

Inequality in Child Immunisation in Bihar

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Abstract

Child Immunisation effective and efficient to protects children from mortality, morbidity, and disabilities. The paper aims to explore the regional, socioeconomic and demographic differences in child immunisation coverage in Bihar. The data have been derived from the District level health survey third round (DLHS 2007-08). Some districts are very poor performing in the state. The higher schooling mother and father get more immunised their children than uneducated parents. The children belong to the minority, deprived community and poorer sections of the society are less immunised in the state. The urban children are more immunised than rural areas. Therefore, immunisation programme should be targeted to uneducated parents, minority, deprived, a poor section of the society and rural areas.

KeyWords- *Parental Education, Wealth Index, Religion, Caste, Child Immunisation*

1. Introduction

Child immunisation protects children from multiple vaccine-preventable life-threatening communicable diseases (Arif, 2004; Shaikh, B. T., & Hatcher, J., 2005). Unfortunately, more than 5 lakh children died due to 'Vaccine-Preventable Diseases' (Vashishtha & Kumar, 2013). The Government of India adopted various programmes for child immunisation. First of all, India introduced an extended programme on immunisation (EPI) very early in 1978 after its establishment in 1974 by world health organisation (WHO) with the objective of reduction of morbidity, mortality, and disability among children from six vaccine-preventable diseases measles, Tuberculosis, Pertussis, (Whooping Cough), Diphtheria, Tetanus, and Poliomyelitis. Next in 1985-86, the Government of India launched the universal immunisation programme (UIP) which is one of the largest immunisation programmes in the world in terms of the quantity of vaccines used, number of beneficiaries, number of Immunisation sessions organised, and the geographical spread and diversity of areas covered. The UNICEF) celebrates 'Immunisation Week' every year from April 21 to 28 to raise awareness regarding Immunisation. The Government of India has expressed its commitment to expand child Immunisation coverage in the country by the year 2020. Ministry of Health and Family Welfare has launched 'Mission *Indradhanus*' on 25 December 2014 to expand child Immunisation coverage across the country. The name of Mission *Indradhanus* means rainbow, which

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contains seven colours that represent the seven vaccine-preventable childhood diseases namely Diphtheria, Pertussis (Whooping Cough), Tetanus, Childhood Tuberculosis, Polio, Hepatitis B, and Measles. These vaccines provided free of cost throughout the country. All these vaccines preventable diseases are available free of cost for all the children (MoHFW, 2015). As per the UN inter-agency group of child death (2013), India experiences the lowest child Immunisation rate of any country in the world, while India has the highest birth cohort comprising 26 million newborns per year. A substantial reduction has been observed in the case of infant mortality and under-five mortality in India after the adaptation of Universal Immunization, but the burden of Vaccine-Preventable Diseases (VPD) is still very high in contrast to the developed countries of the world (Mathew, 2012). Despite, more than 40 years spent on the UIP, the result is far from its goal because only 60 per cent of children could be fully immunised in the country till 2015 (DLHS, 2014-15). It was 54 per cent in 2007-08(DLHS-III). Bihar demonstrates very poor performance state in the country with 41.3 per cent (as per DLHS- 2007-08), it has increased to 61 per cent in 2014-15 (as per DLHS-IV report), while state like Punjab recorded 89 per cent, West Bengal 84 per cent, Kerala 82 per cent, Orissa 79 per cent, Chhattisgarh 76 per cent(as per DLHS-IV reports). This is a serious concern and big challenge of the government.

Socio-economic and cultural heterogeneity is the characteristics of Indian society. A considerable difference can be seen in terms of educational attainment, female education, and economic status, social status and others. Therefore, the main objective of the paper is to explore the socioeconomic and demographic differences in child immunisation coverage in Bihar. Micro-level difference has been also analysed in the study.

Materials and Methodology

The study based on secondary data source derived from the District Level Health Survey third round (DLHS III), 2007-08), conducted by the 'International Institute of Population Sciences' (IIPS) Mumbai, under 'Ministry of Health and Family Welfare, Government of India'. The immunization converges of children in the age group of 12-23 months has been recorded either by the vaccination card or by asking the mothers in the 15-49 years old age group, in case the vaccination card was not available. Cross tabulation technique has been applied to see the socioeconomic and demographic variation in percentage of child immunisation coverage in Bihar.

Findings

Regional Variations in Child Immunisation Coverage

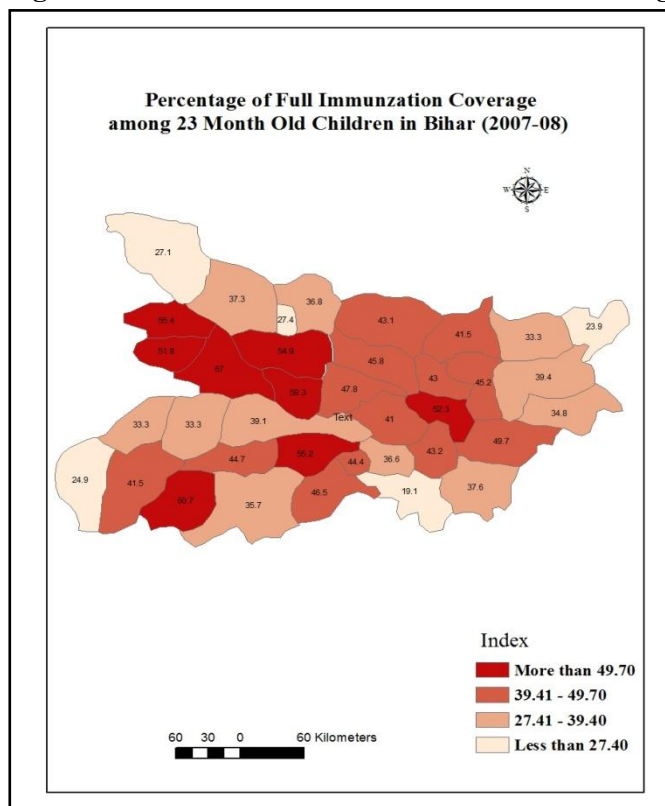


Fig -1

Bihar ranks third from the bottom in terms of full immunisation coverage with 41.4 per cent coverage in the country, within the state, district level variations are noticeable. Out of the 37 districts, Saran records the highest coverage (67 per cent), whereas Jamui records the least coverage (19.1 per cent) (See Fig-1). There is a wide gap in the highest and the lowest immunisation coverage.

