- f) Conventions have also been signed on Regional Arrangement for the Promotion of Child welfare and convention on preventing and combating Trafficking in women and children for prostitution.
- g) SAARC Framework Agreement for Energy co-operation during 8th summit

Poverty eradication has been an important priority for SAARC. The Independent South Asian Commission on Poverty Alleviation (ISACPA) was established during 6th Summit in 1991, Poverty Alleviation cell during 12th Summit and Poverty Alleviation Fund in 13th Summit. The 17th SAARC Summit in 2011 accorded the highest priority to poverty alleviation and decided to strengthen ISACPA. The suggested strategies

were social mobilization, access to education and safe drinking water, health services, nutrition, policy of agriculture development, labor intensive industrialization and human resource development.

Further establishment of Association of SAARC Speakers and Parliamentarians. SAARC Chamber of Commerce and Industry (SCCI), SAARC Law (Association of legal communities of member state) have also increased cooperation in regarding fields. Various programs and forms of mutual benefits have been established such as South Asian University New Delhi, SAARC Writers and Literature Foundation, South Asia Co-operative Environment Programme, South Asia Olympic Council (South Asian Games).

One such encouraging innovation was the establishment of the SAARC Development Fund (SDF) where smaller projects are funded from resources provided by members. It contradicted the impression that SAARC was unwilling to do anything for itself and while all members are developing countries some can help the Least Developed countries (LDC).⁴

Former Indian Prime Minister I.K. Gujaral had stated, "I have the increasing feeling that unofficial SAARC is going to be the driving force behind the official SAARC. This is some sort of 'New Regionalism' which is engulfing the entire South Asian region."⁵ Civil Societies and Movements like People's SAARC and NGOs like South Asian Forum for Human Rights, South Asia Media Association are working hard to increase people to people contact and make the objectives of welfare of people successful.

Constraining Factors in the Success of SAARC

In spite of having so much progress and establishment of various forums under SAARC for regional cooperation, one can't deny the fact that the progress is mainly rather on papers instead of in reality and SAARC is very much lagging behind from its objectives of welfare of people. As Indian PM Mr. Narendra Modi stated at 18th SAARC Summit that '.... as SAARC, we here failed to move with the speed that our people expect and want.'⁶

- The first set of hurdles in the progress of SAARC is its institutional and charter drawbacks. The Group of Eminent Persons (GEP) has identified certain drawbacks in SAARC activities related to IPA which it felt was due to the ad hoc selection of such activities, their short term nature and absence of clear set of priorities in selecting such activities and implementation.
- Many problems arise in SAARC due to charter's provision of unanimity which has led to delay in implementing decisions and postponement of Summits.
- SAARC Secretariat is also criticized for being a powerless organ with lack of sample authority and sufficient budget.
- The main barrier in the slow progress of SAARC is inter-state dispute of its members and fear of Indian domination. All the members of this organization feel in one way or another threat to their political, economic on territorial stability from the neighbouring countries. Each member state has some or other issue with another member especially with India. Also, the central and major position of India in South Asia creates mistrust and fear of dominance among other member state. As India accounts for 80% of population and 83% of regional economic output so attempt of India to increase regional co-operation is perceived as reinforcing India's hegemonic position in South Asia. Further India's sympathy for democratic process in other countries is seen as unwanted interference in their internal matters by neighbours. For example, when India postponed 13th SAARC Summit in February 2005 due to proclaimed emergency in Nepal, it was seen as unwanted interference of India by member states.
- Another factor is lack of public appeal and awareness among common people. There is no public reaction in spite of cancellation or postponement of SAARC Summits. Reason? People of South Asia cannot connect themselves as a South Asian. Regional co-operation is not playing an important role

in finding productive employment for the young population. People can't see any direct benefit from SAARC. Thus, they are indifferent to SAARC.

- Regional co-operation doesn't improve the electoral prospects of any political leader or party so they do not try much for its success. How can we forget that after all democracy politics is a game of votes. Thus, lack of strong political will among SAARC leaders also imprisons SAARC's progress. As Former Sri Lankan President Chandrika Kumaratunga said, "What has held us back is lack of a sufficient political will. In turn political will is lacking for want of mutual trust and confidence..."⁷ The various reports submitted by various expert groups set up by SAARC have not been given due importance. Many of them are not even discussed.
- Another constraining factor is the issue of economic co-operation. SAARC has accepted SAFTA but the methodology is more negative than positive, with the FTA lists being used more to deny than to encourage trade and remove barriers. The transit movement of goods across Pakistan from India to third countries is barred. Bangladesh has long resisted seamless transit across her territory, even to and from one part of India to another.⁸ Thus member countries are placing bilateral hostility above regional co-operation even when the cooperation is clearly in their national interest. Moreover the economies lack complementarity and are largely competitive in nature competing for same foreign markets and offering the same goods.⁹

Thus, there is absence of collective vision and efforts for rejuvenating the region.

