

ISSN 0302-9298

# Contemporary SOCIAL SCIENCES

Approved by University Grants Commission (No. 41795)  
Global Impact Factor : 0.765; General Impact Factor : 2.495  
Index Copernicus ICV : 62.45; NAAS Rating : 2.88; InfoBase Index : 3.64

Founder  
**S. S. Shashi**

Chief Editor  
**Dharam Vir**

Volume 27, Number 4 (October-December), 2018



**Research Foundation International, New Delhi**

**Affiliated to United Nations Organization (UNO)**

**(Autonomous, Regd. Recognized Charitable Organization of  
Social Scientists, Authors, Journalists & Social Activists)**

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Double-blind Reviewed, Indexed & Refereed Quarterly International Journal

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*Contemporary Social Sciences* (CSS) is a quarterly peer reviewed & refereed international journal published since 1972 under the auspicious of Research Foundation (an autonomous, registered (1972), recognized charitable organization of social scientists, authors, journalists and social activists). The journal is published regularly in the months of March, June, September and December. The annual subscription is ₹ 2000 in India and US \$ 80 abroad, including postage by Registered Post/ Airmail. All the subscriptions must be prepaid in favour of M/S Saksham Computers, payable at Meerut.

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### **ISSN 0302-9298**

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## **Changing Political Contours in India : A Rising Convergence between Public Diplomacy and Constructivism**

***Niranjan Mohapatra\* and Swapna S Prabhu\*\****

*The Constructivists in the contemporary times are focusing on the global normative shifts wherein countries especially those in the south Asia are emphasizing on issues such as Democracy and Human Rights as integral to their diplomatic endeavors. On the other hand, Public Diplomacy (PD) has become a most relevant instrument of India's foreign policy since the conduct of international relations has become more public, and the public in India has become more involved. Public Diplomacy challenges the very primacy of material power in achieving outcomes, and offers an alternative model of practice that understands the normative or ideational structures underpinning state identities and gains influence by engaging through the shared understandings of this inter subjective dimension, including through social interaction and interplay. The convergence between public diplomacy and social constructivism hence gets reflected through the creation of favorable images and reputation around the world, achieved mainly through attraction and persuasion rather than acquiring power and territory through military and economic measures.*

*The revolutions in communication technologies, the changing notions of state sovereignty and the emerging challenges in international relations have transformed the goals and means of foreign policy (Gilboa 2008 : 56). Besides foreign policy, the constructivists put IR and public*

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*diplomacy also in the context of broader social relations. It considers how state's interests and identities are shaped by rule-governed (or norm-governed interactions). In brief, constructivism points out how norms influence state interests and behaviour. It emphasizes on the socially constructed nature of actors and their identities and interests. Thus, the state's conception of interests, its presentation of itself on the international stage, and its behaviour all might change as a result of inter-state interactions. States, like people, come to see themselves as others see them (Goldstein, 2007 : 152). The present paper seeks to analyse the ways by which constructivist theories of international relations inform public diplomacy practice. For this purpose the paper draws on India's approach to diplomacy by understanding the relevance of a visible convergence between public diplomacy and constructivism in reshaping India's identity in world politics.*

[**Keywords** : Constructivism, Public diplomacy, Social theory, International relations, Foreign policy, Soft power]

## **1. Constructivism in International Relations : A Social Reality**

As an important theory of international relations, Constructivism, today, is being widely recognized for its ability to capture significant features of global politics. The constructivists seek to develop theory focused on where state interests come from as against the Realists who tend to simply take state interests as given. They maintain that the state's conception of its interests, its presentation of itself on the international stage, and its behaviour all might change as a result of interstate interactions. States, like people, tend to see themselves as others see them (Goldstein, 2007 : 152). Constructivism is a social theory that is broadly concerned with the relationship between agents and structures, but it is not a substantive theory since the constructivists hold different arguments regarding, for instance, rise of sovereignty and the impact of human rights norms on states. Some draw from the insights of James March, John Meyer, and organizational theory, whereas others from Michel Foucault and discourse analysis. Some prioritize agents and other structures. Similarly some focus on inter-state politics and others on trans-nationalism (Baylis, Smith & Owens, 2005 : 162).

Constructivism is about human consciousness and its role in international life. Much of international theory and especially neo-realism is materialistic since it focuses on how balance of power is defined by the distribution of material power between states and explains the behaviour of states. Constructivists purely reject such one-sided material focus by arguing that the most important aspect of international relations is social, not material. They believe that the international system is nothing but a human creation not of a material or physical kind but of a purely ideational and intellectual kind. The system represents a set of norms, ideas and thoughts which have been arranged by certain people at a particular time and place.

The core observation of social constructivism is the social construction of reality. The emphasis is on the socially constructed nature of actors and their identities and interests. Constructivists believe that actors are not born outside and

prior to society, as individualism claims. Rather, actors are produced and created by their cultural environment. In brief, they believe that reality does not exist out there waiting to be discovered, instead, historically produced and culturally bound knowledge enables individuals to construct and give meaning to reality. Thus, the social construction of reality also shapes what is viewed as legitimate action. Do we only choose the most efficient action? Do the ends justify the means? Or, is certain action just unacceptable? (Baylis, Smith & Owens, 2005 : 163).

The social construction of reality also emphasizes on certain concepts which are now part of our social vocabulary. For instance, concepts such as sovereignty, anarchy and power did not always exist; rather they were a product of historical forces and human interactions that shaped our understanding about the interplay between existing ideas and institutions. Security, human rights, humanitarian intervention, legitimacy, development are all orienting concepts that can be interpreted in different ways conveying different meanings. The category of weapons of mass destruction is modern invention and so is the political and legal category of 'refugees' which is merely a century old. The above mentioned points denote that constructivism is a social theory which operates at a high level of abstraction i.e., it tells something about international relations, but is not concerned with IR specifically. Constructivist theories of IR focus specifically on how IR can be better understood and explained with the help of a constructivist approach. Alexander Wendt (IR Constructivist) changed the neo-realist position by asserting "anarchy is what states make of it". By this he meant that anarchy is basically a social construction and as such it is not inherently dangerous, scary or unstable, but becomes so when the states interpret it as such. It is, however, not just interpretation that matters but also interaction with others that creates one structure of identities and interests.

Further, the internationalization of norms, to a great extent defines the behaviour and identities of the actors. Norms of humanitarianism, citizenship, military intervention, trade and arms control, human rights and the environment not only regulate what states do, they also can be connected to their identities and thus expressive of how they define themselves and their interests. Constructivists are thus interested especially in how norms influence state interests and behaviour. For instance, civilized states are expected to avoid settling their differences through violence not because war may not fetch them the expected result but because it violates how 'civilized' states are expected to act. The domestic debates on the USA's treatment of 'enemy combatants' was concerned with not only whether torture worked, but also whether it is a legitimate practice for civilized states (Baylis, Smith & Owens, 2005 : 169).

The socially constructed realities are powerful structures that can have real consequences and the constructivists understand that social structures once created are extraordinarily difficult to change. In other words, the constructivists



believe that the international system is an inter-subjective awareness among people and is constituted by ideas and not by material forces.

## **2. Public Diplomacy : Understanding India's Foreign Policy Concerns**

Indian foreign policy in the present century is increasingly drawing on a perception of its rising soft power, although domestic impediments continue to fragment its gains in leveraging its soft power on the global stage. For instance, how the horrific rape and murder of a young woman in India in December 2012, which became a globally reported incident, resulted in a visible drop in tourism in the country. Despite the fact that India's global appeal has a long history if we cite examples of Mahatma Gandhi and the Nobel Laureate Rabindranath Tagore, still it needs to be understood that soft power does not depend merely on cultural and political attractions and values but also on the appeal of a country's economic and political record (Malone, Mohan and Raghavan, 2015 : 188-189).

Public diplomacy has become a most relevant instrument of India's foreign policy because the conduct of international relations has become more public, and the public has become more involved. However, the concept "new public diplomacy" is a term now widely discussed in scholarly literature but with varying interpretations.

As diplomacy is about communication and negotiation involving governments, they have inevitably undertake their sensitive work outside the media's reach since confidentiality and conventional diplomacy go together. However, the 21st century is characterized by globalization, assertive public opinion, an ever present 24x7 media and Web 2.0 technology. This combination lends increased significance to public diplomacy. Recognizing the magnitude of the changing scene, India has begun well, but it has miles to go for securing optimal projection of its foreign policy concerns.

The primary goal of India's foreign policy and for that matter of any other country is to promote its national interest. However, national interest is not as simple as it appears. There exists a hierarchy of national interests of which security occupies preeminent position. In the modern world, security has both military and non-military dimensions such as economic security, energy security, environmental security, food security etc. However, the task of pursuing national interests through the conduct of foreign policy has been rendered very difficult and complex on account of the recent perception of a growing divergence between the interests of the state and that of the people. Today, people in many parts of the world, particularly in the developing countries, perceive the state as their greatest enemy. The state is largely seen as being engaged in protecting and promoting the interests of the elite which controls it. This creates foreign policy problems. Since a large section of people in several countries perceive that the state, in collusion with

the elite, indulges in actions such as compromise with law and order, suppression of human rights and pursuit of an elitist development strategy in which the vast number of the poor do not participate and are increasingly marginalized, all of which creates domestic threats to security. For instance, if, because of the upsurge of majoritarian communalism, the Indian state decides to compromise its basic principles of secularism or treats its minorities virtually, if not legally, as second-class citizens, it puts India's foreign policy to a more severe test than would be warranted otherwise (Dubey, 2013 : 18-19).

Hence, constructivists rightly point out that "reality" that surrounds us is not merely a product of purely subjective (or material) forces, but is essentially a product of our shared perceptions, beliefs, values, ideas and understandings. Thus, the foreign policy of a nation is also a social construction of reality and public diplomacy forms an integral part of a nation's foreign policy.

Today, New Public Diplomacy has highlighted the significance of "soft power," the power to exert influence through the force of ideas, institutions, values, and culture. Foreign assistance to other countries is one of the most striking yet least analyzed aspects of Indian foreign policy. Indian foreign aid is a reflection of both India's strategic interests as well as its self-perception as the main regional power and an emerging global power. The recent governmental efforts to centralize and harmonize Indian aid are a manifestation of the gradual integration of the country's aid policy into its vision of India as an emerging global power. It also illustrates the central role entrusted to this soft power tool of Indian foreign policy.

The meaning of Public Diplomacy can be rightly inferred from what Barack Obama meant when he told the Indian Parliament in 2010 that he was "mindful" he might not be standing before it as the U.S. President "had it not been for Gandhiji and the message he shared and inspired with America and the world." Michelle Obama, on the other hand, won hearts by dancing with Indian children. Carla Bruni, the French President's wife, communicated by doing a perfect namaste, besides informing the public that she prayed for "another son" at a shrine near Agra. Chinese Premier Wen Jiabao proclaimed that China and India "would always be friends and would never be rivals." Our distinguished guests were thus using tools of public diplomacy to connect with their hosts in India.

Public diplomacy also implies a web of mechanisms through which a country's foreign policy positions are transmitted to its target audiences. The term was first used by U.S. diplomat and scholar Edmund Guillion in 1965. He saw it as "dimensions of international relations beyond traditional diplomacy, the cultivation by governments of public opinion in other countries ..." Indian diplomats, however, rightly maintain that public diplomacy has to do with both foreign and domestic audiences. When you put up a story on television, blog or any social networking site today, it is consumed by a university student in India as much as by a financial analyst in Toronto.

Further, against this backdrop, it needs to be pointed out that in recent years, the formulation and conduct of India's foreign policy has significantly suffered from the absence of long-term thinking and a holistic approach. It has been ad hoc and reactive rather than pro-active and also has lacked in transparency. As such, diplomacy has played more against India's own people than against foreign powers. For instance, on several sensitive issues, including security matters, what has been conveyed to the people of India has been at variance with what has transpired in discussions with major powers. What is therefore required is long term thinking and a holistic approach to the formulation and conduct of India's foreign policy coupled with greater transparency in its projection to the people and the world at large. This implies that in a democratic system, no government can withstand pressures from abroad without the support and preparedness of the people to make sacrifices. And this cannot happen until the people are clearly told what is at stake. For this purpose, the people should be given the opportunity to participate in formulating foreign policy through open and transparent public debates both within and outside the Parliament. This was, however, lacking on several occasions, for example, on the exercise of India's nuclear option, on the issues in the Uruguay Round of trade negotiations, particularly on TRIPS, and on the Indo-US nuclear deal. The government ended up misleading the people on these issues (Dubey, 2013 : 23-24).

Of late, the way one's message is put across has also undergone a fundamental change. The advice now is to transcend government-to-public communication and, instead, focus on two-way communication, on "advancing conversations." Today, public diplomacy is about listening and articulating. Beyond the traditional media, the cyber space sustains a "Republic of Internet" and a "Nation of Facebook" which cannot be ignored. If the government does not cater to their needs, someone else, possibly with an adversarial orientation, will. Perhaps this perspective led the Ministry of External Affairs (MEA) to embark on a new journey in 2010, establishing an interactive website, a Twitter channel, a Facebook page, a YouTube channel, a BlogSpot page and a presence in online publishing sites like Scribd and Issuu.

Public opinion has greater influence on foreign policy in democracies than in authoritarian governments. However, the fact remains that no government can rule by force alone. It certainly needs legitimacy to survive i.e., it must convince people to accept (if not like) its policies, because in the end policies are carried out by ordinary people like the soldiers, workers and bureaucrats (Goldstein, 2007 : 186).

India's soft power approach to public diplomacy became evident in the post independence era with the country enhancing its neighborhood partnership programs through 'development cooperation' and 'foreign aid' towards countries like Nepal and Myanmar. Even today India's standing in the world very much

depends on its ability to maintain good relations with its neighbours. Adverse relations with neighbours are bound to be a major constraint to India playing its rightful role in the comity of nations (Dubey, 2013 : 50). The Indian tradition has always nurtured the idea of an interlinked neighborhood with a sense of enlightened national interest which has been captured in this verse from the Mahopanishad, “Ayam bandhurayam neti ganana laghucetasam udaracharitanam tu vasudhaiva kutumbakam”, or “only small men discriminate by saying ‘one is a relative, the other is a stranger’. For those who live magnanimously the entire world constitutes but a family”. It was Jawaharlal Nehru (India’s first Prime Minister) who believed that while foreign policy must be rooted in a spirit of realism, it should not be obstructed by the narrow realism that lets you look only at the tip of the nose and little beyond. However, the Gujral Doctrine was perhaps the strongest articulation of a policy of reaching out to the neighborhood, even through gestures that did not demand reciprocity. In case of the new government under Prime Minister Narendra Modi, India will likely employ, in its foreign policy, a nuance combination of all three of Nye’s instruments of international influence, what Nye terms as “smart power”: a clever combination of the tools of conventional hard, or military and economic, power and soft power.

India’s multilateral diplomacy also needs to be seriously addressed, which Indian MEA veterans think of as a sphere of particular accomplishment for India over the years. The Non-Aligned Movement (NAM) wherein Nehru played the most significant role was a useful placeholder for India at a time when its leaders needed to devote the bulk of their time to pressing internal challenges. Indeed, Nehru is credited with coining the term ‘Third World’ to describe those states uninvolved in, indeed seeking to stand apart from, the Cold War ideological conflict - although, as Paul Krugman points out, on account of their modest levels of development, it rapidly morphed into a term connoting backwardness or poverty, hardly Nehru’s intent (Malone, 2011 : 17).

### **3. Relocating Public Diplomacy within a Constructivist Framework**

Constructivism as a theory and practice can immensely influence the diplomatic practices in India and elsewhere. First, being a social theory, its prime concern is on the state’s agency and interpreting ‘what the state makes of the anarchy of international politics’. Second, Constructivism permits the use of major indicators of culture and context in the study. Finally, a Constructivist analysis involves novel methods, such as the interpretive method in IR, ethnography. According to the French sociologist, Pierre Bourdieu’s, habitus refers to the disposition which establishes that each person has a worldview shaped by their socialization. With the study of IR incorporating refreshing spheres of interdisciplinary perspectives, the constructivist approach highlights the

advantages of the utilization of sociological idioms and paradigms since the early 1990's. A sociological analysis helps understand the basic constructivist strategy, such as what people do and how the structure shapes their actions which is mutually constitutive.

Further, New public diplomacy with a constructivist framework combines traditional government to government diplomacy, traditional public diplomacy (government policies to influence foreign publics), public affairs (government policies to inform/influence its own public), and image management. "It is a way of telling others about the positive characteristics of your society. Joseph Nye maintains that if a country promotes values that other states want, leadership will cost less" (Lamy, Masker, Baylis, Smith and Owens, 2012 : 116-117).

Wendt's constructivist theory depicts a different logic of the inter-state relations. They are more inclined to see national interests of a sovereign state governed by ideas and identity at play, the latter two of which are, first of all, socially constructed products in an interactive process of states. It is as a result of social interaction among states that the meaning of national interests, state identity and power status has to be inter-subjective by nature (Wendt, 1992 : 396, 403).

#### **4. Enhanced Engagement between Public Diplomacy and Social Constructivism**

A research survey conducted by the Pew Global Attitudes Survey, which measures public opinion of select countries towards each other, maintained that favourable attitudes towards India in Pakistan and China have decreased since 2006, where as favourable opinions of India have risen in Japan from 65 to 70 per cent. This indicates as to how the outcomes of soft power cannot be separated from the relationships between agents and subjects which are themselves often the objectives of soft power action (Malone, Mohan and Raghavan, 2015 :197).

Further, as India continues to seek a greater role in the management of the multilateral system at the high table of international relations alongside actors such as the USA, the EU, China, Brazil, and South Africa, there is a dichotomy between how Indians perceive their engagement with the multilateral system on the one hand, and how India's interventions play out and are at times perceived by its partners on the other (Malone, 2011 : 270).

The gap in perceptions is emphasized by a commentator on the issue of climate change: 'In an ironic and to most Indians quite disturbing turn, India is increasingly portrayed as an obstructionist in the global climate negotiations. How did a country likely to be on the frontline of climate impacts - with a vast proportion of the world's poor and a reasonably good record of energy related environmental policy and performance, reach this diplomatic cul de sac?' The same is the story in trade where India holds up its economic liberalization as a major achievement in facilitating the free flow of goods and services across

borders, yet gets saddled with the blame for upending the Doha round. Similarly on nuclear technology, India trumpets its record on non-proliferation and nuclear safety yet is excluded for three decades from multilateral access to nuclear technology and is consistently chided for refusing to sign up to the NPT and CTBT. A close look at the above mentioned instances point out that India's stance in multilateral forums is influenced by a variety of factors, the major one being its domestic politics which to a great extent determines its position on international issues. India's former Foreign Minister Jaswant Singh (1998-2002) comments : "Multilaterally, many Indian voices have been very conscious of years of colonial 'subjecthood'. The result has been excessive Indian touchiness at times. Underlying Indian positions in some international economic negotiations has been a fear of foreign economic looting rooted in our history (Malone, 2011 : 270).

However, it can still be maintained that India has a broader conception of public diplomacy encompassing all facets: media, cultural, educational, economic and diaspora diplomacy. Today, even though India's approach remains somewhat fragmented and much of the planned PD activity places prime emphasis simply on message projection, there is still an evidence of a shift towards a two-way, even collaborative discourse with regional partners, including bilateral dialogues, transnational technological and education partnerships, sporting outreach and extended two-way cultural programs. For instance the India-Russia annual cultural exchange programmes. Both the countries have encouraged the traditional fine culture of each country emerge in the cultural markets of the other countries, so as to counter the danger of westernization.

Countries also engage very often in certain goodwill gestures to rescue a frayed relationship as has happened in the case of India and the US. After a recent diplomatic row between the two strategic partners over the arrest of an Indian diplomat in the US which caused tensions in the bilateral relations, as goodwill gesture, the officials of the US department of homeland security returned \$1.5 million worth of artifacts to India, which were stolen from Indian temples and found by American authorities. Further, the presence of heads of governments or senior representatives from all the South Asian countries at the swearing-in of Mr. Narendra Modi (the present Prime Minister of India) and his cabinet, effectively turned the ceremony into a regional celebration of democracy which in turn, was a remarkable development in India's democratic history since in the recent past India has not been seen explicitly as a champion of democracy in the region. The above mentioned political development can also be seen as the first step towards strengthening democracy in the region through building, what the political scientist Karl Deutsch described as a security community (a region in which the large-scale use of violence has become unthinkable).

India's foreign policy and diplomatic interactions have largely been shaped by the socially constructed identity of the country. Much of 'modern' India's

self-conception was originally devised around Indian nationalist discourse and led by the highly-dominant Congress party before and following independence. While India claims to be a truly secular although a multicultural state, its neighbouring countries like Pakistan, Srilanka and Bangladesh consider India as largely a Hindu state based on majoritarianism and dominance which in turn influence their primary foreign policy goals. This shows the role of identity in shaping actors and foreign policies.

## **5. Conclusion**

Today Indian development cooperation plays a much more significant role globally, although capacity deficits continue to hinder the government's ability to maximize its strategic influence of its foreign policy engagement. India has begun investing substantial resources in both old and new tools of public diplomacy to influence its soft power and one of the prime reasons for this is the rise of China as a major power in its immediate neighborhood and an unrelenting urge to differentiate its foreign policy from that of its neighbors (more specifically its immediate neighbors).

On the domestic front, given its noisy democracy, India has found it very challenging to build domestic political support for its foreign policy initiatives purely by invoking the argument of hard power. Today the argument of national interest is more compelling to Indians. But New Delhi has also continued to need a set of values and norms to justify its actions on the world stage. As a consequence the tension between 'power and principle' remains an enduring one in India's foreign policy. Nevertheless, India's democratic credentials and values are unlikely to be favoured over its key strategic interests (Malone, 2011 : 296-297).

In India Projection is driven by the External Publicity division as well as the Public Diplomacy division of the MEA. Beyond them, a sizeable amount of work is handled by our missions abroad, often the unnoticed members of our collective choir. Although they all perform very well, but room for improvement still exists. Our ambassadors need to be trained to become savvier at handling TV interviews. Our diplomats should rapidly acquire skills relating to Web 2.0 technology. Besides, there is a need to recognize the rising significance and role of non-state actors in constructing and de-constructing public opinion.

Finally, the striking disconnects between India's self-perception and the world's view should be addressed. Amidst unprecedented visits by leaders of all P-5 states within five months, our nation's attention was primarily focused on internal concerns - scams, onion prices and excessive politics. Assuming we want India to become a truly Great Power, we, as a polity, must deepen interest in world affairs. The MEA should do well to use all its weaponry of public diplomacy to increase Indian awareness of the world and India's place in it and vice-versa. It must sustain its initiatives to project India's soft power and the task begins at home.

The strategic culture of Indian public diplomacy has changes in the recent past. The thin margins on which diplomacy operates in the country is provided by the perception of outsiders about the country's strengths and weaknesses. This perception primarily depends on what is happening inside the country than outside. It can be rightly maintained that in the recent years, the formulation and conduct of India's foreign policy has significantly suffered from the absence of long-term thinking and a holistic approach. Diplomacy has been played more against India's own people than against foreign powers. For instance, on several sensitive issues, including security matters, what have been conveyed to the Indian people has been at variance with what has transpired in discussions with major powers. What is required therefore is greater transparency in the projection of India's foreign policy to the people and to the world at large. Transparency is needed to mobilize and build the will of the people to withstand pressures from foreign powers. Since in a democratic system, no government can withstand pressures from abroad without the support of the people and without the preparedness of the people to make sacrifices. This can be possible only when people are clearly told what is at stake. As such, the people should be given the opportunity to participate in formulating foreign policy through open and transparent public debates both in and outside the Parliament. This was lacking on several occasions, for instance, on the issues in the Uruguay Round of trade negotiations, particularly on TRIPS, on the exercise of India's nuclear option and on the Indo-US nuclear deal (Dubey, 2013 : 23-24).

The changing political contours in India and across the globe, coupled with its own uncertainties, Indian diplomacy has to maintain a through balance between transparency and flexibility and this can be possible only when it comes out of its dogmas and outmoded paradigms and take recourse to new initiatives like public diplomacy with a considerable understanding of social constructivism.

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## Feminist Narratology and its Localization Practice in Chinese Contemporary Literature

*Sun Guirong\**

*Feminist narratology is a combination of feminism and narratology. It first appeared in 1980s, and is still an important branch of "post-classical narratology" that is still thriving in international academic community. The practices of feminist narratological analyses are still in a marginalized state in compare with its theory and the interpretation of feminist gender politics. Current research of Chinese modern and contemporary literature has its own creative points in localization practice of feminist narratology, and some even challenge western discourses and improve our own feminist narattological studies; while on the other hand, we also have kinds of deficiencies and should pay more attention to the fluidity of China's social contexts and the special features of the contexts of Chinese literature. As a kind effective research method, feminist narratology will play a more important role for Chinese literature of 21st century.*

[**Keywords** : Feminist narratology, Localization, Chinese contemporary literature]

### 1. Introduction

With the rapid development of China's economy and culture, Chinese female literature and studies have also come into the ne'w era, which are not satisfied with

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the position of a follower to the West, but an independent practitioner, even an inventor. The topic of “feminist narratology and its localization practice in Chinese contemporary literature” is just from this academic background, and this paper is to introduce this academic tide by one of well-responded papers (published in Nankai Journal by Sun Guirong, Jul. 2016, Vol. 4).

## **2. Late-development of Textual Readings of Feminist Narratology in China**

Feminist Narratology is the combination of feminism and narratology, which begins in 1980s originally in the West (especially in USA) and becomes an important school of “postclassical narratology” soon. And the representative works include *The Narrative Act : Point View of Prose Fiction* by Susan. Lanser, *Gendered Inventions : Narrative Discourse in Victorian Novels* by Robyn R. Warhol, *Having A Good Cry: Effeminate Feelings and Pop-culture Forms* by Robyn R. Warhol, etc. It can be considered as a kind of feminist study from the perspective of language, structure, rhetoric or other literary forms, or a type of certain narratological study from the gender perspective. Therefore, it makes up the blindness of ignoring historical and ideological contexts of traditional narratology with gender perspective, and supplements feminism with narratological objectivity and technicality.

1980s is the time of China’s reforming and opening to the world, and the theory of feminist narratology is concerned by Chinese scholars quickly, which is not behind the world’s tide as other feminist schools. However, compared with theoretical awareness, textual readings on modern and contemporary Chinese literature in the perspective of feminist narratology are weak and marginalized. For a long time, most literary interpretations of feminist narratology are in the field of foreign literature study, and we are quite short of relative close readings of Chinese modern literature, quantitatively and qualitatively. Even if there are a few case studies, their academic influences are usually still weak and faint, which are not be concerned enough in literary circle. Needless to say, even though some studies are titled with the words narration or narratology, they still focus on studies of literary contents, not the actual forms, such as *Lingering Feminist Narration in the Edge* by Yu Jianxiang, *Marginalized Narration : Case Studies of Female Novels in 20th Century* by Xu Dai, etc. Briefly, compared with the theoretical studies and textual analysis of contents, feminist and narratological interpretations from perspective of forms should be in urgent attention in Chinese literary studies.

## **3. Contexts of Time and Language : Problems of China’s Literary Feminist Narratology**

Studies of feminist narratology should strengthen and have their full localization, which must respect Chinese literary contexts and social contexts

completely. At this point, the current research still have some drawbacks, and here are places we can do better:

China's social background and spirit of the time should be concerned during studies of feminist narratology, which is quite different from the western theory. Studies of western feminist narratology usually choose works of Victorian Time in 18th and 19th century, because only in an era of oppressing voices of women, could female writers adopt oblique and pictorial skills of feminist narratology to show their individual views. So do Chinese writers. They usually put the story into time of Great Cultural Revolution, which is different from the West, although women don't feel free, either. On the one hand, the once suspended types of writing as diary, letter, first-person narration, limited perspective, etc, have returned to literature, which broader women's discourses; on the other hand, male-cultured ideology in perspectives of class, ethic, society are still strong, so women's voices have to express by implied, oblique, even compromised style. For example, *Love is Unforgettable* by Zhangjie and *Tales in Spring* by Yu Luojin, which were published in 1980s, both adopt first-person narrative voices spontaneously, as following Lanser's theory. There is a subtle gap between the narrator and heroine, while the two are also overlapped now and then, which express the spiritual conflicts of the heroines and make dialogues with readers and can be explained by "attractive narrative discourses". In a time of women's lacking opportunities to express herself, we can see the narrator's awkward subjectivity from her humble attitudes to try to attract and appeal to her readers: on the one hand, she expects to show herself and find herself independently; while on the other hand, she has to considerate the cultural tradition of gender and dare not to say them out fair and square. For example, in *Tales in Spring* the heroine continuously talk with readers in such words, "dear, are you still listening to my story, aren't you tired of my chatterbox?" "How can I explain my feelings of that moment, my readers?" The story is interrupted by these now and then, which illustrates an image of unconfident figure and has a little conflicts with the heroine's brave love experiences. And all those subtle literary complexities can be explained by studies of feminist narratology.

Therefore, in a limited cultural time for women's expressing themselves, narrative rights of showing their voices bravely just means equal rights of gender. That is to say, the way which women find out to express their own minds basically equals to their victory of self-fulfillment in the actual world. However, this is based on the certain time. If in a more open time and society, when and where women can express themselves in various ways, high optimistic voices or low quiet voices of the narrators may be usually related with the authors' own personalities and styles, not so politically. Meanwhile, some Chinese studies overlook the changes of time and misapply feminist narratology at certain extends. For example, there are comments to cheer the victory of feminism of *Hello, Ladies* by Chi Li that heroines hold the discourse power to fill the whole texts with their own voices and leave men as the voiceless narrated figures. Men have no discourse power and their

inner feelings do not be heard in the text. But these only reflect the structural style of the work, because the novel is published in 1998, when female writers are active and can use various styles, at least almost as free as male writers. So, not all unlimited discourse power of women lead to gender rights. When female authors don't care much on authorities of narrative, just as male authors, a more open and equal society is coming for women. And Chinese studies of feminist narratology should pay more attention on this problem.

Another problem comes from different styles of different languages. In the West, feminist narratology mainly focuses on form of English texts, whose grammar, syntax, structure and rhetoric almost all follow rules of the language of English, such as studies of "free indirect speech", capital letters, names, orders, etc. However, some Chinese studies of feminist narratology also focus on "free indirect speech", which is not a type of original Chinese grammar. The mixed "ambiguous discourses" between the narrators and figures are ordinary in Chinese language, not an special and unique literary rhetoric discourse. If only standardizing English "free indirect speech" and considering it as the field of fighting for discourse power, the common state of it in Chinese novels will not be so politically meaningful and short of feminist senses. But that's not the fact. At this point, Chinese narrative tradition must be concerned and Chinese female novels also have their own feminist characteristics, although not in the form of western "free indirect speech". We have our own styles of feminist forms. For example, in novels of Chen Ran and Lin Bai, emphasis characters and brackets are applied to express special feminist meanings, and studies can't copy western theory to interpret them.

Problems of western feminist narratology itself should also be considered seriously. Western theories have their own drawbacks and Chinese researcher can't blindly copy and follow them in any case. Fortunately, there are acute Chinese scholars saying them loudly and faithfully, such as Shen Dan, professor of Beijing University, have talked about the theoretical mistakes of Lanser's differentiation of "public narrative" and "secrete narrative" in an international symposium, which shows Chinese scholar's dedication to feminist narratology. Not all women's discourses to women are confined to personal field and with the publication of literary works, some women's discourses in styles of diaries, letters of memoirs are also open to the public. Therefore, factors such as if there are narrated or not, what kind of gender of the narrated person, have limited influences on their feminist meanings. And when we study texts as *Diary of Miss Sophie* by Ding Ling, all those should be considered in order to localize feminist narratology clearly and correctly. Blindly coping and following western theory will not be helpful, even lead to misreadings and mis-interpretings. On the contrary, some research works do not quote any concepts or principles of western feminist narratology, but have wonderful reasonable analyses, such as monographs by Chen Sunxin and Wang Kan. And they are the real localization practice of Chinese feminist narratology.

#### **4. Reasons of Marginalized Position of Chinese Feminist Narratology and Further Studies**

Predicaments of feminist narratology in China do not only come from scholars' personal academic choices, but our whole literary and cultural tradition. Narrative analyses, critics of formalism, detailed readings, all those required feminist narratological factors are still not familiar enough for Chinese academia, especially compared with the profound tradition of ideology studies. As for studies of female literature, contents' studies have been concerned seriously and universally, because their literary interpretations can be related with women's actual states to the utmost, while studies of forms are usually considered to be confined in literary texts. Furthermore, feminist narratology usually need close reading in details, while case studies seem to be a little "narrow" and "trivial" compared with studies of literary thoughts or grand tide in Chinese literary academia. The "level" of journals which prefer to public papers on single writer and work is usually not so high as on literary tide or groups of writer and work. All those effect the preference of feminist narratology among Chinese scholars.

Another problem is the choice of texts of feminist narratology, because not all works can offer practical and efficient academic resources for interpretations of feminist narratology. Especially in a commercialized society, many Chinese writers only consider how to write a story which can be easily written, read, or adapted into film and plays, and don't care much about narrator, perspective, structure, quotation, rhetoric, or other narrative skills. But they are indispensable materials what analyses of feminist narratology just urgently need. If stories are written so casually, how can researchers take them seriously to do their studies of feminist narratology? For example, in the 21<sup>st</sup> century theory of "authorities of discourse" proposed by Lanser has been disregarded or put aside slightly by some female writers. Except a few works as *Records of Women's Gossips* or *China in Liangzhuang*, there are not so many valuable texts in the perspective of narrative. Those also prevent feminist narratology from further development.

Therefore, how to take advantages of western theory of feminist narratology and overcome the restraining factors to actualize its real localization, is the big task for Chinese scholars. And of course, feminist narratology is a promising academic tide in today's studies, whose progress and problems will be a typical case for the world, not only be limited in China. As an international academic issue, I hope scholars around the world concern the topic and make sustainable development of studies of feminist narratology in the long run.

#### **Note**

The paper is subsidized by Social Scientist Fund of Shandong Province "Studies on Literature of the New Century on Perspective of Feminist Narratology", Number: 17CZWJ07. The paper is revised according to the paper *Current Situation*

*and Problems: Feminist Narratology and Its Localisation Practice* (in Nankai Journal by Sun Guirong, Jul. 2016, Vol. 4).

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## The Neo-Assamese Muslims and Politics of ‘Othering’ in Assam

*Monoj Kumar Nath\**

*In recent times, the politics of Assam witnessed attempts to ‘othering’ the neo-Assamese Muslims from the Assamese nationality, who by adopting Assamese language in Brahmaputra valley became ‘neo-Assamese’ after independence. These neo-Assamese became the savior of Assamese language in Brahmaputra valley and became an integral part of Assamese nationality. However, BJP, in recent times, has openly tried to ‘othering’ the neo-Assamese from the idea of Assamese, and has tried to create an idea of Assamese nationalism based on Hindu identity. Against this backdrop, this paper tries to understand how, during last seven decades after independence, these immigrant Muslims emerged as neo-Assamese and became an integral part of Assamese nationality, and now the community is emerging as an enemy of Assamese people in politics of Assam, as portrayed by BJP. It also tries to understand why BJP’s politics of ‘othering’ the immigrant Muslims is gaining ground among the Assamese people.*

[Keywords : AIUDF, BJP, Enemy, Neo-Assamese, Threat]

### 1. Introduction

The neo-Assamese Muslims, living in the Brahmaputra valley, have remained integral to Assamese nationality. However, after BJP emerged as a force in politics of Assam after 2014 Lok Sabha election, it has been trying to prove the entire immigrant Muslim community as the ‘enemy’ of Assamese people. By

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establishing the immigrant Muslim community as the enemy, the party wants to keep intact the Hindu alliance under BJP between the Assamese from Brahmaputra valley and Bengalis from Barak valley which was formed during 2014 Lok Sabha election. This political alliance helped BJP greatly to come to power in Assam in 2016. But BJP's politics of Muslim enemy in Assam for its political gain, on one hand, is pushing the entire immigrant Muslim community of Assam into margin, and on the other has started to weaken the Assamese nationality.

## **2. The Neo-Assamese**

Neo-Assamese are those immigrant Muslims living in the Brahmaputra valley of Assam who migrated from East Bengal and then East Pakistan. The Muslims in Assam can be divided into two broad categories on the basis of their time of immigration into the state: indigenous and immigrant. The Muslims who immigrated to Assam till the state was taken over by British in 1826 A.D. are known as indigenous Muslims. On the other hand, Muslims who immigrated to the state during British colonialism and till March 24, 1971 after independence are known as immigrant Muslims. This should be noted here that Assam Accord (1985) fixed 25<sup>th</sup> March 1971 as the cut off date for identification and deportation of illegal foreigners in the state of Assam. The indigenous Muslims living in Brahmaputra valley are culturally Assamese and their mother tongue is Assamese. They are categorized as Assamese Muslims in society of Assam. On the other hand, immigrant Muslims of Assam can be divided mainly into neo-Assamese and Bengali Muslims. These Muslims were immigrated from East Bengal/East Pakistan and were Bengali speakers. However, a large section of immigrant Muslims living in Brahmaputra valley has been identifying Assamese as mother tongue in consecutive census enumerations since independence, and they have accepted Assamese language and culture. These immigrant Muslims living in Brahmaputra valley are called neo-Assamese Muslims. The language of Barak valley is Bengali and the immigrant Muslims living in the valley are Bengali speaker. The mother tongue of indigenous Muslims living in Barak valley is also Bengali. Entire Muslim population from Barak valley, including both indigenous and immigrant, are called Bengali Muslims (Ahmed and Yasin, 1997; Hussain, 1993).

Muslim immigration from East Bengal, and then East Pakistan to Assam has a long history. In 1874 Assam was constituted into a separate province along with the two Bengal districts of Sylhet and Cachar under a chief commissioner which made the Muslim immigration from East Bengal to Assam an internal affair within a province. British wanted to grow some kind of cash crop for profit purpose in present lower and middle Assam of Brahmaputra valley after it grew tea as a cash crop in upper Assam within a decade after Assam was annexed. By last quarter of nineteenth century, British administration identified jute as the cash crop for lower Assam which suits the climate of Assam and the large tracts of sandy alluvium on

both sides of river Brahmaputra. However, to grow jute, British administration faced lack of cultivators. It was because Assamese population was declining when it thought of a cash crop like jute. Assam experienced depopulation during the last decade of the 19<sup>th</sup> century. The black fever (kala azar) was the cause of this depopulation in several districts of Assam (Guha, 2006 : 30-31). Then the British administration encouraged immigration of Muslim cultivators from East Bengal to Assam as these Muslims were familiar with and trained in jute cultivation and they were known for hard labour (Saikia, 2001 : 88-91) . The abundance of waste land in Assam provided the colonial administration the opportunity to import Muslim cultivators from East Bengal and to settle them in Assam. In the beginning, the cultivators from East Bengal were not interested to migrate to Assam as from where Muslims migrated to Assam in large number in later phase, did not come under pressure of population which could induce people to migrate (Misra, 2011 : 104-105). However, the situation changed from the beginning of the last century. The fast growth of population in East Bengal districts, from the beginning of the last century compelled them to migrate to Assam in large number. The government's patronage to allot land and to help them settle started to attract more and more Muslim peasants to migrate to Assam. Gradually the Brahmaputra valley of Assam emerged as the destination for those Muslims in East Bengal who were poor and landless. Indebtedness with high interest rates among the cultivators and inhuman exploitation of moneylenders also contributed to this immigration from East Bengal districts. The immigration of Muslims from East Bengal got a new lease of life after Muslim League formed a coalition government in Assam under provincial autonomy in 1937. The League government in Assam encouraged large scale Muslim immigration into the state in the name of 'Grow more food', but in an intention to make Assam a Muslim dominated province so that it could be included into the proposed Pakistan. The partition of India and inclusion of Sylhet into East Pakistan halted the Muslim immigration from East Pakistan to Assam. But, the process resumed after sometime as India did not make any effort to seal its international border with East Pakistan. Muslim immigration continued to Assam from East Pakistan, and then Bangladesh because of this porous border. It should be noted that India decided to seal its border with Bangladesh only in 1985 when the Assam Accord was signed. The fencing work at India-Bangladesh border was started only in 1987, after four decades of independence, and till today the fencing work has not been completed.

### **3. 'Becoming' of Neo-Assamese**

The British colonial administration introduced Bengali as the medium of education in Assam in 1836 and it remained so till 1871. The newly educated Assamese considered it as a manipulation by the Bengali officers under British administration to make Bengali the language of Assam. This created a panic among the Assamese people against the aggression of Bengali language. Because

of separation of Sylhet from India in partition, the Assamese language got the opportunity to be the majority language in Assam. In 1951 census, for the first time, Assamese became the majority language in Assam with 56.29 per cent of speakers. This percentage rose to 57.14 in 1961 census and then 60.89 in 1971 census.

Indigenous Assamese became happy with the majority status of Assamese language in 1951 census. However, it became possible only with the help of Muslims immigrated from East Bengal and living in Brahmaputra valley. A large section of immigrant Muslims living in lower and middle Assam of Brahmaputra valley, who were originally Bengali speakers, started to identify Assamese as mother tongue in census enumerations since 1951. As Amalendu Guha noted - The separation of Sylhet alone would not have sufficed to bring in this change. It was the census figures for the district of Goalpara that tilted the balance. In all the census operations up to 1931, Bengali was returned as the mother tongue of more than half of the district population. The figure came down to less than 18 per cent in 1951 and 12 per cent in 1961 (2006 : 273). The undivided Goalpara, from lower Assam of Brahmaputra valley, was the bordering district of East Pakistan.

This was the background of Assamese becoming majority language in Assam. The Assamese people were grateful to the immigrant Muslims in Brahmaputra valley for declaring Assamese as mother tongue and thereby ensuring the majority status of the Assamese language in Assam. The Assamese society and socio-cultural organizations led by indigenous Assamese started to term these Muslims living in Brahmaputra valley as neo-Assamese, the same immigrant Muslims who were considered as a threat by the indigenous Assamese before independence because of their immigration in huge number and grabbing of large amount of waste land. A large section of these Muslims, during last decade of freedom struggle, supported Muslim League against Congress mainly for the party's campaign for land rights for them. However, the term *na Asomiya* (neo-Assamese) was first used by Jyotiprasad Agarwala, one of the doyens of Assamese literature and culture, in 1943 in his poem *Asomiya Dekar Ukti* to refer the Mymensinghias (people who migrated from Mymensingh district of East Bengal and settled in Brahmaputra valley).

It is really interesting that the immigrant Muslims in Brahmaputra valley accepted Assamese as mother tongue and adopted a new group identity by shedding their distinctive linguistic-cultural heritage. However, to become Assamese by shedding own distinctive identity, for immigrant Muslims in Brahmaputra valley, was largely a political decision. Assam had not experienced any major communal clash in pre independent period although it became a playground for both Congress and Muslim League politics. But in March 1950, it experienced a major communal clash as a consequence of attacks on Hindus in East Pakistan who took refuge in Assam. Nearly a lakh Muslim immigrants had to quit riot affected lower Assam for East Pakistan in search of security (Guha, 2006 : 271). Most of these displaced immigrant Muslims returned to their home after

Nehru-Liaquat Pact was signed in April, 1950. This communal clash occurred in lower Assam of Brahmaputra valley which made the immigrant Muslims of the valley to realize that security was their main concern. Already, after independence, most of the Muslim League leaders who fought for the rights of these Muslims in Assam left for Pakistan and those who remained, either joined Congress or became politically inactive. In that situation, the immigrant Muslims of Brahmaputra valley wanted to marginalize their security concerns. At that point of time, in Brahmaputra valley, they were both linguistic and religious minority. They realized that by accepting Assamese as mother tongue, they would remain only religious minority, which would marginalize their security concerns considerably. Again, they realized the importance of accepting Assamese and to side with indigenous Assamese in Brahmaputra valley where Assamese - Bengali linguistic divide has always remained very sharp in pre-independence days. Moreover, after independence, Congress became the sole political force in Assam and the party was Assamese dominated. So to marginalize security concerns both socio-culturally and politically, to become Assamese emerged as the most effective way in front of immigrant Muslims in Brahmaputra valley. However, it would be wrong to consider the acceptance of Assamese language by immigrant Muslims in Brahmaputra valley only as a political opportunism. Even before independence, many Assamese medium primary and secondary schools were set up by immigrant Muslims in their areas. For example, in Alitangani, an area near Nagaon town, the immigrant Muslims established LP school in 1902 and imported teacher from neighbouring Dhing to teach Assamese. These Muslims established Assamese medium ME school, which became a High School, in 1924. In that period when these immigrant Muslims established Assamese medium ME/High schools, many ethnic Assamese dominated areas of Nagaon districts did not have such educational institutions. This proves, the immigrated Muslims in Brahmaputra valley tried to become Assamese just after they immigrated to the valley. There was a widespread feeling among the immigrant Muslims in Brahmaputra valley that they should accept the language and culture of that land which has given them shelter and livelihood.

#### **4. Assamese - Neo-Assamese Alliance**

The Congress led Assam government accepted the Assam Official Language Act, 1960 which made Assamese the state language of Assam. The Hindu Bengalis revolted against this decision of the Assam government and there was a mass movement in Barak valley demanding Bengali to be accorded also an official language of Assam (Goswami, 1997 : 49-66). In 1972, Gauhati University decided to introduce Assamese as the medium of instruction in colleges under its jurisdiction from the academic year 1972-73 with some exceptions. However, demand was raised from Bengali speaking Barak valley that Bengali should also be introduced as one of the medium of instructions in entire Assam. In 1960 and 1972, while

Hindu Bengalis of entire Assam opposed the decisions of the Assam government and Gauhati University respectively, the immigrant Muslims living in Brahmaputra valley stood behind the Assamese language in both the occasions. In 1972 medium of instruction movement, there were clashes between Hindu Bengalis and immigrant Muslims at different places of Brahmaputra valley like Dhing, Dabaka, Lahorighat, Kharupetia etc. (Goswami, 1997 : 74).

The declaration of Assamese as the official language of Assam by the Assam government created resentment among different tribal groups in Brahmaputra valley as they considered the move as an imposition on them. Opposing the decision of the Assam government to declare Assamese as the state language, All Party Hill Leaders' Conference was formed by leaders of different hill tribes in 1960 itself and demanded separation of hill areas from Assam. The tribal groups started to alienate themselves from the Assamese language. They began to identify their own language/dialect as mother tongue in census enumerations instead of Assamese since 1961. Still, the percentage of Assamese speakers rose continuously in 1961 and 1971 census as more number of immigrant Muslims from Brahmaputra valley identified Assamese as mother tongue. This has created a peculiar situation before the Assamese. While the original inhabitants of Assam, the tribals, started to leave the Assamese language, the neo-Assamese, a recently immigrant community, voluntarily became a part of Assamese language and nationality. This has made the neo-Assamese very precious for the Assamese speaking people of Brahmaputra valley, at least, to maintain the majority status Assamese language in Assam. However the Assam movement changed the situation significantly for both Assamese and neo-Assamese.

## **5. The Divide : Assam Movement**

The neo-Assamese Muslims emerged as the savior of Assamese language for maintaining its majority status in Assam. However, suddenly, Assam movement (1979-1985) identified these neo-Assamese as the threat to the existence and identity of indigenous Assamese people. The Assam movement demanded to identify and to deport those illegal foreigners migrated to Assam after 1951. The movement started at 1979, and there was no denying that a section of neo-Assamese living in Brahmaputra valley migrated from East Pakistan. In that situation, the whole neo-Assamese section was targeted by the Assam movement leaders and supporters as illegal Bangladeshis. This has, on one hand, threatened those who immigrated after 1951, and on the other hurt those who immigrated during pre-partition era and became Assamese by sacrificing their own identity. In that situation, they stood against the Assam movement and participated in the Assam Assembly election 1983, which was forcefully held by then central government and was opposed and boycotted by Assam movement leaders. And, the participation of neo-Assamese Muslims in this election in huge number posited them at the opposite to Assamese people. And Nellie massacre on February 18,

1983, in between the second and third phase of election, which was considered as an attack on neo-Assamese Muslims by movement supporters as a revenge for their participation in election, made the situation worse for future for both Assamese and neo-Assamese communities.

It is interesting to understand how Assam movement could suddenly change the outlook of Assamese people towards the neo-Assamese and the latter emerged as the threat to the former. It was because, the movement leadership successfully campaigned that the indigenous Assamese would lose political dominance over the state at the hands of immigrant communities as both Hindus and Muslims were continuously immigrating from Bangladesh to Assam because of open India-Bangladesh border. The threat of becoming subordinated politically in their own state at the hands of recently immigrated, thus, acted as the rationale for the Assamese people to consider the neo-Assamese as the threat to their existence and identity. This was the first time, after independence, when Muslims emerged as a threat in the society and politics of Assam. It can be said that Assam movement changed the whole question of Muslims in society and politics of Assam for future.

Assam accord (1985) fixed 25<sup>th</sup> March, 1971 as the cut off date for identification and deportation for illegal foreigners in Assam, which made all immigrated to Assam till this cut off date since independence legal citizens of India. This cut off date compelled Assam to bear the burden of illegal foreigners for two decades after independence. To compensate this burden imposed on Assam, Assam Accord, in clause 6, made the provision for Constitutional, legislative and administrative safeguards for the Assamese people to protect their culture, social and linguistic identity and heritage. The neo-Assamese did not have any problem with the cut off date fixed by the accord, as this date was demanded by the students organizations like All Assam Minority Students' Union (AAMSU), formed by neo-Assamese student leaders as a counter to All Assam Students' Union (AASU) led Assam movement. However, the clause 6 of the Accord emerged as a big concern for the neo-Assamese as it talked about special constitutional safeguards for Assamese people.