High Immunisation Coverage Districts (More than 49.70 per cent): Only nine districts fall in this category: Saran (67.0 per cent) Aurangabad (60.7 per cent),Vaishali (59.3per cent), Gopalganj (55.4per cent), Nalanda (55.2per cent), Muzaffarpur (54.9per cent), Khagaria (52.3per cent), Siwan (51.8 per cent), and Bhagalpur (49.70 per cent).

Medium Immunisation Coverage Districts (39.41-49.70 Per cent): There are 13 districts in this category: Samstipur (47.8 per cent), Nawada (46.5 per cent), Darbhanga (45.8 per cent), Madhepura (45.2 per cent), Jehanabad (44.7 per cent), Shekhpura (44.4 per cent), Munger (43.2 per cent), Madhubani (43.1 per cent), Saharsa (43.0 per cent), Rohtas (41.5 per cent), Supaul (41.5 per cent), Begusarai (41.0 per cent), Purnia (41.0 per cent) and Patna (39.1 per cent).

Low Immunisation Coverage districts (27.1 to 39.40 Per cent): Low coverage districts are the following: Banka (37.6 per cent) East Champaran (37.3 per cent), Sitamarhi (36.8 per cent), Lakhisarai (36.6 per cent), Gaya (35.7 per cent), Katihar (34.8 per cent), Araria (33.3 per cent) Bhojpur (33.3 per cent), and Buxar (33.3 per cent).

Very Low Immunisation Coverage Districts (Less than 27.40 per cent): Sheohar (27.4 per cent), West Champaran (27.1 per cent), Kaimur (24.9 per cent), Kishanganj (23.6 per cent), Jamui (19.1 per cent) are the districts with very low immunisation coverage in the state.

Child Immunisation Coverage by Socioeconomic and Demographics Backgrounds of Households

Table No-1 Child Immunisation Coverage by Socioeconomic and Demographics Background in Bihar (2007-08)	
Age Group	Percentage
15-19 years Old Mothers	27.4
20-24 years	35.9
25-29 years	36.9
30-34 years	33.8
35-39 years	30.8
40-44 years	24.6
Birth Order	
1 st	40.1
2 nd	38.6
3 rd	36.5
4 th	32.7
5 th	30
All others	26.5
Sex of Child	
Male	36.1
Female	31.7
Years of Mother's Education	
No education	31.6
Less than 5 year	39.7
5-9 years	56.2
10 or more year	62.5
Years of Father's Education	
No education	34.3
Less than 5 year	38.8

5-9 years	53.7
10 or more	65.8
Work Status of Mother	
Working Mother	27.9
Not Working Mother	38.8
Religion	
Hindu	36.6
Muslim	23.2
Christian	0.00
Sikh	0.00
All others	29.2
Caste Groups	
Scheduled Tribes	29.1
Scheduled Caste	33
OBC	42.7
All Others	50
Wealth index	
Poorest	25.1
Poorer	33
Middle	42.3
Rich	53.2
Richest	68.8
Place of Residence	
Rural	33.9
Urban	38.6
<i>Source- DLHS-III Round</i>	

The per cent age of child immunization coverage increases with mother's age only up to the age of 25-29 and then it decreases. The highest percentage of complete immunization coverage has been reported by 25-29 years old age group mothers with 36.9 per cent, whereas lowest child immunization has been reported among 40-44 age group mothers with 24.6 per cent age. It is a large gap between the highest and the lowest one. The second highest is 20-24 years age group (35.9 per cent), IIIrd 30-34 years old age group (33.8 per cent), IVth is 35-39 years old age group (30.8 per cent), Vth 15-19 years old age group (27.4 per cent), and the last one is 40 to 44 years old mothers.

The highest percentage of complete immunization coverage has been recorded among first birth order children with 40.1 per cent , with progressive decline in the IInd, IIIrd, IVth, Vth, all other orders i.e. 38.6 per cent 36.5 per cent , 32.7 per cent , 30.0 per cent , and rest of all other 26.5 per cent accordingly.

The percentage of full immunization is higher in Male children with 36.1 per cent than female children with 31.7 per cent. Hindu population records better coverage (36.6 per cent) than that of their Muslim counterparts (23.2 per cent) and all others religious 29.2 per cent in Bihar. There is no Christian and Sikh population in Bihar. Apart from religion, Indian society is divided into various castes and sub-castes, which create various social groups specific to a particular state or region. State-level data also represents the ST population group records 29.1 per cent coverage followed by SC (33per cent) and OBC (42.7 per cent); others (Non-SC/ST & OBC) records 50 per cent coverage. Maternal education directly influences child healthcare as well as immunization. Mothers having ten or more than ten years of schooling record highest immunization coverage with 65.8 per cent. The mother having 5-9 years of schooling reported 53.7 per cent, less than 5 years 38.8 per cent and uneducated other 34.2 per cent. The lowest child immunization coverage has been reported by uneducated fathers with 31.6 per cent, less than five years of schooling fathers reported 39.7 per cent. Fathers having 5-9 years schooling reported 56.2 per cent, and the 10 and more years schooling fathers recorded the highest child immunization coverage with 62.5 per cent. The mother's work status and child immunization have a positive correlation. Working mothers present lower immunization coverage with 27.9 per cent than their non-working counterparts with 39.5 per cent. Significant differences can be seen in child immunization coverage among various economic groups of the household. Children who belong to the richest households are the highest immunised with 68.8 per cent followed by richer sections 53.2 per cent, middle class section 42.3 per cent, poorer sections 33.0 per cent and the poorest sections 25.0 per cent. The children living in urban areas reported greater immunisation coverage with 38.6 per cent than rural areas with 33.9 per cent from the rural areas in the state.