Suggestions

SAARC can be a big success in the development, progress and welfare of people of South Asia if people at government and non-government levels work with commitment and mutual trust in this direction. Some of the suggestions in this direction are-

- Bilateral disputes should not be used to derail the multilateral process. 19th SAARC Summit hasn't taken place yet which is not good for the future of this association. These Summits should not be a tool of foreign policy. SAARC Summits have worked as a confidence building mechanism for regional co-operation earlier.¹⁰ Annual Summits bring the Head of States and Government together face to face and engage them in dialogues. Also, informal discussions on the sidelines of Summits have led to the signing of important bilateral agreements.
- Pakistan and other countries have to change their attitude towards SAARC and India. They have to understand that they are also getting benefitted with the progress of SAARC and increasing regional cooperation. They have to accept the bigness of India as Bhabhani Sen Gupta has rightly said - "The Indian elephant cannot transform itself into a mouse. If South Asia is to get itself out of the crippling hands of conflicts and cleavages the six will have to accept the bigness of the seventh and the seventh will have to prove to the six that the big can indeed be beautiful."¹¹
- SAARC countries should help in the stabilization of Afghanistan. It will show the region's desire to help itself and a stabilize Afghanistan means more development of SAARC and member states.
- SAARC must strive to respond to people's need. There should be more cooperation at regional level for problems like unemployment, illiteracy, women safety, environment, energy security, human trafficking, child labour and many more. Energy security will also be far better assured if a pan-South Asian electricity grid could be established and draw its energy inputs from hydro resources of Nepal and Bhutan and hydrocarbon reserves in other South Asian countries, including those in Afghanistan and Myanmar. Chain of more SAARC primary health centres and SAARC primary schools should be set up so that common people can connect themselves

with SAARC. More and more awareness should be spread regarding SAARC making people understand the advantages of regional co-operation so that they can identify themselves as South Asian and support SAARC. People to people contact should be increased. There can be SAARC music band and SAARC sports team. These will make people feel connected to SAARC and create awareness among them.

- There should be more co-ordination in work of different NGOs so that better results can be achieved.
- The Summits should be more businesslike. There should be more focus on real work done than on just merely artistic speeches.

Conclusion

The emergence of SAARC marked the beginning of a new era in this region as it raised new hopes for meaningful cooperation among the countries of this region. Though SAARC has not played the role it was expected to play, yet its achievements cannot be denied. Despite its slow pace, SAARC has some commendable feathers in its cap.

No doubt at its present state of evolution, SAARC is faced with several constraints in the form of differing political-security perceptions of member states, diversity in terms of size and level of development, mutual distrust and strained bilateral relations. SAARC's progress has been stuck as the 19th Summit which was to be taken place in 2016 hasn't been commended yet. But that doesn't mean that SAARC is not working at all. If we see SAARC's recent activities, Twelfth Informal Meeting of SAARC Finance Minister (4 May 2018), Technical meeting of Senior officials of Education on SAARC Framework for Action : Education 2030 (11 July 2018) Eleventh SAARC Conference on cooperation in Police Matters, Sixth Meeting of Focal Points of SAARC Drug Offence Monitoring Desk (SDOMD), Sixth Meeting of SAARC Terrorist Offences Monitoring Desk (STOMP) (10-11 April, 2018) and many such meetings have taken place in recent months. Still it cannot be ignored that until and unless the next Summit takes place, SAARC won't be

able to progress further. So now its high time that member states give preference to regional cooperation over their bilateral issues. Being the largest member state, it is the responsibility of India to initiate the step for next summit as bilateral issues should not seize the progress of entire association. Then only SAARC will be able to achieve its goal of the welfare and development of the people of South Asia.

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Corporate Social Responsibility: A Promise to Corporate Governance



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Abstract

Corporate Governance looks at the complete governance of corporations from their very beginning. The fundamental concern of Corporate Governance is to ensure the conditions whereby an organization's directors and managers act in the larger interests of the organization and its shareholders in particular and stakeholder in general and to ensure the means by which managers are held accountable to capital providers for the use of assets. Corporate governance is intended to increase the accountability of company and to avoid massive disasters before they occur. Corporate governance is of paramount importance to a company and is almost as important as its primary business plan. Corporate Social Responsibility is the commitment of business to behave ethically and to contribute to sustainable economic development by working with all relevant stakeholders to improve their lives in ways that are good for business, the sustainable development agenda, and society at large. This purpose of this research paper is to state the significance of corporate governance and ethical social responsibility in a business, and to be able to validate the health and safety rights that employees have in corporations. Ethical responsibility is the defined by first understanding that ethics is knowing what should be done. Having ethical responsibility in a corporation is essential for the reliability of the company. With speedy growth and internationalization of businesses, there is a vital need to examine the vocabulary of business organizations to include intentionally sustainability, ethics, governance and corporate responsibility.

Keywords: Stakeholders, Corporate Social Responsibility, Employees, Ethical, Reliability

Introduction

"Corporate governance deals with the ways in which suppliers of finance to corporations assure themselves of getting a return on their investment." **Shleifer and Vishny (1997)**

Corporate Governance is a combination of two words: **Corporate + Governance**. Corporate means any legal business entity that exists independently by the person or people who have been granted the charter creating it, and is vested with many of the rights given to the individual. And Governance is a set of minimum framework or rules necessary to tackle problems. Thus

applying the concept, corporate governance is formal or informal rules that must be followed by any legal business entity. Modern day business has always suffered from dilemma of the sole goal of profit maximization or other goals like personal interests of managers. Values and ethics are losing its existence in run for profit. So, good corporate governance practices are necessary to focus the board's attention towards rules, regulations, laws, policies, ethics, social responsibility etc. Good Corporate Governance encompasses all actions aimed at providing its citizens good quality of life. It relates with a code

of conduct which the management of a company observes while exercising its power.

Objectives:- The objectives of the study are:-

1. To find the relation between better Corporate Disclosure and Profitability.
2. To assess the effect on sustainability and growth prospects of the organizations committed to Corporate Governance.