## **6. After Assam Movement : Alienation of Neo-Assamese**

The communal clash in lower Assam that took place in 1950 forced the neo-Assamese Muslims to realize their security threat in Assam. To marginalize their security threat the community became Assamese and became a support base of Congress, the party in power in Assam continuously till 1978, in consecutive elections. The Assam movement proved that the security threat for the community remained same, despite they became Assamese by leaving their own language and culture. This realization brought about new consciousness to the community to retreat any attempt to marginalize them further. This realization encouraged the community to bounce back politically and linguistically. After 1950 communal clash, the community became dependent on Congress for protection. After Assam

movement and the signing of Assam Accord, it aligned with the Hindu Bengalis of Assam politically for their own protection. The Assam movement leaders formed Asom Gana Parishad (AGP), a regional political party, in an objective to implement the Assam Accord. As a counter to AGP, United Minority Front (UMF) was formed by a section of immigrant Muslims and Hindu Bengali leaders. The Citizens' Right Preservation Committee (CRPC), an organization of Hindu Bengalis, led the process of the formation of the party. In 1985 Assam Assembly election, a large section of neo-Assamese Muslims supported UMF against overwhelming ethnic Assamese supported AGP. In this election, AGP got majority and UMF became third largest party in Assam Legislative Assembly by winning from 17 constituencies (Assam Legislative Assembly consists of total 126 constituencies).

The neo-Assamese regretted that they were not trusted by the Assamese people during Assam movement despite they voluntarily assimilated with Assamese society and culture. During 1991 census enumerations, a section of neo-Assamese expressed their dissatisfaction over the treatment meted out by the community during Assam movement and decided to go back to Bengali language (Ahmed and Yasin, 1997 : 148). As a consequence, the percentage of Assamese speakers declined from 60.89 in 1971 to 57.81 in 1991 (Census could not be held in Assam in 1981 due to Assam movement).

## **7. The Reconciliation**

In 1990s, a process of reconciliation started from both the Assamese and neo-Assamese communities. The euphoria created by the signing of Assam Accord came to an end after five years of AGP rule. The AGP government (1985-1990) proved inefficient and corrupt. In 1991 Assam Assembly election, Congress came back to power under Hiteswar Saikia who tried to suppress Assam movement with brutal force during 1983-1985, when he was chief minister of the state. With the euphoria of Assam Accord came to an end, the Assamese people started to realize that a section of neo-Assamese is leaving their language as a consequence of Assam movement.

The neo-Assamese also had to reconcile their decisions to compete with Assamese people both politically and linguistically. It was because their political alliance with both Hindu and Muslim Bengalis from Barak valley in 1985 election proved as failed. A Hindu Bengali organization, CRPC, led the formation of UMF. The neo-Assamese from Brahmaputra valley, in 1985 election, supported the UMF overwhelmingly. But, both Bengali Hindus and Bengali Muslims from Barak valley did not support the party in large number. Barak valley is home of Bengali Hindus and Muslims and it has total 15 Assembly constituencies. However, not a single UMF candidate could win from Barak valley in this election although the party won 17 constituencies from Brahmaputra valley. This has brought about the realization to the neo-Assamese Muslims that Bengali Hindus and Muslims from Barak valley were not ready to align with them politically. The neo-Assamese

Muslims were the worst suffer of Assam movement as it was concentrated mainly in Brahmaputra valley and Barak valley did not have much influence of the movement. The neo-Assamese rallied behind the UMF against the Assam movement and Assam Accord. But Hindu and Muslim Bengalis did not come forward to align with them under UMF which was a political formation against Assam Accord. This proved that a political alliance between the neo-Assamese and the Bengali Hindus and Muslims from Barak valley could not be effective. The failure of UMF experiment helped the neo-Assamese to realize that, ultimately, they would have to live with Assamese people in Brahmaputra valley. This realization influenced the neo-Assamese during 1991 census enumeration also. Although there were appeals from a section of neo-Assamese leaders to the community to alienate from Assamese language and to identify Bengali as mother tongue, overwhelming majority of neo-Assamese remained with the Assamese language, although a very small section shifted to Bengali language.

By the middle of 1990s, the dividing line created by Assam movement between the Assamese and neo-Assamese became very thin. Even in 1996 Assam Assembly election, a large section of neo Assamese voted for AGP, the party which was formed by Assam movement leaders. In this election, AGP candidates won from constituencies like Dalgaon and Jamunamukh from Brahmaputra valley, which are neo-Assamese Muslim dominated constituencies.

## **8. Neo-Assamese as Threat**

After Assam movement, the neo-Assamese again emerged as a threat for the Assamese people in Brahmaputra valley after the formation of Assam United Democratic Front (AUDF) in 2005 which relaunched itself as All India United Democratic Front (AIUDF) in 2009. The Illegal Migrants (Determination by Tribunal) [IM(DT)] Act, which was an anti-immigration act and was operational in Assam since 1983, was repealed by the Supreme Court of India in 2005. The IM(DT) Act was considered as a safeguard to the recently immigrant communities from neighbouring countries to Assam, as it made the process of identification of illegal foreigners in Assam very complex, by putting the onus of proof on the prosecution. And after repeal of the IM(DT) Act, the Assam unit of Jamiat-ul-ulema-e-Hind (Jamiat) formed AUDF by bringing together more than 10 Muslim political and non-political organizations of the state. In 2006 and 2011 Assam Assembly elections the AIUDF showed continuous success and won from 10 and 17 constituencies respectively.

Two things made the Assamese people very concerned about the AIUDF vis-à-vis neo-Assamese Muslims. First, both neo-Assamese Muslims from Brahmaputra valley and Bengali Muslims from Barak valley came together and rallied behind the AIUDF. In case of UMF, Bengali Muslims did not align with neo-Assamese Muslims. But in 2006 election, AUDF won from neo-Assamese Muslim dominated constituencies like Dhubri, West Bilasipara, Dhing,



Jamunamukh, South Salmora etc., and won from Bengali Muslim dominated constituencies like Hailakandi, Badarpur, Katigora etc. This proved that the AUDF became a platform of both neo-Assamese and Bengali Muslims in Assam. The leader of AIUDF, Maulana Badruddin Ajmal, was a neo-Assamese from Brahmaputra valley and emerged as a popular leader among the Bengali Muslims from Barak valley also. After 2011 Assembly election, AIUDF emerged as the main opposition party in Assam Legislative Assembly by winning 17 seats.

The second concern was increasing role of Jamiat in electoral politics of Assam. Jamiat has been playing a political role in Assam since independence. Till Assam movement, Jamiat worked as an agent of Congress in Assam to gather Muslim vote for the party in elections. During Assam movement, it increased its influence among the neo-Assamese Muslims by actively opposing the movement. After the movement, it joined CRPC to form UMF. Because of such activist role during and after the Assam movement in favour of entire immigrant section of Muslims from both the valley, relevance of Jamiat increased substantially among both neo-Assamese and Bengali Muslims in post Assam movement period. With its growing influence, Jamiat started to openly lend its support to political parties and formations during elections after UMF disintegrated into several groups after 1985 election. It supported Congress in 1991 and 2001 Assembly elections and supported AGP led alliance in 1996 election (Omar, 2005 : 12). A large section of immigrant Muslims from both the vallies followed the dictates of Jamiat in elections. Against this backdrop, when Jamiat, a religious organization, came forward to play a purely political role to unite all sections of Muslims under AIUDF, Assamese people became aware of on one hand, strengthening of Muslim communal politics in Assam like pre partition days under Muslim League, and on the other of becoming politically marginalized at the hands of united Muslims. The result of 2011 Assembly election, when AIUDF emerged as the second largest party in Assam Legislative Assembly, became a reference point of Muslim political aggression for the Assamese people.

While on one hand, AIUDF was growing in politics of Assam, on the other reports of fast population growth among Muslims were coming. Muslim population has been continuously growing in Assam since independence. In 50 years during 1961-2011, Muslim population in Assam grew by 9.52 per cent. In 1991, total four districts of Assam were Muslim dominated. Muslim dominated districts grew to six in 2001 census and to nine in 2011 census. In a single decade 2001-2011, Muslim population in Assam grew by 3.3 per cent. After 2011 census, Muslims constituted more than one third of total population of the state (34.22 per cent). Out of five districts which became Muslim dominated after 1991, four (Nagaon, Morigaon, Bongaigaon and Darrang) were from Brahmaputra valley where predominantly neo-Assamese live. Only one district, Karimganj, became Muslim dominated in 2001 from Barak valley. This has brought about unprecedented fear among the Assamese people that neo-Assamese, in alliance

with Bengali Muslims, would take away the political power from them with fast growing population. There were reports that election after election, more constituencies were becoming Muslim dominated because of high growth of population among entire immigrant Muslim population in Assam (Nath 2015 : 153). It is worth mentioning here that during 2016 Assam Assembly election campaign BJP campaigned that Muslims dominate at least 35 constituencies in Assam. In the mean time, with the growth of AIUDF, Assamese people also faced the fear of losing majority status of Assamese language. A neo Assamese Congress leader Abdul Khalek, during 2011 census enumerations, argued for recognising 'Miyan' as the mother tongue by neo-Assamese Muslims in census (Nath 2015 : 282). How this issue of Miyan language affected Assamese language in 2011 census could not be known yet as the language statistics for Assam has not been published till date. All these have brought about unprecedented distrust between the Assamese and neo-Assamese in Brahmaputra valley. And the growing fear among the Assamese people towards the neo-Assamese people was smartly exploited by BJP in recent years after the party came to power at the centre in 2014.

## **9. Neo-Assamese : From 'Threat' to 'Enemy'**

The existence and success of AIUDF during 2005-2011 greatly helped BJP to grow in Assam. The party tried to unite all in Assam against the immigrant section of Muslims. During 2016 Assam Assembly election, BJP promised implementation of clause 6 of Assam Accord, safeguarding of land, settlement and nationality of indigenous Assamese, forming of an indigenous government; and argued for reservation of right to contest election in Assam only for the people of Indian origin. All these went against entire immigrant community in Assam. Then it tried to segregate the immigrant Hindu Bengali community and promised to give citizenship to them who crossed over to Assam from Bangladesh after 1971. In the process, BJP tried to single out entire immigrant Muslim community as the enemy for the Assamese people.

BJP has tried to establish its theory of Muslim enemy after it came to power in Assam in 2016. The central government pushed the Citizenship Amendment Bill 2016 which seeks to allow illegal migrants from certain minority communities in Afghanistan, Bangladesh and Pakistan eligible for Indian citizenship. This proposed bill has been strongly opposed by ethnic Assamese organizations. Arguing for this proposed amendment, BJP's strategist and minister in Assam Dr. Himanta Biswa Sarmah asked the people of Assam to choose their enemy - 'the 1-1.5 lakh people or the 55 lakh people?' While the minister did not elaborate these figures, he seemed to be referring to Hindu and Muslim migrants in Assam. He surely referred to Muslim immigrants by 55 lakh as he added that if Assamese community continued to remain this way, six more districts would go out in the 2021 census and more would go out in 2031 (Kashyap, 2016). As has already been mentioned, more and more districts became Muslim dominated in Assam in

consecutive censuses from 1991 to 2011. The ethnic Assamese organizations has not subscribed this enemy theory of BJP led Assam government. However, this discourse of BJP is gaining ground in politics and society of Assam as entire immigrant Muslim community has already emerged as a threat to political existence of the indigenous Assamese people for their fast increasing population. The strategy of BJP to label the entire immigrant Muslim community is a political game as, by alienating them, the party wants to keep alive the Muslim based party like AIUDF among them. The existence and success of Muslim based party like AIUDF can only help BJP in Assam to return to power in future, where both social fabric and demographic equations are not favourable for BJP.

The Assam BJP is mostly consists of former Congress, AGP leaders and ex-AASU leaders from Assamese community who used to identify neo-Assamese as an integral component of Assamese nationality before they joined BJP. Now they have led the process to 'othering' neo-Assamese from Assamese nationality. This has made the situation very complex for the neo-Assamese Muslims. They are now in a crisis of whom to believe and rely on.

## **10. Conclusion**

The neo-Assamese Muslims, in present situation, are in a trap created by political parties and consecutive governments led by Assamese people. Just after the independence, these Muslims from Brahmaputra valley became Assamese by accepting Assamese language and culture. This has marginalized the security concerns of these Muslims no doubt, but this has also helped the Assamese language to achieve majority status in the state. The mainstream Assamese acknowledged the greatness of these Muslims for becoming Muslims. But, the consecutive governments in the state led by mainstream Assamese has never tried to address the perennial problem of underdevelopment among this section of Muslims. Opposite to it, every political party has always tried to use the community only as a vote bank during elections in the name of security. As a result, the community remained poor and illiterate. The Sachar Committee Report, 2006 and Assam Human Development Report, 2014 clearly show how this community has lagged behind in every aspect of social life. Because of widespread poverty and illiteracy, marriage at very early age and polygamy have remained very common among them. This has kept population growth very high among the community. And this high growth rate among the community has always remained a controversy in Assam since the days of Assam movement. However, no government in the state in post Assam movement period has initiated any special programme to contain this high growth rate among them. During this period, the high population growth among the community has been ignored, which has created an impression among the indigenous Assamese that this high growth among neo-Assamese Muslims is due to continuous large scale Muslim immigration from Bangladesh. It should be noted that continuous immigration of

Bangladeshis, both Hindus and Muslims, to Assam is a reality. But it must also be acknowledged that very high growth rate among the neo-Assamese Muslims is also responsible for the fast growth of Muslims in Assam. Only in 2017, the BJP led Assam government has adopted the Population and Women Empowerment Policy which mainly targets 11 particular districts in the state that have recorded a sharp increase in population (Dutta 2017, 20).

If the high growth among the neo-Assamese Muslims was addressed just after the Assam movement, the present situation would not have emerged. The present situation has pushed the neo-Assamese Muslims in a peculiar situation. They are living under an all powerful BJP regime which has constantly tried to prove them 'enemy' of indigenous Assamese people. On the other hand, the fast growth rate among the community, its increasing influence on electoral equations of the state because of this growing population strength and success of political party like AIUDF which claims to represent Muslim interests, have made the community a cause of fear for the indigenous communities. The whole situation is creating a background for more divisive politics, communal polarization and ethnic clashes.

This is really alarming for Assamese nationality. Neo-Assamese has remained an integral component of Assamese nationality formation. Every aspect of Assam's social life has been enriched by their contribution. In that situation, the communal politics of 'othering' the community from Assamese nationality must not be encouraged at any cost. A community cannot be considered as an 'enemy' for its high population growth. The high growth rate among a community can be contained and stabilized through proper family planning measures. Assamese mainstream now should demand for proactive policy from the government to address the high growth of population among the neo Assamese community, rather than to push them away from the Assamese nationality. Then only, Assamese nationality too will survive. The politics of creating an Assamese identity on the basis of Hindu religion will destroy the very structure of Assamese society and nationality.

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# Nuclear Commerce : An Instrument of Destruction and Profit

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*All over the world, it is largely believed and accepted by most of scientists that nuclear energy is a cheap source of energy for generating electricity. Also, it is widely held that nuclear energy is pollution free, therefore, it must be spread because it helps in mitigating the global climate change threat. Apart from the civilian purposes, nuclear energy is also used for manufacturing nuclear warheads for security purposes or avoiding major wars between the rival states. This study tries to explain the dilemma in Indian context that despite nuclear energy is an element of pollution and a threat to biodiversity, the government is planning to construct more breeder reactors in India. In addition, this study highlights that nuclear energy is expensive than other sources of energy. The nuclear industries are selling nuclear equipment to states which are even outside of the Nuclear Non-Proliferation Treaty (NPT). This study argues that the nuclear commerce is a new form of capital accumulation in the name of development which might result into the destruction of the globe.*

[**Keywords** : Nuclear commerce, Radiation, Pollution, Profit, India]

## 1. Introduction

Several studies have explained the causes of nuclear proliferation across the globe. Also, scholars used nuclear weapons both as the dependent variable as well as an independent variable while explaining why states acquired nuclear

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warheads. The nuclear proliferation is an issue for pessimists and peace activists while it is sound for deterrence optimists. It is also held that there is a link between nuclear proliferation and nuclear cooperation because states like India and Pakistan have crossed the nuclear Rubicon after receiving a nuclear help from many states in the name of peaceful purposes. Also, an elite scholar's empirical study on the success of nuclear deterrence like Kenneth Waltz's deterrence theory can further proliferate nuclear weapons. Thus, a state might acquire these weapons with its indigenous effort or with nuclear cooperation after its security has been threatened. Recently, Hassan Abbas's book, *Pakistan's Nuclear Bomb* displays more insight on how a nuclear scientist can play a leading role in nuclear proliferation. Interestingly, thousands of scientists are working in nuclear laboratories at various places. Abbas argues that it is more likely that the state also have a fundamental role in nuclear proliferation by providing enough freedom to nuclear scientists to do whatever they like. For Instance, Abdul Qadir Khan was sole in charge of Khan Research Laboratory in Pakistan. Moreover, the state might often allow its scientists to help other states directly to acquire a nuclear bomb if the recipient is a close friend whose interests are identical. In past, nuclear collaboration of several states like US-UK, France-Israel, Israel-South Africa, USSR-China happened because of identical interests.

This study is my effort to explain why states ignore the serious drawbacks of nuclear power, particularly in India. Also, it is necessary to change the way of thinking that nuclear power both in terms of military and civilian are beneficial.

## **2. Research Design**

This study is a combination of several studies on nuclear proliferation. I tried to examine why states engaged in nuclear commerce and what are the factors responsible for it. I explored some serious problems in nuclear commerce with the help of surveys conducted by environmentalists and other researchers in this regard. As far as India is concerned, the issue of nuclear radiation is a source of alarm, I used documentaries, reports and surveys conducted by NGOs on the areas where nuclear plants are operated in India. Also, the studies by many nuclear physicists are helpful in this regard.

## **3. Nuclear Commerce**

Nuclear commerce rests on many natural elements but are hazardous in case not properly handled. For instance, uranium is a radioactive element which occurs naturally in varying, but small amounts in soil, rocks, water, plants, animals and all human beings. The U-238, U-235, and U-234 are three naturally occurring isotopes of uranium and are radioactive in nature. The radiation released by these elements is called ionizing radiation and the four major ionizing particles are beta particles, alpha particles, gamma rays, and neutrons. The ionizing radiation effectively

causes damage to the body because it delivers its energy in a concentrated manner, thereby forming chemical bonds. The DNA damage in the cell nucleus is of particular concern. Apart from uranium and thorium, plutonium is also used in nuclear reactors which is highly radioactive substance and even more dangerous. The ingestion and inhalation are the two main ways of biological harm by plutonium contamination (Ramana, 2012 : 141)

Apart from drawbacks of nuclear power, it is a common perception that nuclear states design their policies for security and development by carrying out experiments and rigorous research on nuclear arms build-up for nuclear deterrence or regional hegemony. However, the development of nuclear weapons has failed to provide a comprehensive security to these nuclear states which they strive for. The atomic disaster of Japan by the United States in 1945 made the scientists and researchers aware of the massive energy these weapons hold, which in turn prompted the states to start working on the manufacturing and development of nuclear warheads for military as well as for civilian purposes. Since then, numerous experts have argued that nuclear commerce will be used for profit-making by using peace policy as its medium. As per India is concerned, secrecy is not confined to weapons development but is extended also to research for peaceful purposes (Ramana, 2012 : 9). Thus, it gives us clue that nuclear power might be used for weapons development in the name of peaceful purposes.

Stephen Rosow (1989 : 567) argues that apart from being weapons of war and products of modernist culture, nuclear weapons are also products of corporate capitalism. He argues that nuclear weapons “are complex industrial creations, weapons systems, and, in the West, they are commodities which must be exchanged in the market in order to realize profit for private capitalists” (Rosow 1989 : 567). Similarly, Martin Spence (1982) argues that nuclear power is largely chosen and promoted by multinationals, specifically a capitalist technology, which should be entirely rejected. Howard Clark (1982 : 1) also posits that selling nuclear warheads and atomic expertise is a big business, a huge waste of human resources, and it brings us close to war. In addition, Michael Walzer claims that nuclear weapons have never been selected democratically in the modern state. In the nutshell, nuclear industry is a profit-making enterprise started after the nuclear disaster of Japan.

#### **4. Nuclear Weapons Proliferation**

The United States (US) was the first state to detonate nuclear devices in July 1945 under the Manhattan Project (two-billion-dollar project) that eventually culminated into the bombing of Hiroshima and Nagasaki in August 1945 and the massacre of thousands of innocent inhabitants for no genuine reasons. As a result of these bombings, the arch-rival and potential hegemony of the US, the former Union of Soviet Socialist Republics (USSR) detonated its own nuclear device in 1949 challenging the US nuclear monopoly.



Subsequently, the United Kingdom (UK) and France joined the nuclear club in 1952 and 1960 respectively for exerting regional hegemony and to save themselves from the mighty USSR which had an edge over the UK and France during the Cold War. Scott Sagan (1996-97 : 79) however, argued that France went nuclear for norms (prestige/symbolic) factor. The rivalry between China and US and a nuclear threat from the US forced China to conduct a nuclear test in 1964 citing security reasons. Apart from that, Soviet Union's conventional and nuclear superiority was another reason for China to carry out the nuclear explosion.

In the Middle East, Israel has neither accepted nor denied its nuclear weapons acquisition. It has been reported by several academic pundits that Israel became a nuclear state during 1970s citing security reasons to save its state from the Arab states. Similarly, South Africa conducted its nuclear test citing security reasons, a 'cold test' in 1977 and went on to test six nuclear devices before halting its nuclear programme in 1991 (Narang, 2014 : 210).

In South Asia, India conducted its first nuclear test in 1974 and carried out five nuclear tests in May 1998 for varied reasons: power, prestige, status, domestic politics, and security. Pakistan responded immediately with six nuclear tests in May 1998 claiming security reasons. North Korea after breaking away from the Nuclear Non-proliferation Treaty (NPT) conducted its nuclear test in 2006. States like Belarus, Kazakhstan, and Ukraine are suspected of inheriting nuclear warheads from the former USSR (Sagan, 1994 : 69). Similarly, the states like South Korea, Taiwan and Egypt have allegedly tried to acquire nuclear weapons, but there is no evidence to prove this assertion.

Argentina and Brazil were the victims of the maddening nuclear arms race during the 1970s and early 1980s but resolved their crisis through 'trust building perspectives' which eased the tensions and averted the regional nuclear arms race between the two states (Wheeler, 2011 : 260-263).

Iran also has been brought under the suspicion of possessing nuclear warheads. It is surprising that Iran has missiles that can be used for nuclear payload delivery, but there is no solid evidence to prove that Iran possesses any nuclear warheads. Similarly, Iraq was charged and attacked by the US for possessing "Weapons of Mass Destruction" (WMD's), or Saddam Hussain's illegal nuclear commerce with Niger, however, the allegations were proved completely false by the investigations carried out into the matter after the US-Iraq war of 2003.

For halting nuclear proliferation, different types of treaties were implemented, however, without a fruitful result. It is believed that both the US and USSR did not dismantle many of their nuclear warheads for humanitarian purpose, but from the pressure exerted by the general public. The anti-nuclear initiatives also failed to stop the proliferation of nuclear weapons because of the

collaboration the proliferation process received from the so called “declared nuclear states”.

Despite knowing the fact that atomic bombs can be highly lethal, the nuclear speakers turned a blind eye towards it and acknowledged nuclear warheads as a tool of deterrence and security. The deadly episode of mass killings in Japan by atomic bombing has been undermined by the supporters of nuclear deterrence theory for security and individual hegemony. The fact being that the deterrence theory itself rests upon rational decision making, however, it is difficult to figure-out who is rational and who is not in the maddening and power-lusty race for nuclear arms. The bombardment of Japan was not an accident but a deliberate strategy to traumatize Japan in particular and the world in general. The fatal event triggered widespread protests against the use of nuclear weapons across the globe, however, due to ideological and territorial disputes, the states channelized their resources into wrong directions to manufacture these deadly weapons for their respective security, prestige, and hegemony.

## **5. Advocates of the Bomb**

At the academic level, nuclear weapons or deterrence theory has always been supported by realists as well as by neo-realists. The defensive realist like Kenneth Waltz (1981) advocates nuclear weapons for deterrence and maintaining status quo, whereas offensive realist like John Mearsheimer (2014) justifies the possession of nuclear warheads for asserting superiority and for eliminating enemies. The deterrence theorist, Harman Kahan (1984) supports nuclear war with the help of shelters, evacuations, and missile defence systems in case deterrence fails. This might be because the effects of nuclear weapons on deterring conflicts remain fundamentally unclear, particularly in the context of India-Pakistan and Arab-Israel conflicts.

Along with the academicians, others such as politicians, nationalists, preachers, journalists, although small in number have significantly advocated the deterrence theory. Recently, Vipin Narang’s (2014) Posture Optimization Theory has challenged the second-strike capability while analyzing the nuclear postures of respective nuclear powers. Narang (2014 : 225) is of the view that “asymmetric escalation posture (first-use policy of nuclear weapons) is the only suitable posture to exert a powerful deterrent on the initiation and escalation of armed conflict; it does so against both nuclear and non-nuclear opponents.”

Kennett Benedict, a senior advisor to Bulletin of the Atomic Scientists is of the view that the three communities which got benefitted from supporting nuclear warheads are ‘weapons scientists and engineers, private military contractors, and government nuclear weapon bureaucrats’ (Raja, 2017). It is largely held that nuclear scientist’s average salary is 114, 728 dollars per annum in the US. When we talk about the US, the salaries differ with respect to location. For instance, it is reported that in Los Angeles and California, a scientist earns approximately 132,

519 dollars per annum compared to scientists working in other parts of the US. In India, a nuclear physicist earns an amount ranging between twenty-five lakhs to forty lakhs rupees (38479.36 to 61566.97 dollars) per annum. This is the main reason that Indian nuclear physicists migrate to the West for a better salary, as is admitted by an Indian official working at Department of Atomic Energy. It is being revealed by the experts like Kanti Bajpai (2009), Itty Abraham (2009), Scott Sagan (2009), and Vipin Narang (2009) that Indian scientists who were behind India's nuclear tests, did not want to lose their jobs after the implementation of the NPT.

Using historical approach, we come to know how states developed nuclear arsenals and deployed nuclear weapons several times to annihilate each other. The Cuban Missile Crisis of 1962 is often depicted as the quintessential episode. Also, the Yom Kippur war of 1973 is often regarded as a dangerous event when both the US and USSR were close to strike each other in the Middle East as the US moved its DEFCON III, a de facto nuclear alert to save Israel after Brezhnev threatened unilateral action to prevent the Israeli encirclement of the Egyptian Third Army (Narang 2014 : 223). In addition, the Kargil war of 1999 between India and Pakistan where chances of a nuclear exchange were very high and is a set back to the deterrence theory. India and Pakistan had outrageously exchanged nuclear threats on several occasions like Brasstacks crisis, Kashmir uprisings of 1989, Kargil war, and Operation Parakram. The 2017 nuclear report states that there are nearly 15000 nuclear warheads located at some 107 sites across 14 countries with over 1800 nuclear weapons on high alert and ready for launch on a click (Kristensen and Norris, 2017 : 289).

According to an estimate there are around 150 territorial disputes across the globe and it is believed that among all these disputes, the unresolved dispute over Kashmir is the most dangerous that might culminate into a nuclear winter between India and Pakistan. Indian nuclear capability failed to deter Pakistan and led to the Kargil war of 1999. The jihadi groups in Pakistan and their leaders such as Hafiz Saeed argued to attack India with nuclear weapons and demanded nuclear jihad against India over Kashmir (Hoodbhoy, 2013 : 123). Similarly, several India-Pakistani army officials favored of using atomic weapons against each other during the Kargil war and other crisis situations.

The US-North Korean nuclear crisis is a hint that world might kiss a mushroom cloud once again. North Korea is struggling to recognize itself as a nuclear power and on the other side, the US is pressurizing it to give up its nuclear programme. This hypocritical situation with one state trying to exert its right to protect itself with nuclear weapons and calling the other states as rogue and irresponsible is being played by the US to fulfil its strategic interests.

There is no doubt that nuclear states possess warheads for deterrence, power, status, prestige, military, and sometimes used as a political weapon. Some of the states also use their nuclear reserves to harness energy for civilian purposes such as generating electricity and there are more than 50 such states across the world

which use nuclear reactors for peaceful purposes. However, there are numerous reports which challenge the notion of peaceful utilization of nuclear energy on the basis of it being a hidden ploy to continue nuclear weapons development and as an instrument to make huge amounts of money through their nuclear industries by supplying nuclear equipment to the recipient states.

## **6. Peaceful Utilization of Nuclear Energy**

The Atoms for Peace Programme (1953) was a poor idea put forward by Eisenhower which led to chaos and instability. Similarly, the first UN sponsored conference (1955) and Plowshares Project on the Peaceful uses of nuclear energy also helped the nuclear industries to supply nuclear equipment to various states for civilian purposes. However, there is hardly any difference between the reactors used for generating electricity and those used in manufacturing nuclear warheads. It is interesting to note that most of the nuclear states have passed a finance bill in the name of peaceful utilization of nuclear energy, but secretly utilize it for weapons development programmes. After the nuclear disaster of Japan, the 1946 survey on Americans miserably conformed that “atomic energy means the bomb”.

Astonishingly, David Nye linked the US space programme with its nuclear programme (Abraham, 2009 : 114). It is largely held that for the civilian purposes, nuclear explosions have nothing to do with it, for instance, generating electricity or improving the quality of nuclear medical devices. Matthew Fuhrmann’s (2009 : 185) study finds that 13% of the states have acquired nuclear weapons after receiving nuclear assistance for civilian purposes.

The states at present have adopted the policy of peaceful utilization of nuclear energy to meet their requirements. The United States at first started its nuclear programme for the generation of electricity as it is believed that other sources like water and coal from which electricity is generated is expensive than nuclear. Lee Clarke (1985) analyzed the civilian nuclear programme of the US and affirms that there is little evidence that electricity generation from nuclear plants would be cheap. He further adds that coal, gas, water, oil are economically bountiful sources than electricity generated from nuclear reactors (Clarke, 1985 : 476). Clarke (1985 : 476) explicitly states that it is simply a profit-making organization to invest in nuclear technology or what Clarke terms as Nucleonics. Simultaneously, Daniel Ford’s (1982 : 132) study has also revealed that the 1961 Atomic Energy Commission’s (AEC) report estimates that cost of the electricity from a nuclear reactor to be 30 to 60 percent costlier than electricity generated from conventional power sources in the US.

Clarke’s (1985 : 477) study exposes the facts that US continued its nuclear weapons programme under the veil of being ‘civilian’ which costed about 2.2 billion dollars investment in the Manhattan Project during the Second World War. Also, the power reactors in the US were designed for breeding process and not for

electricity generation or any other civilian purpose (Clarke, 1985 : 477). Subsequently, the private ownership of nuclear facilities started with the US. It would be right to say that the nuclear business started between the US Government agencies and corporations after the Price-Anderson Indemnity Act of 1957 to provide insurance in the event of a nuclear accident to the private companies from the federal government. The private ownership of nuclear assets with the development of capital intensive technology was a great blow to labour force. The US government functioned as a shield for specific profit-making corporations or entire industries as has been rightly argued by Clarke (1985). Also, the Clamshell Alliance highlighted the abuse of nuclear energy that the nuclear industry is focusing on profit.

Gabrielle Hecht's (2007 : 100-108) study reveals that NPT has helped nuclear industries to sell nuclear systems to non-nuclear states both directly and indirectly to earn a huge profit. Mathew Fuhrmann (2009 : 195) also argues that apart from strategic efficiency, "Economics, particularly a drive for maximum profit, could drive the nuclear marketplace". Interestingly, since 1950, states have signed more than two thousand bilateral nuclear cooperation treaties promising to assist in the development of civilian nuclear programmes.

During the oil crisis in 1973/74, the UK did not stop its nuclear reactor developments despite that major oil and gas reserves had been detected in the North Sea (Rudig, 1983 :125). It was because the UK did not want to fall behind in nuclear business as other states like the US, Germany, Canada, and France were busy in building nuclear reactors for capital accumulation. Moreover, the profit was also gained by investigators (scientists) through non-proliferation means to provide jobs to Russian weapon experts after the collapse of the former Soviet Union. The science centers like Initiative for Proliferation Prevention (IPP) and Nuclear Cities Initiatives (NCI) was created in the US for said purpose. Sharon Wiener's (2009-10) study has displayed that the US Labs along with IPP and NCI gained much profit than to provide jobs to Russian weapon experts for which funds were allotted.

There is very less or meager information available to public about India's nuclear programme or industry as it is censored with the help of the Atomic Energy Act of 1962 and the Official Secrets Act of 1946. India possesses about 100-110 nuclear warheads and has been confirmed by experts that India is qualitatively and quantitatively increasing its nuclear arsenal for deterrence to counter China and Pakistan. However, due to the shortage of fuel for its reactors, India has collaborated with several states, particularly with the US in this venture. Subsequently, India got the Nuclear Supplier Group (NSG) waiver in 2008, which has been criticized and challenged by several states as it falls outside of the NPT.

Experts claim that India can easily produce more nuclear warheads as it has not put all of its nuclear reactors under international protocols. Similarly, under the

basis of peaceful utilization of nuclear resources, nuclear industries in the US like Westinghouse, GE Hitachi Nuclear Energy and the nuclear industries of other states like Canada, the UK (Sheffield Forgemasters), France (Company Areva), Russia (Atomstroyexport Company, a subsidiary of Rosatom) and Kazakhstan (Kazatomprom) sell nuclear equipment to states like India which is not even a member to the NPT. In return, India offers countless amount of money to its suppliers. As per the 2015 reports, the six French nuclear reactors (each with the capacity 1650 MW) will be installed at Jaitapur, Maharashtra, which will involve the capital cost of \$ 11.5 billion (Sawant 2017). This makes it very clear that the private nuclear industries are assisting states to accelerate and develop their nuclear programmes by supplying nuclear equipment for capital accumulation. Also, the Massachusetts Institute of Technology (MIT) states that “Today, nuclear power is not an economically competitive choice” (Raman 2012 : 154). Ramana argues that the lack of competitiveness arises primarily from its capital-intensive nature.

As per India’s civilian nuclear programme is concerned, the experts compare the India’s Thermal Power Station at Raichur with Kaiga Atomic Power Station to measure the electricity generation. The reports from the study displays that nuclear power from the Pressurized High-Water Reactors (PHWRs) is more costly than thermal power (Ramana, 2012 : 154). The DAE had made promises to the public in 1958 that nuclear power would be economical in capital investment and will produce cheap electricity than coal within ten years. However, it failed to fulfill the promises. Also, the nuclear power in total is five percent costly than both coal and oil based thermal power plants in India (Ramana, 2012 : 159). In addition, Deb Kumar Bose (1981: 1314) argues that nuclear plants were 17 to 20 percent costlier than coal power, depending on the efficiency of the plant during the early 1980s. Another study by Amulya Reddy in 1986 with the help of DEFENDUS approach in Karnataka state revealed a same finding after he and his team performed a comparative costing of 15 technologies of electricity saving, decentralization generation, and conventional centralized generation of electricity. The findings were that nuclear power was the costliest of all these technologies (Ready et al. 1990). Homi Bhabha’s dream to change India into a nuclear power was challenged by many experts. For instance, Paul Narcyz states that India is deficient in electricity and Bhabha is hungry to lead the process with the help of nuclear power and will pay a high price for a meal. Narcyz argues that Bhabha will fail to proceed to buy a restaurant (Rosenstein-Rodan, 1959 : 11).

Itty Abraham (2009) argues that there were several flaws in the NPT architecture as the treaty allowed the belligerent states to continue their civilian nuclear projects or to easily receive nuclear technology from other nuclear states to be used for civilian or peaceful purposes. Abraham (2009 : 108) further states that the peaceful utilization of nuclear energy provided a “boost to the commercial

interests of a growing civilian nuclear power industry seeking international markets''.

India's nuclear industry has a long history of accidents, leakages, corrosion problems, delays, shutdowns, worker agitations, and strikes. A large number of studies carried out on India's nuclear plants have highlighted the issues of nuclear radiation as the people living within the vicinity of nuclear plants in Jaduguda and Rawatbhata have been diagnosed by the peace activists like Mr. and Miss. Gadekar (2013) with positive results. The people have remained victims of nuclear radiation since the nuclear plants were established there and they suffer from tumours, congenital deformities, severe typhoid, lung cancer, still births, miscarriages, and death among newborn babies.

## **7. Nuclear Pollution**

The various studies on nuclear energy has highlighted the three ways of nuclear pollution : the fuel extraction phase (typically the uranium mining), the operational phase (the running and production of electricity), and finally the storing as well as the deposing of waste products (Goh, 2015). It is easily understood that due to the poor management schemes during nuclear mining and waste disposal, chemicals and waste are released into the environment that eventually have resulted into the bad impacts on ecosystem and human health. Interestingly, India did not share the information about the nuclear wastage that has a radioactive impact for tens of thousands of years (Ramana, 2009 : 56). The other source of concern is India's poor record of nuclear programme. It is largely accepted by the physicists that during the time of nuclear disaster, radioactive elements enter easily into the water bodies and contaminate the food sources that often resulted into the cancerous developments and subsequently leads to death (Goh, 2015).

The most shocking aspect of India's nuclear industry is that some of its nuclear plants are located in seismic zones which is in total violation of international safety provisions such as Kakrapar Nuclear Power Plant and Narora Atomic Power Station being located in seismic zone IV. Also, the Jaitapur nuclear plant is prone to earthquake and is in a seismic zone IV area (Times of India, 2010). Earthquakes in the past have given us a warning to revise the nuclear policies, however, the nuclear policy makers have turned a blind eye to it and intentionally ignored such risks by making absurd statements that the plants are completely safe. Several experts are of the opinion that India violates more or less the international protocols related to the production of nuclear energy. The DAE even violates the international safety provisions to maintain the exclusion zone of radius 1.6 km around the nuclear facilities (Ramana, 2009 : 59). The DAE has not implemented the rules it has itself established (Ramana, 2009 : 58). Some of the nuclear plants are located within high density population areas such as the Advanced Heavy Water Reactor located within the Vishakhapatnam Campus of

the Bhabha Atomic Research Centre (BARC) has a population of 1.7 million as per the 2011 census.

Unexpectedly, India has not even signed the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. The reasons being that India maintains that the spent fuel is not a waste, but a valuable source of energy. However, during a personal conversation between the author and Ramana (2017) regarding the issue of reprocessing, it was found that Ramana completely disagrees with the official statement as he believes that reprocessing does not solve the waste problem. According to him the reprocessing aggravates the problem as the waste produced during the process is more hazardous than the spent fuel.

Along with the subject of poor safety provisions, the issue of nuclear radiation is also visible in India. The people living in the vicinity of nuclear plants have been the victims of radiation. For instance, a survey was conducted by Gadekar and Gadekar (2013 : 127-153) on 1023 households in Rawatbhata in September 1991. The report shows that people living in the vicinity of the nuclear plants are more prone to health problems than the people living in distant places. The report mentions the chronic problems higher in the areas near the nuclear plant. The thirty cases of solid tumors were also reported in the villages near the nuclear plant. In addition, the women were victim of the football size tumor on the chest and several tennis ball size tumors were reported in the near proximate area and five tumor cases in the control villages.

The health problems like still births, miscarriages, death amongst newborn babies, and congenital deformities amongst the living and those who had died were also reported during a survey by Gadekar's. The survey in all the households of Jaduguda was also conducted in the three selected villages in September 2000 by the same authors. They argued that sixty-three people living in the vicinity of the uranium mining (nearby villages) were suffering from deformities and 13 people in the controls (Gadekar and Gadekar, 2013 : 128).

The award-winning documentary film *Buddha Weeps in Jaduguda* highlighted the saga of people living near the Jaduguda uranium mine. The film shows the drastic impacts of nuclear radiation in people living in the vicinity of uranium mine (Shriprakash, 2017). The film also displays the leaking cakes of uranium yellowcake and tailing being dumped into the Subarnarekha River. Another study by Adrian Levy (2015) understands "that the nuclear industry has exposed tens of thousands of workers and villagers to dangerous levels of radiation, heavy metals or other carcinogens, including arsenic, from polluted rivers and underground water supplies that have percolated through the food chain - from fish swimming in the Subarnarekha River to vegetables washed in its tainted water". However, nuclear authorities clearly had denied such allegations



and maintained that ill health in the area is caused by endemic poverty and the unsanitary conditions of its tribal people (Levy, 2015). The question arises, if India has failed to provide the safety procedures around mines in Jaduguda, what standards are being maintained in India's nuclear facilities which are invisible to the public?

The various studies reported that the nuclear waste is disposed-off through pipes into the tailing ponds. Interestingly, the main radioactive components of mill tailings that is thorium-230 and radium-226 have long half-lives of about 75,000 years and 16000 years respectively. The other toxic elements like chlorides, sulphates, and heavy metals are also contained by the nuclear waste. Surprisingly, in some nuclear states, the mill tailing has been used to construct homes and public buildings. For instance, Ramana (2012 : 231) has done an extensive study of India's nuclear programme and on the basis of his findings argues that the middle school in Jaduguda (Jharkhand) and the road from Jaduguda to neighboring Sundar Nagar are constructed with the help of mill tailings. The tailing ponds are even open where people and animals perform their routine activities (Ramana 2012 : 230). However, such reports were denied by the DAE. In addition, Uranium Corporation of India Limited (UCIL) even responded that uranium is systematically packed in drums and properly sealed in the presence of scientists (Ramana, 2012 : 234).

Interestingly, the notion that nuclear energy is helping to reduce the emissions has been challenged by many experts. For instance, Japanese nuclear chemist Jinzaburo Takagi understands that the carbon dioxide levels increased in Japan between 1965 and 1990 was also the period of nuclear development in Japan when its nuclear capacity rose from zero to 40,000 MW. During this period the carbon dioxide emissions went up from about 400 million tonnes to about 1200 million tonnes. For Takagi, nuclear power did not help to reduce the carbon dioxide levels being emitted into the atmosphere (Ramana, 2012 : 262).

The several studies on nuclear plants in India also understands that the many unwanted substances have been released by the atomic power plants that are hazardous to biodiversity. For instance, the study conducted on five nuclear plants viz: Trombay, Tarapur, Rawatbhata, Kalpakkam, and Narora highlighted the annual average atmospheric dispersion factor (Daoo et al, 1993). Interestingly, it has been evaluated that dispersion factor is beyond the 1.6 km which is considered the safest zone for operation of nuclear plants. Also, the standard error of 35% was recorded while conducting the study on these nuclear plants.

The study conducted on Madras Atomic Power Station (MAPS) revealed that the gamma radiation dose is visible within the 1.6 km radius (Chandrasekharan et al 1992 : 18-19). In addition, the argon-41 gas is released into the atmosphere that can rise the gamma radiation exposure of the public in the immediate environment. It has been estimated that the gamma radiation dose due to argon-41

has increased at 1.6 km distance from the stack since 1984. The annual release of Argon-41 does increases from 19.099 (bq) in 1984 to 179.805 (bq) in 1990 (Chandrasekharan et al, 1992 : 18-19).

Tritium is another unwanted substance that is released by atomic power plants. Tritium is a radioactive hydrogen. The current US Environmental Protection Agency standard for permissible levels of tritium in drinking water is 20,000 picocuries per liter. However, permissible does not mean safe. The nuclear power plants routinely and accidentally release tritium into the air and water as a gas (HT) or as water (HTO or 3HOH) (NIRS 2018). Surprisingly, no economically feasible technology exists to filter tritium from a nuclear power plant's gaseous and liquid emissions to the environment. As per India is concerned, the study was conducted by S. D. Soman and P. Abraham on CIRUS at Trombay near Mumbai and the high concentration of tritium has been observed. The dilution rate factor was beyond the 1.6 km distance from the stack (Soman and Abraham, 1967 : 1120). Interestingly, tritium has a half-life of 12.3 years.

## **8. Protests**

India's nuclear programme has been criticized on several grounds by people living in the villages. The tribals or Adivasis have staged a number of protests against the nuclear projects of India out of fear of nuclear radiation, displacement, and threat to their livelihood. The Kudankulam and Jaitapur nuclear power projects have met with massive protests from the villagers living within the vicinity of these nuclear plants. Apart from that, the proposed sites for the construction of these nuclear plants is claimed by the villagers to be very fertile for agricultural purposes. There is fear and anger among the fishermen community whose livelihood depends on sea. It has been reported that the proposed site for the nuclear power park in Kovada (Haryana) will affect around 20 villages. The Claus Offe's theory has already warned us about the new crises in terms of protests that will emerge due to construction of new industries with state intervention.

Itty Abraham (2009 : 122) rightly points out that India's nuclear programme has been initiated in relation to the development of the state, then giving up the nuclear programme becomes equivalent to giving up the project of sovereign Indian state. The findings of the study reveal that the DAE intentionally violates the international safety provisions which might have bad consequences for the people living in these areas. The study also finds that a very small fraction of India's population gets benefitted from the nuclear programmes such as engineers, scientists, and bureaucrats. The DAE has the overall control of India's nuclear policy and is not clear about the money spent on nuclear programmes. There is no autonomous agency that can make investigations into the matter.

## **9. Conclusion**

There is no solid evidence to consider the electricity being generated from nuclear reactors is economical. For instance, in India, the solar energy from the

beginning, the tariff per unit of solar power is Rs 2.62 per unit which is likely to go down to Rs 1.50 per unit within another five to seven years. However, the electricity generation from nuclear reactors in India costs the tariff per unit Rs 6.30 in Russian reactors and it is estimated that it will be Rs 9 per unit for the Westinghouse reactors of Japan and Rs 12 per unit for Areva reactors of France (Sawant, 2017). Thus, it is crucial that nuclear states must think for alternatives to nuclear energy, for instance, Ramana (2012) is talking about solar energy as an alternative to nuclear energy. He is of the view that if we install solar photovoltaic panels in equivalent to 1000 MW, the production regarding the kilowatt hours of electricity might be the same (Ramana, 2012 : 263).

Several studies on nuclear plants have provided enough details about the mishaps that could have turned into lethal accidents in several states. The nuclear states possess nuclear weapons for offensive purposes rather than for deterrence. It is clear that these weapons might be used in future due to an advantage of missile defence systems, evacuations, and shelters.

The nuclear industries earn a huge profit by supplying nuclear equipment to states in the name of peaceful utilization of nuclear energy but is strictly used for weapons development. Similarly, scientists and engineers involved in laboratories and institutions for defence purposes have received a bulk of government research funds.

The study finds that nuclear commerce supported by the NPT for civilian purposes have benefitted the nuclear industries to earn a huge profit which in turn helped several states like India to acquire nuclear weapons. The study also understands that nuclear weapons will spread more because of the nuclear cooperation between the states and the determination of nuclear scientists and engineers to earn a profit supported by the government funds for nuclear research.

The study also understands that breeder reactors are expensive, more hazardous and should be shut down at its earliest. The private nuclear companies supported by the respective state governments are closely involved in the development of these reactors to earn a maximum profit. The civil society should ask the nuclear authorities about the censorships and nuclear budget. The study on the nuclear plants in respective states should be conducted by amending the acts that restricted the people from seeking nuclear information from nuclear authorities.

We have already been warned by the studies of Robert Jongk, John Francis, Paul Abrect, and Gerard Siegwalt about the hazards of nuclear energy. We should also bear in mind the study of Amory Lovins that nuclear power will create a society that will be governed by an “elitist technocracy, and that threatens democratic values”. Similarly, Antonio Negri argues that when fixed social capital appears as nuclear capital then nuclear commerce no longer will be peaceful, legitimate, tolerable, and this nuclear capital must be demolished. Therefore, the anti-nuclear activists along with mine workers and trade unions should organize

debates worldwide for general awareness about the real face of nuclear development. Martin Spence (1982) and Wolfgang Rudig (1983) are of the same view. Julia Bickerstaffe and David Pearce (1980 : 320) argue that opposition to nuclear power is legitimate because of the issues of “proliferation, terrorist abuse, routine health damage, the social perception of “low probability-high damage”, accidents, civil liberties, and obligations to future generations”.

Undoubtedly, nuclear power is a new stage of capitalist development with tacit support of nuclear states but with numerous defects. The study concludes that in the context of nuclear development, there is nothing like “welfare capitalism”, it is simply a “disastrous capitalism” because of the numerous flaws in the nuclear business through peaceful and strategic ways between the states that might eventually culminate into the devastation of the entire globe.

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## **Forest Rights, Livelihood and Nature Conservation in Buxa Tiger Reserve, India : A Critical Appraisal**

*Debasree Chatterjee\**

*The colonial administration in India turned the forests into state property by proclaiming several legislations which continued in the post-independent India. The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is the sole legislation which seeks to redress this historic injustice meted out to the forest dwellers by not recognizing their right to access the forest resources. This study explores the dependence of the forest dwellers on the forest resources of the Buxa Tiger Reserve. The paper also aims at assessing the status of implementation of the Act in the Reserve that is imperative in securing the land rights of the local populace. The study is based on primary data generated through interviews using a semi-structured interview schedule, focus group discussions and opinions gathered from the interactions with the local people, local resource persons and forest officials. Secondary data was obtained from books, journals, periodicals and government reports. The implementation process of the Act is very slow which is putting the inhabitants of the core area in a precarious position. The dire need of the hour is creating awareness among the villagers about the law by the government, media and NGOs.*

**[Keywords :** Forest rights, Livelihood, Protected area, Relocation, Tiger reserve]

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**CONTEMPORARY SOCIAL SCIENCES, Vol. 27, No. 4 (October-December), 2018**

## **1. Introduction**

The notion of common-pool resources is significant in the research of management of resources that had gained prominence with the publication of 'The Tragedy of the Commons' by Hardin in 1968. This publication stimulated debate about common pool resources, property rights and resource degradation. It was pointed out that no individual bears the responsibility of environmental degradation when there is absence of property rights of natural resources. Proposals of control and management of natural resources by state or privatization of common resources were given emphasis in order to stave off the degradation and depletion of the commons (Price, 1990; Adhikary, 2001).