Discussion

Bihar recorded very low percentage of child immunisation coverage in India, within the state inequality exit at districts level. Some districts like Saran, Aurangabad, Vaishali, Gopalganj, Nalanda, Muzaffarpur, Khagaria and Siwan recorded better performance, while Sheohar, West Champaran, Kaimur, Kishanganj and Jamui present poor performing district in Bihar.

The inequality in child immunisation coverage also exit among various socioeconomic and demographic backgrounds of households in Bihar. The middle age group mothers (20-34 years old) get their children Immunised maximum against vaccine-preventable diseases in Bihar. The reason could be that the middle age group mothers experience maximum childbirth; they also have greater years of schooling than older and very younger women. Younger women have greater exposure to modern medicines. On the other hand, older women have a better experience and good knowledge of childcare. Thus, they give less importance to modern medicines (Elo, 1992; Raghupathy 1996). There is an inverse relationship appeared between birth order and childhood

immunization coverage. The highest percentage of immunization coverage has been reported among the first birth order children and further, it decreases in the IInd, IIIrd, IVth, Vth, and all other birth orders subsequently. Agrawal and Kumari, (2014) have also found a similar finding in Uttar Pradesh.

The percentage of child immunization coverage against vaccine-preventable diseases is significantly higher among male children than female children. Antai, (2009) also supports the fact that the sex of the child is an important determinant of immunization. The gender gap can also be seen among all religious and social groups, and even it can also be seen in well-educated and higher economic status households. The urban places of India are not an exception in this regard. The highest child immunization coverage has been reported among 10 and more years of schooling by mothers and father whereas the lowest immunization coverage has been reported among the uneducated mothers. This fact is also supported by Desai and Alva (1998) who have conducted a similar study in twenty-two developing countries. The children belong to Muslim religious groups are less immunised than Hindu religious group. The lack of awareness, fewer mass media exposures, less women's physical and economic autonomy, low educational attainment, poor female literacy, belief in God and luck limit the child immunization coverage among Muslims. The percentage of child immunization coverage is very low among scheduled castes and scheduled tribes population, whereas general castes portray the highest child immunization. High illiteracy rate, poverty, higher work participation in the unorganized sector, less of mass media exposure among scheduled castes and scheduled tribes attribute to low immunisation coverage in SC and ST Bihar.

Wealth index has a positive impact on child immunization coverage in Bihar. The highest per cent of full immunization coverage is reported by the richest sections of the society, while lowest child immunization coverage has been reported by the poorest sections of the society. The economic status of the household has a strong positive impact on childhood immunization as the affordability of vaccination and travel costs are important aspects of accessibility (Arif, 2005). Poverty also controls health seeking behaviour in terms of ignorance (Tupsi et al., 1990). The children living in urban areas are more immunised than in rural areas. Urban areas are characterised by well-developed and maintained health infrastructure, developed means and modes of transportation, communication, electrification, high mass media exposure, and others. Urban residents also have the advantage of being educated, progressive and aware, while the rural areas are characterized by poverty, technological and social backwardness, lack of health care services and less developed infrastructure (Wilson, 2000; Lalou and LeGrand, 1997).

Conclusion

The study affirms multiple inequalities in the access of child immunisation in Bihar. The child immunisation programme should be targeted to poor-performing districts. Female children, higher birth order children, very younger mothers,

uneducated, poor and working mothers in unorganized sector should be more prioritised in immunisation programme. Special attention should be given to minority and deprived section of the society so that achieve the target of hundred per cent immunisation coverage in Bihar.

Limitations

The paper has some limitations too because the inequality in child immunisation has been analysed in a limited set of socioeconomic, demographic and regional variables. Secondly, the study based on DLHS-IIIround (2007-08), DLHS-IVround (2015-16) data have been also published to all India, but not available for Bihar, only reports are available.

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Aurangabad Town, Bihar: A Study of Urban Geography

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Prior to 1973 Aurangabad was a subdivision of Gaya District. It acquired the status of an independent district in the year 1973 as a result of reorganization of district boundaries. It has a rich heritage and close linkage with its parent district (Gaya). The administrative headquarters of the district is located at Aurangabad which is main town of the district of the same name. Aurangabad Town derives its name from that of Aurangzeb of the Mughal Dynasty. The town has Municipality and the major growth center of the District.

Geographically the town is located on 22°44' North latitude and 84°22' East longitude with an average height of 108 meters from the sea level. Aurangabad town is located between the town of Gaya and Sasaram in the Genetic plain. The town is spread on an area of 21.33km². It is divided into 33 administrative wards.

GROWTH OF POPULATION

In the beginning of 20th century total population of town was only 4685(1901) and by the beginning of 21th century its population reached to 79393(2001) and in 2011 population became 102244. It shows that town's population recorded more than twenty folds growth rate comes to 18.94 percent.

During 1911-21 decade trend of population growth turned from positive to negative. The population of the town declined by 16.66 percent. Decline in population of the town was due to natural calamities. During this period there was frequent outbreak of plague and other epidemics. It destroyed the people in the large number. Epidemics followed by the two successive drought, floods and famines adversely affect the population of the town. After 1921 population of Aurangabad town continuously increased.

During 1971-81 decade Aurangabad town recorded the highest ever growth in its population. It witnessed 77.36 percent growth. Two important factors were responsible, firstly, horizontal expansion of the city occurred. The boundary of the town increased and the total area of the town increased by about 1.25 folds (1971-9.48km² to 1981-21.33km²). Several surrounding villages were incorporated in urban fold. Secondly, Aurangabad town which was sub-divisional headquarter of Aurangabad subdivision till 1973, became District headquarter of Aurangabad district. As a result its administrative functions increased Several folds. The collectorate Office, district court, banks, insurance, jail and many other associated offices came into existence. The commercial

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activities, construction work also increased. The town started attracting rural people from the surrounding villages. During 1981-91 decade population growth of Aurangabad town was 43.30 percent. It was 34.06 percent point less than previous growth. It indicated slow rate of rural-urban migration. During 1991-2001 decade the town witnessed 66.91 percent growth in its population. In 2001-11 decade the growth of population in this town declined to 28.78 percent. It indicated 38.13 percent point decline from the previous decade. From 1901 to 2011 i.e. during 110 years absolute number of population of Aurangabad town increased by 97559. It shows 2083.37 percent growth in its population.