Research Methodology: This study involved secondary data collection. Exhaustive literature survey regarding the topic and related concepts has been done. Secondary data inclusive of quantitative and qualitative data as well collected from various sources including books, research papers, newspapers, magazines, and websites is used for the purpose of study.

Introduction: The term business ethics is the study of behavioural standards in business related activities while corporate governance is defined as a set of principles, regulations and a decision making system used to maintain coordination between the corporation and its shareholders and other concerned parties. Business ethics is an old concept while the other is a current issue in modern business. Though, corporate governance and business ethics have different features and scope but the very purpose of both is to faster business growth and to improve corporate value in the eyes of public. They affect each other and are affected by each other in many ways.

Business Ethics and Corporate Governance

Business Ethics:- The word "Ethics" has its origin from Ethos- meaning character and morality. Ethics is the art of controlling means so that they will serve specifically human needs. It specifies what is good or bad, wrong or right from social point of view. Business ethics which is a subject of ethics is defined as the study of behavioural standards related to business activities and values. Severe business competition has applied pressure on corporations to improve business ethics through new public initiatives, rules and regulations. Business Organisation being a

social organ should conduct itself in a way that it shouldn't result in obstructions for social development. When business ethics are followed, corporation gains good will from public or vice-versa.

Corporate Governance:-Corporate Governance is somewhat a recent issue in business world. The EEC, GATT, and WTO regulations have contributed to the rising awareness and practice of good governance. The term corporate governance relates to a set of principles and a decision making system which maintain and coordinate firm's contracts with its shareholders, creditors, employers, suppliers, customers and government. Corporate Governance now has become a key factor influencing financial decisions and determining capital flows. Need for good corporate governance is based in moral standards as well as in rapid economic growth. Good corporate governance ensures fairness, transparency and dignity in all transactions within and outside the company. To help achieving new heights in business, corporate governance is essential.

Inter-Relationship between Corporate Governance and Business Ethics:- Corporate governance and business ethics have become major factors affecting investment decisions and key determinants of the flows of capital globally. The business world has met with financial scandals in both developed and developing countries. These financials scandals negatively affected investors. Consequently, the demand for good corporate governance and business ethics arose. Need for rapid economic growth also contributed to the necessity of good corporate governance. The two concepts affect each other in many ways, however, these are two different approaches. Business ethics is mainly related with ethical behavior and social values in business while corporate governance is concerned chiefly with decision making at the level of the Board of Directors and implementing those decisions effectively and timely with the help of corporate governance things are done within a definite

structure and organizational systems. Although Corporate Governance and business ethics are somewhat different, yet they are directly related. The very purpose of corporate governance is to accomplish the core values of fairness, transparency, equalness, responsibility and accountability in business. Business ethics also has this major purpose in its roots. Measures of Corporate Governance help in maintaining ethical conduct in business which in return results in transparent direction of business. Corporate governance deals with some structures and measures through which corporate values and good conduct are attained. Business ethics in this perspective is a broader concept as it is both a guiding force for behavior and a set of principles or a moral code of conduct. While ethics in business focuses on organizational development through social development and global justice, corporate governance also gives importance to the economic health of the corporation and the society as a whole. It provides an overview of the ethical philosophy in business in same depth. It presents same guidelines and approaches which are helpful in developing an ethical code. Thus the two approaches influence each other and are influenced by each other. Absence of one negatively affect the another one.

Corporate Governance has been the term for which appropriate meanings are searched at different levels. Since last five-six years this nineteen letter word has received much focused attention and is being hotly debated at different for a nationally or internationally. Different experts, thinkers, Management Gurus perceived the term for their own judgment and thus conceived the meaning of the term corporate governance. In general understanding corporate governance may be understood as combination of various business processes and the activities which creates a system through which the corporations operate and are governed. The business organization is the main sources for producing and distributing economic goods to the society. The business organizations are

owned and controlled by two main powers, one is the "economic power and the other brain power. It is not important as to how much a nation has these two powers but what is important is as to how far these are commercially exploited. These two set of powers are directly associated with the capability of the human beings available in a nation to open, run and operate business organizations and corporations.

Evolution Of Corporate Governances In India:-

Liberalization and its associated development, i.e. deregulation, privatization and extensive financial liberalization, have made effective Corporate Governance very crucial. Cases of frauds, malpractices can render capital market reforms desultory. Independent and effective corporate governance reforms are, therefore, necessary in order to restore the credibility of capital market and to facilitate the flow to investment finance of firms. There are various reforms which were channeled through a number of different paths with both the Security and Exchange Board of India (SEBI) and the Ministry of Corporate Affairs, Government of India (MCA) playing important roles.

Importance Of CSR in Corporate Governance:

The requirement from corporate has moved beyond just getting shareholders value. The stakeholder theory is now an integral part of corporate governance. Socially responsible companies are lauded for their involvement in the welfare of all stakeholders, the community, and the environment. There is a general acceptance that the government alone cannot manage the multifarious needs of the modern globalized society. Public-private partnership have to be the order of the day to balance the interest of stakeholders with the profit requirements of the stakeholders.

Carroll (1979) has succinctly summarized the concept of responsibility as given below:

Economic responsibility: - The Company has to be profit-oriented and market driven.

Legal responsibility: - Since society gives the sanction to the business to operate, it is the duty of business to obey the laws and regulations laid down by society.

Ethical responsibility: - The Company has to go beyond the law and honor the trust and expectations of society. The company should also be extremely culture-sensitive to provide the right services.

Discretionary (or philanthropic) responsibility: undertake voluntary activities and expenses, keeping the greater good of society in mind.