Forests are identified as common pool resources and forest products play a pivotal role in the lives of the indigenous communities living near the forests (Ahuja, 2014). In recent years, efforts were undertaken to conserve the natural resources and biodiversity but it became a contentious issue as the process curbed the rights of the forest dwellers who were dependent on the forests for eons for their livelihood. The Millennium Development Goals (MDGs), the Sustainable Development Goals (SDGs) and the Convention on Biological Diversity (CBD) particularly pointed out the need for preservation of biological diversity, sustainable use of its constituent components, equitable and transparent distribution of the benefits among the stakeholders (Sarangi, 2015). These concerns culminated in the development of Protected Areas (PAs) on a global scale with the twin objectives of conserving biodiversity and arresting degradation of the forests by constricting human interferences (Colchester, 1994; Briggs, 2009; Sarangi, 2015). The conservation policy that spurred in most of the countries across the globe including India was setting up of PAs which were marked as 'people-free' tracts devoid of any opportunity of resource extraction. This conservational approach limited the scope of collection of forest products by the local communities used for both sustenance and commercial purposes (Kabra, 2003; GOI, 2018).

The present paper is an attempt to explore the extent of dependence of people on the forest products in the Buxa Tiger Reserve (BTR) of India. It seeks to critically analyze the conflicts between conservation policies and livelihood opportunities of the people living in and around these PAs and the role of Forest Rights Act, 2006 in securing their rights.

## **2. Methodology**

The data for this study was collected from both primary and secondary sources. The primary data includes semi-structured interviews and focus group discussions. Semi-structured interview schedules were used for conducting interviews with the local people living in and around the forests, staffs of the civil society organizations and forest officials. The secondary data was collected from published sources like books, journals, periodicals, reports of the government and civil society organizations.



### 3. Study Area

The BTR is located in Alipurduar district of West Bengal, India stretching over an area of 760.87 sq. km out of which 385.02 sq. km is considered as the core zone of the BTR comprising Buxa Sanctuary and National Park. The Wildlife Sanctuary has an area of 252 sq. km and the National Park has an expanse of 117 sq. km. The remaining 375.85 sq. km constitutes the buffer area which is a reserve forest with 13 Forest Ranges (6 in east and 7 in west) in two forest divisions of the Reserve (Bhattacharya et al., 2016).

The diverse ethnic groups living in and around BTR comprises Rava, Garo, Mechia, Oraon, Madesia (Santhal), Rajbanshi, Nepali, Bhutia and Bengalis. The southern part of the Reserve is inhabited by the Rava, Mechia, Oraon, Rajbanshi and Madesia tribes while Dukpa tribe reside in the northern hilly tracts bordering Bhutan and Nepalese are found throughout the reserve (Prakash et al., 2001; Mukhopadhyay, 2008; Das, 2012; Roy, 2014).

The state forest department took control of the Buxa forest region in 1866 as the forests degenerated massively owing to over exploitation. The administration advocated the idea of reserving the forest in order to check degradation that had turned the forest area into wastelands. This process was initiated in 1879 and continued up to 1940 following the principles of the Indian Forest Act, 1878 (Chaudhury, 2009).

Project Tiger was launched by the Government of India (GOI) with financial assistance from the World Wide Fund for Nature (WWF) in 1973. The Buxa Forest Division received its status of Tiger Reserve in 1983 under Project Tiger (Chaudhury, 2009). Conservation of ecosystems along with the tigers was given priority in this project but it was criticized as it led to the displacement of local populace who had no other alternatives than to depend on forests for their subsistence needs. The plight of the populace began with the proclamation of Indian Wildlife Act, 1972 that prevented activities of people within the National Parks. The collection of forest products from the Sanctuaries were transferred in the hands of forest officials. In the early 1990s, the 'eco development programme' was initiated by providing alternative livelihood options in the buffer areas of the tiger reserves in order to restrict the dependency on resources in the core areas. The World Bank on the eve of 1992 Earth Summit started a new organ called Global Environment Facility (GEF) that funded the Eco Development Programme. BTR was selected as one of the seven GEFs funded eco development projects in India (Karlsson, 2000).

### 4. Forest based Livelihood Generation in BTR

An array of products such as fruits, flowers, tubers, roots, edible leaves, medicines, honey, wax, tannin, gums and resins, firewood both for domestic use as

well as for sale, forage and a wide range of Non Timber Forest Products (NTFPs) are provided by the forests of BTR in particular and India in general.

#### **4-1 Agricultural Practices in BTR**

The agriculture is the mainstay of the people of BTR and majority of the forest dwellers depend on rain-fed and mono-cropped cultivation pattern in their petite family landholdings that amounts even less than a hectare. Paddy is the chief agricultural crop followed by wheat, maize, potato, bean, corn, ginger, squash, pumpkin, mustard, ryeshak, jute etc. As the agricultural production is inadequate to meet the consumption needs, most of the households rely on the purchased food grains. The BTR has a large population of elephants that frequently enters in the villages causing widespread damages to the crops. The recurrent man-animal conflict had hindered the agricultural production and at present agriculture is not considered as a cost-effective occupation. The forest department had the provision of compensation for damage of crops done by the elephants but, in reality, the communities receive much lower amount than the official rate. The official rate of compensation is INR 10,000/- per hectare but the families who had suffered loss of crops or houses are given a meager amount of INR 300-500/-. Previously, honey collection also contributed substantially to the income generation of the local communities but the practice had declined severely over the years. The deficit in the agricultural production made them heavily reliant on the forest resources (Barman, 2005; Sinha, 2013; Bhattacharya, 2016).

The presence of diverse flora and fauna renders a special importance to BTR and the local communities depend on the forest products for their daily needs. A study done in 1998 by Katham revealed that 43 kinds of floral species were used by the local populace for their subsistence and for earning money. A total collection of 624.05 metric tonnes of NTFFPs was found during 1997-1998. Researches showed that the NTFFPs had a market valuation of 26.0 lakhs approximately collected in the primary level that increases four times when sold in the international market. Almost 78% of the total export amount is contributed by the NTFFPs derived from trees, shrubs and climbers. 58% of the total export value is obtained from 22 species of plant parts like fruits, seeds, pods, kernels, 9% of the total export amount is acquired from NTFFPs used for the purpose of dyes, resins and detergents and 6% of the total export value is realized from 6 kinds of medicinal herbs. Approximately 75% of NTFFPs used for decoration is a source of income to the forest dwellers of BTR (Das, 2005).

#### **4-2 Medicinal Plants**

BTR has a rich floral diversity with 283 species of trees, 81 species of shrubs and herbs, 33 species of climbers, 150 orchid species, 36 kinds of grasses and sedges and 7 varieties of bamboos and canes (Sarkar, 2014). Plants are not only sources of nutrition but they are also used for curing ailments (Table-1). The local people of BTR depends on 42 species of medicinal plants as listed for healing diseases like

gynaecological disorder, diarrhoea, dysentery, piles, eye diseases, rheumatism, skin diseases, stomach-ache and wounds (Krishna, 2015).

**Table-1 : Popular Usages of Medicinal Plants in BTR**

Species	Local Name	Parts Used	Medicinal Usages
<i>Abroma augusta</i>	Ulat Kambal	Stems, Leaves	Gynecological disorders
<i>Abrus precatorius</i>	Kunch; Chun-Hati	Seeds	Worm infection
<i>Acacia catechu</i>	Khayer	Barks, Leaves	Mouth sore and gingivitis
<i>Acalypha indica</i>	Muktajhuri	Whole plant	Rheumatism and wound
<i>Achyranthes aspera</i>	Apang	Roots, Leaves	Asthma, cough, stomach ache and wounds
<i>Ageratum conyzoides</i>	Uchunti	Stem, Leaves	Wounds, eczema and eye diseases
<i>Albizia lebbek</i>	Shirish	Bark	Rheumatism and haemorrhage
<i>Albizia procera</i>	Sada shirish	Bark	Threadworms and dermatological diseases
<i>Argemone lenticul</i>	Bara siyal kanta	Seeds	Dermatological diseases, poison antidote
<i>Asclepias curassavica</i>	Ban kapas	Latex, root	Leucoderma
<i>Baliospermum solanifolium</i>	Hakum	Seeds	Rheumatism
<i>Bauhinia purpurea</i>	Kanchan	Bark	Diarrhoea
<i>Boerhavia diffusa</i>	Punarnova	Root, Leaves	Diarrhoea
<i>Bombax ceiba</i>	Simul	Flowers	Leucorrhoea and haemorrhoids
<i>Brucea mollis</i>	Not available	Bark, Leaves	Malarial fever
<i>Butea monosperma</i>	Palas	Root, Flower, Seeds	Snake-bite, Intestinal worms
<i>Calotropis gigantean</i>	Akanda	Leaves	Cures wounds, pain relief and headaches
<i>Careya arborea</i>	Kumbhi	Bark, Leaves	Cold and cough
<i>Cassia fistula</i>	Amaltas; Sundali	Leaves, Pods	Treatment of ringworm, cough
<i>Centella asiatica</i>	Thankuni	Whole plant	Cools and rejuvenates the brain
<i>Datura metel</i>	Dhutro; Kala Dhutra	Leaf	Pain reliever
<i>Elephantopus scaber</i>	Shamdalan	Root	Diarrhoea, dysentery and stomach troubles

Phyllanthus emblica	Amla; Amlaki	Fruit	Good health
Euphorbia hirta	Kerui	Latex	Eye disease
Holarrhena pubescens	Kurchi	Bark, Seeds	Dysentery, fever, anthelmintic for child
Hyptis suaveolens	Bilati Tulsi	Leaves	Dermatological diseases
Justicia adhatoda	Vasaka	Leaves	Cold and cough
Mallotus philippensis	Pung-tung	Roots	Given to babies having enlarged spleen
Melia azedarach	Neem	Bark, Leaves, Flowers, Fruits	Dermatological diseases, diabetes, urinary problems
Mimosa pudica	Lajwati; Lajaru	Root, Leaves	Wounds, used for babies having insomnia
Nyctanthes arbor-tristis	Septalika; Harshringar	Leaves	Malarial fever, cough and cold
Oroxylum indicum	Shyonak	Flowers	Piles and fever
Phlogacanthus thyrsoiflorus	Tamropuspi basok	Leaves, Seeds	Fever
Pterospermum acerifolium	Muskanda	Bark, Flowers	Chicken pox
Ricinus communis	Rerri	Seeds	Rheumatic pain
Sida acuta	Mircha	Root, Leaves	Fever and heart burns
Syzygium cumini	Kala Jam	Fruits	Diabetes
Terminalia bellirica	Bahera	Fruits	Skin diseases
Tridax procumbens	Bishalya karani	Leaves	Cuts and wounds healing
Ventilago denticulata	Raktapita	Root, Bark	Headache
Woodfordia fruticosa	Dhataki; Dhai	Flower	Cough
Ziziphus mauritiana	Kul	Leaves, Fruit	Mouth ulcer, eye diseases and leucorrhoea

**Source :** Field survey by author, 2016; Krishna, 2015; Sarkar, 2014

The local people acquired the ethno-medicinal knowledge due to inadequate medicinal facilities, local disadvantages and their economic hardships. These people were mostly the tribal communities that resided in remote terrains with an isolated life from mainstream society and were thereby bound to develop their own economy and scientific knowledge. The Nepalese and the migrant people from Jharkhand as well as the tribal communities like Mech and Rava mostly use

various medicinal plants available in BTR. Lack of knowledge about these plants debarred the Bengalis and people from Bihar to use it (Sinha, 2003; Sarkar, 2014).

#### 4.3 Collection of other NTFPs in BTR

BTR is the storehouse of 112 species of plants of which 59 species are collected by the local communities for self-consumption and the rest 53 species are used commercially. The people of BTR particularly who lives in the Jayanti area extracts 35 kinds of NTFPs which allows them to earn money. NTFPs like Broomstick, Bet leaf, Tanki Fruit, Dhundul chhobra (outer layer of Dhundul), Narikeli fruits, Ritha, Bet fruit, Phirphire fruit, Sikakai fruit and Lali fruits are harvested in large quantities. The leaves of Basak plant and Chilauni fruits fetch the impoverished people a good amount of money (Table-2). The NTFP harvesters have an income of INR 5768870 annually in this region. The average monthly income of per family accounts for INR 2716 and the per capita daily income accrued from the NTFPs is INR 18.40 (Sarkar, 2014).

**Table-2 : Commercially Valuable NTFPs of BTR**

Species	Local Name	Popular Usages
<i>Calamus viminalis</i>	Bet fruit	Decorative/Edible
<i>Calamus acanthospathus</i>	Bet leaf	Decorative
<i>Thysanolaena latifolia</i>	Broom stick	Broom, Dry flower
<i>Parthenocissus semicordata</i>	Charchara, Chai	Vegetable, Medicinal
<i>Chukrasia tabularis</i>	Chikrasi fruit	Decorative
<i>Schima wallichii</i>	Chilauni fruit	Decorative
<i>Luffa aegyptica</i>	Dhundul chobra	Decorative, Toilet use
<i>Flammulina velutipes</i>	Golden mushroom	Decorative
<i>Bauhinia malabarica</i>	Kanchan spring	Decorative
<i>Aglaia spectabilis</i>	Lali fruit	Decorative
<i>Duabanga grandiflora</i>	Lampate fruit	Decorative
<i>Musa paradisiaca</i>	Mocha stick	Decorative
<i>Bauhinia scandens</i>	Nagfeni	Decorative
<i>Pterygota alata</i>	Narikeli fruit	Decorative
<i>Firmiana colorata</i>	Phirphire fruit	Decorative
<i>Bombax ceiba</i>	Shimul tula	Decorative
<i>Morchella esculenta</i>	Sponge mushroom	Decorative

**Source :** Field Survey by author, 2016; Sarkar, 2014

Fruits like *Catunaregam longispina* (Amra), *Citrus medica* (Bhimira/Jungle limbu), *Dillenia indica* (Chalta), *Antidesma acidum* (Bhotey Archal), *Syzygium cumini* (Jamun), *Citrus limon* (Jungle lebu), *Wendlandia coriacea* (Jungle lichu),

Benkara fasciculate (Maidalu Kanra), Tephrosia candida (Paniel), Psidium guajava (Pyara), Ficus hispida (Ramgua), Piper peepuloides (Rukh Pipla) and Ziziphus jujube (Sanu Baer) are used to meet their daily subsistence needs (Sarkar, 2014).

The forest dependent populace of BTR were generally using whole plant of *Sida acuta* (Ballu jhaar), *Barleria prionitis* (Kharate jharoo) and leaf of *Caryota urens* (Kharate jharoo) as brooms; stems of *Cheilocostus speciosus* (Bet larang), *Calamus erectus* (Gouribet), *Ficus sarmentosa* (Labar larang) and bark of *Croton tiglium* (Lapche) as ropes; stem of *Stephania japonica* (Dherphule Lahara/ Seto jar ko Dabai), *Polyalthia simiorum* (Rato Jar Ko Dabai) and bark of *Duabanga grandiflora* (Rato Khirra) as local brews. In addition, stems of *Bambusa tulda* (Filling baans) for fencing; stem of *Ageratum conyzoides* (Makla baans) for construction purposes; leaf of *Streblus asper* (Seuri) as fodder for pigs; leaf of *Macaranga indica* (Maledo) and *Piper pedicellatum* (Pipla) as religious offerings; extracts of petiole of *Angiopteris evecta* (Gaikhoret) for curing diseases of cow's hoofs and leaf of *Chloranthus elatior* (Junka dabai) for curing leech bite sore were also found to be used (Sarkar, 2014).

## **5. Forest Legislations and Management of PAs**

The indiscriminate felling of large tracts of forests for expansion of railways and development of agriculture that acted as a source of revenue generation during the British period contributed in the degeneration of forests. The forests turned into state property from community property with the enactment of the Indian Forest Acts of 1865, 1878 and 1927 as well as the National Forest Policy of 1894 (Balooni and Inoue, 2009).

The post-independent India modified the forest policies instead of revamping it. The proclamation of Panchayat Extension to the Scheduled Areas (PESA) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act 2006 marked the initiative of the government to protect the customary forest rights of the tribes and upheld self-governance (Rout, 2015).

In the late 1970s, the Government of India initiated the Social Forestry (SF) programme with the twin objectives of reducing reliance of the local communities on the existing forest resources as well as catering to the needs of forest fringe people. SF was adopted to raise plantations on village lands through community forestry and on farms and private lands through farm forestry. The idea of SF was to minimize the pressure on traditional forestlands by promoting community participation and ensuring availability of fuel wood, fodder, small timber and NTFPs. In general, SF was criticized severely on the ground that importance was given mostly on farm forestry and it failed to mobilize the prime beneficiaries, the local communities, to participate actively in conservation (Balooni and Inoue, 2009; Datta and Chatterjee, 2012).

### **5.1 Joint Forest Management Programme**

The demerits of SF led the GOI to launch a more radical programme of Joint Forest Management (JFMs). The programme was implemented in the Arabari Range of Midnapore district of West Bengal in the 1970s by incorporating local communities in the management of Sal forests of the region. This experiment of rejuvenation policy proved to be a success and it provided 25% share of the profits gained from the timber of the PAs (Balooni and Inoue, 2009; Datta and Chatterjee, 2012; Ahuja, 2014).

In 1988, the National Forest Policy (NFP) was declared which aimed at “creating a massive people’s movement with the involvement of women to minimize the pressure on forests”. NFP also advocated production of forest resources in order to cater to the basic needs of the forest dwellers (Ahuja, 2014). In 1990, GOI notified the Joint Forest Management (JFM) as a follow-up to NFP of 1988. The objective of JFM was to arrest the deforestation and degeneration of the forests with the collaborative effort of the Forest Department and village communities in managing the forest tracts. The programme advocated creation of Forest Protection Committees (FPCs) for jointly managing the forests. It also encouraged appropriation benefits such as timber and NTFPs among the stakeholders that remain an important source of income generation (Datta and Chatterjee, 2012). The National Forest Policy of 1988 for the first time conceded the traditional rights of forest dwellers and their dependency on the forests resources (Aggarwal, 2011; Sanjana, 2013).

### **5.2 Implementation of PESA**

PESA was proclaimed by the GOI to extend the provisions of Part IX of Indian Constitution relating to the Panchayats and the Scheduled Areas in 1996. The Act empowered the states having Schedule V areas to formulate legislations along its guidelines within a year from its implementation. PESA endowed the Gram Sabhas with the power to manage natural resources and to administer the development programmes (Pal, 2000; Mukul, 1997).

### **5.3 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

The issue of a circular by the Ministry of Environment, Forest and Climate Change in 2002 demanding eviction of all encroachers from the forests within six months dislocated approximately 300,000 families in the country. This action fomented the civil society organizations throughout the country to form an alliance under Campaign for Survival and Dignity (CSD) that became a national platform to voice the eviction cases and violation of human rights. The pressing demand from the CSD members along with the numerous forest dependent communities and tribal people to redress their sufferings led to the formulation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act

2006 (hereafter FRA). The Act was enacted in 2006 and it came into operation on 1st January 2008. The FRA was enacted with the objective of rectifying the 'historical injustice' done to the tribes and other forest dwellers through the forest policies both in the colonial and post-independence period. The previous legislations like Wildlife (Protection) Act, 1972 and the Forest Conservation Act, 1980 viewed forest dwellers as "encroachers" while FRA empowered the communities by giving them "responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance". The proclamation of this Act is imperative also for the relocation and rehabilitation policy. The Act pointed out that local people could be dislodged from the PAs for protection of wildlife but the idea of relocation was kept as the last resort. The FRA harped on the complete "settlement of rights" if any forest dweller is relocated (Shahabuddin and Bhamidipati, 2014; Sarangi, 2015; Tayal, 2015; Ramesh, 2017).

## **6. Status of FRA Implementation in West Bengal**

FRA came into operation on 1st January, 2008 but the Government of West Bengal responded after three months by notifying two orders simultaneously from the Department of Backward Classes and Department of Panchayat and Rural Development in March, 2008. The order issued directives to the districts having forest tracts to constitute Forest Rights Committees (FRCs). The order was found not to be in tune with the Act and the provisions of the Act were violated severely. The FRA authorized the Gram Sabha (GS) to check the claims of the rights. It was pointed out in the Act that the power to form FRCs lies with the GS. GS in the law was defined as the village level assembly composed of all the adult residents of the village. In reality, this provision was not followed by the Government of West Bengal. In 1973, the West Bengal Panchayat Act was passed which had defined Gram Sansad as a body comprising all the voters of a constituency in the Gram Panchayat (GP). According to the legislation, FRCs should be created by GS by holding an election in its first meeting. The West Bengal government violated this provision by recommending FRC formation at the Gram Sansad level and putting it under the Gram Unnayan Samiti (GUS). On 3rd October 2008, the Government of West Bengal renamed the FRCs into Joint Forest Management Committees (JFMCs) stating its responsibility to protect the degraded forests in the districts of North Bengal (except Darjeeling Gorkha Hill Council Area), Murshidabad, Nadia and Hooghly. The task of protecting the forests was given to the GS and communities but this resolution violated the Act in letter and spirit (Jha, 2010). Violation of major provisions of the FRA culminated in the emergence of mass protests by people's organization from mid-August 2008 demanding withdrawal of the orders. The officials did not pay heed to these protests and distributed individual claim forms in several villages. The situation became intricate as community claims process was not started.



The Forest Department was compelled to implement the Act because of the strong footing of the civil society organizations in northern Bengal. It was found from the field study that the villagers of both the East and West division of BTR live under the whims of the forest staffs. A few patta were given only to the individual landowners.

## **7. Discussion and Findings**

In the initial periods, FRCs in the villages of BTR was formed at the sansad level. Abolition of existing sansad level FRCs and creation of new FRCs at the GS level were demanded by 15 villages. A mass petition was submitted to the Sub Divisional Officer in Alipurduar on 25th August, 2008 on this issue (Banerjee, et al., 2010). After formation of FRCs at the hamlet level, it was found that most of the FRCs became inactive and when it was active it hardly created awareness among the villagers about the provisions of FRA. Lack of adequate knowledge about the FRA propelled the JFMC members of the Jayanti village to file Right to Information (RTI) in 2012 about FRA. According to the petitioners, they have not gained any insights about the FRA till date and so they are unable to provide knowledge about the provisions of the FRA and the benefits associated with the Act.

In 2008, the FRA process was initiated and before Parliamentary elections of 2009, selected villages were given patta. In the State Legislative Election of 2011, the longest serving Left Front government in the parliamentary history of India suffered a defeat miserably and the state witnessed a new government. The change in the political regime also gave a setback in the patta distribution process after 2011 as the new government renounced the validity of those pattas disbursed during the Left Front regime. The officials launched the distribution process anew from 2012 and informed the people about the FRA. The legislation came into operation for nearly ten years after its enactment but the distribution process is still very sluggish. The villagers in the Bhutia Basti, Jayanti, Santrabari, Adma Ban Basti, Pampu Basti claimed for the patta twice or thrice but no rejoinder of either acceptance or rejection has been offered till date. During the field study, the office of the Divisional Forest Office (DFO), Alipurduar provided an estimate of the total patta distributed in the BTR. In the BTR (West), total 490 patta were distributed till mid-December of 2015 with total land allotment of 685.015 acres. In the BTR (East), total 477 patta were distributed during the same period with total land allotment of 790.56 acres.

The fear of eviction loomed large among the villagers of the core area of BTR which they attributed as a cause in the delay in implementation of FRA. The threat of eviction was highest in the villages of Jayanti and Bhutia Basti that falls under the core area of BTR. The villagers of the Bhutia Basti migrated in the area as employees of the dolomite-mining firm. In 1983, the dolomite-mining firm was closed after Buxa received the status of Tiger Reserve. The villagers earn their basic needs either as boulder lifting labours or as daily wage based labour of the forest

department. One of the members of Jayanti JFMC informed the author that the forests are run by the self-proclaimed rules of the Forest Department. The villagers are not permitted to erect concrete houses and they are bound to produce No Objection Certificate (NOC) from Forest Department for any kind of construction purpose. It was found during the surveys that villagers of the forest live at the mercy of the FD officials. The respondents pointed out that in Jayanti, villagers have to pay money to the Forest Department if any guest visits them and the exemption occurs if any villager receives his relative personally from Jayanti Check Post. The villagers of the Jayanti pointed out further that guests who come to attend any wedding in the villages of the core area also have to pay money.

The people of the BTR still depend largely on the NTFPs although the forest department is trying to abate the pressure by providing alternative sources of income. The forest department had permitted boulder lifting from Jayanti River since 2006 that had increased the income of many families of the area. The establishment of ecotourism and creation of 11 self-help groups in the core areas like Jayanti is an effort to reduce pressure on the forests (Sarkar, 2014). Local level initiatives were also undertaken like the Science and Nature Club of Jalpaiguri district in collaboration with the FD officials explored the area in search of new medicinal plants and planned for forming an extensive database citing the medicinal values of the floral species (Sinha, 2003).

The ongoing conservation strategy is indeed imperative in order to preserve the biodiversity but not at the cost of human lives. The communities who acted as the custodians of forests for generations are unable to sustain their lives if ousted from their known environment. The non-intervention of human activities in the forests enables steady process of wildlife evolution but in areas like BTR the threat of displacement of the forest dwellers is not justified as the presence of tiger population itself poses a question.

The presence of three tigers in the BTR was indicated in the last census on tiger although many wildlife experts showed their doubt about its truth as there was absence of any photographic evidence in spite of installing the cameras in the forests. The forest officials refuted the objection on the ground that dense forests hindered the process of tracking the tigers. Mr. Biswajit Roy Chowdhury, one of the members of State Wildlife Board and participant in the last tiger census, pointed out that tigers were spotted in the Bhutan border but there was no option of justifying whether those tigers lived in BTR or transitory tigers travelled from Bhutan (The Times of India, 2015). The local people substantiated the view further by stating that cattle remain intact even when they were left to graze amidst the forests. The scepticism about the presence of tiger failed to debar the Forest Department from the idea of relocating the local people from core areas of BTR. The villagers in the study area said that dearth of employment instigated the involvement of several forest dwellers in the illegal poaching activities. Consequently, most of these marginalized tribes were marked as 'criminals' by the Forest Department without any definite proof.

## 8. Conclusion

The pressure on the forest resources of BTR can be reduced by providing alternative sources of income generation. The region has immense potential of ecotourism development if strategies are formulated properly. The eco-tourism industry can play a dual role. The cardinal feature of the tourism is preserving the pristine beauty of the surrounding environment. The eco-tourism can generate awareness among the forest dwellers about the necessity of preserving the biodiversity as well as it can be an alternative livelihood option. Of late, the BTR has started several eco-development projects but more efforts are required to promote it. The development of medicinal plant hubs, handicraft industries based on forest resources, food-processing centres particularly based on oranges and better marketing facilities of these products can lead to ecological stability and social justice. The urgent requirement of the hour is the speedy implementation of FRA that in the imminent years will secure the rights of the communities. The government, media and NGOs should play a more concrete role in providing insights about the provisions of the FRA and the benefits associated with it.

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# Digital Transformation of Indian Agriculture

*T. Tripura Sundari\**

*Agriculture remains the largest sector of Indian economy which provides employment to 60% of the population. The social conversion and the economic growth depends on the performance of the agricultural sector. Indian agriculture faced arduous trials to grow more food in the past. Even today, many of the problematic challenges are faced by agriculture in India. The challenges antagonizing Indian agriculture include waning productivity, fading and chastening natural resources, declining land fertility and ground waters, frequent pest attack, growing demand for quality food, rotten farm incomes, bitty land holdings and matchless changes in climate. Apart, the economic challenges include declining farmer income, farm productivity, post-harvest loss, huge debts. To trounce these problems, digitization in agriculture has been focused. The convergence of agriculture and ICT is a new growth area to help in efficiency in production, distribution and consumption. This paper focuses on understanding the concept of digital farming and problems on the issues of agriculture.*

[Keywords : Digital agriculture, ICT, Land reforms, Inclusive growth]

## 1. Introduction

Agriculture plays a vital role on Indian economy and over 58% of the rural households yet depend on agriculture for the major source of livelihood and is the

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way of life for them. Agriculture and other allied sectors contribute to 17.9% of GDP of India (2014-15). India is the second larger producer of agriculture products and accounts for 7.6 percent of total global agricultural output. Agriculture is the core sector not only for food security in India, but also for nutritional security, sustainable development and poverty alleviation. Indian agriculture has crossed many landmarks such as Green Revolution, Evergreen Revolution, Blue Revolution, White Revolution, Yellow Revolution, Biotechnology Revolution and the most recent is Information and Communication Technology Revolution. The “Digital India” program launched by the Prime Minister on 1<sup>st</sup> July, 2015 aims at creating digital infrastructure for empowering rural communities and enables digital delivery of services and promoting digital literacy. This evidently insists on the role of Digital Agriculture within Digital India.

Indian agriculture faced arduous trials to grow more food in the past. Even today, many of the problematic challenges are faced by agriculture in India. The challenges antagonizing Indian agriculture include waning productivity, fading and chastening natural resources, declining land fertility and ground waters, frequent pest attack, growing demand for quality food, rotten farm incomes, bitty land holdings and matchless changes in climate. Apart, the economic challenges include declining farmer income, farm productivity, post-harvest loss, huge debts. Further the social challenges such as rising farmer suicide, ineffective land reform and rising male migration towards urban areas leading to feminization of agriculture. It has been proven that, adoption of modern technology renovates agricultural practices, leads to unvarying annual proceeds, lessens risk of crop catastrophe and augments yields.

## **2. Use of ICT in Agriculture**

Digital revolution is the creation of fourth industrial revolution heralding technological change, combining technologies transforming systems, industries, countries and societies. Advances in computer and information technologies, connectivity, artificial intelligence, biotechnology, geographic information system have brought tremendous marvels in developing countries. Digital transformation brought in changes in lives of people and help in speeding up the progress of developing countries leading to inclusive agriculture, rural growth and organizational growth in agricultural economy and manufacturing sectors.

Indian Information Technology industry is one of the wildest growing industries in the country. The IT industry has built very valuable brand parity for itself in the global markets. The IT industry embraces of Software Industry and Information Technology assisted Services (ITES) which includes Business Process Outsourcing (BPO) Industry. Indian IT Industry is considered a pioneer in software development. The Indian IT industry accounts for approximately 67 percent of US\$ 124-137 billion market. In the 2014/15 financial year only, the IT

industry in India produced annual revenue of around 120 billion U.S. dollars, a significant increase from around 60 billion U.S. dollars in 2008/09.

Information technology has the highest potential to improving the efficiency and productivity of agriculture and allied sectors. IT facilitates farmers on the overall qualitative improvement by providing timely and quality information inputs for wise decision making. Further, IT helps the extension workers, agricultural officials to access the latest information in turn which raises the ability to serve the farming community effectively. The Digital India move is for e-powering people living in rural India as well to those government and non-governmental machinery who work for the welfare of rural people. ICT is an all-encompassing umbrella term which provides the optimal usage of information and communication technologies including devices, networks, mobiles, services and applications from the new media technology with internet, sensors and existing electronic media and satellites. Precisely e-agriculture requires the conceptualization, plan, development, appraisal and innovation. There is a dire need for the standards, plans, approaches and tools as well the development of individual and institutional capacities and policy support.

### **3. Digital Farming**

Digital Agriculture can be seen as use of ICT and data ecosystems to upkeep the development and delivery of timely, localized information to make farming profitable, sustainable. Rural connectivity is the prime motive to providing low cost data and access to information. This helps empowering rural youth to comprehend their full potential, farmers to increase their profitability by accessing equitable markets and rural businesses to offer value added benefits. Digital technology will upsurge high harvests of agriculture productivity by recommending ideas to farmers on crop, planting date, variety of seed to be sown, weather forecast and projected market prices. Remote sensing is another big data resource to support the development of weather, watershed management, soil vigor and crop insurance coverage etc. The unmanned Aerial Vehicles are also used for assessing crop health, damage and yield with more accuracy than satellite technology.

Digital Agriculture has to create its impact on reduction of business costs and for proper fixation of market price so that farmers benefit higher share of marketable value for the produce. Indian agriculture sector has undergone structural changes by shifting from traditional subsistence towards market oriented business. It would be always meaningful to view agriculture not only as farming alone but as a value chain including farming, aggregating, processing, warehousing and retailing. The degree of organization and governance of value chains is a major challenge to be dealt through e-agriculture. The presence of several middle men, lack of information of other links in the chain and incapability to invest in improving the performance hinder and lead to inefficiencies and lower



incomes in the subordinate end of the chain. Hence the technology should focus on improving production, processing, quality control, value addition to raw produce and accumulation of nearer farms ensuring high share of consumer prices for the producers. Indian small farm holdings are difficult to be stabilized as they are very large in number. Technology based commodity exchanges need to be created for price discovery, for marketing infrastructure such as construction of warehouses, cold storages etc. Confidence building, awareness creation on application of improved inputs and adoption of high technology of cultivation is to be extended to farmers. The highly dispersed collection of produce, transport, quality assurance mechanisms pose lots of challenges apart from accumulation of several small farms. These not only necessitate costs but also time outlays in the combination process. Several innovative business models have been tried out in world agro-based countries such as Brazil, Africa and China utilizing big data and mobile phones to increase value chain efficiency for upbringing access to appropriate inputs and credit.

Inclusive growth has been the major mover of poverty reduction in Asia Pacific regions. People's Republic of China succeeded in encouraging growth that generates prolific employment of poor, structural change of economy towards productive employment in secondary and tertiary sectors, promoting rural and agricultural growth reducing poverty in rural areas. It succeeded more, than India in higher agricultural growth, effective land reforms, public investments and R&D.

Indian government is confronting many challenges. Young men are migrating to urban areas from rural poverty to seek employment leading to women to work in agricultural sector resulting in feminization of agriculture. Their passive backbreaking labor results in low productivity affected by severe climate changes. In 2016 the Prime Minister of India introduced a new national policy to double farmers' income by 2022. It is targeted towards poverty reduction, food security and climate change. The Ministry of Agriculture and Farmers Welfare launched a national scheme called Pradhan Mantri Krishi Sinchai Yojana (PMKSY) aiming to irrigating every farm and improve water use efficacy. The Digital India Program mainly aims at transforming rural economy and creating skilled jobs in rural areas. Digital India's tactical keystones, the Common Services Centers are destined to deliver access points for delivery of various electronic services to villages, to uphold digital and financial inclusion, embolden rural entrepreneurship, and shape rural capabilities and livelihoods, offering a bottom-up approach to social change, predominantly among India's rural citizens. New technologies facilitate small farmers to enhance knowledge on precision agriculture to improve timeliness of planting, securing best market prices through sufficient market information, availing fertilizer subsidies direct from banks and improving agricultural extension. Improved seed supply combined with land and water management increases farmers' income proportionately. eNAM (National Agriculture Market), an online platform is launched by the Hon'ble Prime Minister

of India in April, 2016 for the benefit of farmers integrating agricultural markets online, allowing farmers and traders to set fair deals and prices in buying and selling the final produce and to gain best prices across markets. Pradhan Mantri Fasal Bima Yojana (PMFBY), a new crop insurance scheme is also launched in 2016 by Government of India in now covering 37 million farmers in its ambit. The government is intending to invest more on research to develop multi resistant crops. India is lagging behind its Asian counterparts repelling the approval of genetically modified crops developed by its own scientists. Such crops can be encouraged to be grown by poor farmers which offer increased resistance to adverse climatic conditions. Digital India Land Records Modernization Program (DILRMP) is an effort updating land records aiming at improved land management along with utilization of mobile phones and 'Uberised' tractor services. Digital India is implanting plants to connect 2.5 million Gram Panchyats with high speed internet by 2018. Government of India has authorized all mobile phones to support at least one of the 22 India languages as mobile phone coverage is high over one billion of population are already connected. The government has focused on digitalizing 230 million ration cards with a universal ID and Aadhaar.

## **4. Challenges and Technology Mitigation**

### **4.1 Land Reforms**

The central government's new approach will overhaul the program of digitalization of records including the possible use of drones. The Land Acquisition, Rehabilitation and Resettlement Act of 2013 is passed under the UPA government in 2013 to replace Land Acquisition Act, 1894. The new push for digitalization is evident through the budget allocation of Rs. 339.75 crores in the Budget for FY14 for the erstwhile National Land Records Modernization Program but has since come down to Rs 90.49 crore by FY16 of which only Rs 36 crore was spent. In FY17 under the new program it will rise only to Rs 150 crore. Since the program can only be executed by state governments the money with the Centre was a red herring, meant to finance studies in the sector. The support from the Centre will be technical like coordinating with departments and importing best practices from abroad. The digital plan involves many components. At the first stage, the states would commence to map the rural land using aerial and satellite imaging. Till now, states have only altered their written records to computerized records under digitalization program.

At the first level, the states would begin to map the rural land using a combination of aerial and satellite imaging allied with ground markers. Till now, states have only changed their written records to computerized ones under the digitalization program. Some states have also asked to use drones for the purpose but the clearance has to be provided by the home ministry. The final element of the plan involves seeding of data with the Aadhaar numbers. This will enable precise

identification of the true owner of the land and would help in the growth of farmers. The Big Data Analytics (BDA) has the latent to change the way agriculture is conducted in India. The BDA architecture will generate and maintain the data repository of all plots with updated values.

#### **4.2 Farmer Suicides**

The prime reasons for farmer suicides are the reduction of profit margins realized, skyrocketing of prices of farm inputs, increased cost of cultivation, floods, droughts, debts and loan waiving. Digital technology can help in advancement in agriculture for production of crops of high yield potential. The technology be utilized to avail consolidated bank loans at soft interest rates and subsidies instead of relying on informal sources of funding. There is a dire need for establishing a government app to give information to the farmers about crops that can be tried in drought prone areas and to provide them with seeds that help to sustain even when the adverse whether situations. The National Agricultural Research System constituting State Agricultural Universities, Indian Council of Agricultural Research (ICAR) have developed flood or drought tolerant crop varieties for different areas of the country, astonishingly none of the websites/apps inform about to the farmers. There is a need for selling these kinds of seeds online. Many of ecommerce websites are to be developed to supply the quality seeds to the farmers.

### **5. Limitations of Digital Technology**

There are substantial challenges in transforming the power of digital technologies into farmer friendly technological revolution. Generation of reliable up-to-date information for diverse agricultural sector is a big challenge. There is a need for spreading digital literacy as to how to choose and use apps available in regional languages. Digital technology can steer crop and input selection, make easy credit insurance, give weather adversaries, disease and pest related support and real time data on domestic and export markets. The Government of India is investing in mapping aquifers using modern technology, quantifying rainfall and groundwater levels. Though new technologies can stimulate augmentation, equity and sustainability, but are not alternates for human and institutional development. Inadequate connectivity in rural areas, high costs for services and lack of basic computer knowledge and literacy hamper rapid development of e-agriculture. Significant investment is needed in physical infrastructure, power, broadband and transportation. Digital divide be addressed appropriate. Larger investments are required in poorer regions.

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## The State of Corruption and Anti-Corruption in Nepal at a Glimpse

*Dipesh Kumar Ghimire\**

*Corruption is one of the serious problems faced by nation-states today. It is producing unwanted sway over the political system, development activities, economy and social order. Corruption manifests in various forms including fraud, embezzlement and extortion, destructions of property, abuse of public authority, nepotism, favoritism and private use of public property. Nepal is among the most corrupt countries around the world where many forms of corruption exist. Similarly, anti-corruption law has been in existence in Nepal for a long time. The first National Code (Muluki Ain) was enacted in 1854. In 1863 new national codes were issued which contained chapter on anti-bribery. This law provided a legal mandate to readdress public officials' cases of bribes but not Rana rulers. In 1954, the Corruption Prevention Act, 1954 was formulated for the first time in Nepal. After that many anti-corruption initiations are being conducted by government, non-government, private and community level. However, anti-corruption movements are not working effectively in Nepal. This article tries to identify the main obstacles of anti-corruption movement in Nepal.*

[**Keywords** : Corruption, Anti-Corruption, Anti-corruption movement, Nepal]

### 1. Introduction

It seems that all government institutions are bearing the burnt of corruption in Nepal. Cases of corruption hitting newspaper headlines these days indicate how

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corruption is taking place from central to local levels. The corruption perception index published by Transparency International shows that Nepal is one of the highly corrupt countries in the world. For controlling the events of corruption, various anti-corruption activities are being conducted at various levels.

This article has attempted to discuss about the corruption and anti-corruption in Nepal. It tries to explore the anti-corruption initiations and also identify the major obstacles of these initiations in Nepal. The article is divided into four sub-chapters. First is the introduction, second one is conceptualizing corruption, third is the state of anti-corruption in Nepal : A glimpse, and finally, obstacles of anti-corruption movement in Nepal.

## **2. Conceptualizing Corruption**

The word “Corruption” has a complex intellectual history (Bukanovsky, 2006; Teachout, 2014) and there are many comments on its meaning. Corruption is a universal problem. There are no any countries around the world that are not affected by corruption. Many countries are highly corrupt while few countries may be less corrupt.

Generally corruption is defined as “the abuse of entrusted power for private gain”. However, it is not easy to define corruption within a single line of sentence. The task of definition is not made easier by the fact that corruption, by its very nature, is inseparable from questions of public morality and morality in general. The Oxford English Dictionary identifies broadly the three different meanings of the corruption. First, it refers to the process of physical decay, disintegration and decomposition with associated unwholesomeness and putrefaction. Second, the terminology of corruption is used to signify moral deterioration and decay; a loss of innocence or decline from a condition of purity. Third is the perversion or destruction of integrity in the discharge of public duties by bribery or favor; the use or existence of corrupt practices, especially in a state of public corporation (Oxford Dictionary, 2005).

Different scholars and institutions define corruption in various ways. The World Bank (1997 : 102) defines corruption as “the abuse of public power for private gain”. Similarly, Nye (1978 : 565) define ‘corruption is behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. According to the Senturia (1931; vol IV) corruption is the misuse of public power for private profit. Nas et.al. (1986 : 108) also define corruption in similar way. According to them, a corrupt act is any illegitimate use of public power or authority for private benefit. Andreski (1968 : 92) defines quite differently. According to him it is the practices of using the power of office for making private gain in breach of laws and regulations nominally in force. Similarly, Huntington (2009 : 59) said that

'corruption is behavior of public officials which deviates from accepted norms in order to serve private ends'.

Heidenheimer explains three types of corruption. These are public office-centered, market-centered and public interest-centered. Public office-centered corruption is the violation of the public trust placed in the official. Market-centered corruption means the situation in which the official sees the position as an authority to maximize personal gain by dispensing public benefits and public interest-centered definition of corruption is the violation of the common interest in favor of special interest that provide direct or indirect to government officials (1970 : 3-9).

We can classify corruption as political, grand and petty in general way. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. Similarly, grand corruption means committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good and petty corruption refers to everyday abuse of entrusted power by low and mid level public officials in their interactions with general people, who often are trying to access basic goods or services in the public places like, custom offices, land revenue office, police departments, hospitals, transpiration offices and other institutions.

**Table-1 : Corruption Offenses in Nepal**

» Giving and taking graft (cash, goods, bribe or any kind of gain or benefit)
» Public servant accepting goods or services free of cost or at lower prices
» Public servant taking gift, present, award or donation
» Public servant taking commission, remuneration, brokerage fee, benefit or advantage (e.g. commissions on public contracts)
» Public servant under the duty of collecting revenues, causes revenue leakage, or helps or abets, or embezzles revenues
» Public servant getting illegal benefit or causing illegal loss with mal-intention (covers broad range, including specifics on construction sector)
» Public servant preparing false documents, translating false documents, tampering with government documents or causing damage to government or public documents (involves public harm for private gain)
» Disclosing the secrecy of question papers or altering results of a public examination
» Public servant engaging in illegal trade or business

» Falsely claiming to hold (or enjoying) any public servant position, power, capacity or facility
» Giving false particulars to get a public service job
» Public servant damaging or using public property for personal purposes
» Exerting pressure to commit any offence punishable under this Act
» Giving false information for an audit report of a public institution
» Illegally acquiring property - living beyond one's means
» Attempted corruption, or being an accomplice to corruption

Source : Anti-Corruption Act 2002, Section 2

### 3. State of Corruption and Anti-Corruption in Nepal

There are no sufficient data for measuring the problem of corruption in Nepal. Generally, the corruption perception index is used for analyzing the state and physiognomies of corruption in Nepal. Transparency International had been publishing the corruption perception index since early 1990s but it started publishing the data related to Nepal only since 2004. Except in 2013 and 2017, Nepal had scored less than 3 (see table-1). It was measured in 10 from 2004 to 2011 and in 100 from 2012 to 2017. Transparency International represents the country scoring less than 3 as the most corrupt state.

Table-2 : CPI rank of Nepal

Year	Rank	Score
2004	90	2.8
2005	117	2.5
2006	121	2.5
2007	131	2.5
2008	121	2.7
2009	143	2.3
2010	146	2.2
2011	154	2.2
2012	139	27
2013	116	31
2014	126	29
2015	130	27
2016	131	29
2017	122	31

Source : Transparency International



The global corruption barometer of Transparency International is also yet another global report that tries to shed light on magnitude of corruption in Nepal. Till the date, Nepal has been included in the global corruption barometer two times, in 2011 and 2013. According to the survey conducted in 2011, about 62.8 percent people alleged that the corruption has been increasing in Nepal (TI, 2011). This was increased to 72 percent in 2013. According to the global corruption barometer, the politicians of Nepal are the most corrupt around the world. In this, more than 90 percent of people alleged that politicians of Nepal are most corrupt. After this 85 percent was for public entities and officials, 80 percent for police and 79 percent for parliament. The other entities where people experience the events of corruption are revenue office, land revenue office, courts, and tax administration regulation offices (TI, 2013).

The corruption has been persisting in Nepal since long. From the historical period, the state and amount of corruption has been changing in various periods. During the Rana regime (1847-1951), corruption was limited to the Rana family only. There was no possibility of disclosing those events of corruption in this period. Later in unitary panchayat system (1960-1990 AD), it seems to be decentralized. At that time, people who were against the system were brought in their favor and the property of state was misused. Similarly, corruption seems to have been flourished in the multiparty constitutional system (1990-2006) (Ghimire, 2015). Further, in the democracy system (2006-2017) the corruption seems to have been more and more decentralized (Ghimire, 2017). The irregularities and corruption increased more in the transition period. The two and half decade long political instability, transition period and movement made the political system of the state very weak. The corruption in Nepal seem to have been institutionalized gradually (Upadhyaya and Ghimire, 2017).

The anti-corruption movements have been increasing with the rise of corruption. Before the political transformation of 1951, the anti-corruption had not been the agenda of any ruler. At that time, there was no difference between the national treasury and the personal account. The property of the nation was utilized personally (Ghimire, 2015). However, anti-corruption law has been in existence in Nepal for a long time. The first National Code (MulukiAin) was enacted in 1854. In 1863 new national codes were issued which contained a chapter about anti-bribery. This law provided a legal mandate to readdress public officials' bribing cases not Rana rulers. Nepal has formulated the Corruption Prevention Act for the first time in 1954. It enacted to prevent civil servants indulging in bribery. Department of Corruption prevention is also established under this Act. This Act was repelled by the enactment of prevention of corruption by civil servants and public authorities act in 1957. The act is broadened to include corruption by public authorities. Similarly, on the basis of this act, establishment of Special Police Department replaces the Department of Corruption Prevention.

In 1961, The Corruption control Act 1961 was promulgated with more extended definition for corruption from bribery to other acts like fraud, theft and

other misdemeanors. The Constitution of Nepal 1961 was amended for the second time in 1975. It made provision for the establishment of commission of Prevention of Abuse of Authority (CPAA) as a constitutional body and this Authority was established in 1977. It is empowered to investigate and prosecute the crimes of corruption committed by senior bureaucrats and public authorities.

The movement of 1991 abolished the unitary Panchayat system and restored the democracy in Nepal. After this, the Constitution of Nepal 1991 was promulgated after the restoration of multiparty democracy. This Constitution made provision for the establishment of the Commission for the Investigation of Abuse of Authority (CIAA).

In 1999, Government constituted a seven member Corruption Control Recommendation Committee under the Convenorship of Mr. Mahadev Yadhav. Many of its suggestions like the enactment of Corruption Control Act, amendment of CIAA Act, establishment of Supreme Court and National Vigilance Center and abolition of special police were implemented by the government. Similarly, Judicial Inquiry Commission on Property was established in 2002 to investigate on the disproportionate property of the public officials' post 1991. The commission asked 41,900 politicians and officials to submit their property details; 11,300 did not comply. Corruption Act 2002, CIAA Act were amended in 2002. Special Court Act, Impeachment Act and the Act related to organization and Regulation of Political Parties were enacted. Amendment of CIAA Act gave substantial power to CIAA to investigate on corruption cases. After that CIAA started taking actions on senior political leaders and bureaucrats. Special Police Department dissolved to avoid duplication of works with CIAA, National Vigilance Center (NVC) was established. Nepal signed OECD/ADB initiative on anti-corruption in Asia and Pacific and CIAA draws five year strategic plan and restructured its organization.

The Then Prime minister Surya Bahadur Thapa government brought out a thirteen point Action Plan to fight corruption in 2003. Nepal also signed UN Convention against Corruption on December 10, 2003. The special court sentenced former minister Chiranjivi Wagle a prison term of two years and a half with a fine of Rs. 27.2 million in August 2003. Similarly, CIAA filed cases against three former chiefs of police on corruption charges.

On 1 February 2005, the then King Gyanendra Shah dissolved the Deuba Government and formed a government, brought 21 point action programs, anti-corruption was enlisted as the top priority agenda. On February 16, the government formed a six member Royal Commission headed by the former secretary, Bhakta Bahadur Koirala. The commission was formed under Article 115 (7) of the constitution of Nepal 1991 related to emergency situation. With the termination of emergency period, commission was continued under Article 127 (Gautam, 2007). The commission was given a sweeping power to investigate and prosecute corruption cases. From March onward the commission started taking

actions amid public controversy over its constitutionality and possibility of taking politically motivated actions (Ghimire, 2015).

On July 26, the commission convicted former Prime Minister Sher Bahadur Deuba and minister Prakash Man Singh for a prison term of two years and a penalty of Rs 90 million each for corruption in the retendering of road construction of Melamchi Drinking Water Project (Gautam, 2007). In February 2006, Supreme Court gave verdict that Royal Commission for Corruption Control was unconstitutional. In April 2006, People's Movement against Royal Regime was successful in reinstating the dissolved House of Representatives. The parliamentary committees started investigating the largesse distributed by the Royal Regime and the property of the King and his family members.