Distribution of population:

There is much variation in distribution of population in Aurangabad town. The distribution of population within the town is governed by physical and functional characteristics of land and its antiquity. Density of population is the most important index of the distributional pattern in a region. It shows concentration of population in different parts of the town. Average density of population in Aurangabad town is 48 persons/hectare. However, intra town concentration of population is too high. Density of population is a function of two variables, namely population and area. Total population divided by total area of any geographical unit gives an idea of population density. In case of Aurangabad town its total population according to 2011 census is 102244 and total area is 2133 hectares. Aurangabad town is divided into 33 wards. Their area and population shows much variation which is given in table-1

Table - 1
Aurangabad Town : Ward-wise Area, Population Share and Density, 2011

Ward No.	Area (in Hectare)	Population	Density (Per hectare)	Share of Total Population
1	500	3629	7.3	3.55
2	71	4707	66.3	4.60
3	38	3845	101.2	3.76
4	184	3265	17.7	3.19
5	42	3494	83.3	3.42
6	29	3038	104.8	2.97
7	44	3648	82.9	3.97
8	43	3314	77.1	3.24
9	12	1896	158	1.85
10	22	3088	140	3.02
11	32	2729	58.3	2.67

12	20	3236	161.8	3.16
13	44	3497	79.5	3.42
14	19	5258	276.7	5.14
15	8	2736	342	2.67
16	8	3014	376.8	2.95
17	10	2253	225.3	2.2
18	19	1905	205.3	1.86
19	35	3901	111.5	3.81
20	37	3475	93.9	3.40
21	36	3424	95.1	3.35
22	25	2208	88.3	2.16
23	5	2550	510	2.49
24	6	3276	546	3.2
25	13	2221	170.8	2.19
26	18	2620	145.5	2.56
27	31	2651	85.5	2.59
28	104	2477	23.8	2.42
29	13	2397	184.4	2.34
30	24	3277	136.5	3.20
31	26	3989	153.4	3.90
32	235	2133	90.8	2.09
33	160	3101	19.4	3.03

Source : Census of India, Bihar, 2011 and Calculated by the Scholar.

It is apparent from table-1 that density of population in Aurangabad town is uneven. It ranges from 546 persons/hectares to 7.3 per hectare. The range of high and low is about 75 times. The range in area is about 83 times. In respect share of population in different wards the range is only 2.77 times. The highest density is found in ward number 24, followed by ward 23,16,15,14,17 and18. The lowest density of population is observed in ward-1 followed by ward-4,33,28,11,2,8 and 13. In other wards density is moderate to high. Area of very high density is located east of Ramesh Chowk and west of theAdri river. These localities are very close to commercial as well as administrative zones. The lowest density is found in the peripheral wards (Fig-1). In between the two extremes are found moderate density zone. Out of total density of population is above the average density of 88 persons/hectare and in 11 wards it is below the average.

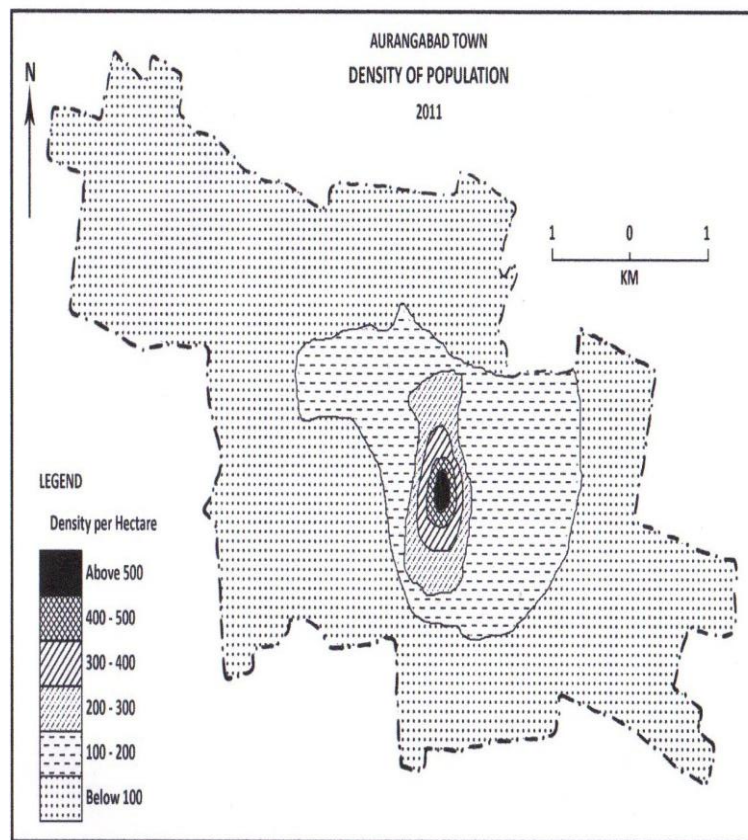


Fig. - 4.2

Figure-1 reveals that wards 24 and 23 from the nuclei of population concentration and from here density declines.

Ward-wise share of population

Like uneven distribution of population in different parts of the town, share in different wards also vary (table-1). It ranges from 5.14 percent in ward 14 to 1.85 percent in ward 9. The highest percentage in ward 14 is followed by ward 31(3.90%), ward 2(4.60%), ward 19(3.81%), ward 3(3.76%), ward 7(3.57%), ward 1(3.55%) and ward 5(3.42%). It is the lowest in ward 9(1.85%) followed by ward 18(1.86%), ward 32(2.09%), ward 22(2.16%), ward 25(2.17%), ward 17(2.20%), ward 29(2.34%) and ward 28(2.42%). Table-1 reveals that the highest density is not found in the ward where the highest number of population resides. Density is the product of population and area of wards.