Many countries have created company laws, which incorporate CSR as a formal duty of the company. For example, The Companies Act of 2006 of the UK formally includes CSR as a responsibility to be undertaken by companies. In India, the Narayana Murthy Committee also recommends CSR as an integral part of corporate governance. Corporate governance is a powerful tool, which can ensure that CSR permeates throughout the company.

Just like public governance, corporate governance is governance of affairs of a company by the stakeholders. As Public Governance is peoples' democracy, Corporate Governance is stakeholder's democracy. The company has a great role play in Corporate Social Responsibility. Since the society provides land, capital and other resources to an organization to allow it to generate wealth, the company owes a lot to the community or society. The society expects that the company should take proper care in handling by products and waste in order to maintain proper ecological balance, should provide good returns in terms of cheaper products, services and increased employment, should over achieve a sustained growth so as to contribute in building the nation.

The employees are the building blocks of a company. The people or the employees are one of the factors of production in any organization but unlike other factors of production, people have feelings, emotions and social needs which makes

them complex factor. All the factors of production are worthless if people and their expectations are not taken care of. They expect that work environment should be comfortable, the work culture should be good and the remuneration should be fair with added flavor of equitable treatment and social security. Customers are like God for the Company. The famous quotes about customers by Mahatma Gandhi say a Customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption to our work, He is the purpose of it. He is not an outsider to our business, he is a part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so. There is no company without customers; Existence of a company is because of customers. The basic expectation of a customer is quality product and deficiency-free services at fair prices.

Key Corporate Actors of Corporate Governance

Principal actors involved in corporate governance include the governing or regulatory body. This consists of external key actors and internal key actors, internal key actors are the Chief Executive Officers, the Board of Directors, Management and Shareholders and Employees on the other hand, external key actors who take part include Suppliers, Creditors Investors, Lenders, Customers, Society and Government.

A board of directors often plays a vital role in corporate governance. It is their responsibility to endorse the organisation's strategy, develop directional policy, appoint, supervisor and remunerate senior executives and to ensure accountability of the organization to its owners and authorities. Individuals may be members of the board of directors of multiple corporations.

All parties to corporate governance have an interest, whether direct or indirect, in the effective performance of the organization. Directors, workers and management receive salaries, benefits and reputations: whilst

shareholders receive capital return. Customers receive goods and services: suppliers receive compensation for their goods of services. In return these individuals provide value in the form of natural, human, social and other forms of capital.

Issues of Corporate Governance

Internal Issues:

- A. Integrity b/w Ownership and Management
- B. Multiple divergent expectations of shareholders

External Issues:

- A. Social Responsibility
- B. Economic and Environmental Obligations

Fundamental Principles of Corporate Governance:-

PEOPLE FOCUS
FORMALLY ORGANIZED
COMMON PURPOSE
CONSISTENT PROCESS
PREDICTABLE PERFORMANCE
PERFORMANCE ORIENTATION
INTEGRATED DEVELOPMENT



(Source:- <http://bps.com.au/index.php?id=corporate-governance>.)

Corporate Governance should be people focused. All the activities in a business should be planned, organized, executed and controlled keeping people and service to them in mind. This does not mean that the business should be run for charity without earning any profit. No organization can survive without profit but profit motive should be secondary to the service motive. The company should be formally organized with a definite and clear organization structure. The organization and the people comprising it should work for a common purpose.

A Need for Good Corporate Governance:-

Corporate Governance can be used to help restore investor confidence in markets that have experienced financial crises. Developing economies can receive a substantial boost from the additional investment and economic performance that good corporate governance can bring. Thus corporate governance can be a powerful development tool. The OECD identifies the following key elements of good corporate governance:-

- The rights and obligations of shareholders
- Equitable treatment of shareholders
- The role of stakeholders and corporate governance
- Transparency, disclosure of information and audit
- The board of directors
- Non-executive members of the board
- Executive management, compensation and performance.

Corporate Governance by definition ***“is the code of practice by which a firm’s management is held accountable to capital providers for the efficient use of assets and it exhibits how its mission, its value and philosophy govern an organization.”*** Corporate governance is important for the following reasons:-

1. It lays down the framework for creating long-term trust between companies and the external providers of capital.
2. It improves strategic thinking at the top by inducting independent directors who bring

a wealth of experience and a host of new ideas for their organization.

3. It limits the liability of top management and directors by carefully articulating the decision making process.
4. It can enhance the shareholder value.
5. It can protect interest of shareholders and other stake-holders including customers, employees and society at large.
6. Corporate Governance can ensure transparency and integrity in communication and to make available full, accurate and clear information to all concerned.
7. It can ensure accountability for performance and to achieve excellence at all levels.
8. Good corporate governance can provide corporate leadership of highest standards for others to emulate.

Corporate Governance Challenges for Asian Countries:-

- The Corporate Governance standard and structure are crucial factors for ensuring investors confidence with the respective company law.
- The challenge for regulators is to enhance market integrity and transparency by enforcing rules and regulations to ensure that sanctions and enforcement are credible with respect to related party transactions and insider trading.
- One of the biggest challenge for Corporate Governance Investigation process is to “follow the money” to get the root of market related fraud by accessing to all the bank accounts and to follow the “trail of money” when it moves out of those accounts.