The government of Nepal adopted first National Anti-Corruption Strategy in 2008 with agency wise Action plan in 2010. The Government of Nepal also enacted the Right to information Act, 2007 and Good Governance Act, 2008. The Right to Information Act has become a very powerful mechanism and tool for promoting accountability and transparency in the emerging democracy. Similarly Good Governance Act has numerous provisions to improve public service delivery, institutionalize the social accountability tools like citizen charter, social audit, public hearing, public audit etc.

Similarly on 24 February 2011, Nepal ratified the United Nations Convention against Corruption (UNCAC), and the government adopted the second National Anti-Corruption Strategy in 2012 to address the UNCAC obligations (Koirala et al., 2015).

Former minister Chiranjivi Wagle is probably the first top-notch politician after 1990s who got penalized for corruption. Wagle is also the first former minister to be convicted of corruption in Mar 16, 2011. Supreme Court fined the ex-minister Chiranjivi Wagle with Rs. 20.3 million and an 18 months jail sentence. On 31 August 2012, Khum Bahadur Khadka was convicted with several counts of corruption, slapping him one-and-half year jail sentence along with a penalty of Rs.9.47 million. Similarly, in 2002 the CIAA filed a corruption case against the former Minister Jaya Prakash Prasad Gupta. The Supreme Court on 21 February 2012 found Gupta guilty for having "accumulated money and property from unknown sources while holding public offices in different capacities since 1992". The Supreme Court ordered him to be fined Rs. 8.4 million and to be sent to jail for 18 months.

On April 30, 2017 the Supreme Court sentenced the former IGP's Om Bikram Rana, Hem Bahadur Gurung, and Ramesh Chand Thakuri to jail. The Supreme Court sentenced Rana to two years in jail. Gurung and Thakuri were each handed jail terms of one year. The three former IGP's were convicted of embezzling millions of rupees allotted for buying equipment for Nepali peacekeepers working with the UN Mission in Darfur, Sudan. In 2007, the Nepal government allocated NPR 450

million toward the purchase of armored personnel carriers and other equipment for the peacekeepers, which the UN Mission was to reimburse later. The police chiefs were accused of embezzling NPR 280 million by procuring ramshackle, World War II-era carriers from the Czech Republic.

On 16 July 2017, The CIAA filed cases against three members of the Tax Settlement Commission (TSC) at the Special Court on the charge of embezzling Rs 10.02 billion which is the biggest corruption case in Nepal’s history. The anti-graft watchdog has demanded Rs 33 billion in fines from all three of them, besides jail terms of eight to 10 years.

The Constitution of Nepal 2015 has also provisioned the CIAA as anti-corruption institution. However it curtailed the jurisdiction of CIAA to a considerable degree compared to its predecessor under the Interim Constitution 2007.

**Table-3 : Major Anti-Corruption Agencies in Nepal**

S. No.	Anti-Corruption Agency	Type	Major Focus
1	Commission for the Investigation of Abuse of Authority (CIAA)	Constitutional body	Investigation and prosecution of cases of corruption and improper conduct
2	National Vigilance Centre (NVC)	Prime Minister’s Office	Awareness raising and corruption
3	Special Court	Judiciary	Adjudication of corruption cases
3	Special Court	Judiciary	Adjudication of corruption cases
4	Office of Attorney General	Constitutional body	Public prosecutor
5	Judicial Council	Constitutional body	Combating corruption in judiciary
6	Revenue Investigation Department	Prime Minister’s office	Detection of revenue leakage
7	Independent Review Committee	Committee under Public Procurement Act	Corruption related to public procurement over Rs30 million.
8	Central Arrear Collection Office	Financial Comptroller/Ministry of Finance	Collection of government dues and arrears
9	Parliamentary Committees including Public Accounts Committee and State Affairs Committee	Parliament	Parliamentary oversight

10	Office of Auditor General	Constitutional body	Auditing of books of accounts
11	Department of Money Laundering investigation	Prime Minister's office	Investigation on money laundering and control of financial investment in terrorist activities
12	Offices of Chief District Officers	Ministry of Home	Handling district-level corruption cases, within the authorities delegated by CIAA
13	Office of Financial Comptroller	Ministry of Finance	Government budgetary control

**Source :** Content analysis in 2018

Similarly, the development partners; various organizations have also conducted the anti-corruption initiatives in Nepal. In 2000, the Swiss Agency for Development and Cooperation (SDC) started the good governance project. This project conducted intensive media advocacy, capacity building for youth and other stakeholders, promoting social accountability in the local level. This project was conducted by Pro-public which lasted till 2012.

ADB had conducted anti-corruption activities through Governance Reform Program in 2001 A.D. This project established efficiency unit at the ministry of finance and to change units at the ministry of education, health and agriculture. This program also supported to whistle blower protection and money laundering bill and civil service act.

Similarly, in 2001 DANIDA/HUGOU stated institutional strengthening of CIAA. This project supported Management Information System (MIS), conducted training and workshop and procurement of equipments for CIAA. In 2004, DFID ESP launched Anti-Corruption Project through Federation of Nepalese Chambers of Commerce and Industry (FNCCI). This project's major interventions were that it formed Corporate Ethics Forum, established a complaint hearing unit, and developed codes of conducts and conducted business ethics and corporate social responsibility programs. DFID/ESP also started a Civil Society Anti-Corruption Project from 2005. The main scope of this project was to strengthen civil society organizations and government staff capacity to promote zero tolerance against corruption. In this way, despite the initiatives from government, non-government and private sectors the anti-corruption movements do not seem to have made positive impacts. The following chapter tries to define briefly for the causes.

#### **4. Major Obstacles of Anti-corruption Movement in Nepal**

Nepal's anti-corruption agenda seems to be in a chaotic situation. The engagement of the state mechanism has vital roles to minimizing the corruption. The parliament has been drafting the law and oversight role while national

vigilance center (NVC) has promotive and preventive role. The CIAA has investigation and prosecution role and the court has adjudication which have apparently not been coherent. The anti-corruption movements not being effective account for following reasons:

First is the lack of political willingness to combating corruption. The political parties have not taken the issue of corruption seriously. Though the election manifesto contains strong anti-corruption agendas just before election, no political party seems to have been serious in case of implementing these. Major Political Parties Nepali Congress, Communist Party of Nepal (United Marxist Leninist) and Communist Party of Nepal (Maoist Center) speaks of “zero tolerance against corruption”. However the political parties still treat anti-corruption agenda only as a passing reference; focusing more punitive, and strengthening anti-corruption agencies and they focus to fighting administrative corruption. When it comes to fighting political corruptions like political party financing the manifestos of political parties are spoken little. In this way, while political parties are not able to solve the whole dimensions of corruption, the movement has not been effective yet.

Second is the lack of coordination between anti-corruption agencies. Nepal has more than 18 anti-corruption and oversight agencies working in combating corruption in Nepal. CIAA, NVC, Department of Revenue Investigation, Department of Money Laundering Investigation, Public Procurement Monitoring Office, office of the Auditor General are few examples of the anti-corruption agencies. These organizations are not able to establish strong coordination among them. So, Nepal has to rationalize multiple growths of anti-corruption agencies to avoid possible duplication of efforts, encroachment of authorities and strike institutional coordination.

Third is the inadequate anti-corruption law. Law is the most important factor for controlling corruption. There is lack of strong corruption controlling law while the implementation status of the existing law is very weak. Currently, the jurisdiction of the CIAA is limited to investigating and prosecuting corruption crimes committed by the public officials only. Private sector, I/NGOs, Judiciary, Nepal Army are out of the jurisdiction of CIAA. The constitution of Nepal 2072 has curtailed the jurisdiction of CIAA to a considerable degree compared to its predecessor under the Interim Constitution 2063. While constitution curtails the right of abuse of authority the corruption seems to increase. Anti-corruption legislative reform is expected to resolve the problems associated with overlapping jurisdictions of multiple anti-corruption agencies. For this, if an umbrella act could be promulgated, it seems to be effective. Similarly, the provision of prosecution for the corrupt is not sufficient in Nepal. The punishment provisions are not updated timely. On the one hand there is always delay in prosecution and punishment while on the other, the provision of punishment is also insufficient. There is also a provision of 20 percent off in the penalty amount for corruption which has made

the control process less effective. This provision has hindered for giving strict punishment to the culprit. Similarly, there is the need for government of Nepal to reform anti-corruption laws in line with UNCAC obligations.

Fourth aspect is the social perception towards corruption. At this time, there has been practice of earning more and more money in whatever way to be rich. The social prestige is depended on how much property one possesses. People respect the corrupt rich than an honest poor. This kind of social understanding has created hindrance for the anti-corruption movements to work effectively. People run after money and try to earn in whatever way they get. It seems that the effective moral education is inevitable right from the school level.

Fifth aspect is that while the corruption is being decentralized, the people other than public officials are also involving in corruption. The classical definition of corruption 'abuse of public power for private gain' has been changed in the present scenario. The general people other than public officials are involved in the organizations like users' committee. People are involved in various corrupt activities within these organizations like earning profit from public works, irregularities by preparing false bills and bill payment without completing works. While the government of Nepal announced for distribution of grants for reconstruction to earthquake 2015 survivors, many family provided false data of separated family and took grants. This shows that general people are also attracted towards corruption nowadays. The public and private dichotomy is being destructed slowly. This shows that ordinary people if got chance also involve in corruption. The possibility of raising the anti-corruption movement from public level has been decreasing by this.

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## **White Collar Crimes : A Study in the context of Classification, Causation and Preventive Measures**

***Aayushi Goel\* and Bhupinder Singh\*\****

*Crime and punishment has its origin in antiquity. With the development of society, the nature of the crime also changed in different dimensions from common crimes to special crimes which remained unattended. The criminal jurisprudence while classifying the crimes from different parameters also uses the technique to differentiate the crimes and label them as 'Blue Collar Crime', 'Red Collar Crime' and 'White Collar Crimes'. The blue collar crimes are the common crimes, while the red collar crime being coupled and tainted with blood. On the other hand white collar crime emerged with the advancement of society by a particular act or omission of an individual appears not to be a crime but is always tainted and painted with underline crimes in its concealed form usually related to economic offences of essential commodities food adulteration, money laundering and so on and so forth. The crime in its nature remains undetected from the general public and criminal justice administrators. The research topic takes care of different dimensions of white collar crime, their penalties too and investigating and adjudicating their models thereof, with emphasis on causation of such crimes and providing suggestive measures for a curative purpose. The topic is dealt on doctrinal methodology based on primary and secondary sources of data, analyzed on different research techniques for arriving at conclusion.*

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[**Keywords** : White collar crime, Money laundering, Tax evasion, Embezzlement, Layering, Aggrieved, Offence, Tainted money, Unjust enrichment, Trafficking, Extra territoriality]

## **1. Introduction**

White Collar Crimes are the crimes which are committed by someone who is having high social status and respect during his occupation. It refers to the crime which is committed by professional or salaried workers or persons in businesses who basically conduct a form of financial fraud or theft. Edwin Sutherland, the Sociologist, the American Criminologist has defined the term “White Collar Crime” in 1939. Such type of crimes is known as non-violent crimes which are committed mainly by business people through deceptive/wrong/cheating activities as they are able to access large amounts of funds of the business account for the purpose of their financial gain.

People who commit white collar crime exploit technological power, social or economic for corporate or personal gain. However, Since Sutherland’s time, such crimes have been stopped to be the exclusive domain of these groups. Moreover, with the developments in the fields of technology and commerce have increase the scope of white-collar crime to include health-care fraud, conspiracy, obstruction of justice, cyber crime (computer crime),perjury , and intellectual property crimes, embezzlement, money laundering, antitrust violations, bribery, tax crimes, and regulatory violations. Some of the specific examples of activities that predicts white-collar crimes include :

- Price Collusion (To plan with other cooperative Firms to fix the prices of goods or services which in turn help in achieving artificially high profits or helps in driving a competitive Firm out from the market)
- Preparing False reports of tests on pharmaceutical products to obtain legal manufacturing licenses
- Mixing defective and cheap components for costlier components as mentioned in the construction of buildings or roads but charging the customer for the whole cost of the mentioned components.

## **2. Types of White Collar Crimes**

There are many forms of white- collar crimes as they are non-violent in nature. The Different types of white collar crimes involve: tax evasion, frauds, public corruption, antitrust violations, and many others. Let us look closely at these various types below :

### **2.1 Tax Evasion and Money Laundering**

Tax evasion is a term that basically refers to the failure of not following tax-paying policies or avoiding various tax payment by illegally. Most of the schemes

include an independent person or corporative firm who are intentionally misreporting their part of remuneration with the perspective to pay less amount than they are supposed to pay for the tax. Deliberately, misreporting the salary occurs through under-reporting (failing in making full report), inflating deductions (Increasing the debits from the income), and even hiding various amounts of money along with its interest and its other sources of income.

“Tax evasion is a crime is considered as in many of the countries, which is included as one of the serious criminal cases. Tax evaders are punished with large number of fines or jail custody or even both. For example, in the United States, a tax evader is responsible to make a payment of not more than \$100,000 or over \$500,000 for corporative trial and/or jail custody of not more than 5 years. In a many of the scenarios, it includes all the penalty of the prosecution like surrendering of owned properties.”<sup>1</sup>

## **2.2 Public Corruption, Bribery, and Embezzlement**

Public corruption involves breaching of public trust and/or abuse of cooperate by government officials together with private sector counterparts (Cornell University, 2010). It is an offense of authorize person misbehavior with the familiar dishonest conduct of an official during the period of period his or her duty. Some types of this misbehavior include theft/robbery, swindling or redirection of properties and restricting of justice. People have various views concerning public shoot/graft and misconduct. Recently, countries focus to come forward with standards internationally and had included public corruption as one of the misconduct. “This standardization aims to include specific offences and not only generic definition and offense of corruption (OECD, 2008).”<sup>2</sup>

On other hand, bribery is defined as is the soliciting, giving, offering, or taking of any amount of value which is used to impact the activity of an authorized holding a legal duty or public office. “Bribery of any kind is objectively handled in best suiting of the private interests with regard to the maker of the decision (Cornell University, 2010)”<sup>3</sup>. The most significant elements of bribery include “giving” “offering” and “promising”. Therefore, a movement of bribery is term as a crime even if does not include an official agreement. The person who takes bribery is called briber who is also responsible to the activity itself. Moreover, with the approval or agreement of the bribe, the scenario becomes different. In that case, both of the parties are held as responsible to the transaction made.

## **2.3 Fraud**

Fraud is performed by misreporting the facts and figures to obtain something in return of something. There are four elements of fraud :

- The person who is responsible for making unlawful act made a statement of fact whatever is doing is not true.
- The perpetrator purposefully made the false declaration.

- The sufferer thinks that the declaration to be true and depends on the declaration only, and thus lose something which is of value.

#### **2-4 Computer and Internet Fraud**

Unauthorized access of Internet and computer is called Computer and Internet fraud. It is to create Broadway to misinterpret the facts to initiate loss purposefully. These can be done through the following methods :

1. Improve computer input data in a random legal method,
2. Alter or even erased the saved data,
3. To write software codes again to totally access the data.

Most of the common form of internet and computer fraud is hacking through sophisticated and knowledgeable gadgets to access Internet or computer password, even identity and the credit card information. Especially unsafe fraud is information and other details of bank users' which will be used for credit card hosting. Offenders may use the details to create fake credit cards along with the user real identification number and password.

#### **2-5 Bankruptcy Fraud**

There are three major forms of Bankruptcy fraud :

- The first form of bankruptcy occurs when borrowers hide their property to avoid any charge of penalty. This includes more than 70% of all bankruptcy fraudulent cases. Failure to pay the debt and disclose some of the properties may permit the defaulters to keep their properties or assets instead of having remained or outstanding debt.
- Secondly, any person who is defaulter in paying the remaining amount file incomplete or incorrect forms. These can also hide some of the important data or information about the properties.
- Third, is the process of record filing multiple times Defaulters who filed multiple false or incorrect documents may result in postponing and hiding of their properties.
- Lastly, activity of bribery of court-appointed trustee is also a very common and existing cases that is occurring. Debtors or defaulters pay huge amount of money as a fine than to lose their properties.

#### **2-6 Healthcare Fraud and Insurance Fraud**

Fraud of insurance and Healthcare mostly go ahead simultaneously. Healthcare fraud is procedure of filing false information and healthcare records to achieve higher profits. On the other hand, insurance fraud refers to the procedure of achieving improper payment of income in some wrongly manner from an insurance benefactor. This type of fraud cases is also prevailing through the

Internet and thus considered as one of the top cases of Internet fraud. However, there are various methodologies to do such type of crime activities.

Insurance fraud is referred as “any activity or mission with a point of view to unlawfully obtain an insurance benefit.”<sup>4</sup> This type of procedure involves dishonest claims, fabricated claims, false statement. After collecting some of the important information with the point to fraud or do some personal gain which is known as the activity of crimes. It is existing, and its existence is increasing day by day because such type of crimes is comparatively more difficult to detect. Such type of criminal cases cost up to \$80 billion each year.

### **2.7 Forgery**

The process of changing, making, possessing, or using a false or wrong document, like some form of contract, or other document, with the mindset to make a fraud of the holder of the document is known as forgery. This type of activity includes the crimes like selling falsified art or passing forged checks.

## **3. Penalties for White Collar Crimes**

The penalties penetrating for white collar crime vary hugely which depends on the type of crime which is committed by the person, and the scenarios or the environment that is surrounding the case. Many of the citizens of the country are facing criminal charges for a white-collar crime. Basically, penalties for white collar crime may involve :

- community service,
- fines,
- imprisonment,
- restitution,
- probation.

These types of crimes are tough and serious enough to face imprisonment. “The Sarbanes-Oxley Act of 2002 was passed by the Congress, which expand the administration which is under corporative authority and mandated monetary declaration, with an aim to develop large scale white collar crime.”<sup>5</sup> Due to this Act, wire or mail fraud are included in penalties for white collar crime which is increasing day by day.

In complementary to any criminal penalties which is forced on an offender, secular penalties may be forced for white collar crime as the offenders can report a secular or civil legal action against the perpetrator. Criminal judgement is not needed for a monetary crime offender to be victorious and be rewarded harm for his monetary losses in a secular legal action.

## **4. Causes of White Collar Crime**

The common opinion or perception is that the white-collar crimes are mostly occurred because of greediness or commercial/monetary instability. Beside this

white-collar crime are also committed due to the environmental pressure or the deep-rooted characteristic. Moreover, the various reasons for white collar crimes are :

- **Not really a crime** : Some offenders convince themselves that the actions performed by them are not the crimes, as the act engaged in the activity does not resemble street crimes.
- **Not realizable** : Most of the people explained themselves in performing crimes as they observe that the administration rules and regulations do not interpret the practical scenarios and difficulties of participating in the free business system activity.
- **Lack of awareness** : The lack of knowledge or awareness among people is one of the main reason of white collar crime which is occurring around the globe. White collar crime differs from the orthodox crimes and people hardly perceive it though they are the worst sufferer of crime.
- **Greed** : Greed is another type inspiration of the committing the crime. Most of the people believe that other people are also disobeying the laws therefore it is not harm if those people will do the same.
- **Necessity** : Essentiality is another type of factor which is executing the crimes. People executing white collar crimes to cool down their ego or help their family.

## 5. White Collar Crimes in India

White Collar Crimes are quickly expanding in our nation with the betterment of trading and technologies. "The modern or the recent growth in the technology has provided new dimensions to cyber crimes which are known as computer related crimes. However, the white-collar crimes are expanding with the development of various new types of websites. The affected areas by these crimes are business, banking and financial institutions, industry, etc."<sup>6</sup>

Hence, crime is an omission or activity which represents the wrong and is illegal under the law. As we know that the white-collar crimes are expanding day by day, it harms the population on a large scale because the laws are not correctly managed or administered, hence, there is a requirement to control the limitation factors which are serving in the commitment of such type of crimes.

## 6. Laws relating to White Collar Crimes

Various types of regulatory legislations have been established by the government of India, the violation of which will be charged a penalty to white-collar criminals. Some of the regulatory legislations introduced by the government are :

- The Import and Exports (Control) Act [1947]
- Essential Commodities Act [1955]

- Companies Act [1956]
- The Foreign Exchange (Regulation) Act [1974]
- Prevention of Money Laundering Act [2002]
- The Industrial (Development and Regulation) Act [1951].

The Indian Penal Code includes means and methods to be examined about the crimes such as credit card fraud, Bank Fraud, Insurance fraud, etc. In the scenario of money laundering, some of the steps have been taken by the government of India to handle this problem. The Reserve Bank of India has provided orientation which has to be rigidly followed by the banks under KYC (Know Your Customer) guidelines. The financial institutions such as banks should maintain the records or the data of every transaction for a time span of ten years.

“Information Technology Act, [2000] has been established in order to handle the computer-related crimes, so as to give the identification legally to the authentication of statistics or data which is interchanged with respect of profit oriented transactions.”<sup>7</sup>

Following are the crimes which are advised as the punishment under the Section 43 and 44 of Information Technology Act :

- Copying of apart from any data and separating it from main data illegally.
- Accessing and downloading the documents or files illegally.
- Inventing of malicious programmed or viruses which can harm other computers and its data.
- Harming the computer network or the computer system.
- Not providing the authorization or the access to an authorized person to the computer system.
- Giving the help to someone to ease the smooth unauthorized access to a computer illegally.

Although the main emphasis of Information Technology Act is not on cyber crime, but this Act has some of the allocation which is the concern of white collar crimes. Despite this, there are some of the issues which are still not resolved because of incomplete emphasis or focus. Some of them are mention below :

- Non-presence of suggestion for enquiry regarding cyber crime.
- Inapplicability.
- Meaning of hacking.
- No steps to control internet privacy.
- Absence of international team work.
- Authority of police to search and enter limited to public places.
- License for meeting as judge officer which is not authorized.

There are some estimates to allocate with white-collar crimes. Most of them are, establishing common people awareness of crimes through the means of press

or media and legal literacy programmed or through other audio-visual means. Unique panel should be established with ability to sentence the criminals for at least 5 years and heavy fines should be imposed rather than arrest and imprisonment of criminals.

Every day we do not listen regarding white-collar crimes. It is stated by Federal Bureau of Investigation that USA has noted white collar offenses contributing \$300 billion every year. Comparatively, White-collar crime is a brand-new term. It has been used or is available in courts for fairly a long time, but the main aim can still be unclear or confused for some of the individuals. Legal Practitioner and lawyers/agent pursue their quarrel concerning the environment and extent for white-collar crimes. It has large number of characteristics that are feasible for inspection and additionally clarification to clear some portion of its blurry parts.

## **7. Conclusion and Suggestions**

This chapter provides us the meaning and the extent of white-collar crimes. Clashing definitions and thinking from law agents increases the confusion/ambiguity of the plan. By penetrating the documentation/literature, this chapter focuses to conduct forepart of the roots and antiquity of this arguable section of the judicial system and law. It presents its rebellion in terms of sentences and sanctions, extent/scope and specific cases which occurred throughout the years, from its orthodox introduction, conceptualization, and incorporation in the constitution. However, it is seen clearly that on the certain categories of white collar crimes, considering into account their extent, cause, penalty for the wrong doer with features about prevalent legal system. Moreover, at last, it describe and considered some of the cases that gave white-collar offense vogue and gather awareness from someone of the media, the law and the public.

It is understandable that because of the progress of technology and science, present form of offense known as white-collar crime has appeared. The extent of white-collar crime is so broad that after examining the distribution of Indian Penal Code, 1860, we came to the negotiation/conclusion that most of the offences under Indian Penal Code are bonded closely with white collar crimes such as deception and adulteration of food, fraud, bribery etc. The supply of Indian Penal Code which is trading with white-collar offences should be revised to modify and increase the penalty especially with modifying socio-economic state. The extraordinary activity which is concerned with white collar offences and the supply of Indian Penal Code should sound harmony and clarified to restrict the cause of white-collar offences.

From the aforesaid deliberations, it is a fact that white collar crimes emerged on scheme and have attained a definite place in society. The crime is such which has different dimensions besides different territorial connections including the crime in most situations being a country in wrong originating in one place,



developed in another and showing its consequence in third place or so. The state of origin in most cases became helpless to prevent such crime provided that the criminal and subject matter of crime, besides occurrence happens in territorial jurisdiction. The crime in some cases is territorial but in most cases becomes the cross border of crime which needs immediate regulatory mechanism at international and national level. Though the Money Laundering Act provides for extra territoriality but same is based on reciprocity and/or treaty methodology which in some cases happens but in most cases is like to happen. This warrants international convention followed by international agency like Interpol etc., besides adjudicatory mechanism for which the researcher makes strong suggestions. The provision in the present form in Money Laundering Act is well begin but half done as such needs the mechanism as suggested therein before.

### Footnotes

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## Muslims in India and the Process of Development

***Khalid Mohammad Tabish\* and S. M. Sajid\*\****

*India is known worldwide for its religious, cultural, lingual and geographical diversity. It is second most populous state in the world. It has achieved remarkable success in several spheres and its economic growth and development, particularly during the last two decades has been significant. Currently it is recognized as the second fastest growing economy of the world following China. This paper aims to discuss the problem of development deficit with regard to the largest religious minority group namely Muslims in India. Though historically Indian Muslims have accomplishments and glory to their credit, they now stand at a disadvantageous position in all spheres of development viz a viz social, economic, educational and political. They are found to be lagging behind other religious groups. Muslims face multiple disadvantages and in the present context doubts are being raised more vociferously on their loyalty to the nation. Large number of communal riots since independence have not only made them suffer economically but has also instilled a sense of insecurity and fear among them resulting in their ghettoisation and relegation to the margins. Their educational, economic and social backwardness is further accentuated by the threats to their distinct religious and cultural identity. The process of development since independence which was initially through planned economic development based on the trickledown approach and subsequently under the structural adjustment programme has resulted in the marginalization of the weaker sections of which Muslims constitutes a significant part.*

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[**Keywords** : Minority, Muslims, India, Development, Backwardness, Exclusion, Inequality, Conflict]

## **1. Introduction**

Muslims in India constitute the second largest population in any country after Indonesia. The growth of Muslim population in India can be attributed to many processes. Bashir, & Wilson, (2017) mentioned that for the very first time Muslims in significant numbers arrived in Indian subcontinent with the Arab conquest in seventh century CE. And subsequently the Muslim population evolved and mingled in the Indian context with the help of conversion and infiltration. Engineer (2004) argued that in Southern part of India, Islam entered in the form of Arab traders in a peaceful way through west coast, however in the northern part of the country, it entered by the invasion of Muhammad bin Qasim - who was sent in later part of 7<sup>th</sup> century by governor of Iraq, Yusuf bin Hajjaj. Later, widespread conversion at all levels of society occurred throughout the sub-continent, with the permanent and enduring presence of the conquerors of Afghan, Turk and Mogul from Central Asia (Malik, 2008; Saberwal, 2006). Singh (2010) noted that Islam in full force was established in India with the invasion of Mohammad Ghazni (in 10<sup>th</sup> century) followed by invaders from Persia, Turkey and Afghanistan in 11<sup>th</sup> and 12<sup>th</sup> century. Forceful conversion and inducement further led the spread of Islam in Indian subcontinent. Historical facts reveal that even many Hindu rulers of India invited Muslim invaders to settle scores with the rival local rulers. There are instances available where one Muslim invader fought against another ruling Muslim dynasty. Babar - the pioneer of Mughal rule in India, was invited by then Rajput rulers to defeat Ibrahim Lodhi (the ruler of Lodhi dynasty), as the Rajput on their own were unable to defeat him. He fought a fierce battle of Panipat (1526) against Ibrahim Lodhi to mark the beginning of Mughal empire (Engineer, 2004). With the establishment of the East India Company in 18<sup>th</sup> century, the British conquest invariably usurped the Muslim stronghold in India. Belmekki (2014) argued that the British rule in India identified Muslims responsible for the outbreak of 1857 (first war of Indian Independence against Britishers). In the wake of it, anti-Muslim reaction emerged out of the British administration. They held Indian Muslims to pay for the rebellion by adopting a more retaliatory attitude which relegated Indian Muslims to vulnerable position. Khan (2004), claimed that after the rebellion of 1857, there was barely any Government office wherein a Muslim could even hope to get a post above the rank of postman, messenger, or filler of ink-pots. Post-1857 period devalued Indian Muslims to a state of degradation and destitution. It created an atmosphere where Muslim began to feel alienated and as others from the rest of the inhabitants in the subcontinent.

Puri (1993) viewed that August 15, 1947 was the gloomiest day for Indian Muslims in their history. With independence and partition of the country into India

and Pakistan, the Muslim community in India got a sense of insecurity, frustration and uncertainty. The post partition trauma once again reminded Muslims the collapse of Mughal empire, and in no way, the suffering was less than that. But, after the collapse of Mughal rule, the Muslims community regained their self-esteem and goodwill due to their deep-rooted patriotism, and later emerged and accepted as the leader and symbol of first war of Indian Independence in 1857. However, in 1947 and the subsequent period, Indian Muslims have been observed losing their respect in eyes of the majority community (Hindus) due to the alleged role of their leadership in partition. The partition of the country in 1947 marked a scar on the self-confidence, prestige and role of Indian Muslims in their 800 years of rich history in India. And, thus we can refer the emergence of a new community in India post 1947 which is consistently questioned for their loyalty, patriotism, and honesty towards the majority community as well as the nation. Singh (2010) stated that in the wake of partition, thousands of Muslims lost their lives and property at the hands Hindu hooligans. The partition of Indian subcontinent into two separate nations (India and Pakistan) did not solve the problems of Muslims in either nation. Rather it shattered their unity and strength, which further debilitated with the creation of Bangladesh (as the third country) in 1971. Now, Muslims of Indian subcontinent are divided in three units, of which India contains highest number of Muslims, though Pakistan was meant as a Muslim homeland at time of Independence. Muslim of all three countries (India, Pakistan and Bangladesh) are struggling with acute problem of poverty, unemployment and illiteracy. In addition, Indian Muslims are consistently facing the problems of security and identity since India emerged as an Independent nation (Engineer, 2004).

The National Commission for Minorities (NCM), identified six religious communities as Minorities in India, viz; Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) and Jains. Hindus constitutes the majority population (79.8 per cent); however, Muslim (14.2 per cent); Christian (2.3 per cent); Sikh (1.7 per cent); Buddhist (0.7 per cent); Jains (0.4 per cent) exists in minority (Government of India census, 2011). And thus, Indian society can be termed as the medley of religions with the presence of all major religions of world. Highlighting the diversity of the country, the Supreme court of India, in one of its judgements observed that “the one billion population of India consists of six main ethnic groups and fifty-two major tribes; six major religions and 6,400 castes and sub-castes; eighteen major languages and 1,600 minor languages and dialects” (T.M.A. Pai Foundations and others vs. State of Karnataka, 1993, Para 158). Muslims are the largest minority group in India. The Vice-President of India (11 August 2007 to 10 August 2017), Mr. Hamid Ansari stated that “the Muslims of India constitute a community of 180 million, amounting to a little over 14 per cent of the population of the country. They are, after Indonesia, the second largest national grouping of followers of Islam in the world. They were an integral part of the freedom struggle against the British rule. They are dispersed all over the

country, are not homogenous in linguistic and socio-economic terms and reflect in good measure the diversities that characterize the people of India as a whole” (Inaugural address of Golden Jubilee Session of All India Muslim Majlis-e-Mushawarat, New Delhi, 31 August 2015).

This paper aims to discuss the development deficit of Indian Muslims and problems related to that. The contemporary evidences indicate that a major section of Muslims are educationally, socially and economically disadvantaged as compared to other socio-religious groups in India. Bashir and Wilson (2017) argued that a major chunk of Indian Muslims are politically, economically and educationally backward and therefore needs special attention of the government. The religious, historical and social processes have no doubt promoted socio-economic transition among some, but still majority of Muslims are struggling for socially and economically elevated lives. The courses of action undertaken by pre-modern, colonial and post-colonial regimes have ultimately endorsed and reinforced social divisions within Indian society, leading to further differentiation, and hence have been proved less than helpful.

## **2. Development Deficit of Indian Muslims and related Problems**

The Prime-Ministerial High-level committee popularly known as “Sachar committee” in its final report (submitted to Government of India in November 2006) highlighted that Muslims are most backward among all religious minorities of India in the entire compass of development. The 425 pages long report mentioned that there are very few above primary standard schools in Muslim localities. 25 per cent of Muslim children (6-14 years) are either school drop-outs or have never attended school. The report clarified that Muslim parents equally supports modern or mainstream education, and willingly send their children in affordable government schools. The report utterly rejected the common belief prevalent against Muslim parents that they do not equally feel the importance of female education. It noted that expansion of educational opportunities during the post-Independence era has not diminished differences in the attainment levels between Muslims and all Others. Muslims are at the top in terms of drop-out rates at all level of education i.e. Primary, Middle and Higher Secondary as compared to all other religious groups. The report further documented that out of the 25 under-graduate and 50 post-graduate students studying in regular premier colleges of India, only one reportedly hails from Muslim community. Muslims have low probability of completing graduation compared to all other religious communities. Gap in the attainment of education between Muslims and other religious communities increases with the level of education. Muslims constitute 1.3 per cent share in all courses of IIMs in India (63 out of total 4743 students). Similarly, in IITs, their presence in numbers is 894 out of 27,161 enrolled students. In top medical colleges, Muslim share 4 per cent of seats in total enrollment of students. Similarly, in all years of BA LLB course at National Law University,

Bangalore, Jain et.al (2018) exposed the poor presence of Muslims. They recorded presence of only three Muslim student (0.75 per cent) among total 397 surveyed student which is 97.9 per cent of total student strength in BALLB course; however, 82 per cent of total surveyed students were from Hindu community, 5 per cent were Jains; 4.3 per cent were Christians; 3.8 per cent were Sikhs; and 2.8 per cent were Buddhists. The situation of Muslims in higher education is depressing. The All India Survey on Higher Education (AISHE) 2017-18 recorded 5.0 per cent enrolment of Muslims in total estimated enrolment of 36.6 million in higher education (while Muslim constitute 14.2 per cent of total population of India). Muslim graduates have highest unemployment rates among all religious communities.

Representation of Muslims in salaried jobs (both in public and private sector) is quite low. Majority of Muslim workers are engaged in self-employment activities; mostly involved in non-agricultural activities within self-employment category. In salaried job, Muslims generally work as casual laborer. In most of the Public-Sector Units (PSUs), representation of Muslim workers is limited to 5 per cent. Engagement of Muslim workers in the formal sector (urban areas) is less than 8 per cent against the national average of 21 per cent. Only 6 per cent Muslims are employed by Central government in 'Public Order and Safety Activities', while for Hindu (upper castes) the figure is 42 per cent and for Hindu (SCs/STs) and Hindu-(OBCs), it is 23 per cent. Only 4 per cent Muslims are working in the defense services, while the corresponding figure for Hindu-SCs/STs is 12 per cent; 23 per cent for Hindu-OBCs; and 52 per cent for Hindu-upper caste. Muslim representation in government services especially in the civil services which majorly involves in policy making etc. has been found disproportionately low. Panikkar (2005) stated that Muslims have terribly low representation in administrative services of India; 3 per cent in the IAS (Indian Administrative Services), 1.8 per cent in IFS (Indian Foreign Services) and 4 per cent in IPS (Indian Police Services). Similarly, in lower Group C and D services of the government, Muslim's representation is noticeably limited. In services like railways, they constitute 4.5 per cent share of total employees; in which 98.7 per cent are positioned at lower levels; 1.3 per cent employed as Group 'A' or Group 'B' officers. The share of Muslims in security agencies like Border Security Force (BSF), Central Reserve Police Force (CRPF), Central Industrial Security Force (CISF) is 3.6 per cent at higher positions and 4.6 per cent at lower positions. It must be noted here that Minorities other than Muslims shares 11 per cent of Group- A jobs in India. In education and home departments, the representation of Muslims is 6.5 per cent and 7.3 per cent respectively - half of their total population. Even in the private sector employment, Muslim are badly represented at all levels. Muslims constitute 2.67 per cent of directors and senior executives - 62 out of total 2324 executives among the 500 BSE (Bombay stock exchange) companies of India (The Economic Times, 7 September 2015).

One of India's leading newspaper, collated its report on basis of census 2011, argued that "almost a quarter of India's 3,70,000 beggars are Muslims, reinforcing that the community still lags behind on most counts despite the country's rapid economic growth" (Hindustan Times, 30 July, 2016). Muslims of India are among the poorest communities in terms of per capita income. Average per-capita expenditure of Muslims (Rs. 32.66 per day) is lower than other religious groups; it is Rs. 37.50 for Hindus; Rs. 51.43 for Christians and Rs. 55.30 for Sikhs. The lowest per-capita expenditure signifies that Muslims have lowest living standard in India among all religious groups (The Hindu, 20 August 2013). Socially, Muslims are deprived more than any other religious group in India. They have been found mostly residing in ghettos. Feeling of being discriminated against other religious groups is intense among majority of Muslims, leading to their collective alienation. Muslim concentrated areas lack infrastructural facilities which reflect that access to basic services is still a problem for sizeable Muslim population. With a head count ratio of 38.4 per cent, the rate of poverty is highest among Muslims residing in urban areas. Politically Muslims are at disadvantageous position in the country. Currently in the house of people (Lok Sabha) out of 545 elected members, there are only 23 Muslims as member of parliament (MP); least representation of Muslims in the history of Indian parliament ([www.ndtv.com](http://www.ndtv.com)).

Alam (2008) argued that Muslims have contributed equally for the glory and recognition of India since long. They are second to none in terms of their inputs in the field of art, literature, culture and music. In science, humanities and intellectual world, they have contributed remarkably well. In the professions like medical, engineering and law, they have accomplishments to their credit like any other community in India. Similarly, in sports they have made the country proud. Despite being an equal partner in serving the country and contributing to it, they are treated unequally by the state in extending basic services like housing, tap water, schools, medical facilities, roads etc. Access of Muslim children to the Integrated Child Development Services (ICDS) has also been reported low and so its overall coverage.

India has travelled a long distance on the path of development since its Independence in August 1947. It has achieved landmark GDP (Gross domestic product) growth in 70 years of development course. The country has always enthusiastically adopted progressive strategies for maintaining its economic growth. Such a strategy was adopted in the form of Structural Adjustment Programme (SAP) in 1991, which led India to move on the path of Liberalization, Privatization and Globalization (LPG). Mukherji (2009) explained that since the adoption of SAP in 1991, Indian economy has grown at a remarkable pace. From 1991 to 2004, the GDP growth rate was over 6 per cent, and it grew by over 8.5 per cent between 2003 and 2007. The notable growth of Indian economy promoted India as the second fastest growing economies in the world after China. But along with an excellent GDP growth and International recognition following the

implementation of SAP, the disparity among section of Indian population has widened, as LPG formula favored those who are educationally and financially sound. Sachar committee report (2006) in the same context argued that Muslims are mainly employed in unorganized sector of Indian economy, which has no protection of government like the organized sector and therefore they are principal victim of competitive forces unleashed by the policy of liberalization. The import of products spoiled their small businesses as well as taken their traditional occupations like sericulture, hand/power looms, leather industry, automobile repairing, garment making etc. Muslims by and large were traditionally engaged in these unorganized and traditional occupations, and thus they suffered badly due to the policy of LPG in terms of losing their job and businesses. The rate of reduction in poverty for Muslims defines the deplorable condition of Muslims post SAP (1991). Despite the excellent GDP growth between 1993-94 to 2004-05, the reduction rate of poverty among urban Muslims was modest during the same period (Mukherji, 2009).

Immediately after the independence; India declare itself a secular state where all people would have equal rights, freedom and protection of laws. The Constitution of India guarantees all its citizen "equality before law or equal protection of law within the territory of India and argues that State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them" (Article 15). It assures "equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State" (Article 16). It grants all its citizens with (a) "freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions" (Article 19). The Constitution of India allows every citizen the "freedom of conscience and the right to freely profess, practice and propagate religion of own choice" (Article 25). It empowers every religious group (a) "to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion" (Article 26). It advocates for its citizens "the right to conserve their distinct language, script or culture" (Article 29). It delegates "all religious and linguistic minorities, the right to establish and administer educational institutions of their choice" (Article 30). India's concern for the protection of minority rights can be traced back to its emergence as a democratic nation. Right after three years of independence in 1950, the Prime-Minister of India and Pakistan met in New Delhi and signed the famous "Nehru-Liaquat Agreement" on 8 April 1950. Through this treaty both countries solemnly agreed "that each shall ensure, to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honor, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and



morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces" (www.commonlii.org). Raghavan (2016) argued that the pact on the question of minorities made both governments accountable to one another in their respective countries. And thus, Pakistan was made accountable for the welfare of its Hindus minority, and similarly India was made responsible for its Muslim population (as Minority). Similarly, rights and protection of minorities have been frequently debated at International forum for a long time and the same have been emphasized time and again. International Covenant on Civil and Political Rights (ICCPR) (adopted by UN general assembly on 16 December 1966), in this context asserts :

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 26). "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (Article 27).

"Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" adopted by United Nations General Assembly resolution 47/135 of 18 December 1992 enumerated rights in favor of minorities of all kinds as: "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity {Article (1)}. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination {Article 2 (1)}. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life {Article 2 (2)}. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country {Article 4 (5)}. National policies and programs shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities {Article 5 (1)}. Programs of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities" {Article 5 (2)}.

Navanethem Pillay, UN High Commissioner for Human Rights, on Human Rights Day (10 December 2009) stated that; "Minorities in all regions of the world continue to face serious threats, discrimination and racism, and are frequently excluded from taking part fully in the economic, political, social and cultural life available to the majorities in the countries or societies where they live."

Today, along with the problem of relative development deficit in comparison with other socio-religious groups, Muslims in India are threatened by the issues of identity, equity and security on a daily basis (Basant and Shariff, 2010). Rauf (2011) observed that socio-economic inequality among Muslims is not only due to their developmental deficit, but also due to majoritarian approach of right-wing Hindutva, which defines and mix Muslim identity with myth, hysteria, and hostility; and thus, present them as opposite to social fabric of India. This approach not only restricts Muslims in participating as an active citizenry, but devalue them as a social, economic and political minority. Sachar committee report (2006) stressed that there is widespread perception of deprivation among Muslims and since Independence no systematic effort has been made to analyze the condition of religious minorities in India. Further the report argued that markers of Muslim Identity have become a concern for Muslims in the public realm, as every bearded Muslim man is considered an ISI (Inter-services intelligence- premier intelligence agency of Pakistan) agent. Muslims have been socially boycotted in certain parts of India and forced to migrate from places where they lived since long. At present they are frequently labeled as anti-national and at the same time appeased by the government for political gains.

Panikkar (2005) argued that minorities have been subjected to physical intimidation and attack in all South Asian countries. Now these attacks are so organized and have assumed and turned into a program against minorities. The carnage against Muslims in Gujarat (2002) unleashed by the Hindu fundamentalists is a fine example of organized program to dismantle minorities. The Gujarat carnage of 2002 was preceded by a long process of highlighting the wrong doings of minorities to the ancestors of Hindu Samaj. Dhattiwala (2017) termed the Gujarat carnage as the one of the worst ethnic killings of modern Indian history, where Muslim were largely targeted. The Minorities at Risk Project (2006), estimated that Muslim-Hindu clashes of 2002 in Gujarat known as Gujarat massacre, internally displaced as many as 5000 Muslim families within India and led to the death of more than 2,000 people. Similar kind of Hindu-Muslim clash broke-out in Muzaffarnagar (a town of Uttar Pradesh) on 7 September 2013; where more than a dozen people reportedly died in the violence and 40,000 people (mainly Muslims) were forced to leave their homes and flee ([www.bbc.com](http://www.bbc.com)). Anirban Mitra (2014) investigated the reason behind religious conflict/clashes in India and contented that religion in many parts of India is used as a systematic tool to gain economic benefits; either exploiting and looting people who are from another religion/faith or preventing them from doing businesses/occupations to

stop their access to resources/property. The researcher noted that with the increase in the prosperity of Muslims, religious conflict (Between Hindus and Muslims) increases noticeably in the next and following years (in terms of number of people killed, the total number of killed and injured, or the number of riots). It is important to accept that Minorities are always at high risk of persecution everywhere in the world. An increase in income of minorities induces more violence against them, and less violence perpetrated by them. A better off minority therefore needs better protection (APOLLON Research Magazine, 2014).

With the arrival of right-wing political party in power at the Centre in May 2014, social tension between Hindus and Muslims have increased. Certain fringe groups of Hindus have taken upon themselves the sole responsibility of ensuring patriotism on part of the Muslims - on the presumption that Muslims are not or less loyal to the nation. There are also attempts to reinterpret the history, which includes projection of Muslim rulers like Mughals as outsiders, who looted India and did all kinds of historical wrongs to the nation. Collusion of certain government funded agencies like National Council for Educational Research and Training (NCERT) and the Indian Council for Historical Research (ICHR) in implementing the right-wing agenda of certain section of Hindu population is disturbing. Today, Muslims are being attacked every now and then purportedly on silly issues like love Jihad (a concept wherein the Hindu group believed that Muslims boys are luring non-Muslim girls and converting them into the Islam, either by marriage or promise of marriage), beef eating etc. On 28 September 2015, a Muslim man, Mohammad Akhlaq (age-50) was lynched by a mob in Dadri for allegedly storing and consuming cow meat. In March 2016 on accusation of cow smuggling, two Muslims were hanged to death in Jharkhand ([aljazeera.com](http://aljazeera.com)). Similarly, during August 2016 in the district of Mewat, Haryana, a Muslim woman along with her 14-year-old minor cousin were allegedly gang-raped for being accused of eating beef. On April 1, 2017; Pehlu Khan (55-year-old); a resident of Alwar district of Rajasthan, was beaten mercilessly by cow vigilantes for smuggling cow, who later died in the hospital due to severe injuries. Three Muslims were killed in West Bengal on 22 June 2017 in the name of cow smuggling ([IndiaSpend.Com](http://IndiaSpend.Com)).

Between 2010-2017; 52 per cent of violence in India centered on bovine issues. Out of which 97per cent were reported since Narendra Modi led BJP formed the government at Centre (in May 2014). Between the same period, 60 cases of cow related violence have been registered in India, out of which 58 (96.7 per cent) happened after May 2014. These violence took 25 human lives, of whom 21 victims were Muslims. In 2016 alone, 25 such cases of violence have been reported. In 18 attacks (out of 60), police have registered charges against the victims/survivor itself. In 24 attacks (40 per cent of total attacks) involvement of persons belonging to Hindu fundamentalist groups/organizations, such as Vishwa Hindu Parishad, Bajrang Dal and local GauRakshak Samitis have been identified. The disturbing is

the figure which says that 31 (52 per cent) of these attacks were initiated simply on rumors. Today, Muslims in India are living in an atmosphere where they are questioned and violently attacked in the name of culture, attire, eating habits and doubtful loyalty routinely by the so-called Nationalist Hindu organizations (IndiaSpend report published on 28 June 2017).

Despite the constitutional safeguard of equality and equal protection of law to every Indian citizen, the Indian state itself has been discriminatory in delivering security and protection to Muslims in tough times. The workshop on 'Key Issues for Religious Minorities Rights in Asia' organized by Minority Rights Group International, 2005 noted that the Prevention of Terrorism Act (POTA- an Act passed by the Indian Parliament in 2002 for strengthening anti-terrorism operation in the country) has been exercised to detain Muslims unlawfully. Police in India is biased against the religious minorities and have communalized. Even the lower and high courts have not remained free from prejudices against minorities. The ongoing debate in India regarding the adoption of Uniform civil code (which advocates for a common set of rules governing every citizen in sphere of civil laws, setting aside the personal laws of religious communities, which are based on their religious scriptures and customs) can be understood as an imposition of majority community law on minorities. Recently the lower house of Indian Parliament (Loksabha) on 28 December 2017 passed "the Muslims women (Protection of Rights on Marriage) bill" (2017) which criminalizes the practice of triple talaq (instant talaq). This is being perceived as a step ahead by the government in its agenda to adopt Uniform civil code, which amounts to the imposition of majoritarian rule over the minority.

Singh (2010) observed that today politics of fear has overpowered the spirit of secularism in India. The wish to dominate over Muslims is increasing among the certain section of Hindu community. At the same time, there is rising fear among Muslims of being targeted through communal riots or legal mechanism due to prejudice and radicalization. He argued that the very purpose of the formation of the state (security) is threatening due to the environment of insecurity and fear among a group of the population. This is the also negation of the assertion of basic civil rights guaranteed in the constitution of India.

Manchanda (2009) argued that historically, the failure of states in protecting the rights of minorities has led to the emergence of major internal and international conflicts, which has drawn international concern and responsibility for protection of minorities. The present condition of Indian Muslims encompasses risk factors for the internal harmony and development of the country. Stewart (2000) stressed that there is possibility of rise in conflict in a situation where, improvements are regarded as being unfairly shared, as happened in Nigeria in the late 1960s. The author views that inequalities in sharing political power results in similar or more economic inequalities for the weaker group/community; because the group in power commonly attempts to monopolize government jobs, infrastructural

facilities and so on in its favor, while discriminating the weaker group/ community. Further, he contended that educational disparity is a very common source of inequality, which triggers economic and other inequalities. In every major conflict, we find an amalgamation of economic, political and cultural factors, with an increased group perceptions and identity; formed on sharp group differentiation in “political participation, economic assets, income, social access and well-being” (Stewart, 2000). Existence of large inequalities of above kind between different groups/community increases the likelihood of conflicts sooner or later. Cederman, Weidmann, & Gleditsch, (2011) observed that the tendency to get engaged in civil war is high among those ethnic groups, having much higher or much lower per-capita income than the country’s average figure. Bartusevicius (2014) defined income inequality and likelihood of popular rebellion as directly related. He argued that higher income inequality increases the probability of popular rebellion. Further the author explained, an individual decision to get engaged in rebellion depend on his/her relative level of income rather than absolute income. The study highlighted that state with a skewed level of income distribution have more chances of popular rebellion than those with a more equal income distribution. Now, we must understand that relative inequality is far dangerous than the absolute inequality. The above studies draw a proportionate relationship between the inequality in socioeconomic aspects and the possibilities of conflict.