Sex-Ratio:

Sex-Ratio is one of the important demographic characteristics of any region. It also constitutes one of the observable characteristics of population structure. It is an index of socio-economic condition prevailing in an area and an useful tool for regional analysis. ¹ The proportion of men and women in total population of a society have vital bearing, so far as it effects the labour supply

through marriage fecundity.² The sex is function of three basic factors : sex-ratio at birth, differential mortality of two sexes at the different stages of the life, and sex selectivity among the migrants.³ Thus sex-ratio is fundamental to the geographical analysis of an area for, they not only important analysis of landscape but influence the other demographic element significantly and as such provide additional means and material for analysing regional landscape.⁴ The sex-proportion also determines the number of workers and dependence.⁵

In Aurangabad town sex ration is in favour of male. It is 909 females per 1000 males. However, Intra-town variation in sex ratio is observed. It ranges from 737 females / 1000 males to 1024 females/1000 males. In ward 17 sex-ratio is in favour of females and it is 1024 females/1000 males. In ward 31 it is 989 followed by ward 25 (983), ward 23(977), ward 10(964), ward 13(962) and ward (956). The lowest sex- ratio is found in ward 8 (737) followed by ward 27(860), ward 22(866), ward 2(870), ward 18 (871) and ward 29(874).

Literacy:

Literacy is a positive quality of person and one of the most important determinates of quality of life. It is that quality of population which is fairly relative index of the socio-economic development of an area.⁶ It affects fertility, mortality, economic pattern, occupational structure as well as migration pattern. It is one of the important tools of poverty eradication, helps in understanding and development of civic sense.

Literacy rate in Aurangabad town is 86.02 percent .Male and female literacy rate is 90.65 percent and 80.44 percent respectively. There is inter-ward variation in literacy rate of Aurangabad town. Literacy in Aurangabad town ranges from 66.83 percent to 96.66 percent. It is the highest in ward 7(96.66%) followed by ward 11 (95.46%), ward 19(94.79%), ward 5(93.90%), ward 3(93.75%) ward 6 (91.63%) and ward 8 (91.15%). The lowest literacy rate is found in ward 29(66.83%) followed by ward 31(75.77%), ward 1(76.09%) ward 13(78.14%), ward 28 (79.29%) and ward 4 (80.17%). Average literacy rate in Aurangabad town is 86.02 percent.

Occupational Structure:

Occupational structure refers to person's trade or profession or work he/she engaged in. The study of working force reveals the nature of economy of the region whether it is agricultural , industrial or semi-industrial. It presents the level of economic development and also helps in determining the direction to which the entire process of planning of development can be followed.

Indian census has classified Indian population into two groups- economically active and economically inactive. Former includes that of the people of both the sexes which is activity engaged in production of economic goods or services. This section population is called workers. Workers are again divided into main workers and marginal workers. If a person has worked 183 days or more during the reference year, is treated as main worker. But if a person has worked less than 183 days during the reference year is treated as marginal

worker. Other than economically active population is treated as non-workers which include all such persons of both the sexes who are engaged in such activities like housewife in their own house or at their relative's place. Students, retired persons, pensioners etc.

Main and marginal workers, are further divided into cultivators, agricultural labourers, workers in household industries and other workers. This fourfold division was introduced in 1981 census and the same classification continued in 2011. According to 2011 census in Aurangabad town total number of workers is 26109 which accounts for 25.53 percent of total population. It includes both main and marginal workers. Main and marginal workers are 76.43 percent and 23.96 percent respectively. AS regard male and female workers it is 41.17 percent and 8.35 percent respectively. Following table shows ward-wise distribution of main and marginal workers.

Table - 2			
Aurangabad Town : Ward-wise Distribution of Main & Marginal Workers, 2011			
(Figures in percent)			
Ward No.	Total Workers	Main Workers	Marginal Workers
1	22.67	94.45	5.54
2	24.34	78.44	21.55
3	24.91	85.69	14.30
4	28.45	48.76	51.23
5	34.14	73.09	26.90
6	23.60	96.79	3.20
7	36.15	58.22	41.78
8	19.58	86.74	13.26
9	25.63	93.82	6.13
10	31.03	60.04	39.95
11	38.07	77.95	22.04
12	23.45	80.50	19.49
13	22.64	72.85	27.14
14	23.50	65.77	34.22
15	18.56	67.32	32.68
16	25.11	72.59	28.40
17	23.56	92.09	7.90
18	22.41	60.88	39.11
19	24.58	86.44	13.15
20	22.64	67.09	32.90
21	25.05	90.32	9.68
22	28.03	87.72	12.28
23	25.01	90.43	9.57

24	25.18	61.09	38.91
25	23.63	88.19	11.81
26	23.01	93.02	6.98
27	23.19	75.93	24.07
28	19.78	65.51	34.49
29	29.53	52.96	47.04
30	23.83	90.26	9.74
31	25.99	86.21	13.79
32	31.12	57.68	42.32
33	28.76	77.86	22.14
Total	25.33	76.04	23.96

Source: census of India, Bihar, 2011.

Table-2 reveals that workers in Aurangabad town is not uniformly distributed. It ranges from 18.56 percent to 38.07 percent. The highest percentage of workers is concentrated in ward 11(38.07%) followed by ward 7 (36.15%), ward 5 (34.14%), ward 32 (31.12%), ward 10 (31.03%), ward 24 (29.53%), ward 4 (28.45%) and ward 22(28.03%). The lowest percentage of workers is found in ward 15 (18.56%) followed by ward 8(19.58%), ward 28(19.78%), ward 18 (22.41%), ward 20 and 13 (22.64%) each and ward 1 (22.87%). As regard main workers it is the highest in ward 6 (96.79%) followed by ward 1 (94.45%), ward 9(93.82%), ward 26 (93.20%), ward 17 (92.09%), ward 23 (90.43%) and ward 21 (90.32%) The lowest percentage of main workers is visible in ward 4 (48.76%) followed by ward 29 (52.96%), ward 32 (57.68%) ward 7 (58.22%), ward, ward 10 (60.04%), ward 18 (60.88%) and ward 24(61.09%).