Corporate Governance: Key to Sustainable Development:- Corporations exist because they, in a sustainable fashion, enable people to constructively practice their craft and create jobs, economic value, and wealth for the society and the enterprise. Stakeholders—Customers, employees, investors, communities, suppliers, and competitors----all have a part in the fulfillment

of a corporation’s responsibilities. Governance is based on the corporation’s values and is the responsibility of all members of a corporation for development, implementation and oversight. And finally, the greatest beneficiary of good corporate governance and social responsibility will be the people of the developing and emerging worlds, for these ideals are truly our best hope to help close the poverty gap and enable all people to share in a global prosperity.

Corporate Governance is a combination of strong commitment of the management to safeguard the interest of various stakeholders, openness in ideas, fresh air for enterprises and corporate ethics. Therefore, it provides broad parameters of accountability, control and reporting system by the management and it encompasses the interactive relationship among various constituents in determining direction and performance of the corporate. It is an indisputable fact that, scams and scandals are increasingly undermining our lives. Therefore, it is very important to understand the implications of corporate degradation and failures that we witness today. The world has recognized the need for Good Governance particularly in the context of globalization and growing menace of corruption. Corporate Governance is an area that has grown rapidly in the last few years. It gained lot of attention after cases of corporate failures; misgovernance and unethical corporate culture were in news. Good governance doesn’t mean just better management but it includes fair, efficient and transparent administration which ensures effective accountability of management towards all its stakeholders.

Ethics and Good Corporate Governance:- There are certain factors upon which the structure of good corporate governance can be built. One of the helping tools for cementing the base of the structure is application of ethics in the practices followed by a board. It is a fact that the board of any company is basically a group of human beings and the behavior of each human being is influenced by one’s educational, social, cultural and personal background. Ethical science shows

the way in which human beings should behave towards one another as well as towards others. It contains systematized principles on which a man should act. Ethics is basically right conduct. Practice of ethical values by top people in any organization for its governance allows absolute freedom to any rational mind. It never demands any undue restraint upon the freedom of human reasoning, the freedom of thoughts, feelings and the will of the man governed by it. In fact, it encourages and strengthens practical aspects of corporate philosophy. It should be related to a way of corporate life of the Board, Corporate governance depends upon time, circumstances, degree of evolution and type of business to which one belongs. But the basic truth remains that good conduct is the prime step towards good corporate governance. Good corporate governance should lay great emphasis on ethical discipline. ***Lord Krishna says in Gita, "Let the scriptures be the authority in determining what ought to be done or what ought not to be done. Knowing what has been declared by the ordinances of the scriptures you ought to work in this world." Whatever you sow by your actions come back to you. Your actions in the past are responsible for your present condition. You become good by your good actions and bad by your evil actions. "Understand the law and live wisely." Cultivation of good conduct needs rigorous discipline and constant vigilance. Bhagwat Gita propagates, "Yogah Karmasu Kausalam" meaning thereby Yoga is skill in action. To apply these teachings, one should first understand where one's organization and the board stands, as there is a big gap from the point of start to the destination of good corporate governance.*** Good corporate governance with highest ethical value has close links with the total quality management which sometimes is considered as part of its concept. So it is the time for restructuring of your board to gear it up for accepting and following the principles of best business practices and enjoy the fruits of success, enjoy the upheaval of the competitive business world through good corporate governance.

Relationship between Corporate Governance And CSR:-

Corporate Governance is a widest control mechanism within which a company takes its management decisions. Furthermore, the objectives and benefits of CSR and Corporate Governance are similar in nature, some of them are stated herein below:-

1. Rebuilding of public trust and confidence by increased transparency in its financial as well as non financial reporting and thereby increasing the shareholder value.
2. Establishing strong brand reputation of the company.
3. Making substantial improvement in its relationship with various stakeholders.
4. Contributing to the development of the region and the society around its area of operation.
5. Addressing the concerns of its various stakeholders in a balanced way so as to maintaining a strong market position.

Conclusion

Continuous changes in the business environment is one of the factors compelling the corporate giants and leaders to think of good corporate governance, quality management, customer's satisfactions and caring approach towards the stakeholders. The very question of the survival of the companies is being linked with the customers. In fact, corporate governance which is considered and restricted to corporate law compliance is being given new definition as self regulatory corporate governance or good corporate governance to meet the requirement and expectations of all the stakeholders. Corporate Boards need to be restructured by devising new ways to encourage high performance leaders to join the board to build commitment. When we talk of concern about the stakeholders, we think about the commitment of an organization towards all those who can affect the organization and can be affected by the organization. The biggest barrier in the development and implementation of good

corporate governance in most of the Indian companies is lack of will power in their board to forego their traditional way of thinking and functioning. There is less number of willing and committed corporate governors who are prepared to follow the rules of the game of good corporate governance which is broader than corporate compliance. The rule of good corporate governance is to act to the satisfaction of the stake holders, internal and external within the best of the capability of the utilization of the Board's brain power through a coordinated team work and effort. Hence, think of the board which can match up with the changing environment of business dynamics. Thus we can say that good corporate governance provides stability and growth to the enterprise and builds confidence among all related stakeholders. Also effective governance reduces perceived risks, consequently reducing cost of capital, leverage

competitive advantage of financial market and promotes stability, long term sustenance of stakeholder's relationship.

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E-Governance: A New Concept of Governance



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Abstract

The governance is associated with ICT (Information and Communications Technology) which become e-governance as public services are delivered through internet. E-governance has become an important tool for public service delivery system. E-government makes government more responsive, accountable, fast, efficient and transparent. The implementation of e-governance not only saves money and resources but it can also increase trust among people and increasing service quality levels. Developing countries can perform better using e-governance. The development of country depends on the uses of e-governance and its penetration among people. There are many challenges in implementation of e-governance in India like illiteracy, local language, poor infrastructure, lack of internet knowledge, cyber crime etc. Government must take some steps to make the people aware about e-governance, internet and technology so that people may take full advantage of government policies. Government should be more devoted to the execution e-governance. The present paper represents concept, benefits and various challenges related to e-governance.