### **3. Suggestions to Improve the Lives of Muslims**

To facilitate an equitable socioeconomic and educational development of Muslims, efforts are required at each level i.e. individuals, community, civil society and State. Joint efforts of all stakeholders in society for safeguarding and promoting rights of Muslims are required on a sustained basis to reduce the development deficit. An attempt of this kind would help in preserving the multi-cultural and multi-religious character of India. Following are some of the measures to be adopted by different actors (i.e. Individual, community and state level) for uplifting the condition of Muslims in India :

#### **3.1 At Individual Level**

Critical understanding about his/her present situation is prerequisite to make a beginning towards self-improvement. Muslim youth in particular need to identify the reasons for their backwardness and develop an attitude to overcome them rather than being fatalistic. They need to work on their weaknesses at individual level and must strive to inculcate knowledge, skill and motivation to compete with their fellow citizens. Muslim youth need to understand that education is the key to their development and an effective tool to enhance life opportunities. Though attaining education is not easy task keeping in mind the grass-root realities, still attempt of one generation can bring significant changes for the present as well as upcoming generations of the community. It is heartening to note that women education among Muslims is increasing at a faster pace. These

young girls need to be encouraged and treated at par with their male counterparts. Today, with the emergence of knowledge based and technology driven society, education has become an effective tool of socioeconomic development for an individual as well as community. Highlighting the importance of education, Bhaumik and Chakrabarty (2007) elucidated that earnings of an individual increases with his/her level of education. Agiomirgianakis et al. (2002) argued that education positively affect on growth of an individual in long-run, and this effect strengthens with increasing level of education. Baum, Ma and Payea (2013) mentioned that individuals with higher levels of education are more likely to get employed and earns more than the less educated. While the absence of education lead to poverty and higher vulnerability of crime and human trafficking (HDR, 2016). And therefore, it is high time for Muslims youth to determine themselves for achieving as much education as they can. Education can pull the community from the shackles of poverty and backwardness.

### **3.2 At Community Level**

Demographic spread of Muslims varies across states and districts. They are largely scattered group of population, and in very few districts they form majority or closer to it. Despite their scattered population, they have remained an active and significant population group influencing democratic political processes of India. In states like UP, Bihar, West-Bengal, Kerala, Andhra Pradesh, Telangana, Jammu and Kashmir etc. they play a vital role in the formation of government. But, it has been observed in the recent past that despite their considerable numeric strength; they have failed in pressurizing the government for their developmental needs. In India, normally fresh elections take place in every state as well as for union government after every five years, which decides the formation of the government. Muslims as a community have largely been segmented politically, thus negating their potential to be of significant value in the political process. Muslims have also been noticed to get swayed by emotional rather than rational considerations. This weakness has been exploited by almost all mainstream political parties, and the vote bank politics has really failed to focus on real issues being faced by the community. The community needs to identify issues such as education, skill development, developing competitive attitude and actively participate in competitive examinations at all levels of government recruitments. The community needs to collectively think and act to develop institutions to prepare its members for such competitions. The community needs to learn from Christian and Sikh community for making all out efforts for investing in education of the community. The community needs to first put pressure on their own leadership to stand the test of commitment, seriousness and community resource as opposed to furthering their own political and economic vested interests.

### **3.3 At State Level**

The preamble of Indian constitution defines India as socialist country. The constitution guarantees freedoms, liberties and justice; economic, social and

political. However, a lot needs to be done to achieve these ideals. To strengthen the concept of socialism, the constitution of India inserted a chapter of "Directive Principle of State Policy" where the constitution directs the state to prepare, adopt and implement certain measures for addressing the needs of weaker and vulnerable section of population, and thus promote welfare of all rather than of few. The above discussed situation of Indian Muslim in spheres of development poses a question, whether the state really has followed the directive of Indian constitution or neglected Muslims in implementing the welfare measures as directed. Sachar committee report (2006) clearly mentions that since independence no significant measures have been taken by the Indian state to uplift the condition of Muslims. Areas with significant population of Muslims lacks basic facilities like roads, bus stops, schools, hospitals etc. The ghettoization of Muslims, labelling them as an ISI agent and identifying them disloyal and being suspicious of them in terms of patriotism is denying them equality of status and a decent standard of life. Arrest of Muslim youth on mere suspicion, over patrolling in Muslim ghettos denies them equal justice and personal liberty as envisaged by the constitution. Indian state needs to formulate policies, which can ensure equality to Muslims set forth by the constitution. Rather than neglecting and denying Muslims their due share of development, the state must strive to bring Muslims at par with the rest of its population in all aspects of development through affirmative actions and confidence building measures. As established above that absence of education increases the vulnerability to crime and encourages other social evils. State is duty bound to open more schools in Muslim concentrated areas to protect Muslim children from falling in trap of social evils. The higher drop-out rates of Muslims at all levels needs to be curbed through required measures like concession in fees, scholarship and skill training along with formal education. Proper coaching for entrance exams of institution of higher learnings like IITs, IIMs, state and central universities can be an effective policy to promote higher education among Muslims, which can further enhance their educational and living standard.

India is a multi-religious and multi-cultural country and it is the responsibility of every citizen to protect, promote and preserve this uniqueness of the nation. In above section we discussed how the contemporary condition of Muslims can be improved through their own effort at individual as well as community level, and how the state can play a guiding role in ensuring equality of all kind among Muslims. But the endeavor of community and state is neither enough, nor justifiable until we accept that everyone has a role in nation building and therefore other communities particularly those in better position can play an active role in enhancing the living standard of Muslims. However, it needs to be acknowledged that a significant section of majority population has responded the cause of Muslims in this country. This section of secular, liberal Hindu population is a national ally of Muslims. It is the responsibility of Muslims not to let them devoid by their irresponsible and undisciplined behavior. There is therefore a grave need for Muslims community for self-reflection and introspection.

#### 4. Conclusion

India through the pace of its development in terms of GDP growth has achieved significantly and hold the distinction of being the second fastest growing economy of world, but the development discourse continues to suffer from inequality and is lopsided in nature. A large section of society namely Muslims in India even after 70 years of independence continue to severely lag behind others in education, social, economic and political spheres. The course of development taken so far have not apparently benefitted Muslims like others. The need of the hour is to develop strategies and methodologies to address the development deficit among Muslims. Today, Muslims in India are living with a sense of discrimination, fear of violence, political, economic and social deprivation in their routine life. The targeted Mob violence on Muslims has threatened and pushed the community in a state of fear and insecurity. The increasing cases of mob attacks on Muslims in last three years and the subsequent silence and inaction of government to bar these nuisances reflects that the oppressive mob has some political patronage of the people at the helm of power and thus highlights the discriminatory attitude of the state towards its largest minority.

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## Autonomous Character of Indian Universities and Role of Judiciary

*Manish Rohatgi\* and Meenu Gupta\*\**

*This research paper is based on studying the effect of autonomous character of Indian Universities on its various administrative and academic decisions. The various books, websites, Acts, reports of committees, articles and case laws are referred and critically analyzed on the subject for the purpose of this study. Constitutionally, the University is autonomous in character. Its autonomy is an established fact of Indian attitude. University's actions are clearly defined based on Statutes, ordinance and regulations. Its independence is not the subject of dispute in principle but it is influenced by various unsystematic, vicarious arrangements and pressures. The Government acts on University in haphazard ways, influencing, bullying and being never quite consistent about what it wants. A major hallmark of 60 years of India's independence has been that except to some extent in US, nowhere in the world the judiciary has enjoyed that much independence as in India. The judicial review in matters related to higher education had been progressive and aimed at keeping the education at the desired level of excellence. Court role is narrow but clear. Court duty is to see the rules are followed by University and its officials. The Courts have shown great restraint and unwillingness to interfere with the 'internal autonomy' of educational institutions. The Courts do not like to interfere in sacred relation between a student and a teacher. In matters connected with admission, indiscipline, examination and also in matters with other bodies such as elections of Executive Council (EC) or the University Court, the Courts*

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*have preferred not to interfere with the decision of Education Authorities. Supreme Court in its various decisions held that Courts would interfere when there is a substantial violation of law which has occasioned injustice in a board and general sense. Court will interfere if authority concerned has acted malafide arbitrarily actuated by superfluous circumstances. Universities and its official need to understand the limits of autonomy and act under the sphere of powers conferred as their arbitrary decisions may spoil the career of students as precious time of the critical phase of their career being wasted in judicial proceedings which are time consuming. Courts should also take-up matter related to students on priority and act for fast disposal of case related to students.*

[Keywords : Autonomy, Government, University, Executive Council, Court]

## **1. Introduction**

Constitutionally, the University is autonomous.<sup>1</sup> Although a state responsibility, it is neither politically or administratively responsible to the Government of the Centre or States. Its autonomy is an established fact of Indian attitude.<sup>2</sup> University's actions are clearly defined based on Statutes, ordinance and regulations. Its independence is not the subject of dispute in principle but it is influenced by various unsystematic, vicarious arrangements and pressures. The Government acts on University in haphazard ways, influencing, bullying and being never quite consistent about what it wants. The Indian Courts have shown great restraint and unwillingness to interfere with the 'internal autonomy' of educational institutions. The Courts do not like to interfere in sacred relation between a student and a teacher. So far as the autonomous bodies creations of statutes, keep within statutory limits and conduct their business according to rules and regulations both in letter and spirit, the Courts are reluctant to interfere. In matters connected with admission, indiscipline, examination and also in matters with other bodies such as elections of Executive Council (EC) or the University Court, the Courts have preferred not to interfere with the decision of Education Authorities. Courts would interfere when there is a substantial violation of law which has occasioned injustice in a board and general sense. Court will interfere if authority concerned has acted malafide arbitrarily actuated by superfluous circumstances.

## **2. Problem Identification**

Arbitrary decisions of Universities, misuse of autonomy combined with time consuming judicial proceedings spoiling the career of students.

## **3. Research Methodology**

Research methodology is doctrinal in nature where various books, websites, Acts, reports of commissions and committees, articles and case laws are referred and critically analyzed on the subject. These are the secondary sources and this paper uses these sources.

## **4. Analysis**

### **4.1 Autonomy of Universities**

The Indian Universities are modelled on British pattern of London University with autonomy and academic freedom as its distinguished features. Lord Reading, then Viceroy of India in First Conference of Indian Universities at Shimla in 1924 said that “there is not the slightest disposition in any quarter to interfere with or detract or subtract in any manner whatsoever from the autonomous or self-governing power of the various Universities”.

In report of Higher Education in Britain Lord Robbins had said that “Freedom of Institutions as well as individual freedom is an essential constituent of a free society.”<sup>3</sup>

Freedom of individual development is the basis of democracy. Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyrannies. In such states, institutions of higher learning controlled and managed by government agencies promoting the political purpose of the State.<sup>4</sup>

Radhakrishnan Committee held that “Higher education is undoubtedly, an obligation of the State but State aid is not to be confused with state control over academics, policies and practices; intellectual progress demands the maintenance of the spirit of free enquiry.”<sup>5</sup>

The governmental domination of education is contrary to the interest of democracy and is a symptom of tyranny. This statement, according to the Supreme Court is the best exposition of autonomy in education. The Court, therefore, made the following observations in T.M.A. Pai’s Case<sup>6</sup> :

“There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. The observations referred to herein above clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental control.”

As per the report of Education Commission<sup>7</sup> “the proper sphere of University autonomy lies in the selection of students, the appointment and promotion of teachers and the determination of courses of study, methods of teaching and selection of areas and problems of research. There are three levels at which University autonomy functions : autonomy within a University, autonomy in a system of higher education and autonomy of University system as a whole in relation to agencies outside the system.”

Supreme Court in *State of Maharashtra v. Association of Maharashtra Education Services*<sup>8</sup> held that guidelines prepared by University Grants

Commission (UGC) are only recommendatory not giving rise to any right enforceable in a Court of law, the UGC has in fact and effect enforced its guidelines under the threat of withholding grant and has thus become more potent. 42nd amendment to the Constitution has also changed the constitutional equation by giving legislative priority to the Central Government in terms of Art. 254. The State Universities are thus not able to either complete or disregard the UGC in any manner. The UGC controls academics in the Universities and prescribes and syllabus.

The All India Council for Technical Education (AICTE) had even claimed that Universities established by law have to seek its permission to establish engineering colleges. However, the Supreme Court in case of *Bharathidasan University v. AICTE*<sup>9</sup> authoritatively decided that Universities are outside the authority/jurisdiction of the AICTE.

The Medical Council of India was however more effective than any other body as it controls admissions, examinations, degrees and the standard of teaching in medical colleges all over the country.

Similarly, Bar Council of India established under the Advocates Act 1961 controls law education in the country in spite of Supreme Court holding that law education is the responsibility of the University.

Since erosion of university autonomy indirectly affects the legislative authority and administrative control of State Governments many of them have legislated to establish Private Universities. At one time, State of Uttaranchal and Chhattisgarh are said to be responsible for about 125 private universities functioning all over the country.

Raipur the capital city of Chhattisgarh State had once a unique distinction of accommodating about 40 such universities and many of them function in a residential building or even a car garage. Most of them established their own Engineering College or Business Management Institute awarding B.E. or M.B.A degrees. Since these Universities did not depend on grants from UGC, they are free from day to day control of UGC and enjoy almost total autonomy.

However, Supreme Court in case of *Prof. Yashpal v. State of Chhattisgarh*<sup>10</sup> held all these universities illegal.

## **4.2 Role of Judiciary**

A major hallmark of 60 years of India's independence has been that except to some extent in US, nowhere in the world the judiciary has enjoyed that much independence as in India. Exercising the power of judicial review, the courts and in particular the Supreme Court has not only turned down number of executive actions and legislative enactments but also indulge in law making and even occasionally Constitution making.

The judicial review in matters related to higher education had been progressive and aimed at keeping the education at the desired level of excellence.

Justice Krishna Iyer in case of *J.P.Kulshrestha v. Allahabad University*<sup>11</sup> very aptly and lucidly outlined the scope of judicial review in universities as under :

“It is rule of prudence that courts should hesitate to dislodge decisions of academic bodies but University organs for that matter any authority in our system is bound by rule of law and cannot be a law unto itself. If the Chancellor or any other authority lesser in level decides an academic matter or an educational question, the courts keep its hands off, but where a question of law has to be read and understood, it is not fair to keep the Court out.”

Earlier a similar view was expressed in case of **Govind Rao**<sup>12</sup> but Justice Krishna Iyer clarified that “to respect an authority is not to work ship it unquestioningly since the bhakti cult is inapt in the critical field of law.”

Pandit Nehru had once said that “University stands for humanism, for tolerance, for reason, for adventure of ideas and for the search of the truth. It stands for the onwards march of the human race towards even higher objectives. If the Universities discharge their duties adequately, then it is well with nation and the people.”<sup>13</sup>

The Law Courts have shown great restraint and unwillingness to interfere with the ‘internal autonomy’ of educational institutions.<sup>14</sup> The Courts do not like to interfere in sacred relation between a student and a teacher. In matters connected with admission, indiscipline, examination and also in matters with other bodies such as elections of Executive Council (EC) or the University Court, the Courts have preferred not to interfere with the decision of Education Authorities. Courts have shown faith in the proper exercise of discretion and power by persons responsible for running educational institutions. So far as the autonomous bodies creations of statutes, keep within statutory limits and conduct their business according to rules and regulations both in letter and spirit, the Courts are reluctant to interfere.

In *Jang Bahudur v. Principal Mohindra College*<sup>15</sup>, Teja Singh C.J. observed that “relation between student and teacher had always been held to be sacred in India and it is in the interests of students as well as of entire body of the citizen that discipline amongst students is insisted upon.”

Regarding assessment of merit of student, the Court in *Jawaharlal Nehru University v. B.S Narwa*<sup>16</sup> held that “When duly qualified and academic authorities examine and assess the work of a student over a period of time and declare work to be unsatisfactory, we are unable to see how any question of a right to be heard can arise.”

Regarding the admission, the Apex Court laid down the law in *Charles K. Skaria v. C.Mathew*<sup>17</sup> as under :

“Principled policy, consistent with constitutional imperatives (Art.14 and 15) must guide admissions to courses in higher profession education but Governments and Universities not infrequently takes liberty with this larger



obligation under provincial pressure and institutional compulsions and seek asylum in reluctant pragmatism mindless of hostility to constitutionality. Nothing more harrowing for the Court, over-burdened with increasing litigation and thereby forced into slow motion and unwilling to intervene in an administrative area, than to hamper the strategic stages of educational processes like admissions and deciding questions of constitutionality especially when educational authorities shape policies, change rules and make peace with the crisis of the hour, ignoring the parameters of the national Charter.”

The above law even being applied now as evident from case of *Thapar Institute of Engineering & Technology's case*<sup>18</sup> where the court held that :

“The Court would normally not interfere with such prescribed standards in their respective institutions. The scope of judicial review in such matters would be very limited.”

Madhya Pradesh High Court has adopted a balanced and pragmatic approach in the case of *Aditya Soni v. State of Madhya Pradesh*<sup>19</sup> while rejecting the challenge to Ordinance no.1 relating to Student Union elections held that :

“Universities are bound to provide intellectual, social, cultural environment and also enforce discipline to foster innovative, artistic, literary, cultural academic and sports activities, such activities can be and are bound to be part and parcel of universities/colleges calendar as essential ingredient of education and no student can be denied his right to such activities. Environment of learning and teaching is a must in every institution. The only thing better is the travelling deep into sea of education itself and not election. Thus it cannot be said that there is a deprivation of any such right of the petitioner by not conducting or providing for elections for the student's unions in the university teaching departments and schools of studies.”

Regarding the Co-ordination Committee, the Court held that :

“The decisions of such bodies like Co-ordination Committee are not to be ordinarily interfered with. They are the best judge of interest of the students and academic activities etc. It is for them to consider whether election should be held or nominated bodies should function or bodies created by selection of merit basis.”

The Madhya Pradesh High Court in *Anant Prasad v. Secretary, Madhyamik Siksha Mandal*<sup>20</sup> held that :

“Education cannot be regarded as commerce. It is meant to illuminate the students who are the future of the nation.”

The Madhya Pradesh High Court in *Dharmendra Kumar v. Jiwaji University*<sup>21</sup> rounded off the secured marks of 49.77% to 50% in order to give eligibility to the petitioner which gesture pulled the petitioner through B.Pharm Degree Course.

In *Ankur Agrawal's case*<sup>22</sup> M.P. High Court set aside the demand of the full fee of 4 ½ years in lump sum for NRI seat in MBBS and directed that the total fee be divided by number of semesters and collected accordingly.

In spite of it there are several reported and unreported judgments showing that Courts have been sympathetic towards students and had been granting them undue favours. But the Apex Court in cases related to admissions in unaffiliated colleges, re-valuation and giving grace marks to enable the students to pass the examination etc. is very vigilant and disapprove such decisions from time to time.

In *A.P.Christian Medical Educational Society's case*<sup>23</sup>, Supreme Court held that "it was not fair for the High Court to direct the college to do anything in violation of binding Statute as it was destructive of rule of law."

In *Vikash Sahebrao Roundale's case*<sup>24</sup>, the Apex Court criticized the direction of the High Court permitting students of unaffiliated colleges to appear in the examination and set aside the said direction.

In *Phool Chand Sethi v. Nagpur University*<sup>25</sup> Bombay High Court held that "Court won't interfere if some other statutory remedy is available within the framework of the autonomous body."

In *Prem Narain v. State of Uttar Pradesh*<sup>26</sup> it was observed that the Courts would interfere only when there is a substantial violation of law which has occasioned injustice in a board and general sense.

Further in *C.D.Sekkiler v. Krishna Moorthy*<sup>27</sup> High Court of Madras held that Court will interfere if authority concerned has acted malafide arbitrarily actuated by superfluous circumstances.

In *C.B.S.E v. P. Sunil Kumar*<sup>28</sup>, Supreme Court held that :

"From the series of orders that keep coming before us in academic matters, we find that loose, ill-conceived sympathy masquerades as interlocutory justice exposing judicial discretion to the criticism of degenerating into private benevolence. Admissions cannot be ordered without regard to the eligibility of the candidates. In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such order cannot be allowed to stand. The Courts should not embarrass academic authorities by themselves taking over their functions."

## **5. Conclusion**

Constitutionally the University is autonomous in character. The University is a statutory body governed by Statutes, ordinance, Rules and regulations. Court role is narrow but clear. Court duty is to see the rules are followed by University and its officials.

Regarding the autonomy of Universities, Radhakrishnan Committee held that 'Higher education is undoubtedly, an obligation of the State but State aid is not

to be confused with state control over academics, policies and practices; intellectual progress demands the maintenance of the spirit of free enquiry' .

The governmental domination of education is contrary to the interest of democracy and is a symptom of tyranny. This statement, according to the Supreme Court is the best exposition of autonomy in education. The Court, therefore, made the following observations in T.M.A. Pai's Case :

“There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. The observations referred to herein above clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental control. The judicial review in matters related to higher education had been progressive and aimed at keeping the education at the desired level of excellence. Justice Krishna Iyer in case of J.P. Kulshrestha v. Allahabad University had defined the scope of judicial review in academic matters that courts should hesitate to dislodge decisions of academic bodies but University organs for that matter any authority in our system is bound by rule of law and cannot be a law unto itself. If the Chancellor or any other authority lesser in level decides an academic matter or an educational question, the courts keep its hands off, but where a question of law has to be read and understood, it is not fair to keep the Court out. In case of Govind Rao Justice Krishna Iyer further clarified that “to respect an authority is not to work ship it unquestioningly since the bhakti cult is inapt in the critical field of law”.

There is imperative need to make balance between autonomy and authority. Universities and its official must understand the limits of autonomy and act under the sphere of powers conferred by Statutes, ordinance and regulations as their arbitrary decisions may spoil the career of students as precious time of the critical phase of their career being wasted in judicial proceedings which are time consuming. Courts also take-up matter related to students on priority and act for fast disposal of case related to students.

## Footnotes

1. Robert.L.Gaudino, *The Indian University*, 1965, 111.
2. Ibid.
3. Sarup Singh, Role of Vice-Chancellors in Indian Universities, *Mainstream*, 1991,18.
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10. Writ Petition (civil) 19 of 2004.
11. AIR 1980 SC 2141.
12. AIR SC 491.
13. Prof. Mool Chand Sharma, *India at Cross Roads : Role of Universities and Youth*, *Nayadeep*, IX(1), Jan 2008, 93.
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22. 2000(3) MPLJ.
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25. AIR 1957 Bom.215.
26. AIR 1960.
27. AIR 1952 Mad.151.
28. AIR 1998 SC 2235.



# **A Study on the Effectiveness of Using Computer Simulations in Teaching Circuits vs the Use of Hands-on Laboratory Equipment**

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*This action research aimed to investigate the use of interactive computer simulations as a tool for inquiry based learning and instruction of Physics, among Grade 10 (Year IV) students of SSC Manila. Two sections were chosen as experimental and control groups. We compared the students' achievements when taught using the PhET simulations and hands-on laboratory equipment. The results show that the post-test scores of students who experienced the simulation and the hands-on instructional method differed significantly. Action plans are suggested based on these findings.*

[**Keywords** : Computer simulation, Inquiry method, Constructivist, Computer-aided instruction]

## **1. Introduction**

Electromagnetism is a unit in the syllabus of Year IV Science that emphasizes on the electrical phenomena, and the basic units of electricity which are the charges. The discussion extends to the application of the concepts to real life, which

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involves circuit analysis, construction and comparison (for the different types of connections).

Over the years, the discussion of Electricity and Magnetism by the science area has always utilized the traditional method of teaching. The part of the syllabus unit that focuses on comparison of series and parallel circuit connections allows the students to make use of actual light bulbs, wires, voltage sources (batteries) and switches. However, as per observation, the students have been having a difficult time processing the theories and content of the lessons, and is most of the time not getting their desired results.

The poor achievement in the use of traditional method of teaching and studying circuits can be accounted to the following reasons:

Girls have naturally low interest (and therefore aptitude) when it comes actual circuit making, since the whole academic curriculum of the institution is more definitely inclined to womanly development.

Girls encounter difficulty in learning the actual steps needed to build the circuit, which requires orientation to the use of electrical tools and devices, like pliers and screws.

The measurement devices are most are mostly analog, and analog devices are known to give inaccurate results.

It is in this reason that occasionally, the science teachers have also ventured into using computer simulations during discussion and laboratory experiments. This has been used as an alternative to the traditional method.

As per observation, the girls are found to understand the concepts of electricity and magnetism faster but have not gained conclusively better results in formative assessments.

This action research of the science area aims to formally gauge and compare the difference between the two teaching methodologies: traditional vs. computer simulations. This is a comparative study to know the effects in the achievement of the students in terms of the results of their pretests and posttest.

## **2. Review of Related Literature**

### **2.1 Traditional Method in Teaching Science**

Lord, Travis, Magill and King (n.d.) described the traditional classroom can at times resemble a one-person show with a captive but largely uninvolved audience. Lecture and direct instruction dominate the learning environment. The aim here is that students should come to know a fixed body of knowledge. Stofflett (as cited by Lord, Travis, Magill and King, n.d.) describes that students are expected to blindly accept the information they are given without questioning the instructor. VAST (as cited by Lord, Travis, Magill and King, n.d.) describes that the teacher seeks to transfer thoughts and meanings to the passive student leaving little room for

student-initiated questions, independent thought or interaction between students. According to Lord, Travis, Magill and King (n.d.) even the lab activities, although done in a group, do not encourage discussion or exploration of the concepts involved. Yore (as cited by Lord, Travis, Magill and King, n.d.) reported that this tends to overlook the critical thinking and unifying concepts essential to true science literacy and appreciation.

## **2·2 Inquiry Method**

According to several researches (as cited by Baser and Durmus, 2009) students are challenged in acquiring the concepts in Physics because they have already constructed their own concepts by their interaction with the physical world. However, according to Vosniadou et al (as cited by Baser and Durmus, 2009), what students have constructed are generally not consistent with scientifically accepted ideas. According to Aguirre, Tsai and Chou, Eryilmaz and Sherin (as cited by Baser and Durmus, 2009) this condition was given various names by researchers, like preconceptions, misconceptions, alternative conceptions, intuitive conceptions, and so on. According to Sungur, Tekkaya, and Geban (as cited by Baser and Durmus, 2009) changing alternative conceptions is not an easy task because these conceptions are stable and ingrained in students' cognitive domain.

Inquiry learning can be used to help students solve this cognitive conflict and construct their own conception through engaging in scientific processes in order to develop personal scientific knowledge which they can use to predict and explain their natural world, according to van Joolingen, de Jong, and Dimitrakopoulou (as cited by Baser and Dumus, 2009).

## **2·3 Constructivists**

According to Deryakulu and Simsek (as cited by Tuysuz, 2010), student-centered constructivist based instructional methods is now widely accepted since studies have shown that through this method individual capabilities of students could be elicited while intelligence, and creative thinking are achieved, Tuysuz (2010), on the other hand, defines constructivism as a learning theory that describes the process of knowledge construction, it is the application of what are often referred to as "constructivist practices" in the classroom and elsewhere that provides support for the active knowledge-construction process as (as cited by Tuysuz, 2010) from Zemelman, Daniels, and Hyde. In order to make students understand abstract science topic it is necessary to use constructivist-based student-centered instructional methods. Students learn better by doing within the classroom context. Many researchers admitted that laboratory studies increase students' interest and abilities for the science subject (Tuysuz, 2010). Yager (as cited by Lord, Travis, Magill and King, n.d.) Describes that in a constructivist or student-centered learning, the teacher poses a question to the students, who then

work together in small groups to discover one or more solutions. Students are able to develop their own understanding of the subject matter based on previous knowledge, and can correct any misconceptions they have.

## **2.4 Role of Laboratory in Science Teaching**

Laboratory is considered as an important means of instruction in various sciences (Blosser, 1990). School laboratory investigation is defined as an experience that allows the students to interact with various natural phenomena and from which they are entitled to design investigations, engage in scientific reasoning, manipulate equipment, record data and analyze and discuss results (NRC, 2006; NSTA, 2004 as cited in NSTA, 2006). Engaging students in practical work in the laboratory aims to improve students' scientific knowledge and skills, develop scientific attitudes and to help science become more meaningful to them (Hofstein & Lunetta, 2004; Millar, 2004; NRC, 2006). Aside from arousing the students' interest, it also intends to enhance their science process skills, manipulative skills and problem-solving abilities (Blosser, 1990). In addition, according to Singer, et al (as cited by Pyatt and Sims, 2007), the role of the laboratory in the 21st century science instruction is to "(a) enhance mastery of subject matter), (b) develop scientific reasoning, (c) assist students in understanding the complexity and ambiguity of empirical work, (d) develop practical skills, and (e) understand the nature of science". However, according to Pyatt and Sims (2007), it is not likely to achieve all these learning goals.

## **2.5 Comparison of Traditional and Computer-Simulated Laboratory**

### **2.5.1 Traditional Laboratory**

According to Singer, Hilton, and Schweingruber (as cited by Pyatt and Sims, 2007) the laboratory was always an essential part of science instruction since early 20th century. The purpose of the laboratory was to "teach experimental methods and techniques that clarify and/or validate existing scientific principles and theories which have been considered expository in nature", according to Lagowski (as cited by Pyatt and Sims, 2007). Pyatt and Sims (2007) mentioned that expository laboratories make use of "scripted procedures and directions" given to students so as to avoid damage and injury to equipment while at the same time "maximising potential for generating usable data". According to Pyatt and Sims (2007) "since laboratory activities are under the direct supervision of the instructor where it is carried out in a scripted, pre-determined fashion, this expository approach clearly shows that it is teacher-centered". Furthermore, according to Pyatt and Sims (2007), such approaches will lead to various problems where it fails to give the students the opportunity to "create their own understanding of the phenomena they are investigating" (Pyatt and Sims, 2007) describes "that expository environment utilizes rote procedures which inhibit students from forming a



genuine understanding of the connections between the data they collect and the theories the data describe”.

### **2.5.2 Computer-Simulated Laboratory**

Thomas and Hooper (as cited by Akpan, 2002) describe a simulation as a computer program containing a manipulable model of a real or theoretical system. They also developed useful taxonomy of uses for simulations and evaluated the effectiveness of simulation with respect to these uses. The first category is experiencing wherein simulation precede formal instruction and used to set stage for future learning. Experiencing provides motivation, concrete examples, organizing structure, and exposing misconceptions. The second category is informing, which is used simply for delivery of information and which has few learning benefits. The third category, reinforcing where students are directed to apply existing knowledge in the same context it was learned and few learning benefits in this category.

According to Akpan (as cited by Akpan, 2002) simulations should be designed with the purpose of immersing students into real life science encounters that require hands on activities, high order thinking, and collaborative problem solving. Duffy and Jonassen (as cited by Tuysuz, 2010) claimed that “today’s educational technology practices should be patterned after the constructivist paradigm”. Sung and Oo (as cited by Tuysuz, 2010) reported that “VR’s capability to facilitate constructivist-learning activities is one of its key advantage”.

### **2.6 Computer-Aided Instruction**

According to Nejad (1992) computers have been used as a direct means for instruction. This use of the computer is often referred to as Computer Assisted Instruction (CAI). Alessi and Trollip (as cited by Kausar, Choudry, and Guijjar 2008), on the other hand, said that a computer simulation can provide to students a scientific experience that might otherwise be expensive, dangerous, time-consuming or simply impractical. One of the powerful features of simulations is its ability to be interactive. The student makes a choice or decision within the simulation and the response approximates what might happen in real life. Simulations require the student to build a mental model of a process or even and check how that process or event is altered by making different choices.

According to Kausar, Choudry, and Guijjar (2008), “initially the use of computer assisted instructional material (CAI) to enhance the teaching was a novel concept”. All levels of education were pressured to perpetuate a need for time efficient, effective teaching modalities that maintained the quality of teaching and CAI was a viable solution to all these. Furthermore, studies of Collier and Cuoco and Goldenberg (as cited by Kausar, Choudry, and Guijjar, 2008) indicated that instruction supplemented by properly designed CAI is more effective than instruction without CAI and that CAI offered the learner the ability to tinker with

concepts in order to visualize results. Bergman and Cheny (as cited by Kausar, Choudry, and Guijjar, 2008) also found that CAI increases learner knowledge when it involves the synergy of multiple senses. Kausar, Choudry, and Guijjar (2008) conclude in their study that CAI is superior to CRL by significantly increasing skills of knowledge, analysis, and synthesis. However, Kausar, Choudry, and Guijjar (2008), found out that comprehension skill was not affected by CAI. Lastly, Serin (2011) conducted a study to investigate the effects of computer-based instruction on the achievement and problem-solving skills of science and technology students. Finding of the study showed a significant increase in the achievement and problem-solving skills of students who underwent computer-based instruction.

### **2.7 Impact of Computer-Simulated Laboratory on Student Achievement in Science**

A number of researches were conducted to compare the effectiveness of the use of traditional computer-simulated laboratory on the acquisition of science knowledge and skills as their effect on student achievement in their science courses. Finkelstein (n.d.) examined the effects of using computer simulation instead of real laboratory equipment to student learning in an introductory physics course. The results revealed the students who used the simulated equipment performed better than who used real laboratory equipment both on conceptual and practical work. Tatli and Ayas (2011) investigated on the effect of using virtual chemistry laboratory on the achievement of ninth-grade students. The results indicated that virtual laboratories are at least as effective as traditional laboratories in familiarizing students with the experimental process. Results also revealed some advantages of using virtual laboratory as students focused more on the process rather than the materials and equipment and were also able to arrive at the solution using different approaches. Moslehpour (19993) conducted a study to compare the achievement in electronic circuitry of college students exposed to computer simulation and those exposed to traditional laboratory. The students' scores in homework, assignments, quizzes and major examinations were compared and the findings showed a significant difference only for the quizzes. Nonetheless, overall findings of the study were in favour of using computer simulation in complex topics such as industrial/electronics technology.

### **3. Statement of the Problem**

The science teachers have observed upon careful observation that the students definitely perform differently in the two teaching methodologies.

This action research aims to answer the following questions.

1. What is the mean score of the students who experienced the following method in the pretest?

- a. Traditional Method
  - b. Computer Simulation Method
2. What are the mean score of the students who experienced the following method in the post-test?
    - a. Traditional Method
    - b. Computer Simulation Method
  3. Is there a significant difference between the mean score of the students who experienced the traditional and computer simulation method in the pre and post-test measures?

#### **4. Hypothesis**

There is a significant difference between the achievements of the two groups. The group that was taught using the computer simulation method will get a significantly higher achievement.

#### **5. Scope and Limitations**

The study will be done using the population of Year IV students, sections C and H. IV-C was taught using the traditional method and IV-H was taught using the computer simulation.

The topics were taken from Unit 3 of the Science IV Regular Class Syllabus, and focused on Electricity and Magnetism, specifically on Circuits and the two types of circuit connections.

#### **6. Method**

##### **6.1 Participants**

Two sections of Year IV students were asked to participate in this study. These two sections were composed of a total of 87 students. The two sections were purposively selected as they both were under the tutelage of one teacher.

Before the discussion using the two teaching methods was done, a common pretest was administered to the two groups. After that, they were taught using varying methods of instruction.

One section (IV-C) was the control group, composed of 44 students, and was taught using the traditional method of teaching. They were taught the topic on the comparison between the series and parallel circuit connections using actual laboratory equipment, circuit construction and measurement of electrical quantities using the ohmmeter and the ammeter. They were asked to work on their baby groups.

The other section (IV-H), composed of 43 students, the experimental group, was taught using the computer simulation. On the days of the discussion, the

students were asked to go the computer laboratory to work on the computers in a 2:1 ratio.

After the 4-period teaching, the post-test was administered.

There was a treatment on the gathered data to determine the answers to the stated problems.

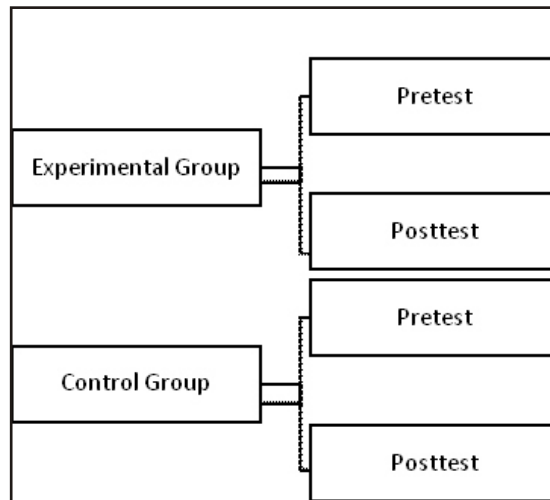
**6.2 Instruments**

This research aims to answer the problems posted by measuring the learning received during the class as a result of comparing what the students knew before in a pre-test and after the class experience in a post-test. The pre-test and the post-test were composed of different questions, but they both followed the same table of specifications.

**6.3 Pre-test and Post-test**

The initial test was designed to measure a starting point or the amount of pre-existing knowledge of the student-participants on the course topic. The instruments were taken from Unit IV of the curriculum map (as designed by the year IV teachers), which is Electricity and Magnetism. The instruments specifically focused on the topics of (1) Ohm’s Law and the (2) comparison between series and parallel circuit connections.

The following diagram provides an overview of the statistical treatment for the experimental group and control group.



The researchers used the measures of central tendency and measures of variability (i.e. mean and standard deviation) were utilized to determine the average performance of the experimental (simulation) and control group (traditional). In addition, t-test of dependent means and t-test of independent means to determine if there is a significant difference between two sets or two groups of correlated and uncorrelated scores.

#### 6.4 The Experimental and Control Group

The experimental group (simulation) consisted of 44 students while the control group (traditional) consisted of 43 students. The following table shows the number of students who took the pre-test and post-test :

**Table-1 : Number of Students for Experimental and Control Group**

	Experimental (Simulation)		Control (Traditional)	
	Pre-test	Post-test	Pre-test	Post-test
Number of Students	43	36	39	42

### 7. Results and Discussion

**Table-2 : The Performance of the Groups in the Pre-Test and Post-Test**

Measure	Experimental (Simulation)		Control (Traditional)	
	Pre-test	Post-test	Pre-test	Post-test
Mean	12.558	21.333	10.846	17.286
Median	13	22	11	17
Mode	13	22	11	16
SD	2.413	3.116	2.560	3.710
Lowest Score	7	16	3	11
Highest Score	17	27	15	26
Lowest Possible Score	0	0	0	0
Highest Possible Score	30	30	30	30

The mean score of the experimental group (simulation) increased from 12.558 to 21.333, while the mean score of control group (traditional) increased from 10.846 to 17.286. The standard deviation of the experimental group (simulation) is 2.4132 for pre-test, while 3.1168 for the post-test. In addition, the standard deviation of the control group (traditional) is 2.5602 for pre-test while 3.7108 for the post-test. The lowest score of the experimental group (simulation) is 7 for the pre-test and 16 for the post-test. On the other hand, the lowest score of the control group (traditional) is 3 for the pre-test and 11 for the post-test. Moreover, the highest score of the experimental group (simulation) is 17 for the pre-test and 27 for the post-test. On the other hand, the highest score of the control group (traditional) is 15 for the pre-test and 26 for the post-test.

**Table-3 : Pretest of Experimental and Control Using T-test of Independent Means  
(T-test : Two-sample assuming Equal Variances)**

<b>t-Test: Two-Sample Assuming Equal Variances</b>		
<b>Measure</b>	<b>Experimental (Simulation)</b>	<b>Control (Hands-on)</b>
	<b>Post-Test</b>	<b>Post-Test</b>
Mean	21.3333333	17.28571
Variance	9.71428571	13.77003
Observations	36	42
Pooled Variance	11.90225564	
Hypothesized Mean Difference	0	
Df	76	
t Stat	5.16551453	
P(T<=t)	one-tail 9.35633E-07	
t Critical one-tail	1.66515135	
P(T<=t) two-tail	1.87127E-06	
t Critical two-tail	1.99167261	

The critical value of t is 1.990063421. Since t Stat is greater than the critical value, it can be interpreted that there is a significant difference between the experimental (simulation) and control (traditional) in terms of their scores in the pretest.

**Table-4 : t-Test : Two-Sample Assuming Equal Variances Post-test of experimental  
(simulation) and control (traditional) using t-test of independent means  
(t-test : Two-sample assuming Equal Variances)**

<b>t-Test: Two-Sample Assuming Equal Variances</b>		
<b>Measure</b>	<b>Experimental (Simulation)</b>	<b>Control (Hands-on)</b>
	<b>Post-Test</b>	<b>Post-Test</b>
Mean	12.55813953	10.84615385
Variance	5.82392026	6.5546558
Observations		
Pooled Variance	6.171019678	
Hypothesized Mean Difference	0	
Df	80	
t Stat	3.116601457	
P(T<=t)	one-tail 0.001270567	

t Critical one-tail	1.664124579	
P(T<=t) two-tail	0.002541133	
t Critical two-tail	1.990063421	

The critical value of t is 1.99167261. Since t Stat is greater than the critical value, it can be interpreted that there is a significant difference between the experimental (simulation) and control (traditional) in terms of their scores in the post-test.

**Table-5 : t-Test : Paired Two Sample for Means Pre-test and Post-test of experimental (simulation) group using t-test of dependent means (t-test: Paired Two Samples for Means)**

t-Test : Paired Two Sample for Means		
Measure	Experimental (Simulation)	
	Post-Test	Post-Test
Mean	12.628571	21.4
Variance	4.7109243	9.83529
Observations	35	35
Pooled Variance	0.121849415	
Hypothesized Mean Difference	0	
Df	34	
t Stat	-14.4551227	
P(T<=t)	one-tail 2.20856E-16	
t Critical one-tail	1.69092425	
P(T<=t) two-tail	4.41712E-16	
t Critical two-tail	2.03224450	

The critical value of t is 2.032244509. Since t Stat is less than the critical value, it can be interpreted that there is no significant difference between the pre-test and post-test scores of the experimental (simulation) group.

**Table-6 : t-Test : Paired Two Sample for Means Pre-test and Post-test of control (traditional) group using t-test of dependent means (t-test : Paired Two Samples for Means)**

t-Test: Paired Two Sample for Means		
Measure	Control (Hands-on)	
	Post-Test	Post-Test
Mean	10.8421052	17.02631
Variance	6.73115220	13.64793

Observations		
Pooled Variance	0.395218827	
Hypothesized Mean Difference	0	
Df	37	
t Stat	-10.65418929	
P(T<=t)	one-tail 3.96514E-13	
t Critical one-tail	1.68709362	
P(T<=t) two-tail	7.93028E-13	
t Critical two-tail	2.02619246	

The critical value of t is 2.026192463. Since t Stat is less than the critical value, it can be interpreted that there is no significant difference between the pre-test and post-test scores of the control (traditional) group.

## 8. Conclusion

Computer-based simulation instructions have been demonstrated to be innovative tools for teaching and learning and are often advertised as a means to enhance students' practical understanding of some real classroom issues (Lin and Tu, 2011). The integration of "real world experience" into a computer-based simulation had improved student learning outcomes in the learning of series and parallel circuits.

The addition of a layer of experience to the learning of circuits through simulation aptly improved the learning experience; hence improved the decision making abilities. However, without the intervention of the traditional instruction, students had difficulties applying classroom-based knowledge to simulation decisions.

There has been some evidence in the course of the study that simulation intervention helped guide students in a hands-on manner, as they progress through the understanding of the topic. The results of the investigation indicated that the treatment was successful in improving student performance. Some researchers have actually found that the student learning experience might be higher in a strictly simulation-based classroom than with an instructor-led classroom (Proserpio and Magni, 2011). The claim can be attributed to the ability of a simulation program to offer immediate feedback which is a way to enhance and support students' experiential learning processes. Experiential learning supports a student's ability to "learn by doing" and provides the opportunity to develop new skills through guided practice and feedback (Alon & Cannon, 2000). Since simulation offers a more definitive construct from which focused classroom discussion and teacher guidance can evolve, hence, a better instructional fit than more traditional instructional methods.



The simulation intervention provided a depth of learning that could not be accomplished through more traditional and formal instructional methods like lecture. The value of the intervention experiences was the sequential and hands-on component of the topic because students were given the catalyst for learning. As a result, the learning experience was made more complete than teaching pure theory in a traditional way. The process provided a framework of experience that students deeply needed in facing real-life scenarios. Through experience with these potential problem areas, opportunities for richer and deeper learning arise. Active participation by students in the learning process can help them develop critical awareness of themselves and the environment around them (Jakubowski, 2003 cited in Abel, Sardone & Brock, 2005).

## **9. Plan of Action**

One method of supporting students' experiential learning is to offer a simulation project, which "entails enacting a skill within a context, often created by the teacher, that mirrors the real-world contexts in which the skill is used" (Byerly, 2001 : 697). Students had exposure to computer-simulation instruction in learning series and parallel circuits. The program made them perform operations like what to do about missing data and how to manipulate circuits. The investigation presented that students did exhibit many of the essential elements of a high-performance output.

The inclusion of simulations in research methods courses in Science can very well enhance student performance since the latter will be exposed to "real-world experience". Although experiences described within are narrowed to a single topic, we believe that other topics could also use simulation methods to enhance students' learning processes.

The teacher could ask students to ensure they plan and predict the effect of variables being studied before introducing them to a simulated classroom, hence, traditional instruction should still go alongside simulation. Such a strategy will give students the chance to discuss, work through different possibilities, and consider the consequences of their decisions as well as build confidence with the use of the computer program. Students and teachers could also discuss how the simulation can be developed in the future, what its options are, and what its strategies might be as it grows.

It is also recommended that groups of no more than three students are the most appropriate for this exercise; this will ensure that each student plays some part in the decision-making process.

Moreover, simulations could be introduced as a competition with students competing individually to see who can be the most successful in manipulating variables. However, the teacher would have to make clear the basis on which the winning entry will be judged.

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# Branch Productivity of Selected Indian Public and Private Sector Banks

*Kavita S. Vadrane\* and V. P. Katti\*\**

*We examine the comparative performance of branch productivity of selected Indian public and private sector banks during 2001 to 2015. Ten branch productivity ratios have been selected for measuring the branch productivity. Study finds that private sector bank branches are more competent than public sector bank branches as out of ten indicators in terms of ratios, nine ratios reflect better performance in case of private sector banks and one ratio i.e. burden per branch was same in both banks. One tailed 't' test result shows that the burden per branch of both public and private sector banks is same. However, the public sector banks are improving in branch productivity as their CGR has upward trend and comparatively the growth rate is greater than private sector banks.*

[**Keywords** : Banks, Branches, Productivity, Ranks, Ratio Analysis]

## 1. Introduction

Credit is the lifeline of any business activity and banks are providing such essential input for development. The important function of financial intermediaries is to link between the savers and borrowers. Therefore, the efficient operation of banks is an essential element for overall economic development of the

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country. Efficiency and productivity are the major indicators of assessing the strengths and weaknesses of the banking system. Thus, greater productivity results the decline in cost of providing financial services. Therefore, the measurement of productivity in banking sector is crucial for the overall development of the economy.

The term productivity refers to relationship between input and output. It expresses how much output produced with per unit of input employed. Moreover, this also indicates the goods and services produced per unit of capital, labour and other inputs for a particular period of time. Not only productivity refers to the relationship between the input and output but also assists to analyze how much maximum output is produced with given input or how the given output is produced with least cost. This is the most significant factor to enhance the profitability of organization. Hence, every organization attempts to increase the output with existing resources/inputs or tries to reduce the cost of usage of input for a target level of output.

The concept of productivity is easily applied in industry and it is very difficult to apply and measure the productivity for service industry particularly banking industry. "There is no single measure that has been universally accepted as representing banking productivity" (Chakrabarty, 2013). Moreover, banks are typically multi-input and multi-output firms. Regarding the input and output of commercial banks four approaches are there viz. Production Approach, Intermediation Approach, Operating (Income Based) Approach and Modern Approach (Mohan, 2005). Additionally, banking productivity represents the combined performance of staff, capital base, no. of branches, location of branches, no. of accounts, service quality, management and information technology etc. Amongst the several indicators, number of bank branches is one of the most significant factors in banking industry. Large numbers of branches extend banking facilities to the mass people. Therefore, there is a need to study the branch productivity of banks. Branch productivity expresses how efficiently each and every bank has extended the banking business. The branch productivity in banks can be judged by using some of the following selected ratios :

1. Deposits per Branch = Deposits/Total Branches.
2. Credit per Branch = Credit/No. of Branches.
3. Business per Branch = Deposit + Credit/No. of Branches.
4. Investment per Branch = Investment/No. of Branches.
5. Wage Bill per Branch = Wage Bill/No. of Branches.
6. Total Income per Branch = Total Income/No. of Branches.
7. Total Expenditure per Branch = Total Expenditure/No. of Branches.
8. Profit per Branch = Net Profit/No. of Branches.

9. Spread per Branch = Interest Income/No. of Branches.
10. Burden Per Branch = Difference between non-interest income and non-interest expenditure/No. of Branches.

## **2. A Brief Review of Literature**

The various studies were highlighted on productivity analysis of banks. Angadi & Devaraj (1983) suggest that social responsibilities, effective mobilization of funds at lower costs, attractive retail banking and augmenting earnings from other sources are the key reasons of deficiencies in productivity and profitability of public sector banks. Jain (1991) suggested improvement in system and procedures, introduction of improved technology and development of the staff to increase the productivity of banks. Bhattacharya, Lovell & Sahay (1997) finds that publicly-owned Indian banks are most efficient than foreign-owned banks and privately-owned Indian banks during 1986-1991. Satyanarayana, Kaveri, & Ravisankar (1997) have given different types of employee and branch productivity ratios in their book. Das (2002) examined the interrelationship between risk, capital and operational efficiency of public sector banks for the period 1995-96 to 2000-01. Study concluded that inadequately capitalized banks have lower productivity. Bhandari (2012) analyzed the total factor productivity of 68 Indian commercial banks during 1998-99 to 2006-07. Das & Kumbhakar (2012) analyzed the impact of banking deregulation on efficiency and total factor productivity change in the Indian banking industry during 1996-2005. Study pointed that efficiency has improved in the post deregulation era and strong capital base enhances the efficiency of banks. Kumar (2013) studies the impact of information technology on productivity. Study concludes that increased electronic transactions in the banking sector leads to higher productivity. Pandey & Singh (2015) finds that TEP growth of banks is very much affected by the internet technology. Das & Patra (2016) examined the change in productivity and efficiency of public sector banks after the financial crises of 2008 and suggested the improved version technology in production process for better productivity.