As regard marginal workers it is the highest in ward 4 (52.23%) followed by ward 29 (47.03%), ward 32 (42.31%), ward 7 (41.77%), ward 10(39.95%) and ward 24 (38.90%). The lowest percentage of marginal workers is found in ward 6 (3.20%) followed by ward 1 (5.54%), ward 9 (6.17%), ward 26 (6.79%), ward 17 (7.90%), ward 23 (9.56%) and ward 21 (9.67%)

Conclusion:

Aurangabad was class II town till 2001 when its total population was only 79393. It attained the status of class I town in 2011 when its population reached 102244. Average density of population in the town is 47.9 persons per hectare. It is not uniform throughout the town and it ranges from 546 in ward 24 to only 7.3 persons per hectare in ward 1. Average sex-ratio in Aurangabad town is 909 females/1000 males. It varies from one part to another. The highest sex-ratio is observed in ward 17. Here sex-ratio is in the favour of female. It is 1024 females/1000 males. The lowest sex-ratio is found in ward 8, here it is 737 females/ 1000 males. Literacy rate in the study area is considerably satisfactory and it reached 86.02 percent. In some parts it has reached above 96 percent (ward 7) but in many parts it is less than the average. It is only 66.83 percent in

ward 29. There is variation in literacy rate in male and female. Average male and female literacy rate is 90.65 and 80.94 percent respectively. The highest male literacy rate has reached 98 percent in ward 7 and it is the lowest in ward 29 (72.74%). As regard female literacy it is the highest (94.94%) in ward 7.

Literacy and caste structure effect the occupation of the people. According to 2011 Census report 25.53 percent of total population in the town are workers. It includes both main and marginal workers and their share is 76.04 and 23.96 percent respectively. As regard male and female workers it is 41.17 and 8.35 percent respectively. Inter-ward variation in workers ranges from 18.56 percent to 38.07. Total workers are divided into cultivators, agricultural labourers, workers in household industry and other workers. In Aurangabad town 6.48 percent workers are cultivators, 7.23 percent agricultural labourers, 5.62 percent workers in household industry and 80.67 percent other workers. Workers in agriculture sector are concentrated in peripheral wards, where agricultural activity is in practice. In older parts of town non-agricultural activities dominate. These demographic and socio-economic characteristics influence need of the utility services in the town. For, example the poor are least concern to environmental quality while elites are the most concern to it. Similarly there is high demand of utility services like potable water, electricity sewer and drainage etc. by the people of high socio-economic class.

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“Role of Judiciary in Empowerment of Women”

*Vimal Kishor**

INTRODUCTION

The Indian judiciary comprising the High courts and supreme court have time and again delivered judgments and orders that uphold the right and dignity of women in the country. The progressive judgment delivered by these courts since independence have helped and sometime persuaded the Indian executive and the legislature to frame laws to uphold women’s right. India is one of the few countries in the world with maximum number of laws that protect women and empower them. The Indian constitution through Fundamental rights, fundamental duties, Directive principles guarantees equal right to all citizens. In fact there are several provisions in the constitution that embody the spirit of gender equality and lay a ground for framing policies, mechanism, safeguards, and programs for protection and more importantly empowerment of women in the country. The Indian constitution upholds women’s right through right to equality, right to life with dignity and right to freedom from discrimination. In addition there are several laws that ensure protection of women right and dignity. When a judicial body delivers an order that order becomes binding on the parties. In this manner the judiciary plays a crucial role in interpreting the law to uphold women’s right, providing a lawful impetus to the law making bodies in framing laws that protect women and setting precedents for lower courts and guiding them to deliver such judgment. There are countless judgment that have positively influenced the women rights movement in India and upheld the constitutional rights affecting different spheres of a women’s life.

Landmark Judgments With Respect To Women Empowerment

There are countless in cases, which were fought to provide justice to one woman, continue to bring hope to several women facing circumstances that undermine their dignity and their fundamental right to equality. Few of the are being cited herein after-

• **Vishaka Vs State of Rajasthan¹**

Bhanwari Devi, a social worker from Rajasthan, was brutally gang-raped by five men for preventing a child marriage. Determined to seek justice, she decided to go to court. In a shocking decision, the trial court acquitted all five accused. Vishaka, a Group for Women’s Education and Research, took up the cause of Bhanwari Devi. It joined forces with four other women’s organisations, and filed a petition before the Supreme Court of India on the issue of sexual harassment at the workplace. On August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women.

• **Mary Roy Vs State of Kerala²**

Women from the Syrian Christian community in Kerala were prevented from inheriting property due to patriarchal traditions. This decree was challenged by Mary Roy, a woman's right activist and educator. After the demise of her father, she filed a case against her elder brother when she was denied equal share in the family's inheritance. Though the plea was rejected by the lower court, the Kerala High Court overruled the previous judgment. In 1986, the Supreme Court

delivered a landmark judgment that granted Syrian Christian women the right to seek an equal share in their father's property.

• **Lata Singh Vs State of Uttar Pradesh**³

Lata Singh was an adult when she left her family home to be joined in matrimony with a man from a lower caste. Her brothers, who were unhappy with the alliance, filed a missing person report, and alleged Lata had been abducted. This resulted in the arrest of three people from her husband's family. In order to get the charges dropped, Lata Singh filed a petition which resulted in the landmark judgment by the Supreme Court that allowed an adult woman the right to marry or live with anyone of her choice. The court further ordered that the police initiate criminal action against people who commit violence against those who decide on inter-religious or inter-caste marriages.

• **Roxann Sharma Vs Arun Sharma**⁴

Roxann was involved in a bitter child custody battle with her estranged husband. A

1. (1997) 6 SCC 241

2. **1986 AIR 1011, 1986 SCR (1) 371**

3. **(2006) 5 SCC 475**

4. **(2015) 8 SCC 318**

court in Goa granted her interim custody of their child, but Arun Sharma whisked their son away and refused to let Roxann meet the child. She filed a case against him, which led to the landmark judgment pronounced by the apex court regarding children caught in a legal battle between parents. The Supreme Court ruled that when estranged parents are involved in a legal tussle over the custody of a child who is under the age of five years, the custody of the child will remain with the mother.