Keywords: E-governance, ICT, NeGP, Technology

Introduction

E-governance or electronic governance is an online system of government for delivering various services between government to people/business/government. It is an integration of information and communication technology (ICT) with government services to make effective, transparent and accountable governance. E-governance system is changing the way people access government services. It helps in to improve interactions with citizen, to decrease corruption, to increase transparency and revenue growth, citizen empowerment through access to information related to government policies or program.

Concept

The national e-governance plan (NeGP) has been founded by the department of electronics

and information technology and department of administrative reforms and public grievances in 2006 as recommendations of the second administrative reforms commission. NeGP aims to make government services available online to ensure that people would have access to various services and to improve the quality of governance. NeGP implementation involves maintenance and setting up of ICT infrastructures like state wide area networks (SWANs), state data centres (SDCs), common services centres (CSCs) and electronic service delivery gateways.

E-governance reduces many layers of undesired interference while delivering services. It delivers services to citizens in an effective, organized and economical manner. There are a lot of services delivers through e-governance like e-commercial services, tax payment, e-market information, scholarships portals, e-educational services,

transportation services, e-tickets, e-grievance, police portal, banking, election portal, public distribution system, Aadhaar enabled payment system, direct cash transfer, various pension schemes *etc.* Today, most of government services deliver through Aadhaar card. Aadhaar card is issued by the Unique Identification Authority of India on behalf of the Government of India.

The other form of e-governance is mobile governance or m-governance an important platform for services delivery to citizen over mobile devices using SMS (Short Message Service), IVRS (interactive voice response system), USSD (unstructured supplementary service data), CBS (cell broadcasting services), LBS (location based services), Mobile Payment Service or various mobile applications. The services; mainly in agriculture, utilities and health; of m-governance are very cheap and easy to access especially in the rural areas of India.

Governance has public dealing areas in which e-governance system is highly required like ration cards, public distribution system, land records, transportation policies, fertilizers, seeds, FIR registrations, lost and found details, electricity and water bills, various certificates and information related to employment, hospitals and railways *etc.* There are many policies or programme under Indian government where delivering of services is occur through e-governance like pension yojna, scholarship programme *etc.* In India, every state has launched different policies or projects of e-governance to provide services to its huge population. Government of Rajasthan has taken many initiatives to information technology enable delivery of services pertaining to various departments. There are many e-governance services of government of Rajasthan like reform direct benefit delivery mechanism- bhamashah yojana, bhamashah health insurance scheme, video conference facility at district collectorate and block level offices, direct communication through SMS or voice message or structure queries eSanchar and iFact, Raj Wi-Fi, all the departmental applications would use single user manager- single sign on (SSO), Raj eOffice,

recognition of the beneficiary through aadhaar biometric using Point of Sale (PoS) devices in ePDS (public distribution system), Integrated network solution in gram panchayat Rajnet, Emitra service delivery platform provide services through web portal, mobile app and 35,000+ kiosks to the citizens, integrated grievance redressal mechanism Sampark portal, Raj eVault, Raj eSign, GPS linked inspection, Rajasthan Payment Platform, Digikit, RajDharaa, integrated automation platform RajKaj, Real time monitoring of Government vehicles, offices and officers - Rajasthan accountability assurance system, online video portal Raj Bioscope, Chief Minister Information System (CMIS), Integrated Financial Management System and eGRAS, education portal for eLearning solution, Rajasthan Skills and Livelihoods Development Corporation Application. Every state of India is delivering their services through internet and information technology like Rajasthan.

There are many benefits of e-governance. E-Government can be a powerful tool for urban and rural in developing countries. It increases interest of citizens. E-governance helps in to build trust between government and people, play an important role in reforms and reduction in delay, red tape and corruption. It is also very cost effective as it reduces paper cost, helps in to safe and clean environment and duplication of work. E-governance helps in better access to information and excellence services for inhabitants. It helps simplify processes of governance and makes access to government information easier.

Challenges

The main focus of government is towards e-governance projects but still e-governance projects are not fully successful. The participation of people is very important in proper implementation of e-governance in India. The population of India effect e-governance implementation like generating huge unique identity of every individual, maintaining the databases and records also updating it time to

time. A large number of the people in India are poor, required infrastructure for e-governance like telephone or internet lines, smart phone *etc.* is too costly for the poor. In the context of India, there is still gap between users and nonusers due to poor infrastructure in rural areas. There are mainly 22 languages in multicultural India which creates language barriers to use various applications for e-governance. There is an absence of continuous electricity, which is a major challenge to e-governance implementation.

Access to Internet is not easy in rural areas, small towns especially present in remote areas. Much of the people are not literate and they do not have much knowledge about internet technology. There is also lack of internet access and fast communication in remote areas. Many developing countries do not have proper infrastructure necessary to implementation of e-governance. Policymakers need to develop specific and reasonably attainable goals to implement a successful e-governance program and should recognize available resources to achieve those goals. People are not aware about the e-governance services and not able to access the internet to gain on-line government services. Citizens can't recognize e-governance application, software or mobile applications. There is also non-availability of user friendly interfaces. India has limited financial resources so government may not be in position to buy latest new servers every year. Maintenance of electronic devices is a big challenge for long living systems in a rapidly changing technical environment.