## **3. Data and Methodology**

The study is based on secondary data and collected from the annual reports of respective banks during 2001 to 2015. The collected data has been processed by employing statistical tools like arithmetic mean, coefficient of variation, compound growth rate, and ratio analysis by using Ms-Excel software. For the testing of hypothesis 't'-test : two sample assuming unequal variances' have been used to assess the performance of public and private sector banks. The merit ranking is also used for rating the banks based on their performance.

The purposive sampling method has been used for selection of the banks. Top ten banks from net profit point of view were selected for the study. While selecting the banks, researcher has taken net profit during 2007 to 2011 for public and private

sector banks and assigned the ranks based on mean and C.V. of net profit to each bank. Based on ranks selected top five banks from public sector are State Bank of India, Punjab National Bank, Canara Bank, Bank of Baroda and Bank of India and top five banks from private sector are ICICI Bank, HDFC Bank, Axis Bank, Jammu and Kashmir Bank and Federal Bank.

## 4. Analysis of Data

### 4.1 Mean, Growth and Variance Analysis

The aggregate value of mean, growth and variance of various branch productivity ratios of selected banks shows the average growth and stability of productivity of banks during fifteen year of study period.

**Table-1 : Mean, Growth and Variance Analysis of Public & Private Sector Banks**

Mean Analysis						
Banks/Indicators	Public Sector Banks					
	SBI	PNB	CAN	BOB	BOI	PSBs
Deposits	55.68	42.51	60.44	62.15	56.84	<b>55.53</b>
Credit	41.44	30.56	41.13	42.64	41.80	<b>39.52</b>
Business	97.12	73.08	101.57	104.79	98.64	<b>95.04</b>
Investment	20.69	14.43	19.60	16.71	16.03	<b>17.49</b>
Wage Bill	0.93	0.65	0.66	0.64	0.64	<b>0.71</b>
Total Income	6.19	4.44	6.05	5.33	5.34	<b>5.47</b>
Total Expenditure	5.61	3.95	5.45	4.72	4.88	<b>4.92</b>
Profit	0.57	0.49	0.61	0.61	0.47	<b>0.55</b>
Spread	1.94	1.54	1.53	1.63	1.48	<b>1.62</b>
Burden	-0.53	-0.41	-0.31	-0.37	-0.32	<b>-0.39</b>
Banks/Indicators	Private Sector Banks					
	ICICI	HDFC	Axis	J & K	FED	PrSBs
Deposits	140.98	101.21	124.04	60.55	41.79	<b>93.71</b>
Credit	133.77	67.60	80.43	36.79	29.17	<b>69.55</b>
Business	274.75	168.80	204.48	97.34	70.97	<b>163.27</b>
Investment	75.76	47.44	53.71	23.71	15.47	<b>43.22</b>
Wage Bill	1.22	1.07	0.90	0.61	0.49	<b>0.86</b>
Total Income	20.98	12.23	13.88	5.94	4.80	<b>11.56</b>
Total Expenditure	18.25	10.36	11.98	5.10	4.25	<b>9.99</b>
Profit	2.72	1.87	1.90	0.84	0.54	<b>1.57</b>

Spread	4.64	4.85	3.71	2.03	1.50	<b>3.34</b>
Burden	0.15	-1.17	0.05	-0.45	-0.25	<b>-0.33</b>
<b>Coefficient of Variation Analysis</b>						
<b>Banks/Indicators</b>	<b>Public Sector Banks</b>					
	<b>SBI</b>	<b>PNB</b>	<b>CAN</b>	<b>BOB</b>	<b>BOI</b>	<b>PSBs</b>
Deposits	38.08	49.14	41.57	57.10	51.41	<b>47.08</b>
Credit	53.84	58.88	48.16	63.61	55.62	<b>55.42</b>
Business	44.74	53.20	44.20	59.69	53.17	<b>50.54</b>
Investment	19.25	39.03	35.35	34.87	38.02	<b>31.28</b>
Wage Bill	28.68	36.82	21.72	26.65	28.66	<b>27.13</b>
Total Income	36.65	50.74	40.94	47.81	46.55	<b>43.56</b>
Total Expenditure	37.17	52.00	42.47	47.21	48.13	<b>44.38</b>
Profit	37.26	50.21	44.63	63.23	51.59	<b>45.58</b>
Spread	40.37	46.47	32.24	44.84	41.46	<b>39.99</b>
Burden	-51.52	-46.70	-57.33	-44.99	-70.00	<b>-49.76</b>
<b>Banks/Indicators</b>	<b>Private Sector Banks</b>					
	<b>ICICI</b>	<b>HDFC</b>	<b>Axis</b>	<b>J &amp; K</b>	<b>FED</b>	<b>PrSBs</b>
Deposits	54.12	11.28	8.86	35.09	30.50	<b>17.72</b>
Credit	48.26	24.25	27.71	41.38	37.95	<b>24.00</b>
Business	50.92	14.63	15.35	37.32	33.49	<b>20.15</b>
Investment	38.19	24.32	9.41	35.77	27.47	<b>14.01</b>
Wage Bill	41.03	36.68	34.15	44.85	26.22	<b>29.62</b>
Total Income	46.58	16.63	18.05	38.43	31.86	<b>17.72</b>
Total Expenditure	48.34	17.42	16.90	39.15	30.39	<b>18.01</b>
Profit	40.29	17.59	32.88	46.00	45.71	<b>21.80</b>
Spread	42.50	17.73	34.69	42.91	37.69	<b>25.37</b>
Burden	352.44	-30.67	1185.19	-75.31	-87.36	<b>-87.75</b>
<b>Compound Growth Analysis</b>						
<b>Banks/Indicators</b>	<b>Public Sector Banks</b>					
	<b>SBI</b>	<b>PNB</b>	<b>CAN</b>	<b>BOB</b>	<b>BOI</b>	<b>PSBs</b>
Deposits	9.55	13.38	11.02	15.43	13.65	12.53
Credit	15.37	17.44	13.95	18.80	15.37	16.08
Business	11.77	14.95	12.12	16.69	14.36	13.90
Investment	3.79	9.61	8.82	8.49	9.56	7.74



Wage Bill	6.44	8.64	4.52	6.24	5.94	6.38
Total Income	8.65	12.89	10.21	11.96	11.63	10.87
Total Expenditure	8.57	12.82	10.40	11.60	11.75	10.83
Profit	9.74	13.43	8.47	15.54	10.44	11.39
Spread	9.73	12.49	7.53	11.26	10.74	10.32
Banks/Year	Private Sector Banks					
	ICICI	HDFC	Axis	J & K	FED	PrSBs
Deposits	-1.01	0.95	1.23	8.64	7.84	1.89
Credit	0.54	5.96	6.59	11.27	10.15	4.52
Business	-0.50	2.80	3.23	9.57	8.76	2.94
Investment	-2.44	-4.07	0.01	7.26	6.85	-0.76
Wage Bill	7.52	8.22	8.83	10.35	6.42	7.83
Total Income	1.59	2.48	2.98	8.69	7.71	2.72
Total Expenditure	0.99	2.35	2.31	8.99	7.20	2.33
Profit	5.49	3.14	7.77	6.87	13.01	5.23
Spread	5.37	2.98	9.60	9.96	9.49	6.18

**Note :** Mean values are in crores and C.V. & C.G.R. values in percent.

**Source :** Computed from Data Collected from Annual Reports of respective Banks, 2001- 2015

Table-1 represents the mean, growth and variance analysis of public and private sector banks during 2001 to 2015. With the exception of burden per branch, all branch productivity ratios of private sector banks were better than public sector banks. Burden is the difference between non-interest income and non-interest expenditure and negative value shows the poor performance of banks in generating non-interest income. The least value of co-efficient of variation in branch productivity ratios highlights more stability in private sector banks. Moreover, the noteworthy growth was recorded by public sector banks in branch productivity. This is seen from the value of compound growth rate which is almost more than ten percent in all indicators. However, it was less than ten percent in private sector banks and negative growth was marked in investment per branch.

#### 4.2 Ranking of Banks based on Mean Value

Ranks were assigned to selected public and private sector banks based on the Mean Values of various productivity indicators. For the purpose of ranking, the method of merit rating was adopted. The merit rating scores are given in the following manner. Higher the value of ratio implies good performance which is found in case of Deposits per Branch, Credit per Branch, Business per Branch, Investment per Branch, Total Income per Branch, Profit per Branch and Spread per Branch. Rank '1' is assigned for the highest ratio of mean value. Further, for lesser

and lesser values scores 2, 3, 4 and so on are allotted to the respective banks. Thus, the bank with the highest value of ratio would get the lowest score, which implies the superior performance.

However, higher value of ratio implies poor performance in case of Wage Bill per Branch, Total Expenditure per Branch and Burden per Branch. Rank '1' is allotted to the lowest mean value ratio. Further, higher and higher value represents poor performance, scores 2, 3, 4 and so on are allotted to the respective banks. Thus, the bank with the lowest value of ratio would get the least score, which implies the good performance.

Total ranking score is the summation of ranks of all parameters of branch productivity. Final ranking is assigned based on total ranking score. Ranks are assigned based on ascending order which indicates lowest value secured first rank and vice-versa.

**Table-2 : Ranking based on Mean Value of Public and Private Sector Banks**

Banks/Indicators	Public Sector Banks					
	SBI	PNB	CAN	BOB	BOI	PSBs
Deposits	4	5	2	1	3	2
Credit	3	5	4	1	2	2
Business	4	5	2	1	3	2
Investment	1	5	2	3	4	2
Wage Bill	5	3	4	1	2	1
Total Income	1	5	2	4	3	2
Total Expenditure	5	1	4	2	3	1
Profit	3	5	1	2	4	2
Spread	1	3	4	2	5	2
Burden	5	4	1	3	2	2
Total Rank Score	32	41	26	20	31	18
Aggregate Ranking	4	5	2	1	3	2
Banks/Year	Private Sector Banks					
	ICICI	HDFC	Axis	J & K	FED	PrSBs
Deposits	1	3	2	4	5	1
Credit	1	3	2	4	5	1
Business	1	3	2	4	5	1
Investment	1	3	2	4	5	1
Wage Bill	5	4	3	2	1	2

Total Income	1	3	2	4	5	1
Total Expenditure	5	3	4	2	1	2
Profit	1	3	2	4	5	1
Spread	2	1	3	4	5	1
Burden	1	5	2	4	3	1
Total Rank Score	19	31	24	36	40	12
Aggregate Ranking	1	3	2	4	5	1

**Source :** Calculation based on original table of respective ratios of public and private sector banks..

Table-2 highlights the ranking of public and private sector banks based on mean values of each parameter of productivity. Banks can be ranked according to increasing values of total rank scores implying lower performance as follows :

**Branch Productivity :** Private Sector Banks > Public Sector Banks

Public Sector Banks : 1<sup>st</sup> Rank-BOB, 2<sup>nd</sup>-Canara Bank, 3<sup>rd</sup>-BOI, 4<sup>th</sup>-SBI and 5<sup>th</sup>-PNB.

Private Sector Banks : 1<sup>st</sup> Rank-ICICI Bank, 2<sup>nd</sup>-Axis Bank, 3<sup>rd</sup>-HDFC Bank, 4<sup>th</sup>-J & K Bank and 5<sup>th</sup>-Federal Bank.

### 4.3 Ranking of Banks based on Coefficient of Variation

The lower value of coefficient of variation implies better performance in terms of stability. Therefore, lowest rank i.e. '1' assigned to lowest C.V. and vice versa. Further, higher and higher C.V. represents poor performance, scores 2, 3, 4 and so on in that order is allotted to the respective banks.

**Table-3 : Ranking based on Coefficient of Variation of Public and Private Sector Banks**

Banks/Indicators	Public Sector Banks					
	SBI	PNB	CAN	BOB	BOI	PSBs
Deposits	1	3	2	5	4	2
Credit	2	4	1	5	3	2
Business	2	4	1	5	3	2
Investment	1	5	3	2	4	2
Wage Bill	4	5	1	2	3	1
Total Income	1	5	2	4	3	2
Total Expenditure	1	5	2	3	4	2
Profit	1	3	2	5	4	2
Spread	2	5	1	4	3	2

Burden	3	2	4	1	5	1
Total Rank Score	18	41	19	36	36	18
Aggregate Ranking	1	5	2	4	4	2
Banks/Year	Private Sector Banks					
	ICICI	HDFC	Axis	J & K	FED	PrSBs
Deposits	5	2	1	4	3	1
Credit	5	1	2	4	3	1
Business	5	1	2	4	3	1
Investment	5	2	1	4	3	1
Wage Bill	4	3	2	5	1	2
Total Income	5	1	2	4	3	1
Total Expenditure	5	2	1	4	3	1
Profit	3	1	2	5	4	1
Spread	4	1	2	5	3	1
Burden	4	1	5	2	3	2
Total Rank Score	45	15	20	41	29	12
Aggregate Ranking	5	1	2	4	3	1

**Source :** Calculation based on original table of respective ratios of public and private sector banks.

Table-3 highlights the ranking of public and private sector banks based on C.V. values of each parameter of productivity. Banks can be ranked based on increasing values of total rank scores implying lower performance as shown below :

**Branch Productivity :** Private Sector Banks > Public Sector Banks

Public Sector Banks : 1<sup>st</sup> Rank-SBI, 2<sup>nd</sup>-Canara Bank, 3<sup>rd</sup>-BOB, 4<sup>th</sup>-BOI and 5<sup>th</sup>-PNB.

Private Sector Banks : 1<sup>st</sup> Rank-HDFC Bank, 2<sup>nd</sup>-Axis Bank, 3<sup>rd</sup>-Federal Bank, 4<sup>th</sup>-J & K Bank and 5<sup>th</sup>-ICICI Bank.

#### 4.4 Testing of Hypothesis

1. **Null Hypothesis ( $H_0$ ) :** There is no significant difference between branch productivity of selected public and private sector banks.

**Sub-Hypothesis :** There is no significant difference in Deposits, Credit, Business, Investment, Wage Bill, Total Income, Total Expenditure, Profit, Spread and Burden per Branch between selected public and private sector banks.

2. **Alternative Hypothesis ( $H_1$ ) :** There is significant difference between branch productivity of selected public and private sector banks.

**Sub-Hypothesis :** There is significant difference in Deposits, Credit, Business, Investment, Wage Bill, Total Income, Total Expenditure, Profit, Spread and Burden per Branch between selected public and private sector banks.

**Testing of Hypothesis :**

$H_0$ :  $\mu_1 = \mu_2$  against the following three alternatives

- $H_1$ :  $\mu_1 \neq \mu_2$  (two sided alternative). That is there is a significant difference between branch productivity of selected public and private sector banks.
- $H_1$ :  $\mu_1 > \mu_2$  (one sided alternative). That is branch productivity of selected public sector banks is better than private sector banks.
- $H_1$ :  $\mu_1 < \mu_2$  (one sided alternative). That is branch productivity of selected private sector banks is better than public sector banks.

Under  $H_0$ , test statistic is given as

$$t = \frac{\bar{X}_1 - \bar{X}_2}{\sqrt{\frac{s_1^2}{n} + \frac{s_2^2}{n}}}$$

which follows t-distribution with (n-1) degrees of freedom.

We have used 5 %, level of significance (  $\alpha$  ).

It is clear that, in case of accepted hypothesis for a test with one sided alternative, we take the decision based on the sign of calculated value of test statistic t. If 't' value is positive, we conclude that branch productivity of selected public sector banks is better than private banks. (we use alternative hypothesis given in (b)). If it is negative, we conclude that branch productivity of selected private sector banks is better than public sector banks. (we use alternative hypothesis given in (c)).

**Table-4 : Results of t-test of the Productivity Indicators**

Two Tailed					
Ratios	5 percent level of significance			Decision	Performance of Banks
	t-cal	t-tab	p-value		
Deposits	-4.61338	2.063899	0.000111	Reject $H_0$	PSBs > PrSBs
Credit	-4.08107	2.055529	0.000378	Reject $H_0$	PSBs > PrSBs
Business	-4.38496	2.059539	0.000183	Reject $H_0$	PSBs > PrSBs
Investment	-11.7956	2.048407	$2.23 \times 10^{-12}$	Reject $H_0$	PSBs > PrSBs
Wage Bill	-1.78689	2.055529	0.085621	Accept $H_0$	PSBs = PrSBs
Total Income	-7.25228	2.051830	$8.43 \times 10^{-8}$	Reject $H_0$	PSBs > PrSBs
Total Expenditure	-6.70298	2.051830	$3.39 \times 10^{-7}$	Reject $H_0$	PSBs > PrSBs
Profit	-9.00455	2.055529	$1.79 \times 10^{-9}$	Reject $H_0$	PSBs > PrSBs

Spread	-6.02597	2.055529	2.30× 10-06	Reject $H_0$	PSBs > PrSBs
Burden	-0.55974	2.063899	0.580844	Accept $H_0$	PSBs = PrSBs
One Tailed					
Ratios	5 percent level of significance			Decision	Performance of Banks
	t-cal	t-tab	p-value		
Deposits	-4.61338	1.710882	0.000055	Reject $H_0$	PrSBs>PSBs
Credit	-4.08107	1.705618	0.000189	Reject $H_0$	PrSBs>PSBs
Business	-4.38496	1.708141	0.000091	Reject $H_0$	PrSBs>PSBs
Investment	-11.7956	1.701131	1.11× 10-12	Reject $H_0$	PrSBs>PSBs
Wage Bill	-1.78689	1.705618	0.042810	Reject $H_0$	PrSBs>PSBs
Total Income	-7.25228	1.703288	4.21× 10-08	Reject $H_0$	PrSBs>PSBs
Total Expenditure	-6.70298	1.703288	1.69× 10-07	Reject $H_0$	PrSBs>PSBs
Profit	-9.00455	1.705618	8.97× 10-10	Reject $H_0$	PrSBs>PSBs
Spread	-6.02597	1.705618	1.15× 10-06	Reject $H_0$	PrSBs>PSBs
Burden	-0.55974	1.710882	0.290422	Accept $H_0$	PSBs = PrSBs

**Note :** 1. t-Test has been used assuming unequal variances of both banks with 5 percent level of significance.

2. If ( ) then it indicates the average performance of public and private sector is not same and if (=) then it indicates the average performance of public and private sector is same.

Table 4 shows results of t-test of the productivity indicators of public and private sector banks. We have carried out both two as well as one tailed test to test the significance of parameters of productivity. From the results of two tailed test, with respect to branch productivity out of ten parameters only two hypotheses were accepted at 5 percent level of significance. Moreover, there is no significant difference between Wage Bill per Branch and Burden per Branch of public and private sector banks.

From the results of one tailed test, with respect to branch productivity, out of ten parameters only one hypothesis was accepted at 5 percent level of significance. Thus, there is no significant difference between Burden per Branch of public and private sector banks. Branch productivity has taken into consideration, except burden per branch all parameters of branch productivity were better in private sector banks than public sector banks.

## 5. Conclusion

The study of branch productivity of public and private sector banks reveals that, there is a significant difference in branch productivity of both banks. All private sector branches are too much competent than public sector bank branches as out of ten ratios nine ratios were better in private sector banks and one ratio i.e. burden per branch was same in both banks. It is found that private sector banks are

performing better throughout the study period with greater stability. Better performance of branch productivity is the result of majority branches of private sector banks located in urban and metropolitan cities which provide quick access of urban elite. Majority of rural branches of public sector banks resultant the scanty performance of branch productivity because of small size of business in rural areas. However, the public sector banks are improving in branch productivity as their CGR has upward trend and comparatively the growth rate is greater than private sector banks.

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## The Strategy of Tribal Development in Odisha

*Narendra Kumar Rath\**

*Alike other developing countries, India is experiencing rapid social, economic and political changes especially since independence in 1947. The tribals have remained far from the mainstream of civilization. There are around 650 tribal communities including sub-tribes in our country. All these tribes have their own galaxy of ethnic identity in the world. The core issues of land alienation and denial of right to livelihood, low levels of literacy and poor health condition and declining population still remain the key issues determine the tribal lives. Due to diverse factors such as migration, reservation, displacement etc, tribes have now become differentiated in terms of occupation, income, education, religion, social and political orientation and social status. For addressing such issues and betterment of the tribals the government has been taken up various policies and programmes. Odisha is one of the tribal concentrated State. The broad objective of the paper is to understand about the trends of tribal policy and programmes that has been designed from time to time for the socio-economic development, empowerment of tribals, sustainable livelihood and lead a quality life in Odisha.*

[**Keywords** : Strategy, Tribal development, Sub plan, Vulnerable, Policy & Programme]

### 1. Introduction

The history witnesses the existence of tribal people in our country from time immemorial. There are around 650 tribal communities including sub-tribes in our

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country. All these tribes have their own galaxy of ethnic identity in the world. According to the 2011 Census there are 24, 94, 54,252 households of which 2, 14, 67,179 households belong to STs. Total population of the country is 1,21,05,69,573, out of these 10, 42, 81,034 are classified as STs with 5, 24, 09,823 males and 5, 18, 71,211 females (2011). The decadal growth rate of the tribal population during 2001-2011 is 23.7% which is higher than India's total decadal growth (17.6%). The tribal population of India constitute 8.6% of total population and majority of them reside in the rural areas (90%). State wise distribution of tribal population shows that the tribal dominated states are Mizoram (94.4%), Nagaland (86.5%), Meghalaya (86.1%), Arunachal Pradesh (68.8%), Manipur (35.1%), Sikkim (33.8%), and Tripura (31.8%) Apart from north eastern states tribal population in Lakshadweep islands comprises of 94.8%. Numerically, largest number of tribal population are in Madhya Pradesh, in which constitutes 14.7% to the of the total tribal population of India, Maharashtra (10.1%) and Odisha (9.2%) together add to an additional 19.3% tribal population to the country. In contrast, lowest tribal concentration is in UT of Daman and Diu (0.01%). No ST population is recoded in Punjab, Haryana, Chandigarh, Delhi & Pondicherry states/UTs .

The concept of tribal development emerged since the beginning of the plan period. Government is honestly trying to ameliorate the tribal with the main stream but after the 72nd year of independence we still think of tribal development. Special attention has to paid to the amelioration and uplift of tribal areas, by providing enhanced allotment of funds are evolving special development programmes to integrate the tribals with the large society within the shortest possible time. Civilization is rather an achievement by the people themselves which is attained through the process of impulsive change or development. Many constitutional safeguards have been provided and protective legislation enacted by various States to protect the tribals interest in land and forest and to afford opportunities of employment and education.

## **2. Major Tribes in Odisha**

There are 62 tribal communities residing in Orissa today. They are scattered to all parts of the Orissa. The major tribes of the state are Kondhs, Koyas, Gadabas, Oraon, Juangs, and Santals. According to the language, the tribes are divided into four groups, Indo-Aryan group, Dravidian group, Tibeto-Burmese group and Austric group. Tribes belonging to Tibeto-Burmese group no more stay in Orissa, thus all the tribes belong to the other three groups. Tribal people of Orissa are known to be immensely hardworking and lead a very subdued life. Various tribes engage in different occupation, but most are either into agriculture, fishing or hunting. Better settled tribes also work in mills and handicraft industries. Few tribes like Bondo and Gadaba have their own looms and make clothes for their own use. The scheduled areas of Orissa fully cover six districts (Mayurbhanja, Sundargarh, Koraput, Rayagada, Nawarangpur and Malkangiri,) and seven

district partially (viz. Balesore, Keonjhar, Sambalpur, Kalahandi, Gajapati, Ganjam and Phulbani). More than 50 percent of tribal population of the state is found in undivided Koraput district, Mayurbhanja and in Sundargarh district and 25 percent of tribal population is found in undivided Koraput district alone (i.e. present Koraput, Rayagada, Nawarangpur and Malkangiri districts).

### **3. An Overview of the Scheduled Tribes in Odisha**

There are 62 communities listed as a Schedule Tribes (ST) in Odisha under the provision of the Indian constitution. More than 80% of them live in designated scheduled areas. (Behura & Panigrahi) There are thirteen (13) PVTGs (Particularly Vulnerable Tribal Groups) in Odisha, who are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population, (c) extremely low literacy and (d) a subsistence level of economy. As per 2011 census Odisha state is having 22% of its total population belongs to Scheduled Tribes. The tribal population in Odisha is among the poorest, more vulnerable and exploited groups in the states. Most of the tribal communities are confined to the more hilly and remote areas of the state. These areas have been the habitat for some tribes for centuries, whereas the others have been driven out of the more fertile plains by non-tribal in recent times. Historically tribals have had a life style characterized by close dependency on the forest for shifting cultivation, collection of forest produce and hunting. Concept of money management, savings, and planning have traditionally not been of major importance, although the highly developed mixed cropping strategies in shifting cultivation witness conscious strategies of risk aversion and ecological adoption. Tribal people of Odisha has been always facing the problems like land alienation and increasing landlessness, indebtedness, inadequate and inaccessible health services, traditional process of agricultural production, unemployment and poverty, displacement due to industrialization and development projects, low literacy rate etc are causing them downtrodden their economic life as well as affects socio-cultural life.

### **4. Status of Tribal Population in Odisha**

In the tribal map of India, Odisha occupies an important place from the point of view of number and distribution of tribal population. The state is dominated with 62 numbers of tribal communities representing major linguistic groups like Dravidian, Austro-Asiatic and Indo-Aryan. About 44.21 per cent of the total land area in Odisha has been declared as Scheduled Area. Out of 30 districts of Odisha, 6 districts like Koraput, Malkangiri, Rayagada, Nabarangpur, Mayurbhanja and Sundargarh are declared as fully Scheduled districts, whereas there are 7 other districts declared as partially Scheduled districts. The highest proportion of scheduled tribe has been recorded in Mayurbhanja i.e. 14,79,576 (58.72%) and the lowest in Puri 6,129 (0.4%). The sex ratio among the scheduled tribe population increased from 1003 in 2001 census to 1029 in 2011 census. Out of 62 tribal

communities, Kandha is the most populous tribe followed by Gond. The other major tribals living in the state are Santal, Munda, Kolha, Saora, Shabar, Bhottada, Bhumij, Bhuyan, Oran, Paroja and Kisan. The details of scheduled tribe population of Odisha is given in below table :

**Table-1 : Total population, ST population from 1961 to 2011 Census in Odisha**

Census Years	Total Population	Tribal Population	% of tribal population
1961	17548846	4223757	24.07
1971	21944615	5071937	23.11
1981	26370271	5915067	22.43
1991	31659736	7032214	22.21
2001	36804660	8145081	22.13
2011	41974218	9590756	22.85

Source : Census of Odisha, 2011, Tribes of Koraput-2006 (COATS Koraput)

From the above table, it reveals that the scheduled tribe population of Odisha has been increased from 1961 Census to the 2011 census.

## **5. Strategy for Tribal Development in Odisha**

### **5.1 Pre-Independence Period**

During the British rule, the approach to the administration of tribal areas was marked by a desire to leave the tribal areas alone by designating such area as excluded or partially excluded areas. The reason for such an approach obviously were the difficulties involved in governing the brave and self respecting groups of people living in remote and in accessible regions without proper communication facilities.

### **5.2 Post-Independence Period**

After independence the main thrust for the strategy for tribal development has to promote the participation of schedule tribes in planning and implementation of programmes for their development. In furtherance of this objective, Pandit Jawaharlal Nehru, the first prime minister of India had incited five guiding principles for tribal development. These are :

- Tribal people should develop along the line of their own genius and we should avoid imposing anything on them. We should try to encourage in every possible way of traditional art and culture.
- Tribal rights in land forest should be protected.
- We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from

outside will no doubt be needed, especially in the beginning, but we should avoid introducing too many outsiders into tribal territory.

- We should not over administer these areas and work through their own social and cultural institution.
- We should judge the results not by statistics or the amount of money spent, but by the quality of human character that is evolved.

## **6. Approach and Overall Strategies for Tribal Development in the Five Year Plan Periods**

Soon after the beginning of first five year plan when Community Development Approach was evolved the areas inhabited by the tribals also received special attention. In the year 1954 Community Development Approach in the tribal areas were initiated by setting up a small number of Special Multipurpose Tribal Development (SMTD) projects covering a limited number of blocks of the state as pilot projects. The SMTD was reviewed at the end of the second five year plan and with the beginning of the third five year plan. The Concept of Tribal Development Blocks was introduced and 75 tribal development blocks were identified for extending special development programmes and this strategy continued until the end of the fourth five year plan.

The tribal development problems during the fifth five year plan were visualized as two distinct categories such as :

1. Areas inhabited by more than 50% tribal population.
2. Tribals located in dispersed manner. During this plan period it was decided by government to formulate an area development approach with focus on the tribals in case of the former categories of the tribals taking into consideration the local problems and felt needs of the tribals and for the dispersed tribals, family oriented programs were decided to be extended. This is how the tribal sub plan approach came into force with beginning of the fifth five year plan in the state of Odisha.

During the sixth five year plan the effort shifted to beneficiary oriented development schemes and during this phase the scope of tribal's sub plan approach became more and government adopted the Modified Area Development Approach (MADA) for smaller contiguous areas with a total population of 10000.00 where tribal concentration is 50% or more.

During the seventh five-year plan period the basic approach of development followed was socio economic development of tribals through a number of income generating schemes and through infrastructure development programmes.

During the eighth five year plan period the state started adopting the Maharashtra model of tribal development through a single line demand through the tribal development department. Under changed system, instead of the past

practice of planning from top to bottom, the exercise got reversed and the approach became from bottom to top. Thus the decentralized system of planning was made for each tribal area with the ITDA as the base. Under such a changed arrangement the tribal development department could be able to decide the priorities of the schemes to be implemented in the tribal areas on the basis of electing their felt needs.

During the ninth five year plan the major thrust of tribal development has been shifted to accelerate growth in employment, provision of basic minimum service to the people, eradication of poverty, provision of food security. In order to guarantee that the above objectives are achieved and the quality of life of the tribal increase, government of Odisha has given high priority to as many as seven basic services in tribal inhabited areas. Along with these emphases has been laid on the agriculture and rural development sectors for the tribals with a view to bringing them to the main stream.

## **7. Specific Policy and Programmes for the Development of STs in Odisha**

Odisha has the largest tribal concentration after Madhya Pradesh and Maharashtra in the entire country. The following are some of the major policy and programmes, which are under promulgation in the state for the welfare of the tribes. The Constitutional provision for a separate Minister in charge of the welfare of SCs and STs and Backward Classes. The state of Odisha is yet to have such provision. The Tribal Advisory Council (TAC) formed in Odisha on 24 June 1950 has been advising the GoO from time to time on matters of the welfare of tribal communities in the state. In the initial days of community Development Programme special project known as Multipurpose Tribal Blocks were started in 1956 on an experimental basis. Development of tribal people in line with their culture and to safeguard their interests in land, the forest and forest based resource is the major objective of the multipurpose Tribal blocks. In consideration of the recommendation of Elwin Committee (1960) regarding implementation of the structure of the Tribal Development Blocks (where more than 50% of the population represented by tribals) the state of Odisha initially opened up 62 such blocks which were later increased to 74.

### **7.1 Tribal Sub Plan (TSP)**

Tribal sub plan (TSP) approach was introduced in Odisha in 1979, where ITDA were launched. Thus presently Odisha has 118 TD Blocks distributed over 21 ITDPs and Tribal Development Agencies for planning and execution of tribal development programme. The programme will cover 1549 Gram Panchayat GPs and 17597 villages, further special micro project for the development of PTGs were implemented from time to time. Presently, Odisha has 17 Micro Project to bring the 13 PTGs in to the mainstream. The objective of the programme was to

bring tribal people out of poverty and to free them from of exploitation by non-tribals. A tribal Sub Plan (TSP) as an integrated of the state plan was conceived during the five year plan (1974-79) to cover tribal concentrated area where more than 50 percent tribal population and tribal-dispersed areas including those home to PTGs. The TSP approach had multifarious objective to bridge the gap between the levels of development of both tribal and non tribal people by wiping out the net of exploitation around them due to land alienation, bonded labour, high rate of interest during lending low payment of forest product etc.

## **7.2 National Commission for Scheduled Caste and Scheduled Tribes**

Looking at the economic and social backwardness of different ethnic group, the framer of the constitution had felt the need for making certain special provisions for tribal's in the constitution. The basic objectives behind this are to upgrade the position of most backward communities in the economic, educational and social fronts of the society. Main function of this Commission are : i) to investigate and monitor all matters relating to the safeguard provided to the Scheduled Caste and Scheduled Tribes under the constitution, and to evaluate the administration of such safeguards, ii) to inquire into specific complaints raised by SCs and STs with regards to the deprivation of rights and safeguards, iii) to participate in the planning process of development and to advise the government for the socio-economic development of the SCs and STs and to evaluate the progress of their development, iv) to give recommendation to the Union and state to take measures for effective implementation of those Constitutional safeguard, welfare and socio-economic development of the SCs and STs.

## **7.3 Scheduled Caste and Scheduled Tribes Research and Training Institute (SCSTRTI)**

SCSTRTI is one of the state level agencies working for tribal development. This institution started as a semi-official organization during 1952 and then, was known as tribal research bureau. The objective of this Bureau was to collect, and process basic data on various aspects of life-way processes of scheduled group in Odisha, and perform advisory services to the government on matters of their socio-economic development.

Government of Odisha in 1972, finally, merged both Research Bureau and the Orientation Training Institute and formed a state level new institute known as Tribal and Harijan Research-cum-Training Institute (THRTI) which is kept under the administrative control of the Secretary, T&RW Department. With the rise of a controversy over the issue of the term Harijan during 1980 Government of Odisha again re designated this institute as SCSTRTI on 1 December, 1994. The prime objective of the institute are multiple by nature. It formulates action plan for SCs & STs and undertakes ethnographic and monographic studies on various SC and ST communities of Odisha, it evaluates the development programmes meant for the

scheduled group of Odisha and organized training programme for those who are working in Scheduled Areas on tribal related issues. It documents various aspect of socio-cultural and politico-economic life of the tribal people of Odisha.

#### **7.4 Tribal Development Cooperative Corporation (TDCC)**

The tribal development Cooperative Corporation of Odisha Ltd. (TDCC) is an apex cooperative society, which has been registered under Odisha Cooperative Societies Act of 1962. Since 1972, it is functioning as an apex Cooperative organization for the development of the tribal communities of Odisha. The basic objective of TDCC are to procure Surplus Agricultural Produce (SAPs) and Minor Forest Produces (MFPs) from tribal people on payment of remunerative price through proper market arrangements, to supply essential commodities and other consumer goods to the tribal people at a fair price.

The cooperation presently had 240 LAMPS and other Primary Societies, 47 Panchayat Samities and 3 individuals as members. TDCC comprises 3 division and 15 branches. The distribution of all LAMPS and permanent procurement centres are grouped in different district of Odisha. There are 130 number of permanent procurement centres, 212 godowns located at different place of Odisha having a storage capacity of 4.10 Lakh MTs. Apart from these, there are also 47 Panchayat Samities which have been associated with their share capital invested in TDCC. TDCC is making all endeavours to maximize the collection of SAPs and MFPs from all the interior area of tribal regions of Odisha. The producers are procured through LAMPS with the help of local agents, as well as in certain areas TDCC directly procures from weekly markets and villages. In respect of certain forest produce commodities, the government fixes the minimum support price and TDCC offers that rate depending upon the quality of the stock.

#### **7.5 Micro Projects for Development of Primitive Tribal Groups**

Till the end of 4<sup>th</sup> Five Year Plan of India, there was a special allocation for the tribal development in general implemented irrespective of their level of backwardness or development. As a result, it was observed that quite a good number of tribal groups who are in interior pockets were not properly served. This forced the planners to frame special programmes for specific development of the specific tribal groups. In 5<sup>th</sup> Five-Year Plan special Micro-Projects were started for those Primitive Tribal Groups popular known as PTGs uniformly identified on the basis of certain characteristics like their primitive agricultural technology, low level of literacy, stagnant or diminishing population.

#### **7.6 Integrated Tribal Development Agencies (ITDA)**

Since the beginning of the 5<sup>th</sup> five-year plan the concept of tribal sub-plan for tribal development is being formulated and implemented in the state. The sub-divisions having 50% or more tribal population were brought under the tribal. Sub-plan approach under this approach 21 ITDAs covering 118 blocks of 12

districts have been functioning in the state. During 2013-14 Rs.116.36 crore was released as SCA to ITDA and the cumulative expenditure up to the end of March 2014 was Rs.135.02 crores and 1103 projects were completed covering 64176 no. of beneficiaries.

### **7-7 Specific Objectives of ITDA**

1. Formulation of a comprehensive long-term and annual plan for the integrated socio-economic development of the operational area of the I.T.D.A. with main focus on the tribal inhabits. The plan will follow the guidelines issued by Government of Odisha from time to time and will indicate the total programme to be taken up with funds flowing from Government of Odisha, Government of India and the financing institutions.
2. Implementation of such a plan by taking execution of schemes directly or through private, cooperative or public sector agencies with assistance received from Government of Odisha, Government of India and institutional agencies and coordinating the execution of schemes taken up by other agencies of Government.
3. Undertaking such other activity from time to time as may be deemed necessary, conducive, incidental or ancillary for the integrated development of the area and objectives of the I.T.D.A.

### **7-8 Modified Area Development Approach (MADA)**

Adopted during the 6th plan, this programme aims at development of tribal populations residing outside TSP areas in contiguous patches having a population of 10,000 or more, of which, at least 50 percent are tribals. There are 46 MADA pockets in 47 blocks of 17 districts. These MADA pockets cover 5.68 lakh populations. Individual family oriented income-generating schemes for ST communities and critical infrastructure development programmes are implemented in the ratio of 75% and 25% outlay respectively under special ultra assistance provided by government of India. There is a MADA Project Level Committee for each MADA pocket under the chairmanship of the sub-collector and including officials and non-officials, local MLAs and MPs as members. The committee draws up programmes and oversees their implementation. During 2013-14, under this programme funds sanction was Rs. 4.46 crores, with a cumulative expenditure of Rs. 5.42 crores by the end of March 2014 with completion of 389 projects, which benefit 10143 numbers of families.

### **7-9 Grants under Article - 275(1) of the Constitution of India**

As per the provisions of Article 275 (1) of the constitution of India, the Ministry of Tribal Affairs gives annual grants to States to promote welfare of STs. The assistance covers the entire TSP area. Under the scheme, 100 percent grants are given to meet the cost of specific projects for tribals and raise the level of administration of scheduled areas. The proportion of ST population is the basis for



allocation of grants to states. Projects like Ekalavya Model Residential Schools (EMRS) from classes VI to XII, roads, bridges, minor irrigation projects, hostel buildings, educational complexes, drinking water facilities and electrification of tribal basis are usually implemented under the programme.

### **7.10 Cluster Approach**

During the seventh plan period, the cluster Approach was adopted for contiguous areas having population of 5000, of which 50% or more are tribal's. By the end of 1999-2000 14 cluster pockets covering parts of 13 blocks of 10 districts were functioning in the state covering 52,793 tribal's population. Funds were provided by government of India under special central assistance for implementation of community benefit oriented and individual benefit oriented schemes.

### **7.11 Odisha SC and ST Development Finance Co-operative Corporation (OSFDC)**

Established in 1979-80 OSFDC aims at implementing various economic development Programme for the benefit of SC and ST scavenger communities of the state under various income generating schemes. During 2013-14 OSFDC financed 39.79 crore which benefitted 33449 number of SC and 11980 ST respectively.

Programmes implemented by OSFDC include :

1. SCA under Special Component Plan for development of SC.
2. SCA under TSP for dispersed tribals outside ITDA, MADA, Micro Project and Cluster Areas.
3. Self employment schemes for Rehabilitation of Manual Scavengers (SRMS).
4. Term loan scheme for SC, ST Scavengers and Minorities with assistance from the National SC & ST Finance Development Corporation (NSFDC) National SC Finance Development Corporation (NSTFDC) and National Safal Karmachari Finance Development Corporation (NSKFDC).

### **7.12 Research and Development for Tribal Culture Academy of Tribal Language and Culture (ALTC)**

Tribal speak different dialects and languages with a view to develop these languages and their cultural heritage, the State Govt. has initiated a detailed study through research projects. In 1979, the Govt. established the Academy of Tribal Dialects and Culture (ATDC). Because of its multidimensional activities, the nomenclature of the academy was changed to (ATLC).

### **7.13 Odisha Tribal Empowerment and Livelihood Programme (OTELP)**

After the closure of the IEAD assisted Odisha tribal development programme OTDP in Kasipur block, Odisha tribal empowerment and livelihood programme

came into existence on 2<sup>nd</sup> October 2004. The main objective of the programme is to improve the quality of life of the poor tribal's in remote pockets. Through livelihood support and food security by sustainable exploitation of the natural resources available with them. The programme is now being implemented in six blocks of Koraput district i.e. Potangi, Similiguda, Nandapur, Laxmipur, Dasmantapur, and Bandhugaon.

- a) Build the capacity of marginal groups as individual and grass root institution.
- b) Enhance the access of poor tribal people to land water and forest and increase the productivity of these resources in environmentally sustainable and socially equitable ways;
- c) Encourage and facilitate off-farm enterprise development focused on the needs of poor tribal households;
- d) Monitor the basic food entitlements of tribal households and ensure their access to public food supplies;
- e) Strengthen the institutional capacity of government agencies, panchayati raj institutions, NGOs and civil society to work effectively on a participatory mode for poverty reduction with tribal communities;

The Special Tribal Development Council (SDC) : The recent development of strategy for the tribals is the State to cover 112 Blocks of 9 tribal dominated districts of Odisha for conservation of tribal culture aligned with development objectives, the main objectives are Propagation of tribal culture for retaining tribal identity, recognition of indigenous knowledge system of the tribal and its promotion to help support retention of tribal culture, Documentation of tangible and intangible tribal culture, tradition and practices. All the 62 tribes, including the 13 Particularly Vulnerable Tribal Group (PVTG) will have representation in these councils. They will have decision making power and the financial resource to preserve, promote and develop their unique socio-cultural identities and their economic capabilities.

## **8. Conclusion**

In order to confront the various tribal problems a number of tribal development policy and programmes has been formulated and adopted by the government from time to time during last eleven five years plan period. A series of policy and programmes are being implemented for the development of tribal people. It has to be emphasized more in the strong implementation of the developmental projects. Unless and until there is increase of literacy and awareness levels among tribals, these projects and programmes cannot be fruitfully reached to them effectively. It is now high time to review each developmental Project being implemented in the Scheduled Tribe area and to ensure that policy and programmes are in right path way for the tribal development in Odisha. Although Government of Odisha has initiated many policies and programmes for the tribal empowerment, livelihood security and

quality life of the poor tribal's in remote pockets in a sustainable development mode, but this needs to strong and continuous monitoring system for proper implementation of all these programmes timely.

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## **Adolescent Health Policy in India with particular focus on Anwasha Clinics in West Bengal**

***Paramita Roy\* and Monojit Garai\*\****

*According to 2011 census data, there are 253 million adolescents in the age group 10-19 years, which comprise little more than one-fifth of India's total population. This age group comprises of individuals in a transient phase of life requiring nutrition, education, counselling and guidance to ensure their development into healthy adults. Considering demographic potential of this group for high economic growth, it's critical to invest in their education, health, and development. Health and health care development has not been a priority of the Indian state. This is reflected in two significant facts. Firstly, the low level of investment and allocation of resources to the health sector over the years (about one percent of GDP) with clear declining trends over the last decade. And secondly, the uncontrolled very rapid development of an unregulated private health sector, especially in the last two decades. Structured health policy making and health planning in India is not a post-independence phenomena. In fact, the most comprehensive health policy and plan document ever prepared in India was on the eve of Independence in 1946. Universal coverage of the population through some health plan is historically well entrenched today, whether this be through health insurance or state run health services. There is no developed country, whether capitalist or socialist, which has not insured through either of the above means or a combination a minimum standard of health care for its population. India's recent decision to*

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*launch a national adolescent health strategy aimed at addressing the critical health concerns of adolescents in the country indicates the Government's determination to put youth at the centre of its priorities. In a nation where a fifth of the population is aged 10-19, the broad benefits of healthier youth will have a profound impact on the future prospects of the whole population. India has embarked on a journey to address adolescent health needs and concerns through its recently launched Rashtriya Kishor Swasthya Karyakram (RKSK) - this programme envisions that all adolescents in India are able to realise their full potential by making informed and responsible decisions relating to their health and well-being. This paper studies the evolution of health policy in India and tries to find out how far the problems and concerns of adolescents have been taken care of in policy making. The paper also particularly focuses on the Adolescent Friendly Health Clinics (AFHCs) also known as Anwasha clinics and reflects the opportunities and constraints faced by the Anwasha counsellors in delivering counselling and clinical services. There is a short questionnaire survey of selected Anwasha counsellors in Birbhum to understand the dynamics of their service delivery. The paper will contribute immensely to the still unexplored yet very important area of adolescent health to support the significantly large adolescent population in India.*

**[Keywords :** Adolescent Health, RKSK, Anwasha clinics, AFHC, Birbhum]

## **1. Introduction on Status of Adolescent Health in India**

Adolescence is a stage in life which is full of risks as well as opportunities. They have their own specific needs. It is a clearly defined psychological, physical and social stage in everybody's life. Exploration and experimentation tendency of adolescents often lead them into risk behaviours and suffer from unwanted pregnancies, HIV/AIDS and other sexually transmitted diseases, substance abuse and other injuries from violence.

Evidence provided by SRS 1999, Census 2001, NFHS-II and DLHS-RCH 2004 particularly on early marriage, teen pregnancy, anaemia and unmet need for contraception led GoI to recognize the importance of adolescent health. In India, more than 50% of the illiterate girls get married before they reach the legal age of 18 years (ibid). Nearly 27% of married female adolescents have reported an unmet need for contraception (MoHFW, 2006). According to the Census 2011, the population of the youth increased from 168 million to 422 million in 2011. However the sex ratio of the youth has worsened, from 961 in 1971 to 939 in 2011 and projected to drop to 904 in 2021. Over 2 in 5 (42.6%) of the economically active youth are unemployed in the world or are working yet living in poverty.

In India, data on adolescents from national surveys including National Family Health Survey III (NFHS-3), District Level Household and Facility Survey III and Sample Registration System call for focused attention with respect to health and social development for this age group. It has therefore been realized that, investing in adolescent health will yield demographic and economic dividends for India. In view of this, Government of India launched its first comprehensive programme for adolescents, 'Rashtriya Kishor Swasthya Karyakram', during January 2014 which has a sharp focus on adolescents' sexual health. The

programme envisages that all adolescents in India are able to realize their full potential by making informed and responsible decisions related to their health and well-being. The RKSK tries to enable all adolescents realise their full potential and make informed and responsible decisions concerning their health and quality of life and be accessing the services and support they need to implement their decisions.

India is a long way off from reaching the Millennium Development Goals. To improve the status of MMR, IMR and TFR, access to health services for adolescents must be improved. There is mortality in this age group primarily because of child marriage. About 20% of the girls married under 15 years of age are already mothers. To add to this 56% of the girls and 30% of the boys are anaemic and 47% of the girls and 58% of the boys are underweight. Data on adolescents from DLHS 3, SRS and NFHS 3 reveal that 14% of the adolescent pregnant girls have received ANC care and 62% of the currently married girls have faced complications during pregnancy. There was also a 50% higher risk of infant deaths for mothers below 20 years of age.

In terms of mental health 22% of the adolescents have a mental or behavioural problem and depression is on the rise. Drug abuse among adolescents is another problem. Thirty-five percent of new HIV infections were in the adolescent group (Status of Children 14-18 years, 2012-13; GoI & NCPCR). One-fifth of young men and one percent of young women between 15 - 24 years of age consume alcohol.

## 2. Evolution of Adolescent Health Policy in India

In the post independence period programmes like National Cadet Corps (NCC), National Service Scheme (NSS) and Nehru Yuva Kendra Sangathan (NYKS) etc. have been designed to promote youth development. In the year 1985, the International Year of Youth, a separate Department of Youth Affairs and Sports was created in Government of India. Two National Youth Policies were formulated in 1988 and 2003. The latest Youth Policy was launched in February 2014. The objectives and priority areas are as follows :

S. No.	Objectives	Priority Areas
1.	Create a productive workforce that can make a sustainable contribution to Indias economic development	1. Education 2. Employment & skill development 3. Entrepreneurship
2.	Develop a strong and healthy generation equipped to take on future challenges	4. Health and healthy lifestyle 5. Sports
3.	Instil social values and promote community service to build national ownership	6. Promotion of social values 7. Community engagement

4.	Facilitate participation and civic engagement at all levels of governance	8. Participation in policies & governance 9. Youth engagement
5.	Support youth at risk and create equitable opportunity for all disadvantaged and marginalized youth	10. Inclusion 11. Social justice

Planning for adolescents first began in the Tenth Five Year Plan (2002-2007). After this a Working Group on Youth Affairs and Adolescents Developments was formed in the Eleventh Five Year Plan (2007-2012). This group noted a few suggestions which included the setting up of counselling centres for adolescents and substance abusers and putting a special focus on minorities and out of school adolescents. The Draft Twelfth Plan also mentions the significance of the SABLA programme in the lines of the Bal Bandhu Pilot Programme for the protection of child rights. The policy document focuses on the rights of the adolescents and their entitlements by examining their precarious conditions in child labour, child marriage, teenage pregnancy, child birth and rearing, malnutrition and trafficking. It tries to understand the efficacy of the policy frameworks to safeguard the right to survival, development, protection and participation of adolescents in India. In doing so it argues the lacunae of the existing policy structure in being successful in addressing only a small segment of the adolescent population. It finally recommends the importance of including elementary education into the welfare programmes related to adolescents to usher in their empowerment and protection. As a signatory to the ICPD declaration, the Government of India initiated the development of an ARSH policy. While the RCH-I (Reproductive and Child Health) Program (1998-2004) did not make any direct mention of adolescent health needs in the objectives or beneficiaries, NACP II (National AIDS Control Program II, 1999-2006) took the challenge seriously and introduced the School AIDS Education Programme (SAEP) in the 9th and 11th grades on a voluntary basis throughout India. Less explicit mention of adolescents was also because RCH-I was mainly concerned with structures and institutional capacities that would be utilized in RCH-II (2005-2010), where a specific focus on adolescent health was planned (UN 2008). As the overarching National health goals are to attain significant decline in the TFR, MMR, and IMR, and efforts are on to limit the HIV spread, reproductive and sexual health became the entry point of adolescent health also. The RCH-II Program recognized ARSH as one among the four strategies (besides Maternal Health, Child Health, and Family Planning) to reduce MMR, IMR and TFR.