• **CYBER LAW CASE**⁵

This case led to the first conviction under the Information Technology Act, 2000. The victim was being harassed by the accused, SuhasKatti, when she refused to marry him. He would send defamatory and obscene messages to her online in a Yahoo message group. To add to her agony, she began to receive phone calls from unknown people soliciting sex work. The victim filed a complaint in February 2004, and within seven months the accused was convicted. In an age of merciless trolls and other forms of online harassment, this judgment acts as a tool that woman can use to safeguard their dignity.

• **Laxmi Vs Union Of India**⁶

In 2006, Laxmi, an acid attack victim, filed a petition seeking measures to regulate the sale of acid and provide adequate compensation to the victim. Taking cognizance of the number of cases relating to acid attacks against women on the rise, the Supreme Court imposed stringent regulations on the sale of acid in 2013. The ruling banned over the counter sale of acid. Dealers can sell the acid only if the buyer provides a valid identity proof and states the need for the purchase. It is mandatory for the dealer to submit the details of the sale within three days to the police. It also made it illegal to sell acid to a person below 18 years.

• **CEHAT⁷ Vs Union of India**

With the advent of pre-natal diagnostic techniques that could determine the sex of a fetus, the growing trend of aborting female fetuses was observed. In a bid to curtail female feticide, the government of India issued the PNDT Act in 1996. The provisions of the PNDT Act, however, were not being effectively

implemented by the state and central government. The Centre for Enquiry into Health and Allied themes

5. Tamil Nadu Vs Suhas Katti

6.2014 4 SCC 427

7. Centre for enquiry into Health and Allied themes

filed a petition which led to the Supreme court directing the Central and State governments to enact the provisions of the act immediately, and banned all advertisements relating to pre-natal sex determination techniques.

• Termination of 24-week old pregnancy permitted on account of abnormal fetus⁸

The petitioner, a rape survivor, who wished to remain unidentified, approached the Supreme Court seeking permission to abort her 24-week abnormal fetus. The petition challenged the 46-year-old Maternal Termination of Pregnancy Act that does not permit abortion of a fetus after 20 weeks. The Supreme Court ruled in favour of the petitioner after the medical board submitted a report stating that continuing with the pregnancy would put the mother's life at risk.

• Joseph shine vs the union of india

In this case the Supreme Court declared decade old provision of adultery as unconstitutional by its historic judgment while adopting the principle of equality held that women are not the property of the husband.

Impact Of Judgment

The landmark judgment passed in Vishakha case not only proposed guidelines to alleviate the problem of sexual harassment rather compel the government to think on the need to have a legislation on the prevention of sexual harassment against women. The govt. finally enacted The sexual harassment of women at workplace (prevention, prohibition, and redressal) Act 2013 commonly known as sexual harassment Act 2013 to prevent the sexual harassment against women.

In case of Latasingh in its judgment Supreme court clearly held that once a person becomes major, he/she can marry whosoever he wants. So every person on the country has a right to marry anyone of his/her choice and it comes under the preview of Article 21 of the constitution. The right to marry is universal right and it is available to everyone irrespective to their gender.

In Roxann case which dealt custody of child the supreme court held that both the father and mother have equal right to get the custody of child but in the case where child is under age the mother will get the custody considering the welfare of the child as their main objective to achieve.

8. (2003) 10 SCALE 11 (2003) SCC 412

After the judgment in Laxmi VS UOI the parliament compelled to bring vital changes in the existing legislation. viz

- The amendment was made in the Code of Criminal Procedure, 1973 through which Section 357-A was inserted by the Act-5 of 2009 requiring every state government, in coordination with the central government, for the purpose of compensation to the victim or their dependents, to prepare a scheme for providing funds who have suffered loss or injury as a result of the crime.
- Amendment was made in Indian Penal Code and two sections were added that is 326 A and 326 B which specifically dealt with acid attack.
- Victim compensation scheme got notified in all states and union territories of India.
- Direction was issued by the Supreme Court regarding the minimum compensation of Rs. 3,00,000/- per acid attack victim to be given by all States and Union Territories of India.

- No hospital or clinic can refuse treatment by making excuse of lack of specialisation facilities and if any private hospital of government hospital, the acid attack victim can take further legal action.
- Supreme Court of India also directed to State/Union Territory to State/ Union Territory Legal Services Authority to give wide and adequate publicity of victim Compensation Scheme in the concerned State/ Union Territory so that each acid attack victim can take the benefit of the scheme.
Moreover the Nirbhaya case in which a victim of rape brought a compelling situation for government to rethink over the existing law which was proven inefficient in curbing the crime against women and consequently after recommendation of law commission headed by justice verma govt. brought various amendments in the criminal law of India. Consequently criminal law amendment Act 2013 was passed which brought various changes in existing legislation. viz
- new offences such as stalking, acid attacks, and voyeurism were added into the definition of rape.
- Even the threat of rape is now a crime and the person will be punished for the same.
- The minimum sentence was changed from seven years to ten years considering the increase in the number of rape cases.
- In cases that led to the death of the victim or the victim being in a vegetative state, the minimum sentence was increased to 20 years.
- The character of the victim was totally irrelevant to rape cases and it doesn't make any difference in granting punishment for the crime.
- Since one of the accused in this case was a juvenile, another flaw in the system was identified after this case. So, the age for being tried as an adult for violent crimes like rape was changed from 18 to 16 years, that to the Juvenile Justice Act, 2015.
- There was also the inclusion of registering complaints and medical examination. The report categorically mentioned, Any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed.
The post nibhaya case Changes in the Indian Penal Code, 1860 also by Inserting Section 166A which covers the offence of Disobedience of law by a public servant. After the amendment Act, it is made punishable with rigorous imprisonment for 6 months to 2 years and liable to fine.
Apart from this the following sections also inserted like
- Insertion of Section 326A and B which cover the issue of Acid attack. The amendment Act has made it a Specific Offence under the act, punishable with 10 years Imprisonment extendable to life imprisonment or fine or both.
- Insertion of Section 354A which deals with Sexual harassment and punishment for the same.
- Insertion of Section 354B which covers the offence of compelling a woman to remove her clothes.
- Insertion of Section 354C which covers the offence of Voyeurism i.e. watching a woman when she is engaged in some private act including sexual acts or when her private parts are exposed.
- Insertion of Section 354D which covers the offence of stalking.
- The Age of consent has been enhanced from sixteen years to eighteen years.