The cyber crime in India is becoming a big challenge so that security of online transaction is a big issue. Internet and public database security has become a major problem which requires resolved as soon as it is encountered. Database leakages can affect our privacy and it can misuse by hackers. There is a major problem to deliver government services due to lack of transaction security. Information provided by citizens

during access of services should be protecting otherwise, any person or institution may misuse the valuable information.

Conclusion

E-Governance is an excellent initiative by the government to ensure that various government services are easily delivers to people. Illiteracy, local language, data leakage *etc.* are main challenges which are responsible for the unsuccessful implementation of e-governance in India. However, government should spend more efforts to make e-governance transparent, convenient and accountable and to make techno friendly literate people so they may take full advantage of these activities and the e-governance projects can be implemented successfully in the future.

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Election Campaign Strategies and Perception of Rajasthan's Voters



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Abstract

In India the electoral system and fair elections form the basis of our parliamentary democracy. The political parties and their chosen candidates use various campaign strategies during the election to win the public mandate. These strategies such as door-to-door campaigning, public rallies, political advertising etc. play an important role in shaping the opinion of the voters. This paper has discussed the various election campaign strategies which are significantly used in Rajasthan. It specifically deals with the study of perception of Rajasthan's voters on these campaign strategies in Rajasthan. It tries to find out which strategy is the most effective as per the respondents. The research work is based on survey method which was conducted in all the divisions of Rajasthan. As per the survey the door to door campaign stood out as the most influential campaign strategy in influencing the voters. Political advertising was also chosen by many respondents as an effective strategy for shaping the public opinion.

Keywords: Campaign, Strategies, Survey Method, Coparative Analysis

Introduction

The roots of our Indian democratic polity lie in the concept of sovereignty which vests in the hands of the citizens of India. We, the people of India have been given the right to vote to elect representatives for the Lower House and State Assemblies.

To restore the democratic soul of our country a fair opportunity is also provided to the contestants to put forth their views and promises regarding the issues of concern. And for this they take the help of election campaigns which are a means of political communication exclusively during the election period. The candidates use various election campaign strategies to fetch maximum votes.

Once the schedule of the elections is formally announced by the Election Commission, the political parties and their candidates start

preparing for the campaign. The commission also drafts the model code of conduct and guidelines for the candidates and political parties. After the validly nominated candidates' list is out, the candidates start their election campaign. They are given two weeks' time for their official campaign and must end it 48 hours before the polling dates. After the election dates are announced, the parties issue their manifesto which lists their agenda and assurances that they wish to fulfil if they win the elections. During this period the political parties and their contestants have to follow the guidelines which are given in the model code of conduct prescribed by the election commission.

The Election Commission allows all recognized National and State parties free access to the state owned electronic media-AIR and Doordarshan for their campaigns during elections. On the state owned television and radio channels, the

total free time allocated extends over 122 hours. This is allocated justifiably after considering the base limit and additional time is linked to poll performance of the party in recent election. (The Function, eci.nic.in on 2018, March 6)

A large number of expenditure observers are appointed by the Election Commission to ensure the fair conduction of the campaign and to check that each candidate or a party spends within the limits for the campaign. There is a legal expenditure limit for an election campaign.

The election campaigns can be done at various levels-national ,regional , local and ultra-local depending on the nature and extent of elections. In India these campaigns are mostly political party oriented but due importance is also given to the image and work of the contestants. The political parties use both the conventional(posters, rallies, door-to-door campaigning etc.) and modern strategies (hiring professional communication strategists &PR agencies, use of digital platforms, political advertising, big data analysis etc.). These campaigns are usually done by the contestants but their parties provide them with the organisational support. The prominent leaders of the parties address public rallies to win support of the voters.

Any election campaign strategy can be taken as a tool of persuasion or propaganda. It's a propaganda when it aims at ruining the image of the opponents. For example negative political advertising is mostly used by political parties to attack the government. Nowadays , fake use has also become a grave issue of concern as it usually floats from unidentified sources.We can see that now there is a shift- from traditional media to digital media in election campaign strategies. Digital media especially social media platforms have been widely used since they offer both 'one-to one' and 'one-to many' message approaches. It has wider reach and uses multiple tools to make the message appealing. But in a country like India where rural voter bank has a remarkable share; digital campaigning may not bring winning results. It is the face -to -face contact and that too

in the local dialects which can help to increase the vote share.

In India aggressive election campaign during election period is a common practice of almost all the parties. Though there is an expenditure limit yet hefty sums of money are spent covertly for these campaigns.Earlier , big political parties used to launch one nationwide campaign but now they need to tailor made their strategy as per the demands of the regional voters.

The state of Rajasthan is politically dominated by two parties; Bhartiya Janta Party and Indian National Congress. The other parties with a little base are BahujanSamaj Party, Lok Jan Shakti party , Communist party (Marxist),AamAadmi party ,Rajasthan SamajikNayayaManch etc.

In Rajasthan the contestants use catchy slogans and distribute pamphlets and posters among the electorates. Rallies and public meetings are an integral part of any election campaign in the state. The leaders coax the voters as well as motivate their supporters through rallies. Nowadays, celebrities are the main attraction of these rallies and public gatherings. They are the crowd pullers for any public address. Their presence makes the persuasion task easier for the political leaders. Door-to-door campaign is another important strategy which is being used by the contestants to personally contact the voters. They visit the voters of the constituency and make personal appeals to cajole them.They use local dialects to communicate with the rural voters. Political advertisements with different message appeals and creative approaches are also used in the election campaign. News, interviews of the candidates and political leaders and panel talks shown on various media also help in winning the mandate. Besides these, novelties and other allurements (such as giving cash money) are also used by the political parties to influence the voters. Digital media tools are also employed by the contestants for promoting their ideologies. Almost all the national parties have their own IT cell and through which they make use of various social media platforms to convey their messages to the audience.