The National Youth Policy (NYP 2014) launched in 2014 proposes a holistic vision for the youth in India which is to “empower youth of the country to achieve their full potential and through them enable India to find its rightful place in the community of nations”. The policy defined youth in the age group between 15-29

years. This holistic vision is reflected in the National Policy for Skill Development and Entrepreneurship in 2015 to enhance employment opportunities for the youth.

The National Young Leader's Programme was initiated in 2014-15. Programmes including formation of Youth Parliaments and Youth Clubs have been active under this programme under the aegis of NYKs. The Rajiv Gandhi National Institute of Youth Development (RGNIYD) was set up in Sri Prumbudur, Tamil Nadu to foster curriculum teaching, training and research on youth affairs. Various Youth Hostels have been constructed to promote youth travel to explore the rich cultural heritage of the country. The Pradhan Mantri Kaushal Vikas Yojana (PMKVY) was started in July 15, 2015 to encourage the youth to take up industrial based training so as to facilitate their scope for employment (Youth in India, 2017; GoI).

### 3. Anwesha Clinics in West Bengal - A Case Study

The Adolescent Friendly Health Clinics (AFHCs) are known as Anwesha Clinics in West Bengal at the Block Primary Health Centres (BPHCs). The present study has taken the BPHC at Bolpur as a case to study the facilities and challenges in the process of service delivery of the Anwesha counsellors. Since very little is known or written on the working of such clinics the authors have selected a qualitative approach of exploration of information on the Anwesha clinics. The data has been collected for 2016-17. The data has also been dis-aggregated across gender, age group and marital status. The source of the data has been field level data collection by the authors in 2017. It is an aggregated data from both the male and female counsellors in the BPHC summed over the selected years. The data has been compiled with the help of Microsoft Excel software.

#### 3.1 Delivery of Clinical Services

The data (Table 1) reveal that most of the clients who had registered with the AFHC were also given clinical services. Thus the same observations prevail here too. That there has been a steady increase in clients accessing services with unmarried adolescent girls in the age group of 15 to 19 years receiving the benefit of the services of the clinic more than the others.

Table-1 : Total number of clients who received clinical services

2013-14					
Male					
Married		Unmarried		Total	
10-14	15-19	10-14	15-19	10-14	15-19
296	300	0	2	296	302



Female					
10-14	15-19	10-14	15-19	10-14	15-19
299	235	1	461	300	696
2016-17					
Male					
Married		Unmarried		Total	
10-14	15-19	10-14	15-19	10-14	15-19
344	1155	0	23	344	1178
Female					
10-14	15-19	10-14	15-19	10-14	15-19
468	930	0	839	468	1769

### 3.2 Delivery of Counselling Services

The following table (Table-2) shows the total number of clients who received counselling services which was the second significant component of the health delivery system of the Anwasha clinics in West Bengal. In fact the data show that almost all the clients who register in the clinic get benefit of the counselling services from the counsellors.

**Table-2 : Total number of clients who received counselling services**

2013-14					
Male					
Unmarried		Married		Total	
10-14	15-19	10-14	15-19	10-14	15-19
321	373	0	2	321	375
Female					
10-14	15-19	10-14	15-19	10-14	15-19
382	270	1	479	383	749
2016-17					
Male					
Unmarried		Married		Total	
10-14	15-19	10-14	15-19	10-14	15-19
425	1888	0	23	425	1911
Female					
10-14	15-19	10-14	15-19	10-14	15-19
533	1191	12	882	545	2073

### 3-3 Types of Clinical Services

Table-3 : Types of clinical services delivered in 2013-14

2013-14	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
Menstrual Problems	NA	NA	NA	NA	75	75	0	5
RTI/STI Management	0	0	0	0	0	1	0	0
Skin Problems	119	87	0	1	147	102	0	43
ANC	NA	NA	NA	NA	0	0	0	446
IFA Tablets	4	20	0	0	74	82	0	93
Contraceptives	0	0	0	1	0	0	0	22
1. Condoms	0	0	0	1	0	0	0	0
2. OCP	-	-	-	-	0	0	0	0
3. ECP	-	-	-	-	0	0	0	0
4. IUD	-	-	-	-	0	0	0	0
Immunization	20	8	0	0	58	51	0	101
Others	137	179	0	0	92	45	0	79

Most of the clients had problems of the skin irrespective of their gender and mostly confined to the younger adolescents. Some of the unmarried girls also had menstrual problems. The married girls mostly took the facilities of the ante-natal check-ups. Iron and Folic Acid tablets were given to most girls. Many younger clients and some of the married girls were given required immunization. A major observation was that both the services of RTI/STI management and reproductive health issues like contraceptives were still not availed of to a great extent in this Anwasha clinic. However this aspect has seen an improvement in the 2016-17 when some clients have taken the benefits of RTI/STI management and contraceptives planning and management (Table-4).

Table-4 : Types of clinical services delivered in 2016-17

2016-17	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
Menstrual Problems	NA	NA	NA	NA	101	253	0	10
RTI/STI Management	0	3	0	0	31	132	0	11
Skin Problems	56	332	0	0	55	95	0	3
ANC	NA	NA	NA	NA	0	0	0	780
IFA Tablets	9	56	0	0	21	83	0	44
Contraceptives	0	8	0	20	0	0	0	18

1. Condoms	0	8	0	19	0	0	0	1
2. OCP	NA	NA	NA	NA	0	0	0	0
3. ECP	NA	NA	NA	NA	0	0	0	0
4. IUD	NA	NA	NA	NA	0	0	0	0
Immunization	5	5	0	0	3	1	0	0
Others	268	723	0	2	286	382	0	51

### 3-4 Types of Counselling Services

The Anwasha counsellors are equipped to deliver counselling services in variety of aspects but the clients are mostly given counselling on nutrition, skin problems and care, pre-marital issues, learning problems, RTI/STI management and substance abuse problems. However in both 2013-14 and 2016-17 it is observed that counselling on sexual problems, mental health problems like suicidal tendencies, depression etc., violence and sexual abuse have not at all been encouraging and almost no clients have received the services of counselling in those areas. This observation is same across gender and age. The other services have however seen an increase in client utilization (Table-5 and Table-6).

Table-5 : Types of counselling services in 2013-14

2013-14	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
Nutrition	336	370	0	2	534	1155	0	859
Skin	255	193	0	0	95	252	0	5
Pre-marital Counselling	26	209	0	0	228	956	0	13
Sexual Problems	0	1	0	0	0	0	0	0
Contraceptive	0	45	0	0	245	964	0	727
Abortion	NA	NA	NA	NA	0	0	0	0
RTI/STI	177	211	0	1	228	997	0	811
Substance abuse	58	153	0	1	3	16	0	15
Learning problems	285	176	0	0	216	43	0	1
Stress	28	133	0	0	175	650	0	675
Depression	0	2	0	0	0	0	0	0
Suicidal Tendency	0	1	0	0	0	1	0	0
Violence	0	0	0	1	0	0	0	0
Sexual Abuse	0	0	0	0	0	0	0	0
Other Mental Health Issues	0	0	0	0	0	0	0	0
Others	9	39	0	1	165	1275	0	2

Table-6 : Types of counselling services in 2016-17

2013-14	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
Nutrition	423	1823	0	23	534	1155	0	859
Skin	74	531	0	0	95	252	0	5
Pre-marital Counselling	0	1298	0	0	228	956	0	13
Sexual Problems	0	1	0	0	0	0	0	0
Contraceptive	0	1261	0	20	245	964	0	727
Abortion	NA	NA	NA	NA	0	0	0	0
RTI/STI	0	1323	0	22	228	997	0	811
Substance abuse	139	1344	0	22	3	16	0	15
Learning problems	307	108	0	0	216	43	0	1
Stress	32	1565	0	22	175	650	0	675
Depression	0	0	0	0	0	0	0	0
Suicidal Tendency	0	0	0	0	0	1	0	0
Violence	0	0	0	0	0	0	0	0
Sexual Abuse	0	0	0	0	0	0	0	0
Other Mental Health Issues	0	0	0	0	0	0	0	0
Others	165	1275	0	2	457	625	13	177

### 3-5 Referral Services

The total number of clients who were referred to other centres was not very in number. There was a slight increase in the number of referred clients over the years between 2013-14 and 2016-17. Most of the referred cases were clients in the age group of 15 to 19 years.

Table-7 : Total no. of clients referred to other places

2013-14					
Male					
Unmarried		Married		Total	
10-14	15-19	10-14	15-19	10-14	15-19
3	16	0	0	3	16
Female					
10-14	15-19	10-14	15-19	10-14	15-19
0	9	0	0	0	9

2016-17					
Male					
Unmarried		Married		Total	
10-14	15-19	10-14	15-19	10-14	15-19
11	42	0	0	11	42
Female					
10-14	15-19	10-14	15-19	10-14	15-19
13	70	0	3	13	73

### 3-6 Types of Referral Services

Table-8 : Referrals in 2013-14

2013-14	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
ICTC	0	1	0	0	0	0	0	0
Suraksha/RTI/STI Clinic	0	0	0	0	0	0	0	0
Skin OPD	0	2	0	0	1	1	0	0
Ob/Gyn Department	NA	NA	NA	NA	0	1	0	0
MTP	NA	NA	NA	NA	0	0	0	0
Psychatrist	0	0	0	0	0	0	0	0
Others	0	4	0	0	0	0	0	0

Table-9 : Referrals in 2016-17

2013-14	Unmarried		Married		Unmarried		Married	
	10-14	15-19	10-14	15-19	10-14	15-19	10-14	15-19
ICTC	0	1	0	0	0	7	0	0
Suraksha/RTI/STI Clinic	0	0	0	0	0	8	0	0
Skin OPD	2	14	0	0	0	10	0	0
Ob/Gyn Department	NA	NA	NA	NA	7	33	0	1
MTP	NA	NA	NA	NA	0	1	0	0
Psychatrist	0	0	0	0	1	1	0	0
Others	9	27	0	0	5	15	0	2

There were some referrals to the skin specialists particularly the adolescents in the age group of 15 to 19 years across gender. In 2016-17 there were some girls who were referred to RTI/STI/Suraksha clinics for such specific problems. Some unmarried girls were referred to obstetrics and gynaecologists for treatment. It is

observed that some clients with complications of medical termination of pregnancies and psychiatric problems were referred to specialized medical professionals for treatment in 2016-17 (Table-7, Table-8 and Table-9).

#### 4. Conclusion

The fact that India is facing a demographic dividend rightfully justifies the need to focus on health service delivery formats in the form of Adolescent Friendly Health Clinics or better known Anwesha clinics in West Bengal. The study of the selected BPHC as generated the following general observations:

1. There has been an increasing trend in the better of utilisation of services by the adolescents through the Anwesha clinics.
2. The clinical services are mostly concentrated in the treatment of skin problems and ante natal care of women clients.
3. The counselling services have a broader scope of implementation in different areas like on nutrition, skin problems and care, pre-marital issues, learning problems, RTI/STI management and substance abuse problems.
4. There are few referrals in different cases to ICTCs, Obstetrics and Gynaecology departments and to the Skin department.
5. There is a scope for outreach activities both for in-school and community based adolescents.
6. The system of identification of peer groups has taken a start but the training of the peer group members have not yet started.
7. The clinical services of the adolescents in the RTI/STI management and contraceptive use sections have to be focused all the more as there were very clients who had come to seek clinical services in that problem area.
8. The counselling services in the areas of depression, violence, sexual abuse and suicidal tendencies needs to be looked into as there was very scanty utilization in these areas.
9. The outreach activities were encouraging only the qualitative aspect needs to be taken care of so as to assess their effectiveness.
10. Lastly the training of peer group members and the formation of a strong network of trained peer group can work hand-in-hand to reduce the various psycho-social problems of adolescents in homes, schools and communities.

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## Gender Equality in Contemporary India : Issues and Challenges

**Satnam Singh\***

*Men and women can be said to be two pillars of society. Yet the society has always attributed different position and status to men and women and that this differential treatment has rendered women counterpart mostly in a disadvantageous position. Indian society has evolved through different phases during which some progressive steps have been taken to do away with the discriminations based on gender. The social reform movement which emerged during 19th century raised the question of right to equality and equal status and opportunity of women. Starting from the struggles to bring in legislations to eradicate certain social evils like 'Sati Pratha', we have travelled quite a distance guaranteeing one third of women's participation in the local bodies through 73<sup>rd</sup> and 74<sup>th</sup> amendments. However, despite many constitutional and legal provisions in place, the idea of a gender just society still remains a far cry. The rights of women continue to be violated and in many cases they even fail to channelize their grievances and claims. In our Indian society marked by patriarchal values the male counterpart continues to control both the production and reproduction process thereby establishing its dominance. The increasing rates of crime against women including sexual harassment at workplace and rape clearly suggest that they continue to remain vulnerable even today. Since mere legal provision is not sufficient to address the question of gender justice, we must also therefore critically engage ourselves to question the culture and tradition privileging the male over female. I further assert that the*

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*process of ensuring gender equality in our society requires serious attempts to democratize the entire society and the functioning of the primary institutions like family and state.*

[**Keywords** : Gender justice, Equality, Discrimination, Violence, Constitutional provision, Women empowerment, Rights]

## **1. Introduction**

It is a fact that both men and women play an inevitable role in the creation and development of their families as well as their society in general. However the society has always attributed different position and status to men and women, generally keeping women always in a disadvantageous position. Regardless of the biological distinctions between men and women, the fact remains that the later constitutes an integral part of our society and the same cannot be ignored. However, throughout the world, women are relegated to the second class status that makes them vulnerable to abuse and less able to protect themselves from discriminations. Though it is the responsibility of the society to protect and respect the inherent dignity of the women folk, the harsh reality of the present day is that women are always subjected to various forms of discrimination and violence. Despite the constitutional provisions that aim at establishing gender equality by doing away with all forms of discriminations based on gender, the society at large has failed to contain the undemocratic practices that undermine the idea of gender justice. And the basic rights of women continue to be violated by the patriarchal structure and culture of Indian society and politics.

## **2. Status of Women : A Study from Historical Perspective**

It is argued that ancient India reflected a period where women enjoyed equivalent status & rights like their male counterparts in the family as well as in the society. Especially during the Aryan age of history women enjoyed great respect as mother, sisters, and daughters because they believed that where women are respected, divine graces adore that home. During the Vedic age also women enjoyed a privileged status. Women during vedic age were educated, had a say in family matters, took important decisions of life and were free to choose their own husbands. For instance the ancient system of "Swayamvara" where women were allowed to choose a partner of their choice is mentioned in many holy scriptures and also in many epics.

However, with the passing of time women started losing the status and position they enjoyed during the Vedic age. In the medieval period the status of women deteriorated considerably. Women were gradually denied of their freedom to participate in the family or social matters. Evil practices like sati, polygamy, child marriage were in vogue and women were subjected to face the evil effects of these social practices. Also during the Mughal rule purdah system was practiced. The southern India also practiced Devdasi tradition where girls were forced to get married to trees or deity.

People started considering daughters to be a burden and they were reduced to doing the chores of household. Also in ancient India, remarriage of widows was not encouraged. They were seen as a disgrace to the family and had to give up all the comforts of life. They wore plain clothes, tonsured their heads, had a separate place to stay and ate bland food. Thus, the position and status of women in medieval India was very nasty and women were extremely humiliated and tortured and mostly they were kept confined within the four walls of their house with no respect for their dignity.

### **3. Status of Women in Modern India**

With the passing of time the condition of women improved and they were able to walk on the streets again with their heads held high. With the spread of education and growing public consciousness especially the growing awareness among the women folk gradually helped in changing the age- old beliefs concerning the status and position of women in India.

It is important to note that there were many women reformers who worked for the upliftment & betterment of their female counterparts. During the British period the position of women had undergone drastic changes due to western impact on Indian sub-culture pattern. During the British rule, the social reform movement and the nationalist movement contributed significantly in the upliftment of the status and position of women folk of our country. The social reform movement which emerged during 19th century raised the question of right to equality and equal status and opportunities of women. The ill effects of the social evils like sati system, 'purdah' system and child marriage were brought to limelight by social reformers like Swami Vivekananda, Raja Ram Mohan Roy, etc. The reformers laid emphasis on giving women every access to education as they considered education as a means of empowerment.

After the socialist movement the nationalist movement gained momentum in India. This movement drew the attention of a large number of people and generated confidence among women to raise their voice against oppressive system. In 1927, All India Women's Conference was held and it proved to be a crucial movement towards securing the right to equality to the women folk of our country. Consequently a number of legislation were enacted like Widows Remarriage Act, 1856, Child Marriage Restraint Act, 1929 and Hindu Women's Right to Property Act, 1937 etc which intended to eradicate numerous social evils from our society. Even provisions of industrial laws were appropriately amended to restore the position of women which prevailed during the Vedic period. The establishment of crèches, reduction of working hours, prohibition on night working hours and restriction to work in mines were introduced in the banner of nationalist movement to provide for a safe and healthy working condition for women in the industrial sectors.

#### 4. Constitutional Safeguards

The makers of the Indian Constitution also envisioned to create a gender just society in India. As the Indian society at that time was not based on gender justice and equality the makers of our constitution realized the need to make special provisions for the protection and promotion of the interest of the women to ensure the idea of gender equality in Indian society. It is in this context that the makers of our constitution made the special provision in the Constitution of India under Article 15(3), Article 39(d), Article 39(e), Article 42, Article 51 A (e) to protect the interest of women in our country.

Article 15 (3) empowers the state to make any special provision for women and children. The purpose of Article 15(3) is to remove the socio-economic backwardness of women and to empower them in such a manner so as to bring about effective equality between men and women. Article 39 (d) states that there should be equal pay for equal work for both men and women thereby developing the doctrine of economic empowerment of women. To implement this Article the Parliament has also passed the Equal Remuneration Act, 1976 which provides for the equal remuneration of male and female workers. Article 42 requires the state to make provision for securing just and humane conditions of work and maternity relief. Article 51A (e) is one of the fundamental duty of the citizens of India which provides for renouncing the practices which are derogatory to the dignity of women.

The Supreme Court of India has made a novel use of Article 21 to ensure that the female workers in any working place are not harassed by their male co-workers. In the case of *Vishaka v. State of Rajasthan*, the Supreme Court has declared sexual harassment of a working woman at her place of work as amounting to violation of rights of gender equality and liberty which is a clear violation of the Articles 14, 15 and 21 of the Constitution of India. Also in the case of *Bodhisatwa Goutam v. Subhra Chakrovarty*, the court interpreting the Article 21 of the Constitution declared rape as an offence against women which violates the rights to live with human dignity guaranteed under Article 21 of the Constitution of India.

Besides, some other articles such as Article 226 empowering the High Courts to issue writs to protect human rights of men and women, Article 300 (A) contains the legal protection of individual property rights, Article 325 ensures the rights of men and women to insert their names in the voter lists and Article 326 contains the provision to hold Parliamentary and Assembly general elections on the basis of Universal Adult Suffrage etc. also promise the constitutional protection of human rights of women in India.

There is also a growing realization of the need for establishing linkages between programmes oriented to women and national policy towards weaker sections. Several commissions have been appointed by the central and the state

governments to suggest measures for protecting rights of women in various fields. The National Commission for Women (NCW), set up in January 1992 was directed to look into women-related issues, probe the status of women, examine various legislations and point out loopholes and gaps and assess the causes of discrimination and violence against women and suggest possible remedies. Since then the commission is working for the promotion and protection of the human rights of women in India.

Apart from these the government has initiated various schemes in favor of women. By the 73<sup>rd</sup> and 74<sup>th</sup> amendment of the Constitution of India in the year 1992 the government has ensured the reservation of one third of the total seats in all elected offices in local bodies for women. The government has also launched the National Plan of Action for the Girl Child (1991-2000) to ensure the survival, protection and development of the girl child. Again in the year 2001 National Policy for the Empowerment of Women was prepared by the Department of Women and Child Development in the Ministry of Human Resource Development to bring about development and empowerment of women in India.

## **5. Issues Relating to Women in India and Provisions Under Penal Laws**

The Indian Penal Code, 1860 has made exclusive provisions dealing with the crimes against women. The code contains specific provisions penalizing the most common forms of atrocities committed against women in India. The offences against women under IPC are : Rape (Sec. 376), Kidnapping & Abduction for specified purposes (Sec. 363- 373), Dowry Deaths or their attempts (Sec. 302/ 304-B), Torture - both mental and physical (Sec. 498-A), Molestation (Sec. 354), Sexual Harassment (Sec. 509) and Importation of girls (upto 21 years of age, Sec. 366-B)

However despite these provisions that penalize the atrocities committed against women, the violence against women has been increasing at an alarming rate. Common forms of violence against women include female foeticide, child marriage, sexual harassment, rape, dowry deaths, domestic violence, trafficking, etc. As per the study of crimes against women by National Crimes Record Bureau a total of 3,38,954 incidents of crime against women were reported in the country during 2016 as compared to 3, 29, 243 during 2015 recording an increase of 2.90% during 2016. According to the same report, such crimes against women have continuously increased during 2006 - 2010 from 1, 64,765 cases in 2006 to 2, 13, 585 cases in 2010. Andhra Pradesh, accounting for nearly 7.1% of the country's population, has accounted for 12.8% of total crimes against women in the country by reporting 27,244 cases whereas West Bengal with 7.6% share of country's population has accounted for nearly 12.2% of total crime against women by reporting 26,125 cases in 2010. All these acts committed towards women amount to

violation of their human rights. Gender discrimination against women has become the biggest obstacle in the way of women's enjoyment of human rights.

The first principle on which human rights are based is the principle of inherent dignity and worth of every individual. There is a need to secure each and every individual's right to freedom and equality. But, though universally accepted, human rights are yet to be realized in the daily lives of a majority of ordinary men and women. Human rights are not a domain of man alone, they cover the entire mankind. Our constitution and the laws also make provisions for the protection of rights of both men and women. However, gender equality is still a far cry for the women in our patriarchal society which is characterized by exclusive male dominance by way of male control of female sexuality, fertility, mobility and productivity.

## **6. Conclusion**

Despite the existence of numerous Constitutional and penal provisions and other developmental efforts taken women still constitute a very marginalized section in social, economic, civic, educational and political sphere. The crimes committed against women are increasing at an alarming rate. Millions of women throughout the country live in conditions of abject deprivation and attacks against their fundamental human rights for no other reason than that they are women. In India there is no shortage of laws for the promotion and protection of human rights of women. However, where we lack is the effective implementation of these laws. Cases of gang rape, molestation, and sexual harassment at workplace are very common. Also such offences committed against women in India is rapidly increasing but in many cases the offender goes unpunished either due to the absence of evidence particularly in rape cases or the absence of effective justice delivery system in our country. Thus fast track courts can be established for taking prompt action in cases relating to rape and other sexual and physical assaults against women in India.

Culture is often used as a potential tool that justifies male domination and control over women. For those who advocate the supremacy of culture and tradition, putting limitation on the exercise of total liberty by women counterpart asserting their individuality therefore, at times becomes a necessary condition for the preservation of culture. When preservation of culture and tradition relies on the use of violence and particularly when this use of force acquires an acceptable form of violence against women which in turn goes on to justify suppression of women, it essentially sharpens the conflict between culture and right. Therefore, it is clear that mere legal provision is not sufficient to address the question of gender justice as we simply cannot negotiate the conflict between culture and right merely with the help of legislation. Indeed we need to engage ourselves in much critical exercises by questioning the prevailing culture and norms that is often invoked to defend the violence against women. Observing such cultural practices and social

realities, Sally Engle Merry rightly points out that “because gender violence is deeply embedded in systems of kinship, religion, warfare and nationalism, its prevention requires major social changes in communities, families and nations.”

Development of a very positive thinking towards women is the need of the hour. Though active governmental steps and strong actions help in removing the gender inequalities as well the crimes against women from our society, yet the same is not the only medicine to curb this evil. It is only when the attitudes of our society becomes congenial and positive towards women, that the status of the women folk of our society can be improved. And it is only when the crimes against women are reduced that the women will get the courage to come out of their home and walk freely in the society and thereby participating equally with the men in every field. It has been quite some time that we have been theorizing the idea of gender equality, and now it is high time that we not only theories the concept but bring it in practice in everyday life.

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## Child Labour : A Social Diagnosis

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*Child labour is not a problem only in the context of India but it is a worldwide phenomenon. Although many legislations and laws have been framed to put a ban on this but child labour is still widely practiced. Today, in many countries, child labour accounts for 22% of the workforces in Asia, 32% in Africa, 17% in Latin America, 1% in U.S., Canada, Europe and other wealthy nations. The present paper is an attempt to social diagnosis of this problem of child labour. It has been shown that the eradication of child labour is a slow process but it needs to be taken seriously.*

[**Keywords** : Child labour, Social diagnosis, Poverty, Employment, Sustained labour]

### 1. Introduction

Child labour, a manifestation of poverty in the country is considered a social problem in India. A large number of families, belonging to the poor section of society are forced to depend on their children's contribution to the family income. Infact, these families are not in a position to spare their children for full time or even part time schooling. Thus children who are expected to be in schools are found working as labour.

Child labour refers to the employment of children as regular and sustained labour. This practice is considered exploitative by many internal and external organizations and is illegal in many countries. According to the Census of India

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“Child labour is one who works for the major part of the day is below the age of 14 years”. International Labour Organization (ILO), a specialized agency of the United Nations, dealing with labour issues, defined the term Child labour “as work that deprives children to their childhood, their potential and their dignity and that is harmful for their physical and mental development”. The Child Labour (Prohibition and Regulation) Act, 1986 (Act No. 61 of 1986) states ‘Child’ means a person who has not completed his fourteenth year of age.

The term child labour is often used interchangeable with a working child or an employed child but there is a difference because all work done by children cannot be defined as child labour, such as, helping their parents around the home, assisting in the family business or earning money for their pocket money during school holidays or outside school hours. Such kind of activities contribute to children’s development and to the welfare of their families by enhancing children’s skill, generating experience. It also helps to socialize the child to be a productive member of the society during their adult life. Such type of children can be categorized as working children.

Whereas a “child labour” is a child who below the age of 14 years working for an earning and remains busy for any hour of the day within or outside the family. He may be working on a part-time or full-time basis.

## **2. Child Labour in a Present Scenario**

Child labour is not a problem only in the context of India but it is a worldwide phenomenon. Although many legislations and laws have been framed to put a ban on this but child labour is still widely practiced. Today, in many countries, child labour accounts for 22% of the workforces in Asia, 32% in Africa, 17% in Latin America, 1% in U.S., Canada, Europe and other wealthy nations.<sup>1</sup>

It is still common in some parts of the world. It can be in the form of a factory work, mining activity, prostitution, quarrying, agriculture, helping in the parents business, having one’s own small business. Some children work as guides for tourists, as waiters. Other children are forced to do tedious and repetitive jobs such as, polishing shoes, assembling boxes, stocking a store’s products, or cleaning.

According to UNICEF, there are an estimated 158 million children aged 5 to 14 in child labour worldwide excluding child domestic labour.

An analysis of census data by CRY (Child Rights and You) points out to a dangerous trend. According to CRY child labour in urban areas has increased by 53 percent during 2001-2011. This is of utmost concern especially since enforcement machinery is primarily based in urban regions and the implementation of child protection structures is stronger in urban India. This increase in urban child labour could be attributed to increased migration including seasonal migration for employment as well as trafficking of unaccompanied minors, says Komal Ganotra, director, policy & research, CRY.



When we look in India, we find that more than half of working children are concentrated in five states namely Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra. There are more than 55 lakh of child labour in which UP has a growth by 13 percent with one out of five child labours in India belonging to the state according to the above mentioned report.<sup>2</sup>

### 3. Sectors Where Child Labour is Prevalent

Child labour is the outcome of the industrial revolution. Industrialists or industry owners started to engage cheap labour which include ladies and children to work in their industries to earn more profits. "Number of children in India is estimated to be 259.64 million and of these 4.35 million are child labours."<sup>3</sup>

There are many work areas where child labour is found in practice. Such as :

1. **Beedi Manufacturing** : It is an important area where child labour is found working. A survey conducted by Bhattacharyya Shama between 1994 and 1995 reveals that child labour comprise of more than 30% of the total hired workers in the beedi making industry.<sup>4</sup>
2. **Diamond Industry** : It is another area where child labour concentrates and work for the glamour and glitter. According to the international labour organization which conducted its survey in 1997 in the Indian diamond industry, found a large number of children working there. It constitute nearly 3% of the total working force and the percentage of child labour is as high as 25% in the diamond industry of Surat.<sup>5</sup>
3. **Fireworks Manufacturing** : It is an area where child labour is in practice from the very beginning. It is difficult to find any account of the number of child labour in this sector as the job is scattered and under the curtain. It is a hidden fact that the child labour does this job and work in a large numbers.
4. **Domesti Labour** : The use of child labour in the domestic activities is very common among the well off and posh sections of the society. High class bureaucrats and businessmen generally look for the boys who can work in their homes for the purpose of cooking, cleaning the house washing the clothes, purchasing goods, baby sitting, pressing the clothes etc. In metro cities like Delhi, Bombay, they are found in groups and develop very good network for the purpose of exchange of jobs. It is in itself a specific area of study. The official estimates for child labour in this section is more than 2,500,000 while some of the NGOs has estimated the figure to be around 20 million.<sup>6</sup>
5. **Construction Works** : One more significant area where child labour exists is the large scale of construction of multi-stories buildings. Children are found in construction of both home and office buildings. Brick kilns is another sector where, each year thousand of children work in awful conditions. Some of the children are actually sold to the brick kiln owners, and are not even paid.

**6. Silk Manufacturing :** Child labour is also used in the silk manufacturing industry. Human rights watch estimates that at least 3,50,000 bonded children are employed by the silk industry in India.<sup>7</sup>

Again as per Human Rights watch, children as young as five years old are employed and work for upto 12 hours a day and six to seven days a week.<sup>8</sup> In such industries, they are employed by forcing them to dip their hands in scalding water to palpate the cocoons and are often paid less than Rs. 10 per day. Sri Indrani Basu has explained in the article that many children are working in the Zari manufacturing and leather accessories.

North West Delhi is divided into the organized and unorganized sector. In organized sector like Wazirpur, Narela, Bawana, Mangolpuri and Badli, children are engaged to make plastic bags, toys, branded leather shoes and bags. Children are engaged to make duplicate shoes bags, leather purses and export quality leather bags in the unorganized sector of Delhi like Keshavpuram Pampura Trinagar, Kirari, Mubarakpur, Sultanpuri.<sup>9</sup>

In short, from the above mentioned description, it becomes clear that, child labour refers to work that :

1. is mentally, physically socially or morally dangerous and harmful to children.
2. it interferes with their schooling.
3. it deprives them of the opportunity to attend school or forces to leave school prematurely.

#### **4. Reasons for Continuation of Child Labour**

There are many reasons for the continuation of child labour but some main causes are :

1. Poor economic condition of parents.
2. Lack of status of the child in the society.
3. Low level of education of parents & child.
4. Sometimes poverty forces parents to push their children to do some work for the sake of money.
5. Any disease may force children to do job.
6. Anti-constitution policies, inadequate legislative measures and lack of political will may also be taken as important factors responsible for the persistence of this unlawful social evil.<sup>10</sup>

Discussing factors which forced children to work in hazardous conditions an officer not willing to be named said, child labour is a problem not related to poverty only. Several factors such as caste system unemployment, lack of education, single parents, orphans etc. compel them to work.

## 5. Repercussions of Child Labour on Society

Child labour is a curse for the humanity and now, it has become a universal social problem. It involves children being enslaved, away from their families, exposed to serious diseases and converted into delinquents.

Children are the soft tissues of a society and future of our country. If they are nurtured well, they will grow a healthy and productive youth and thus productive citizens of our country. Children are the future of the family, a society and a country so it becomes our duty to provide them all the facilities and opportunities to grow. We should provide them healthy food, good, education, proper medical facilities, play time and vocational skills in their childhood.

Unfortunately many of the children are not getting these above mentioned facilities and are forced to work at a very early age in a hazardous conditions with low salary.

Numerous reasons are responsible for this but main reasons are poor economic conditions, low level of adult and child literacy, lack of social security, cheap human labour, broken homes migratory population, expensive labour force and unquestionable attitude of children etc.

By working in this way, it deprives a child from all the opportunities of learning, mental growth and social development. They are not as productive as other sections of the society.

At the individual level, a child is a big support to an industry or the person where he is working but at societal level, the number of such children, generate a gap and a large section seems to be unproductive, engaged only as helping hands and do not possess the norms of a civic society. As a consequence, a group of underdeveloped personalities suffer from cultural lags and find difficult to move hand in hand or shoulder to shoulder with the developed section of the society. By this way, the larger section of the society, suffer from a number of problems as such people cannot fulfil their needs by own means. They can not stand up independently, cannot provide any feedback to their future generation. More than this, they are a blot on the forehead of the nation in the era of modernization and in the days of development. Such child labourers become the youth of the country in future and thus increase the rate of unemployment, food crises by lowering down the percapita income of the country.

When our country is compared with other nations, we lag behind in every aspect because of this underdeveloped section of the society. These children are staying with their masters rather than their parents or other family members. As a result of which, they have no family control over them and thus they easily drift into anti social activities. In this, way, they generate disintegration and disorganization in our society. This section of the society also contributes on a large scale to proliferate various forms of domestic and blue collar crime.

The societies, where child labour is in practice, such blue collar crimes are easily prevalent. Even police and other means of social control find it difficult to eradicate crime in such societies.

## **6. Initiatives against Child Labour**

Many efforts have been done time to time to eliminate the child labour problem. These efforts are mentioned below :

1. 'The International Labour Organization's International Programme' (IPEC), on the elimination of child labour was found in 1992. It operates in 88 countries and it is the largest programme of its kind in the world. I.P.E.C. works with international and governmental agencies, NGOs, the media and children and their families to end child labour and provide children with education and assistance.<sup>11</sup>
2. A Child Labour Programme of Action, sometimes called a Child Labour Action Programme is a national programme aimed at addressing child labour within a given country. It includes, but is not restricted to, the worst forms of child labour.

The following countries have adopted or plan to adopt, such a programme :

- Botswana.
  - Lesotho.
  - Namibia.
3. Many NGOs like CARE India, Child Relief and You, Global March Against Child Labour etc. have been working to eradicate child labour in India. In 2005, Pratham, an Indian NGO was involved in one of the biggest rescue operations when around 500 child labourers were rescued from Zari Sweatshops in North East Delhi.
  4. The Right against Exploitation, contained in Articles 23-24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State. Article 23 provides prohibits human trafficking making it an offence punishable by law and laws prohibits forced labour or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. Article 24 prohibits the employment of children below the age of 14 years in factories, mines, and other hazardous jobs.
  5. Many NGOs in India have taken this problem seriously. They are making an account of such children and such families who provide the child labour and also of those who utilize the same.<sup>12</sup>

## **7. Suggestions for Eradication of Child Labour**

1. We as responsible citizens of our country can make an honest effort to reduce the problem of child labour. We should not employ children of school

going age as domestic help or in offices. Rather, we should provide some facilities to shift them to government or private schools.

2. Various NGOs can also be set up to curb this evil practice. Some strict checks should also be organized so that the officials can work in a clean manner. It should also be ensured that funds of the NGOs be utilized in the right direction.
3. Government can also be very effective in controlling the menace of child labour to a greater extent. Not only enactment of laws but also their effective implementation is necessary to get some respite from this perpetual problem.
4. We can solve this problem by raising the economic status of the poor households particularly in rural areas.
5. Better free and compulsory education can play a big role to solve this problem.
6. The law should be enforced strictly by increasing the fine amount. There should be some effective provision for imprisonment in employing the child in work.

Eradication of child labour is a slow process but it needs to be taken seriously. Children are the future of the society and of any country. If we want to save to progress our country in a right direction we have to solve this problem. Labour dept should conduct survey to detect child labour time to time but the fact is that. Even as the government makes tall claims about emancipation of child labourers, the illegal practice seems to continue unabated in the city. The gravity of the issue can be gauged from the fact that the labour department has not conducted any survey to detect child labourers since 1998.

It is learnt that on the directions of the Supreme Court, a survey was carried out to trace child labourers working in hazardous and non-hazardous conditions in 1998. However, no such initiative has been undertaken by the labour department in Meerut though sources claimed drives have been held in some districts of U.P. Sources said nearly 500 to 1,000 child labourers were currently working in hazardous conditions in the city. Concerned authorities should penalize the defaulters, and that amount should be deposited to use for their rehabilitation.

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## Mode of Execution of Death Sentence in America : A Judicial Perspective

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*The inherent disgracefulness of death consciously inflicted upon a person by his fellows, may make the death sentence highly untenable, from a strict humanitarian prospective. It's here where the concerned state authorities come into action and claim that if at all the death sentence is to be retained, its imposition must be with utmost human decency ensuring evolved standards. However, the movement away from brutal and cruel punishment has been a slow yet steady process. With the gradual evolving standards of human decency and dignity, the law needs to be changed with the changing dynamism of the dynamic society. Nonetheless, the American society, being one of the oldest civilizations in the world owes to itself that the agony at the exact point of execution should be kept to the minimum. This becomes more crucial when execution is the outcome of a judicial verdict. Courts play a vital role in major social reform, and that we as a society do have certain expectations from the very independent and impartial organ of the state. Moreover, history is a witness to significant social reforms bought by amendments to the prevalent law, through judicial process. Effective judicial intervention in social controversy requires a consensus on the goals and objectives of social change, at a time in history when as a society it is our failure to agree with the goals and purpose of social change that is one of the principal causes of social unrest. Judges have traditionally been very careful to emphasize that their role is not to make the law, merely to apply it. But it is apparent that judges play a significant role in the development of law through the interpretation of both common law principles and*

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*legislative provisions. The phrase “judicial responsibility” means not just the responsibility to uphold the law; it means the overarching responsibility to do justice. Courts should realize that as long as there is life, there is room for reform.*

[**Keywords** : Judicial execution, Humanitarian prospective, Reasonable, Judicial process, Evolving standards]

## **1. Introduction**

With the gradual evolving standards of human decency and dignity, the law needs to be changed with the changing dynamism of the dynamic society. Nonetheless, the American society, being one of the oldest civilizations in the world owes to itself that the agony at the exact point of execution should be kept to the minimum. This is more so when execution is the result of a judicial verdict.<sup>1</sup> Courts play a vital role in major social reform, and that we as a society do have certain expectations from the very independent and impartial organ of the state. Moreover, history is a witness to significant social reforms bought by amendments to the prevalent law, through judicial process.<sup>2</sup> Effective judicial intervention in social controversy requires a consensus on the goals and objectives of social change, at a time in history when it is our failure as a society to agree on the goals and objectives of social change that is one of the principal causes of social unrest.<sup>3</sup> Judges have traditionally been very careful to emphasize that their role is not to make the law, merely to apply it. But it is apparent that judges play a significant role in the development of law through the interpretation of both common law principles and legislative provisions.<sup>4</sup> The phrase “judicial responsibility” means not just the responsibility to uphold the law; it means the overarching responsibility to do justice. Courts should realize that as long as there is life, there is room for reform.<sup>5</sup>

In this research paper, the scholar would be discussing the role played by Judiciary United States of America in humanizing the judicial modes of execution of death sentence. The author would be examining relevant opinions of the United States Supreme Court to discover and articulate the proper analytical standards for assessing modes of execution. On the basis of these standards the scholar proposes a paradigm of capital punishment that avoids the cruelty of present practices, and argues that the paradigm is constitutionally acceptable under, perhaps even mandated by, the cruel and unusual punishment clause. Finally, contemporary modes of execution are assessed in light of the legal standards and the constitutional paradigm. Nothing in this research paper is intended to justify capital punishment. The ultimate merits of capital punishment should continue to be debated even if more humane methods are substituted for present barbarities.

## **2. United States Supreme Court Perspective towards Modes of Execution**

For the first time, the United States Supreme Court has recently held that capital punishment as a legislative response to crime is not necessarily cruel and



unusual punishment under the eighth amendment to the United States Constitution.<sup>6</sup> The action of the Court settled, at least for the time being, some of the legal controversy surrounding the death penalty, and after a moratorium of almost ten years, the ultimate legal sanction was again administered in the United States.<sup>7</sup> These developments in no way signal an end to the controversy surrounding the execution of criminals. The Supreme Court's ruling that capital punishment is not unconstitutional per se raises new issues concerning the administration of the death penalty. One such issue, understandably neglected during the debate over the constitutionality of capital punishment itself, is the constitutionality of the various means used to take the lives of the condemned.

Legislative attempts to provide more humane alternatives to the present modes of execution like hanging, shooting, electrocuting and gassing have already begun.<sup>8</sup> In addition, a wave of cases examining the legality of the traditional modes of execution cannot be far away.<sup>9</sup>

The elimination of barbarity from the process of administering death is a concern not only of those advocating abolition of capital punishment<sup>10</sup> but of many who favor its retention.<sup>11</sup> Apart from shared humanitarian concerns, however, abolitionists may also utilize these methodological challenges to buy time for another direct assault on the institution of capital punishment itself.<sup>12</sup> Moreover, attacks on the modes of capital punishment may well aid the abolitionist cause through media coverage that informs an otherwise uninformed public of the ritualistic horrors of executions.<sup>13</sup> This article assesses the present administration of the death penalty in light of the requirements of the cruel and unusual punishment clause of the eighth amendment. The Supreme Court has never directly confronted the issue of the cruelty associated with the various methods of imposing capital punishment.<sup>14</sup> Thus, the pronouncements of the Court that have sanctioned a particular means of causing death can be characterized either as dicta or as highly suspect law, given subsequent doctrinal development of the cruel and unusual punishment clause and advances in medical science. It would appear that the courts are now free to strike down as unconstitutionally cruel some, if not all, of the traditional methods of inflicting death.

The discussion first examines relevant opinions of the United States Supreme Court to discover and articulate the proper analytical standards for assessing modes of execution. On the basis of these standards the author proposes a paradigm of capital punishment that avoids the cruelty of present practices, and argues that the paradigm is constitutionally acceptable under, perhaps even mandated by, the cruel and unusual punishment clause. Nothing in this paper is intended to justify capital punishment. This research paper focuses solely upon whether various methods of execution are constitutional if capital punishment is to be employed.

## **2·1 The Eighth Amendment as a Measure of Methods of Execution**

The suggestion that methods of execution be scrutinized in terms of the cruel and unusual punishment clause of the eighth amendment is not novel.<sup>15</sup> Indeed, it

is widely agreed that the clause was initially intended to apply to the cruelty of particular kinds of punishment,<sup>16</sup> including modes of administering the death penalty.<sup>17</sup> That eighth amendment analysis has recently been used to find cruelty when punishment was excessive in degree<sup>18</sup> in no way indicates that the courts are moving away from the traditional application of the amendment to specific kinds of cruel treatment.<sup>19</sup> Whether their inquiry is directed to cruelty in kind or in degree of punishment, however, the courts find it difficult to interpret and apply the value-laden concepts underlying the cruel and unusual punishment clause.<sup>20</sup>

### **2·1·1 The Supreme Court and Methods of Execution**

Although capital punishment has existed in America since colonial times,<sup>21</sup> the first serious Supreme Court challenge to a method of inflicting the death penalty did not occur until 1878. In the case of *Wilkerson v. Utah*<sup>22</sup> the defendant had been convicted of first degree murder in the Territory of Utah and sentenced to be “publicly shot until....dead.”<sup>23</sup> The territorial statutes provided the death penalty for first degree murder but did not specify the method of execution. Prior statutes had specified shooting, hanging, and beheading as the methods of capital punishment in Utah, but those provisions had inadvertently been repealed in 1876 when the territorial legislature revised the penal code. *Wilkerson* contended the sentencing judge was without authority to specify the mode of execution. The Supreme Court rejected *Wilkerson*’s argument and upheld the sentence. It reasoned that because the penal statutes obligated the sentencing judge to impose death in cases like *Wilkerson*’s, the statutes also conveyed implicit authority to specify the method of death.<sup>24</sup> The Court noted an analogy to the common law tradition of sentencing to death without specifying the means of death.<sup>25</sup>

Although hanging was the usual mode of execution at common law, other methods were sometimes used, and shooting was a common means of executing those convicted of capital offenses under military law.<sup>26</sup> Thus, the specification of shooting as the means of death neither exceeded the power of the sentencing judge nor imposed a totally unusual mode of execution. The issue in *Wilkerson* was not whether shooting was cruel and unusual punishment, but whether the sentencing court possessed authority to prescribe a particular method of capital punishment.<sup>27</sup> The Court noted that *Wilkerson* did not challenge the constitutionality of shooting.<sup>28</sup> In dicta, however, the Court discussed shooting in light of the eighth amendment and concluded that it was a constitutionally acceptable mode of capital punishment because it was the traditional method of carrying out executions under military law and did not inflict torture or “unnecessary cruelty.”<sup>29</sup>

The Court referred to the ancient practices of disemboweling while alive, drawing and quartering, public dissecting, and burning alive as the kinds of “terror, pain, or disgrace” proscribed by the eighth amendment.<sup>30</sup> Shooting, in the view of the *Wilkerson* Court, was not unconstitutionally cruel because it was

unlike historical execution by torture. Definition of present cruelty by comparison with past practices that were considered cruel and unusual at the time the Bill of Rights was adopted—the so-called “historical interpretation” of the eighth amendment<sup>31</sup> was the primary mode of judicial analysis of the cruel and unusual punishment clause well into the twentieth century.<sup>32</sup>

Twelve years after *Wilkerson*, in *In re Kemmler*<sup>33</sup> the Court denied an application for a writ of error that sought reversal of a New York state court decision upholding electrocution as consistent with the state’s constitutional proscription of cruel and unusual punishment.<sup>34</sup> The Court held that the eighth amendment did not apply to the states and could not be made applicable through either the due process or the privileges and immunities clause of the fourteenth amendment.<sup>35</sup> Thus, the only federal constitutional issue was whether the state had acted arbitrarily or applied the law unequally to violate the fourteenth amendment.<sup>36</sup> The Court noted that the state’s decision to adopt electrocution occurred only after the New York legislature had studied the recommendations of a commission appointed to investigate and report “the most humane and practical method” for carrying out the death penalty.<sup>37</sup> Hence, legislation enacting the commission’s recommendation of electrocution was not arbitrary, especially because the lower court had considered evidence on the degree of pain involved and had found electrocution painless.<sup>38</sup>

Even though the issue, whether electrocution violated the eighth amendment was not directly presented in *Kemmler*, the Court did use the occasion to discuss the cruel and unusual punishment clause. After noting that crucifixion, breaking on the wheel, and other “manifestly cruel” punishments would be unconstitutional,<sup>39</sup> the Court in significant dicta further defined cruel and unusual methods of execution :

“Punishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel, within the meaning of that word as used in the Constitution. It implies there something inhuman and barbarous, something more than the mere extinguishing of life.”<sup>40</sup>

The cruelty of electrocution was obliquely called into question in *Louisiana ex rel. Francis v. Resweber*.<sup>41</sup> The issue in that case was whether the State of Louisiana could constitutionally execute the petitioner, Willie Francis, after the electric chair had accidentally malfunctioned during a previous execution attempt. Francis had been prepared for execution, placed in the chair, and kept there for a period of time after the switch was thrown. The victim, who experienced considerable discomfort,<sup>42</sup> was removed from the chair when it became apparent that he would not die. A new death warrant was issued. Francis obtained a stay of execution and sought judicial approval for his claim that any further attempt to execute him would be cruel and unusual punishment contrary to the eighth amendment and a violation of his fourteenth amendment due process rights. The

Supreme Court denied relief. Although the Court was not willing specifically to overrule *Kemmler* and hold that the eighth amendment applied to the states,<sup>43</sup> a plurality of four Justices took the position that subjecting Francis to the process of execution a second time would not violate the eighth amendment. The cruel and unusual punishment clause was interpreted by the plurality to prohibit only the “wanton infliction of pain” or the “infliction of unnecessary pain”, not the suffering involved in “humane” executions.<sup>44</sup> Because the pain inflicted upon Francis was accidental and unintentional, the state would not be precluded from making a second attempt to execute him.<sup>45</sup> Four dissenting Justices would have issued a stay of execution and remanded the case to the Louisiana Supreme Court to determine the extent to which Francis had suffered pain in the bungled execution.<sup>46</sup>

The dissent suggested that a second attempt to execute Francis might constitute a violation of his due process rights under the fourteenth amendment because it would constitute “torture culminating in death”, a repugnant practice long disclaimed in American law.<sup>47</sup> The dissent suggested that “taking human life by unnecessarily cruel means shocks the most fundamental instincts of civilized man” and should not be permitted under the constitutional procedure of self governing people.<sup>48</sup> Thus, the eight Justices who subscribed to the plurality and dissenting opinions favored an analysis of eighth amendment cruelty in terms of “unnecessary” suffering induced by the state. Significantly, both the plurality and dissenting opinions cited with approval the *Kemmler* dicta quoted above.<sup>49</sup>

The issue in *Resweber* was not whether electrocution per se was compatible with the eighth amendment, but whether the aborted initial execution attempt rendered subsequent attempts to take Francis’ life cruel and unusual. In *Resweber* the Court assumed that successful electrocutions are not unconstitutionally cruel<sup>50</sup> because they do not inflict unnecessary cruelty or pain; the *Resweber* Court, however, did not consider evidence of the actual pain suffered during death by electrocution. In fact, the Court apparently has never reviewed evidence of the actual pain inflicted by any method of execution<sup>51</sup>

### **2·1·2 Other Decisions-Flesh on the Bones of “Cruel and Unusual Punishment”**

Although *Wilkerson*, *Kemmler*, and *Resweber* are the Supreme Court cases that most closely address the constitutionality of various methods of execution, significant doctrinal developments relevant to that issue have occurred in other eighth amendment cases. A consideration of these cases will provide a fuller definition of the meaning of cruel and unusual punishment. A landmark in eighth amendment law is the Court’s decision in *Weems v. United States*.<sup>52</sup>

*Weems* broke with the earlier “historical interpretation” of the cruel and unusual punishment clause and introduced a more dynamic analysis that defines cruelty in terms of evolving social mores. Under the *Weems* analysis the clause should “acquire meaning as public opinion becomes enlightened by a humane

justice".<sup>53</sup> Interpretations of the clause should not be based solely on "what has been", but should take into account "what may be".<sup>54</sup> As the Weems Court put it, "time works changes, brings into existence new conditions and purposes."<sup>55</sup> Weems is also significant because it reversed, on eighth amendment grounds, a sentence of imprisonment and civil disability that was unnecessarily harsh, as evidenced by the fact that it differed significantly from sentences imposed by other jurisdictions for similar crimes.<sup>56</sup> Thus, Weems suggests that an important indication of the unconstitutional cruelty of a given punishment or mode of punishment is its failure to be employed elsewhere.