Besides, novelties such as caps, flags ,badges etc. are also used to make the party symbols memorable among the supporters as well as voters. Many candidates also use bribes and other kind of allurements to trap the voters especially the ones who are illiterates and poor. Panel talks, debates, talk shows conducted during the campaign period also play a vital role in shaping the public opinion. The contestants participate in such programmes to build up their image and to promote their ideas among the public.

Thus, the political parties' candidates employ different strategies to establish a link between them and the voters. From the past few years these strategies have become more aggressive in their forms. Therefore, it provides enough scope to do a research study on it.

This research paper deals with the perception of Rajasthan's voters regarding these election campaign strategies. As there are umpteen election campaign strategies, the researcher has chosen some of these strategies to study the voters' perception and not all of them. This can be considered as the limitation of the study.

Data Analysis

Table 1: Respondents' Rating regarding the most influential election campaign strategy

Rating (0-5)	Public address/ Rally (%)	Door-to-door campaign (%)	Political advertising (%)	News (%)	Interviews of the contestants/ political leaders (%)	Panel talks/ debates/ talk shows (%)	Dis-suading voters (bribe/ allure-ment) (%)	Hand bills/ Pam-phlets (%)	Novelties with logo of the political party such as caps, badges, flags etc (%)
0	1.0	1.0	2.0	.8	2.0	1.6	22.0	3.8	9.0
1	8.4	11.4	3.8	3.0	6.0	9.2	7.8	21.4	19.4
2	7.8	3.0	12.0	8.0	11.8	15.6	7.2	30.6	22.2
3	22.0	11.6	24.6	22.6	33.6	38.2	14.2	19.2	21.4
4	29.6	21.0	22.2	39.0	27.2	22.0	16.6	13.0	17.0
5	31.2	52.0	35.4	26.6	19.4	13.4	32.2	12.0	11.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(Rating on 0-5 scale, where 0 stands for minimum and 5 for maximum)

The focus is on all those strategies which are most commonly used by the contestants during election campaigns in Rajasthan. The objective of this work is to understand the views of voters on various election campaign strategies used by the political parties and their candidates for shaping public opinion. It is also to find out which of these strategies attracts the voters the most in Rajasthan.

Research Methodology

This quantitative research work was carried out with the help of survey method and a questionnaire was used as a research tool. Total five hundred voters were chosen as the respondents representing all the divisions of Rajasthan and purposive sampling was used for the study. Respondents were asked to rate the influential level of these various strategies on the scale of 0-5 wherein 0 stands for minimum and 5 for maximum. The study work entails the descriptive analysis of the data. The secondary data was collected through various sources such as newspapers, books, magazines, journals, articles, news websites, web-portals, blogs and reports which were available online.

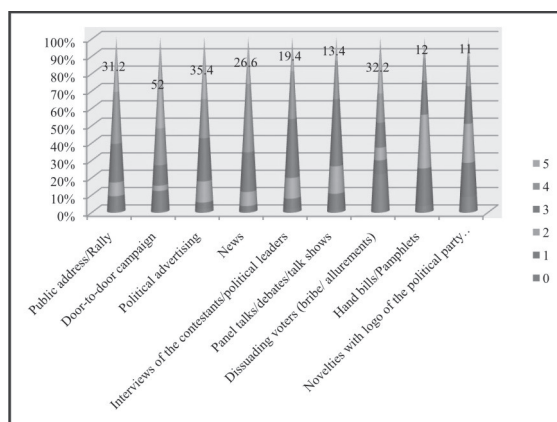


Fig. 1: (Rating on 0-5 scale, where 0 stands for minimum and 5 for maximum)

Discussion and conclusion

Table 1 and Fig. 1 show the compiled data analysis. This comparative analysis is based on the response of the respondents. When the respondents were asked about the most influential campaign strategy which helps in shaping the public opinion and attracting the voters during elections 52% of them opted for door-to-door campaign and 35.4% percent opted for political advertising. Advertising is costly and considered as above-the-line promotional strategy and door-to-door is similar to personal selling which is taken as below-the-line strategy due to its cost effectiveness. It implies that though political advertising is one of the modern and important communication strategies yet it stands second to the oldest and most traditional form of election campaign i.e. door-to-door canvassing by election contestants.

The analysis shows that 32.2% respondents have chosen 'dissuading voters through bribe or allurements' as one of the important strategies to attract voters. This seems to be a matter of concern as due to such strategies the elections fail to solve the real purpose.

The other notable strategy with 31.2% is public address or rally of political parties. Therefore, it can also be considered as one of the impactful strategies. These public rallies work because of the charm of national leaders as well as the

celebrities who come in support of a political party.

As per the respondents news, interviews of the contestants/political leaders and panel talks contribute in their own way but not to a great extent in attracting the voters. Handbills/pamphlets and novelties with logo of political parties have negligible contribution in influencing the voters.

Thus, it can be concluded that as per the respondents door-to-door campaign, a traditional form of election campaigning is the most effective campaign strategy for elections. This campaign strategy during elections is relevant in all times because it builds up personal contact with the audience whereas other strategies are mostly non-personal and take longer time in influencing the opinion of the voters.

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