The relative concept of the eighth amendment that the Court had articulated in Weems was developed further in *Trop v. Dulles*.<sup>57</sup> *Trop* struck down expatriation as cruel and unusual punishment for the crime of military desertion. The Court found that "physical torture" was not a necessary element of unconstitutionally cruel punishment and that the psychological pain inflicted on the expatriate, who would be subjected to "a fate of ever-increasing fear and distress", was sufficient to render the punishment unconstitutional.<sup>58</sup> The Court perceived the essence of the eighth amendment as "nothing less than the dignity of man".<sup>59</sup>

The plurality opinion in *Trop*<sup>60</sup> gave content to the "evolving standards of decency" by examining, in the tradition of Weems, contemporary punishment practices of other jurisdictions. That expatriation was no longer authorized elsewhere<sup>61</sup> was taken as a significant indication that it had become an outdated anomaly.<sup>62</sup> The standards articulated by *Trop*, although technically accepted by only a plurality of four Justices, have subsequently been embraced by the full Court.<sup>63</sup> In the 1972 landmark decision of *Furman v. Georgia*,<sup>64</sup> the Court held that the eighth amendment, now clearly applicable to the states,<sup>65</sup> prohibited the infliction of capital punishment under virtually all state statutes because unrestrained discretion in imposing the penalty had resulted in its arbitrary infliction.<sup>66</sup> All nine Justices wrote separate opinions; seven Justices clearly embraced the *Trop* standards of eighth amendment analysis. Two Justices found capital punishment unconstitutionally cruel per se,<sup>67</sup> and the other three concurring Justices considered its arbitrary application violative of the eighth amendment.<sup>68</sup>

Four Justices, dissenting, would not have interfered with the imposition of capital punishment.<sup>69</sup> In his concurring opinion, Justice Brennan further refined the idea of "human dignity" that underlies the *Trop* concept of cruel and unusual punishment. To Justice Brennan, "human dignity" as articulated in *Trop* entails respect for the "intrinsic worth" of persons.<sup>70</sup> Punishments are proscribed by the eighth amendment when they are so severe as to be "uncivilized and inhuman". Mental and physical pain, however, is only one indication of inhumane punishment.<sup>71</sup> Human dignity is also affronted by punishments that are arbitrarily inflicted,<sup>72</sup> or unacceptable by contemporary standards. These standards are

indicated by historical trends away from the use of a particular punishment, or a high level of contemporary public distaste for its employment.<sup>73</sup> Finally, Justice Brennan identified lack of necessity as a characteristic of unconstitutionally cruel punishment:

Other members of the Furman Court also subscribed to this analysis of unnecessary cruelty and compared present punishment with less severe but equally effective alternatives. The four dissenting Justices in Furman joined in the view that “no court would approve any method of implementation of the death sentence found to involve unnecessary cruelty in light of presently available alternatives”.<sup>74</sup> Although they refused to find unconstitutional the institution of capital punishment itself, the dissenters left the door open for later attacks on modes of administering the death penalty under the “less cruel alternative” analysis.<sup>75</sup> In his concurring opinion, Justice Marshall also adopted this approach.<sup>76</sup> Lower courts, too, have applied an eighth amendment “less cruel alternative” standard.<sup>77</sup>

Furman reemphasized the relative nature of the cruel and unusual punishment clause; the Court indicated that contemporary standards of decency should be used for eighth amendment evaluation of punishment.<sup>78</sup>

## **2.2 Summary of the Definition of Cruel and Unusual Punishment**

Punishments are violative of the eighth amendment only if they are “unnecessarily cruel”, as demonstrated by discussion of the cases. Test of undue cruelty according to Kemmler is “something more than the mere extinguishing of life”,<sup>79</sup> however; Wilkerson focuses exclusively on “unnecessary punishment”.<sup>80</sup> No doubt unreasonably harsh punishment symbolizes “something more” that the Kemmler Court contemplated. In Resweber, the unnecessary cruelty analysis was adopted by eight Justices although the plurality suggested that a special indication of eighth amendment violation is the presence of governmental intent to cause unnecessary suffering.

Furthermore, unnecessary cruelty as a feature of the Court’s eighth amendment analysis was included by all Weems, Furman, Gregg,<sup>81</sup> and Coker<sup>82</sup>. Subsequent to the Weems cases all emphasis was on the dynamic nature of the cruel and unusual punishment clause. The progression of societal mores as well as advancement in technology and further development of penology may contribute to invalidation of punishments that were constitutionally permissible in the past. Legislative drift away from a specific mode of punishment constantly signify both its cruelty and its lack of necessity.<sup>83</sup>

## **3. Conclusion and Suggestions**

### **3.1 An Execution Paradigm as a Less Cruel Alternative**

The foregoing summary of eighth amendment law strongly indicates that constitutional review of modes of execution would benefit from a comparison of

present methods with known alternatives, not now in common use, which may be less cruel. To highlight the unnecessary cruelty of present methods, there is posited a paradigm of less cruel capital punishment that appears simultaneously to satisfy constitutional requirements and to further legitimate penal policy.

### **3·1·1 The Suicide Option**

To permit the condemned person the option of taking his own life instead of being killed by agents of the state is a concession to human dignity not practiced in modern times,<sup>84</sup> but not unknown historically nor without its contemporary advocates.<sup>85</sup> The example of Socrates who refused the requests of his friends to postpone his death until the last legally permitted moment, is particularly poignant. Socrates would have considered it an affront to his self-respect to prolong life beyond the moment it lost meaning. "I should only make myself ridiculous in my own eyes if I clung to life and hugged it when it has no more to offer".<sup>86</sup> To have hemlock at his disposal infused the whole process of his death with a modicum of dignity and personal respect.

Similar humanitarian considerations could be incorporated into modern execution procedures. An execution date could be set; for a brief, specified period after that date the condemned person would be provided the means to take his life if he chose. He would be told the lethal dosage of an oral sedative<sup>87</sup> that would be placed at his disposal. Death by drug overdose would be virtually painless<sup>88</sup> and without many of the other human and economic costs<sup>89</sup> that attend traditional modes of execution. If the condemned person failed to take his own life before the period for optional suicide had expired, the state would then execute him in the manner discussed below.

To permit capital offenders the right to suicide<sup>90</sup> does not imply that everyone has a moral right to take his own life.<sup>91</sup> Nor does it imply that the offender has the right to demand that he be executed.<sup>92</sup> Moreover, the existence of this limited right to suicide does not imply that each capital offender has this right before his execution becomes inevitable.<sup>93</sup> Rather, after all legal remedies have been exhausted and execution is virtually inevitable the condemned person should be allowed to pick the moment of his death. The time period allowed for exercising the suicide option should be short, perhaps one or two days, to reduce the trauma that attends the decision whether to commit suicide, and to limit the possibility of a grant of clemency after the prisoner had committed suicide but before the appointed hour of state execution.

The option of suicide appears to meet the criteria of constitutional capital punishment.<sup>94</sup> Physical and mental suffering would not exceed constitutional bounds because death by drug overdose would be painless, perhaps even somewhat pleasant,<sup>95</sup> and the psychological apprehension that now attends the more violent contemporary methods of execution<sup>96</sup> would be removed. The dignity of the condemned would be respected if the state allowed him to choose the

circumstances of his death. His privacy interests would be preserved if he were permitted to pass quietly from life in his cell, without the violent, circus-like atmosphere of traditional executions.<sup>97</sup> His right to bodily integrity would be protected; no disfigurement or mutilation would occur. Finally, the option of suicide would allow the condemned to retain a degree of self-respect, in the manner of Socrates.

### **3·1·2 The Lethal Gas Mask**

If the condemned person chose not to commit suicide the state would take his life at the appointed hour. The interests of decency would require, however, that the violence attending the execution process be minimized. Perhaps the least violent method now available is administration of certain forms of lethal gas.<sup>98</sup> For example, a concentration of pure and odorless carbon monoxide administered through a mask would cause instantaneous and painless loss of consciousness followed rapidly by death.<sup>99</sup> Although a brief period of physical restraint might be required to secure the mask to the face of a struggling prisoner, the force would be no greater than the force required to administer the methods of execution now in use.<sup>100</sup> Use of a mask instead of the customary gas chamber would avoid intensely negative psychological associations with past practices, often brutal and inhumane.

Further, it is uncertain that death in American gas chambers is painless.<sup>101</sup> Moreover, the gas mask could be used in surroundings familiar to the prisoner; he would not be required to endure the additional anxiety of moving to a special death room. Administration of the death penalty through lethal gas seems to pose few constitutional problems. Physical pain would be virtually eliminated and psychological suffering greatly lessened because the prisoner would fear neither a painful death nor the terrifying last walk to an unfamiliar death house. No bodily disfigurement would occur, and physical violence would be minimal. The remaining issue, therefore, is whether the paradigm would achieve the legitimate interests of capital punishment as effectively as present execution methods.

## **3·2 The Paradigm and Capital Punishment Policy**

A consideration of the relative merits of methods of inflicting capital punishment must focus on two main policy considerations-general deterrence and retribution.<sup>102</sup> To validate the paradigm as a less cruel alternative to present modes of execution it must be shown that the paradigm achieves the deterrent and retributive ends of capital punishment as effectively as the customary methods of execution.

### **3·2·1 The Paradigm and Deterrence**

One might argue that the humanitarian aspects of the paradigm, particularly its suicide option, render it a less effective deterrent than the more violent forms of



execution now practiced.<sup>103</sup> This argument seemingly demands that executions be performed publicly and employ the most painful technique. 30 Because such “torture could not satisfy constitutional requirements,<sup>104</sup> the interests of deterrence must be balanced against the interests of decency. Even if it were true that more cruel execution methods deter more effectively than less cruel methods, it by no means follows that the state is invariably justified in inflicting the harsher punishment. Fortunately, the issue need not hinge on a balance between the state’s interests in achieving deterrence and the demands of human dignity. There is little reason to believe that the more cruel modes of execution now used serve as better deterrents than the less cruel paradigm. First, the public has very little knowledge of the cruelty of present methods.<sup>105</sup> Executions are conducted in secret; the public learns of them indirectly through various communications media.<sup>106</sup> The ordinary person, if he has thought about it at all, probably believes that present modes of execution are decent, i.e., devoid of unnecessary cruelty.<sup>107</sup>

Apparently there have been no empirical studies that test the relative deterrent effects of various modes of execution, but the British Royal Commission on Capital Punishment has considered the issue. The Commission considered whether to continue execution by hanging, historically a peculiarly grim and degrading form of execution<sup>108</sup> that has retained its “stigma”<sup>109</sup>, and concluded :

We, . . . like most of our witnesses, are not convinced that a potential murderer in this country is more likely to be deterred by the knowledge that he may have to ‘swing for’ his victim than he would be by the knowledge that he might have to suffer death in some other way. If there is a difference, it must be so small that we do not think it ought to weigh with us.<sup>110</sup>

The Commission thus rejected the “more horrible the punishment the greater the deterrence” theory<sup>111</sup> as irrelevant to the consideration whether hanging should be retained. To the extent that capital punishment deters, the deterrent effect is probably produced by the threat of death itself rather than by the method used to accomplish it. The fear of death is universal,<sup>112</sup> whether caused by disease, carbon monoxide, or the gallows. Thus, adoption of the paradigm with its suicide option would not reduce the deterrent effect.

### **3·2·2 The Paradigm and Retribution**

The term “retribution” is used in punishment theory to convey a variety of meanings. In the context of administration of capital punishment, retribution can best be understood if its three separate meanings are kept distinct. Retribution is sometimes equated with vengeance to refer to punishment inflicted in a wholly emotional manner.<sup>113</sup> It is also used to describe no utilitarian theories of punishment based on justice and desert.<sup>114</sup> In its third sense, the term retribution describes punishment that serves a utilitarian purpose: to vent public disgust toward criminals and, as a consequence, to increase respect for the law and eliminate the likelihood that citizens will “take the law into their own hands”.<sup>115</sup>

Whatever meaning is attached to retribution, the paradigm does not become less desirable than other modes of capital punishment on “retributive” grounds. It is an inappropriate application of the criminal sanction to impose a crueler sanction simply to inflict more suffering upon the offender. Retributive justifications for punishments that are no more than emotional appeals to vengeance against the offender are condemned almost universally.<sup>116</sup>

Hence, to favor hanging or shooting over the paradigm simply because the former inflicts more pain or indignity, is a purposeless and illegitimate invocation of the criminal sanction. Furthermore, retributive theories of desert will not justify the conclusion that a capital offender deserves hanging or shooting rather than the form of capital punishment outlined by the paradigm. Retributive considerations require that the offender suffer according to his deserts as determined by the seriousness of his crime. Principles of desert, however, set only rough boundaries of proportionality between offense and punishment and do virtually nothing to establish the form that the punishment should take.<sup>117</sup>

Finally, even if the public is particularly outraged by a particular crime, its emotion almost always diminishes significantly between arrest and execution; one would not expect execution according to the paradigm to create public outcry for harsher punishment.<sup>118</sup> The paradigm accomplishes the policy objectives of general deterrence and retribution at least as effectively as other modes of execution. Therefore, if it can be shown to be less cruel than present methods of inflicting death, the paradigm would seem constitutionally preferable as the less drastic alternative.

## Footnotes

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## **Self-Portrait among Hodiernal Youngster : An Analysis with Sociological Spectacles**

***Satish Kr. Gupta\* and Satish Kumar Shukla\*\****

*The expand of media, technology, smartphone and the internet has transformed the society and thinking of people to a great extend along with their lifestyles. The practice of taking own pictures with a smartphone is a trend these days and has now turned into an observable fact of the emerging modern culture of the society. The development of mobile technology like of smartphones and tablets has made selfie-taking easier as compared to the past. This study investigates the perception and trends towards capturing selfies and its impact on students, undergraduate and post-graduate, in the streams of engineering and management respectively. This research employed survey method, that was conducted using questionnaire both close and open-ended type. Total 96 respondents participated through convenience sampling for this research. The findings of the research investigate the fact that when most of the students are a volunteer to share a selfie on some social networking sites, which can be a WhatsApp, Facebook or any other means. So, what is their mentality behind this, which social force(s) acting as an inspiration for this newly emerging trend? At the same time, in the current society, how is it being used as an effective treatment to reduce stress?*

[**Keyword** : Selfie, SNS, Student, Smartphone]

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## **1. Introduction**

This study was conducted among the students of the Rajiv Gandhi Institute of Petroleum Technology (RGIPT), Amethi (UP). Today everyone is realizing dramatically change in the urban scene because of the urban amenities that provide the best scope for technological extension and growth along with creativity (Florida, 2002). The selfie is a recent product initiated in urban culture with technological expansion.

Any discussion related to contemporary era could not be completed without including a term of the modern technological innovation and rapid change. Change is the phenomenon which is universally acceptable without any contradiction discourse. The present mode of human life and the character of social institutions purely differ from the previous few centuries (Giddens, 2004). Now we are living with more sophisticated technology that makes our life so much easy. From traditional agricultural work to modern industry, technology has changed everything. In the technological advancement, mass media and communication technology have its own a specific importance, because it provides our connectivity with the people across worldwide. Computer, Mobile phone, Television, Camera and other devices are the modern equipment that helps a lot to a human being.

Our study is based on selfie; a latest digital phenomenon in the modern era. As Oxford dictionary explains "A selfie is a photograph that one has taken of oneself, particularly via smartphone and upload to social media". It was in 2013 when Oxford dictionary include selfie in their official data (Wade, 2014). Although the phenomenon is new, but it is not too new, it is believed that first selfie was taken by an Australian in a night Bar (Warfield, 2014). According to journalist Elizabeth Day, the first selfie image posted on the image-hosting social site Flickr in 2004(Wendt, 2014). All these facts are a witness that the origins of selfies are just a burning phenomenon. Selfie is a self-portrait that helps us to conserve our past memories in the form of photographs. There are various means to capture a self-picture or selfies such as Camera, Mobile phone, and Laptop etc. But in the present scenario, we are seeing that the rapid expansion of the technology, which has reached all the way, has inspired the dashing expansion of mobile phones. As a result, today almost everyone has a mobile phone. So, the mobile phone has become a basic need in the contemporary period of time and simulational popular medium for media and camera purpose among the youths. When we are taking a selfie, a number of self-portraits are made, and people pose many different looks of themselves in the smartphone, we find the best angle of our self on the screen. We build a perception of ourselves on the screen.

With the advancement of technology and the introduction of Web 2.0, taking selfie has become a common phenomenon. As we see in the modern times, due to modern value system people are moving towards rational thinking, but sometimes

they don't have understood the limitations regarding these things or ignore it, then the condition becomes a bit complex. This situation of thinking or technical development is termed as 'Hyper-rationality' (Ritzer, 2001) or 'Iron Case of Rationality' (Weber, 1903). Cooley a famous social-psychologist talk about the whole process of human being learning as socialization and suggest that humankind mould to herself/himself according to social responsibility or with the action and reaction encountered by her/his intimate atmosphere (For instance; social institution and social organization). According to Wendt talk that the act of viewing one's own picture numbness but also-amplification (Wendt, 2014). The recent trend of selfie could be seen as an aspect of socialization by Social Networking Sites(SNS).

## **2. Study-Gap**

Wickel (2015), in his study, investigate how social media has changed our behavioral personalities, and how social media, specifically the act of taking and posting selfies, is deemed to be the main contributor to the rise in the narcissistic behavior in today's generations. There he is much interested in the individual aspect of self-portrait or selfie and focuses on psychological aspect much.

Another study related to selfie is done by Warfield (2014), under the title 'Making Selfies/Making Self : Digital Subjectivities in the Selfie', he studied that on what occasions and in what circumstances do young women take selfies. How do young women describe the various stages of the phenomenon of selfies? His study is based on primarily women-centric perceptions without any classification as per their age groups and seeks to the conditions that induced the selfie-taking act among women.

Tiwari & Pathak (2015), in their study they want to look that does social media enhance youngster's physical appearance. How people face social media or how that social media affects youngster's achievement day by day.

In such manner, we could seek some other works as well. But the fact is that these studies are not focusing or exploring even a single aspect of sociological viewpoint. The social aspect of the selfie-taking could not be treated as less. Because society works for a man as a mirror, he takes the experiences (good or bad) from here and after that manipulate to self- perception of social behaviour.

## **3. Objective**

In the present study, we are trying to cover the following objectives :

1. To understand that how selfie is supportive to increase the productivity of a person or does it maintain the confidence of the people?
2. Does selfie work as momentary relief from stressful situations or personal anxieties? Or how selfie is acted as stress busters?



3. How youngsters make perception about himself/herself by selfie post on social media?
4. Does selfie create any risk for individuals?
5. Why the people edit their picture? or Why do the people of society want to look fair, smart and charming?

#### **4. Methodology**

For this study, a quantitative analysis was used, a well systematic semi-structured questionnaire was used for the collection of responses from the respondents, with the help of multiple choice and descriptive types of questions. There were various types of questions in questionnaire ranging from social background of the respondent to how selfie is helpful to increase or decrease social interactions among individuals? Our sample is based on undergraduate and postgraduate standards students from engineering and management field. A total 96 number of student's sample were included in this study.

#### **5. Analysis**

Selfie is a self-portrait. Anyone could take the self-picture by using their own hand. In the contemporary era, everyone's desire to capture and share themselves on social media has become a global phenomenon. Although the development of most of the modern technology is aimed at removing uncertainty, complexity, etc. for mankind, in order to make human life as simple and easy as possible. As a form of photography, selfie represents a distinctive structure. No doubt, modern urban amenities are surrounded with well up to dated facilitation but simultaneously these produced a kind of distress and gap in social interaction for the human with their real world. That is why people often engage them with technology and virtual world than taking interest in the real world?

It could be said undoubtedly that Mobile phone is a universal feature of contemporary society with latest available features. People take selfies and post them on social media and present themselves on their social networking sites, like WhatsApp, Facebook, Twitter, and Instagram etc. These all technologies and equipment are the product of the modern rational thinking. A selfie could be taken by using various electronic gazettes- Mobile phone, Laptop, Camera etc. Due to the rapid modernization process and change in the value system, traditional lifestyle of the peoples has also changed and now they are seeking new means of entertainment and atmosphere to adjust himself/herself. Although it is not purely evident, particularly in selfie-taking, that there is a transformation of value, as a respondent says- "once my cousin was trying to take the selfie with me, but uncle provoked him by saying- Pura fashionable ho kya (have you become fully fashionable?)". So, some aspect of tradition is adhering with modernity still in urban centers.

A person living in a social environment confront and deal with various situations. Work for livelihood is an important part of his routine activity but doing so he/she also seeks the few time or personal space to mentally and socially refreshment. That's why because he wants to change the mood from a similar job in which he has been continuing. It is also said that by his nature human being has been a lover of change. In between, he works something different, play, sing, go a movie or use social networking sites. Taking selfie is also a part of these kinds of activities and related to SNS. Some people take selfies to conserve their memories, while other to fulfill recent psychological stimuli. What are the social-psychological gain of the selfie? It is a prominent question related to selfie debate demanding clarification. Selfie helps to people maintain self-esteem and self-confidence because in a general situation people grasped with relative deprivation or inferiority complex when they look at his/her reference person or reference group and find that one is most prosper in terms of health, wealth, job conditions, beauty and so on. Modern youth is soft prey to such situations. Although they want to escape from these kinds of situation but in the absence of any suitable and appropriate alternate, they postpone it. If a person posts his/her selfie on a social media with the including contexts like involvement in any social welfare work, with any achievement of life, with any difficult or creative work etc. then friends of social networking sites give their compliments although that may be positive or negative both. In such condition when the person received positive compliments from the friends, he/she gets a type of energy for future works with their best possible. As per above response, we can see that there are 73 (76.04%) respondents out of 96 who agreed that they have a positive attitude toward themselves. 74 (77.08%) respondent accept that they have proper self-confidence with a selfie. Another 71 (73.95%) respondent replied that selfie influences them in a positive way. With this response, we can say that selfie in the modern society helps to youngster stay in positive mode.

**Table-1 : How selfie maintained the confidence of the people (In Percentage)**

S.No.	Type of confidence	Yes (%)	No (%)	No Response (%)
1.	Self Confidence	77	8	15
2.	Positive Attitude Toward Myself	76	5	19
3.	Satisfied with Myself	64	26	10
4.	Positive Impact of Selfie	71	15	14

Selfie taking and posting on SNS also works as tension management. In such form, it becomes a part of the social system and could be treated as a functional prerequisite in Parsonian terminology. When people face stress or frustration and, in this situation, if they take selfies and post them SNS, the positive compliment of people pick up them from the pathetic situation. Appreciation of people or their

complementation about selfies post on SNS provides a sense of belongingness including social to psychological support that may be traced as a latent function of selfie-taking and sharing. Thus, they feel relax and reflects the best output.

**Table-2 : Is that selfie can act as stress buster (In Percentage)**

S.No.	Is that selfie can act as stress buster?	Percentage (%)
1.	Yes	72
2.	No	21
3.	No Response	7

So, we can see that 69 (71.87%) respondent accept that selfie act as a stress buster. With the selfie, youngsters release their personal anxieties. Respondents accept that end of any events they have selfie clicking session which makes them release whatever done in all day.

People lived in society, they are the product of their imminent surroundings. They learn and act with societal rules, norms and regulated by their sanctions. In the case of the selfie, when a person posts their selfies on social networking sites; a platform to indirectly connect the people across the world compliments, and reactions of the friend's circle or public make a particular sense about him/her. If someone comments like as 'you are looking like a hero' or 'great work' or 'good job/work' etc. these all compliments provide a positive sense of a man's personality. So, the personality and character of a person also deserve his social media post of selfies, because a person always wishes towards positive attitude by others about himself and this can be achieved through self-improvement. The selfie-taking and posting them on social media is a means to also social learning and behaviour maintaining. This could be a form of socialization but seeing the intensive interference to current technology it may be termed as 'Technical Socialization'.

**Table-3 : Selfie post on social media (In Percentage)**

S.No.	Selfie post on social media	Percentage (%)
1.	Yes	74
2.	No	19
3.	No Response	7

From the above chart we can see that 71 (73.95%) respondent accept that they post their selfie on Social media. 18 (18.75%) replied in No, they don't post their selfie. We can see that majority of the people post their selfie on Social media.

How the selfie creates risk for individuals? In today society we see that youngster want to more and more like on his post on any selfie. For this youngster go hazards place or dangers place and take selfies. In this situation even died or

harm to him/her. Selfie is never listed as an official cause of death, but over the past few years, they have been at the centre of an increasing amount of fatal mishaps (Pullen, March 14<sup>th</sup>, 2016, Time Report). At the Mathura railway track, three college students died while they were run over by the speeding train. Their fourth friend Aneesh told that they were traveling in at the railway track to attempt the "Daredevil Selfie" (Report of The Times of India, Jan 27<sup>th</sup>, 2015).

**Table-4 : Selfie taking in dangerous places (In Percentage)**

S.No.	Selfie taking in dangerous places	Percentage (%)
1.	Yes	45
2.	No	50
3.	No Response	5

**Table-5 : Selfie taking in prohibited places (In Percentage)**

S.No.	Selfie taking in prohibited places	Percentage (%)
1.	Yes	41
2.	No	56
3.	No Response	3

In the observation 43 (45.79%) respondent replied Yes, that they take a selfie at dangers place like as Peak point, 2000 ft. above the sea level on a hill-top etc. Another 39 (40.62%) respondent accept that they take selfie at prohibited places. So, with above response, we can say that in modern society youngster can take any type of risk for just a like on social media.

As we can see that "In present society, everyone wants to look more charming than in actual they are. Girls want to be more beautiful and boys want to be more handsome for this, there are various beauty parlour both for men and women found in the market. People want to look more attractive, for these people were using various types of fairness cream and they use the various thing which presents in the market. People want to look fair not only actual but also on SNS. In this sense, we can see that when a youngster takes a selfie after that they edit their picture."

**Table-6 : Selfie Post On Social Media By Youngster (In Percentage)**

S.No.	Edited selfie post on social media by youngster	Percentage (%)
1.	Yes	74
2.	No	23
3.	No Response	3

As we can see that there are 71(73.95%) respondent replied yes that they edited their selfie after clicking. Because they wanted to look fairer, more charming as they were not. Youngster feels that by appearing to be more beautiful, people will appreciate more than.

## 6. Conclusion

The summary of the findings of the study indicates that according to the questionnaire, 96 students avid-selfie takers, the digital subjectivities that young students experience through the phenomenon of selfies parallel the multimodal format of the selfie itself. The selfie is a camera, a mirror, and a stage, through the image making phenomenon, young students experience themselves they were in a photo (as a model), on a mirror (as a realm). With the present study, we find that selfie-taking is a regular part of youngster cultures. By posting this on social media they received self-confidence and makes the perception of self. The study also explores the fact that selfie is not purely responsible for individual culture it produced some derivatives including to overall technology that promotes this. As we talked about social forces involved behind the selfie taking and posting. We find that a strong notion of society works with innovation of the new things in society. Each person of the society wants to encounter with this. One more trend could be seen in this term, the perception of society that how people should act and react in terms of fashion or fad contribute a lot to adapt these kinds of technology. Thus, it is concluded that selfie has a crucial importance on young generation by promoting, motivating them, this also serves as a stress buster and improved self-confidence or positivity about self.

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# Study of Alienation among Rural and Urban Undergraduate Students of Government and Private Universities

*Narendra Kumar\**

*In this paper, the researcher presented the study of alienation among rural and urban undergraduate students of government and private universities in Rajasthan. for this purpose, 200 undergraduate students (100 from government and 100 from private universities) were randomly selected. out of these 200 students, 75 were from rural background and 125 from urban background. students alienation scale developed by Dr R. R. Sharma was used. results show that male and female undergraduate students of both government and private universities do not differ significantly on total alienation and its all dimensions.*

[**keywords** : Alienation, Undergraduate students, Government and private universities]

## 1. Introduction

Alienation is one of the psychological problems faced by the students in their university life. Mau (1992) defines, "Alienation as a sense of social estrangement, an absence of social support or meaningful social connection". According to Mann (2001), alienation is may be caused by T-L process characterized by fulfillment and bereft of creativity. At university level, students are mainly detached from the

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content to be learned. According to Parish & Parish (2000), alienated learners feel contrasting with curriculum and devoid of opportunity to set up significant relations. Such detachment results in lethargy in T-L process. A number of researches have been done looking at the correlation of many alienation factors. The rising existence of ICT has been recognized as a significant source of alienation in students (Cooper, 1995; Rintala, 1998). There are numerous studies (Wilkerson et al., 1982; Wegerif, R. 1998; Sidorkin, A. M. 2004; Yadaw G. K, Nagle Y. K. 2012; Taines C. 2012; Malik, M. A. 2015) that deal with student alienation in a variety of ways. Some research studies endow with an evocative measurement by exploring alienation in relation with social and family background, while some researchers emphasized on psychological characteristics of students as causal factor of alienation. But, no research was found on undergraduate students of rural and urban background of government and private universities. Therefore, it was decided to study the alienation among rural and urban undergraduate students of government and private universities of Rajasthan.

## **2. Methodology**

### **2.1 Method**

For the present study, descriptive survey method of research was used to accomplish the objectives of the study.

### **2.2 Population**

Population for the present study was rural and urban undergraduate students of government and private universities of Rajasthan.

### **2.3 Sample**

For the present study first of a list indicating the number of Government and Private Universities situated in the Rajasthan was prepared. Using simple random sampling technique, 75 rural and 125 urban undergraduate students were selected from government and private universities, thus constituting a sample of 200 students in all.

**Table-1 : Sample Distribution**

Type of University	Rural Undergraduate Students	Urban Undergraduate Students	Total
Government University	38	62	100
Private University	37	63	100
<b>Total</b>	<b>100</b>	<b>100</b>	<b>200</b>

### **2.4 Tool Used**

Students Alienation Scale developed by Dr R. R. Sharma was used to study the alienation among rural and urban undergraduate students. There are 54 items representing five dimensions of alienation defined by Seeman (1959). The scores of the scale can be used dimension-wise as well as in total.



### 3. Results

#### 3.1 Comparison of Rural and Urban Undergraduate Students on Alienation

To study the comparison of rural and urban undergraduate students of both government and private universities on alienation and its all dimensions, t-test was used. Analysis of data is given in table-2.

**Table-2 : Summary of t-test between means of rural and urban undergraduate students on Total Alienation and its dimensions**

Dimensions of Alienation	Rural Undergraduate students (N = 75)		Urban Undergraduate students (N = 125)		t- value
	Mean	S.D.	Mean	S.D.	
Powerlessness	3.200	1.966	3.460	2.057	0.875
Isolation	3.747	1.980	3.750	1.956	0.012
Self-estrangement	5.053	2.861	5.410	2.955	0.832
Meaninglessness	2.867	2.056	2.670	2.113	0.640
Normlessness	9.840	3.005	9.450	3.046	0.877
<b>Total Alienation</b>	24.707	8.249	24.740	9.027	0.026

It is evident from Table-2 that that t-values between the means of rural and urban undergraduate students of both government and private universities on total alienation and its dimensions powerlessness, isolation, self-estrangement, meaninglessness and normlessness were found to be 0.026, 0.875, 0.012, 0.832, 0.640, and 0.877, respectively, which were not significant at 0.05 level. This reveals the fact that rural and urban undergraduate students of both government and private universities do not differ significantly on total alienation and its all dimensions. This implies that apparent differences in the mean scores of rural and urban undergraduate students of both government and private universities on total alienation and its all dimensions were not true.

#### 3.2 Comparison of Rural and Urban Undergraduate Students of Government Universities on Alienation

To study the comparison of rural and urban undergraduate students of government universities on alienation and its all dimensions, t-test was used. Analysis of data is given in table-3 on next page. It is evident from this table that t-values between the means of rural and urban undergraduate students of government universities on total alienation and its dimensions powerlessness, isolation, self-estrangement, meaninglessness and normlessness were found to be 1.003, 0.931, 0.006, 0.539, 0.798, and 1.234 respectively, which were not significant at 0.05 level. This reveals the fact that rural and urban undergraduate students of government universities do not differ significantly on total alienation and its all

dimensions. This implies that apparent differences in the mean scores of rural and urban undergraduate students of government universities on total alienation and its all dimensions were not true. These were due to chance or sampling error.

**Table-3 : Summary of t-test between means of rural and urban undergraduate students of government universities on Total Alienation and its dimensions**

Dimensions of Alienation	Rural Undergraduate students (N = 38)		Urban Undergraduate students (N = 62)		t- value
	Mean	S.D.	Mean	S.D.	
Powerlessness	3.131	2.120	2.758	1.799	0.931
Isolation	3.368	1.837	3.370	2.050	0.006
Self-estrangement	4.894	2.957	4.548	3.166	0.539
Meaninglessness	2.394	2.175	2.048	2.028	0.798
Normlessness	9.868	3.354	9.048	3.091	1.234
Total Alienation	23.657	9.017	21.774	9.033	1.003

### 3-3 Comparison of Rural and Urban Undergraduate Students of Private Universities on Alienation

To study the comparison of rural and urban undergraduate students of private universities on alienation and its all dimensions, t-test was used. Analysis of data is given in table-4.

**Table-4 : Summary of t-test between means of rural and urban undergraduate students of private universities on Total Alienation and its dimensions**

Dimensions of Alienation	Rural Undergraduate students (N = 37)		Urban Undergraduate students (N = 63)		t- value
	Mean	S.D.	Mean	S.D.	
Powerlessness	3.270	1.820	3.793	1.977	1.303
Isolation	4.135	2.070	4.126	1.947	0.020
Self-estrangement	5.216	2.790	5.809	2.839	1.005
Meaninglessness	3.351	1.829	3.206	2.033	0.354
Normlessness	9.810	2.644	9.777	2.965	0.055
<b>Total Alienation</b>	<b>25.783</b>	<b>7.345</b>	<b>26.714</b>	<b>8.274</b>	<b>0.560</b>

It is evident from Table-4 that t-values between the means of rural and urban undergraduate students of private universities on total alienation and its dimensions powerlessness, isolation, self-estrangement, meaninglessness and normlessness were found to be 0.560, 1.303, 0.020, 1.005, 0.354, and 0.055 respectively, which were not significant at 0.05 level. This reveals the fact that rural and urban undergraduate students of private universities do not differ significantly on total alienation and its all dimensions. This implies that apparent

differences in the mean scores of rural and urban undergraduate students of private universities on total alienation and its all dimensions were not true.

#### 4. Conclusion

The results show that rural and urban undergraduate students of both government and private universities were not found to be differed significantly on total alienation and its all dimensions. Similarly when it was studied for government universities only, it was found that rural and urban undergraduate students of government universities do not differ significantly on total alienation and its all dimensions. In the same way, it was also observed that rural and urban undergraduate students of private universities do not differ significantly on total alienation and its all dimensions.

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## ICT Awareness among Teachers of C.B.S.E. and U.P. Board : A Comparative Study

*Rajive Kumar\* and Ritu\*\**

*The researchers have attempted to study the Awareness towards ICT among teachers of C.B.S.E. and U. P. Board. For this purpose, a sample of 100 teachers (50 from the schools of C.B.S.E. and 50 from the schools of U.P. Board) teaching to class IX and X was randomly taken. The researchers constructed a questionnaire for Teachers to assess their ICT awareness. Then, t-test was used to study the significance of difference between the ICT awareness of the teachers of the schools of C.B.S.E. and U.P. board. Results show that teachers of C.B.S.E. were found to have better ICT Awareness than the teachers of U.P. Board, but no significant difference was observed between male and female teachers on ICT awareness.*

[Keywords : ICT Awareness, C.B.S.E., U.P. Board]

### 1. Introduction

In the present scenario of education system in the globe, there is tremendous use of ICT. Today, both teachers and students have to be well aware about various applications of ICT in the field of education. There so many equipments and learning material to which both students and teachers are interacting. According to

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Haag, Cummings, and Dawkins (1998) "Information technology is significant instrument to disseminate the correct knowledge to the suitable persons at appropriate time". The centre of interest is that teachers should be aware how, when, where and what tools and techniques of ICT may be used to make effective teaching and learning. In Indian circumstances, we have the schools in metro cities, cities, towns and rural areas. Besides this we have different types of schools affiliated to various boards. The way of curriculum transaction is different in different types of schools. Jasmine Kumar and et al (2007) studied the teacher educators and teachers of various types of institutions in Tamilnadu and found that professional competency and ICT usage were found to be significantly related. Selvam. M. (2007) studied the attitude of the teachers towards educational technology. Rahim Sajid (2013) described the important constraints for the integration of ICTs in T-L process at secondary level. Kerckaert, Vanderlinde, and van Braak (2015) discussed the role of ICTs in education at pre-primary and primary level. Shin (2015) studied the awareness about internet related aspects along with about the knowledge of internet use by teachers of English subject. Numerous studies have been conducted in this area. Therefore, it was thought to compare the ICT awareness among teachers of C.B.S.E. and U.P. Board schools of Meerut province. Keeping in view the importance of ICT Awareness among teachers, the researchers decided to take up research to study the ICT awareness among teachers of both type of boards.

## **2. Objectives of the Study**

Following objectives were formulated for the present study :

1. To study the differences between the ICT Awareness among teachers of C.B.S.E. and U.P. Board.
2. To study the differences between the ICT Awareness among male and female teachers of C.B.S.E. and U.P. Board.
3. To study the differences between the ICT Awareness among male teachers of C.B.S.E. and U.P. Board.
4. To study the differences between the ICT Awareness among female teachers of C.B.S.E. and U.P. Board.

## **3. Methodology**

### **3.1 Method**

For the present study, survey method of research was used.

### **3.2 Population**

Population for the present study was teachers teaching to class IX and X in the schools of C.B.S.E. and U.P. Board.

### 3-3 Sample

For the present study first of a list indicating the number of schools of C.B.S.E. and U.P. Board situated in Meerut province was prepared. Using simple random sampling technique, 50 teachers (25 male and 25 female) teaching to class IX and X in the schools of C.B.S.E. and 50 teachers (25 male and 25 female) teaching to class IX and X in the schools of U.P. Board were randomly selected, thus constituting a sample of 100 teachers in all. The detailed sample is presented in table-1.

**Table-1 : Detailed Sample**

Type of Board	Male Teachers	Female Teachers	Total
Type I Board	25	25	50
Type II Board	25	25	50
<b>Total</b>	<b>50</b>	<b>50</b>	<b>100</b>

### 3-4 Tool Used

The researchers constructed themselves a questionnaire for Teachers to assess their ICT awareness. This questionnaire consists of 40 items that measure the ICT Awareness among teachers in the following five dimensions- Use of ICT in their personal life, Use of ICT in preparation of lesson plans, Use of ICT in classroom teaching, Use of ICT in assigning projects and assessment of students, Use of ICT in uploading learning material on educational sites. All the items are closed ended. The respondents have to tick on YES or NO.

## 4. Results

### 4-1 Difference between Teachers of Type I & II Board on ICT Awareness

To study the significance of difference between the ICT Awareness among teachers of Type I & II board, t-test was used. Analysis of data is given in Table-2.

**Table-2 : Summary of t-test for difference between the teachers of Type I & II board on ICT Awareness**

Group	N	Mean	S.D.	t-value
Teachers of Type I Board	50	28.28	5.02	12.26*
Teachers of Type II Board	50	16.14	4.94	

\* 0.01 level of significance

It is observed from Table-2 that t-value between the teachers of type I board and the teachers of type II Board on ICT Awareness was found to be 12.26 which was more than the table value on degree of freedom (df=98) at 0.01 level of significance. It means that there was significant difference between the means of the teachers of Type I & II board on ICT Awareness. Further, it was also observed that the mean value is in favor of the teachers of type I board, it means that teachers

of type I board were found to have better ICT Awareness than the teachers of type II Board.

#### 4.2 Difference between male and female teachers of Type I & II board on ICT Awareness

To study the significance of difference between the ICT Awareness among male and female teachers of Type I & II board, t-test was used. Analysis of data is given in table-3.

**Table-3 : Summary of t-test for difference between male and female teachers of both boards on ICT Awareness**

Group	N	Mean	S.D.	t-value
Male Teachers	50	21.26	8.60	0.39*
Female Teachers	50	23.16	6.53	

\* 0.05 level of significance

It is observed from Table-3 that t-value between the male teachers of both boards and the female teachers of both board on ICT Awareness was found to be 0.39 which was less than the table value on degree of freedom (df=98) at 0.05 level of significance. It means that there was no significant difference between the means of the male teachers of both boards and female teachers of both boards on ICT Awareness.

#### 4.3 Difference between male teachers of Type I board and male teachers of Type II Board on ICT Awareness

To study the significance of difference between the ICT Awareness among male teachers of Type I board and male teachers Type II board, t-test was used. Analysis of data is given in table-4.

**Table-4 Summary of t-test for difference between male teachers of type I board and male teachers of type II board on ICT Awareness**

Group	N	Mean	S.D.	t-value
Teachers of Type I Board	25	28.12	6.03	9.50*
Teachers of Type II Board	25	14.14	4.17	

\* 0.01 level of significance

It is observed from Table-4 that t-value between the male teachers of type I board and the male teachers of type II Board on ICT Awareness was found to be 9.50 which was more than the table value on degree of freedom (df=48) at 0.01 level of significance. It means that there was significant difference between the means of the male teachers of type I board and the male teachers of type II Board on ICT Awareness. Further, it was also observed that the mean value is in favor of the male teachers of C.B.S.E., it means that male teachers of C.B.S.E. were found to have better ICT Awareness than the male teachers of U.P. Board.

#### 4.4 Difference between female teachers of Type I board and female teachers of Type II Board on ICT Awareness

To study the significance of difference between the ICT Awareness among female teachers of type I board and female teachers type II Board, t-test was used. Analysis of data is given in table-5.

**Table-5 Summary of t-test for difference between female teachers of type I board and female teachers of type II board on ICT Awareness**

Group	N	Mean	S.D.	t-value
Teachers of C.B.S.E.	25	28.44	5.03	6.72*
Teachers of U.P. Board	25	17.88	3.74	

\* 0.01 level of significance

It is observed from Table-4 that t-value between the female teachers of type I board and the female teachers of type II board on ICT Awareness was found to be 6.72 which was more than the table value on degree of freedom (df=48) at 0.01 level of significance. It means that there was significant difference between the means of the female teachers of type I board and female teachers of type II board on ICT Awareness. Further, it was also observed that the mean value was in favor of the female teachers of type I board, it means that female teachers of type I board were found to have better ICT Awareness than the female teachers of type II board.

## 5. Conclusion

It is clear from the results that teachers of C.B.S.E. were found to have better ICT Awareness than the teachers of U.P. Board. but no significant difference was observed between the means of the male teachers of C.B.S.E. and U.P. Board and female teachers of C.B.S.E. and U.P. Board on ICT Awareness.

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## **Deterioration of Values in Society : Reasons and Solutions**

***Rekha Verma\****

*The moral deterioration of youth in India is at present a blazing issue. The root of this issue is not a recent phenomena, its trace can be indented in the society of the past, the magnitude of which has spread over largely in recent days. The expression of this sort of degradation is being reflected in different undesirable aspects of the society. Therefore, it is very much essential and a duty of everybody to find out the solution of this tyranny to establish India in the world of peace and harmony. This present paper aims to explain reasons and solutions of deterioration of values in society. It has been emphasized that in this situation, a teacher and education can play a deciding role.*

[**Keywords** : Deterioration of values, Society, Marketism mentality, Unhealthy Competition]

### **1. Introduction**

If we talk about the falling standards of the moral values, today the human history is going through the most challenging and the transitory phase, If we believe in myths, then even in satyug devil dominated the earth and for that we had to say 'Satyamev Jayate' Meaning the truth will win. To prove the significant of the values of life. A person has to decide what he wants in his life and choose a path accordingly. In today's world wrong or evil is becoming dominant. Values are

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fastly fading. It was started when in Britain after the development of honesty is the best policy was declared. honesty was not a thing related to morality, it became an issue related to policy. Being honest was linked to getting profit.

In our society when learned said “Tammso ma Jyotirgamay Asato ma Sadgamay” then a formula was followed which decided the values of life. But gradually light and darkness, good and evil and life and darkness, good and evil and life and death have changed their meaning. Man is happily treading on the path of darkness life and death. Life is being justified by the amount of success and success is being decided by instant gains achieved at any cost. Values are not only but there for law and legal system ignore the morality openly. Law was blindfolded and a myth was designed from which man has not become free till date. They are also related to the pure means of achieving them and today object orthodox and purity of means are becoming meaning less. Due to this man is becoming tense and insecure.

As the cost of the Education is rising the values of life is decreasing . Maximum people are educated today. But our society and man both getting some positive gains in the same ratio worst thing is that inspite of the great developments seen today values of life have become an issue of morality instead of legally values of life and morality are not protected by law.

What are values of life:- As the man started feeling secure about the destructible life, he started to say right what could be followed and wrong what could not be followed. This was labeled as good and evil by the religion. Whatever is right and good was termed a life value which could be followed and what was harmful for the man and society was termed as wrong immoral and was classified as an evil.

## **2. Reasons of Deterioration of Values in Society**

Reasons of deterioration of values in society are following :

### **2.1 Degradation of Values on Family Level**

First Unit of society is family first teacher of a child is his mother, who gives him a treasure of values, Teacher Teaches him about moral values. First teaches him about life's boundaries. If we observe closely we come to know that we have come to a very low level in moral values and are not able to widen our role in giving good moral values to our children.

Therefore these are widening their role in inculcating values. To some extent we are unable to tell our children the difference between right and wrong. Possibly this is an effect of era.

### **2.2 Structure of the Education**

The structure of modern primary & higher Education is not what it was in the system of the ancient India. Students studied in gurukuls where they were thought

about higher moral values along with the education. A student who studied in a gurukul gave important contribution in nation and Society building after completing his education, he followed 'Simple living and high thinking in his life'. In the modern times teacher are also losing their moral values and its effect can be clearly seen.

### **2.3 Marketism Mentality**

Modern social scenario is revolving around the market. When everything is seen through the market glasses no place is left for values, news, morality and culture preservation everything gets concentrated on gains/ Profit with the increasing tendency of consumerism values of life and social beliefs have taken a back seat. We have developed a consumer mentality. We are ready to pay any price to fulfill our life with all worldly pleasures. we have sacrificed our morality and have only started concentrating on materialistic.

### **2.4 Unhealthy Competition**

In the blind values and ethics, boundations, thoughtism and cultural elevation concepts have become out dated. Impurity in thoughts is increasing and Indian culture and high moral values are getting destroyed.

## **3. Solutions**

Whatever the problem is solution can be found if there is transparency and will to succeed in the efforts. This applies on the falling moral standards as well. First we will have to start finding a solution from the family & society level. We will have to develop high moral values in our kids on the family level and give them a culture which makes them a person of strong character. They are able to differentiate between right and wrong and gives value to truth and dedication.

Education should be connected to morality. we will have to emphasis on moral values through education. We will have to bring a change in the basic frame work and follow the thought process of Mahatma Gandhi, which is relevant even today. Education is an art of living and through this is a person will be able to differentiate between different values, understand them and evaluate them. Education includes the values of life on the education level through which a person can choose the right path.

To stop the falling standards of life values we will have to concentrate on society building and to solve this problem - thinkers, saints, literary personalities religious leaders and intellectuals should come forward and give the younger generation the right direction.

Globalization, liberalization, consumerism and imitating the western culture and materialistic tendencies have created a situation of confusion for which we will have to start a fight to get out of it.

In this situation a teacher and education can play a deciding role. Education tells us the difference between conservative beliefs customs and changes so that a person can choose the right path . The leader of revolution of France Dante has rightly said : “Education is the second most valuable thing after bread because bread is important for biological life and education for socio-cultural life”.

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## Form 4 (See Rule 8)

Place of Publication : Delhi, India

Periodicity : Quarterly (English)

Printer's Name : Dr. Priyanka Mahajan  
M/S Saksham Computers

Nationality : Indian

Address : D-59, Shastri Nagar  
Meerut-250 004 (INDIA)

Editor's Name : Dr. Dharam Vir

Nationality : Indian

Address : D-59, Shastri Nagar  
Meerut-250 004 (INDIA)

Names and addresses of the individuals who own the journal and of the partners or share-holders holdings more than one per cent of the total capital : Dr. S. S. Shashi  
B-4/245, Safdarjung Enclave  
New Delhi-110 029  
Dr. Dharam Vir  
D-59, Shastri Nagar  
Meerut-250 004 (INDIA)

I, Dr. Dharam Vir, hereby declare that the particulars given above are true to the best of my knowledge and belief.

**Dharam Vir**

ISSN 0302-9298

Regd. No. RN 23807172

Double-blind Reviewed, Indexed & Refereed Quarterly International Journal

*For enquiry, please contact :*

**The Managing Editor**

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