- The definition of rape has been widened after the Nirbhaya Case.
- The Amendment Act has included more actions under the purview of what constitutes rape such as unconsented penetration of mouth, urethra, vagina, anus with the penis or other objects by anyone and unconsented application of mouth to vagina, urethra and anus.
- Insertion of Section 376 (2)(c) which covers the offence of Rape by personnel of armed forces.
- Insertion of Section 376A which deals with the Rape resulting in death or vegetative state.
- Insertion of Section 376D which deals with the crime of Gang rape.
- Repetition of offences is punishable with life imprisonment or death.
- Employment of a trafficked person can also attract penal provision as well.
- It has also been clarified that penetration means penetration to any extent, and lack of physical resistance or any sort of other resistances is immaterial for constituting the offence of rape.

Conclusion

The above verdict with respect to women clearly shows that the status of women has been striving since time immemorial and still it is striving with a motto to have a status of equality in the society but unless the male dominated mentality will be prevailing in the society the struggle for equal status in the society can never be achieved, and women will be subject to exploitation on each corner of the society. The entire legislation goes in vein when it is not fully executed and no law can protect anybody unless he/she raises his/her voice for their protection. Though women have been shouldering at par with the male counterpart in every sphere but their number is less their representation is minimal despite being the fact that they constitute half of the population.

Suggestion

From the above discussion it can be suggested to the entire stakeholder who strongly professes the equal status of women and equal protection, will have to work on the eradication of the illiteracy among the girl child because without being educated the women cannot be benefited or protected in the society. The education is the key to learning about one's right and duties and without the knowledge of one's right it is worthless to talk about its protection. Apart from education the independency among the women must be taught right from early stage which will enable the girl to fight against all the odds.

Doctrine of Judicial Review in India: Indian Constitutional Law and Philosophy

*Dr. Kumar Balwant**

Introduction

Post-independence, the insertion of definitive provisions for 'judicial review' in the Indian Constitution was necessary to facilitate assured individual and group rights. Dr. B.R. Ambedkar, had characterized judicial review as the 'heart of the Constitution'. Judicial review is recognized as a necessary and a basic requirement for construction up of a novel civilization in order to safeguard the liberty and rights of the individuals. The power of judicial review is significantly vested upon the High Courts and the Supreme Court of India.

Under Article 13 of the Indian Constitution, the compulsion of judicial review was described in fundamental rights in Part III. It is stated that the State or the Union shall not make such rules that takes away or abridges the essential rights of the people. If any law made by the Parliament or the State Legislature contravenes the provisions of this Article, shall be void¹. Article 13(2) of the Constitution of India prescribes that "the Union or the States shall not make any law that takes away or abridges any of the fundamental rights, and any law made in contravention of the aforementioned mandate shall, to the extent of the contravention, be void".

Judicial Review: Meaning

Judicial Review can be understood as a form of court proceeding, usually in the Administrative Court where the lawfulness of a decision or action is reviewed by the judge. Where there is no effective means of challenge, judicial review is available. The concern behind Judicial Review is that whether the law has been correctly applied with and right procedures have been followed².

The matter of Judicial Review of India was discussed for the first time in *Emperor v. Burah*³, where the Court adopted the view that the Indian courts had power of Judicial Review subject to certain limitations.

The role of Judicial Review in Indian Constitution is to protect/provide liberty and freedom of the people. Some Indian thinkers have observed that the scope of Judicial Review in India is very limited, and the Indian Courts do not enjoy as wide jurisdiction as the courts in America. American courts opined that due to

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¹https://shodhganga.inflibnet.ac.in/bitstream/10603/134458/3/012_%20constitution%20of%20india%20and%20judicial%20review.pdf.

²https://publiclawproject.org.uk/wp-content/uploads/data/resources/6/PLP_Short_Guide_3_1305.pdf.

³ *Emperor v. Burah*, ILR, Calcutta, 63 (1877).

the 'Due Process' clause they have wider scope whereas in India the scope of Judicial Review is narrower⁴.

The merits of judicial review in democracy have been enumerated by B.K. Gokhale.⁵

1. Judges are competent to make judicial review by virtue of their knowledge and experience.
2. Courts are less bias than legislatures.
3. It guarantees the rights of minorities.
4. It protects the rights of individual and also those of the Federal units in a federation.

Judicial Review And Constitutional Provisions

In Indian legal system, unlike in the British system, the power of judicial review is embodied in the written constitution itself. The Constitution confers the right to the power of issuing writs to the Supreme Court through Article 32 for the violation of fundamental rights. Power is also given to the Supreme Court under Article 136 to grant special leave for appeal against the orders of the tribunals. Regarding the High Courts, the power of writ has been conferred through the Article 226.

In order to scrutinize the legitimacy of administrative action and the statutes, the Constitution of India has given influences to the Higher courts and the Supreme Court of India. To guard the rights of public and implement the fundamental rights are the main objects of judicial review. If any difficulty arises between State and Center relation, then Article 246 and the Schedule 7 of the Constitution has marked the working zone for the regulation construction between both State and Center.

Judicial review in India has evolved in three dimensions:

1. To protect the legality of essential rights under Part III of the Indian Constitution.
2. To authorize the disinterest of organizational achievement.
3. Interrogation of public interest.⁶

Article 13 of the Indian Constitution

Laws inconsistent with or in derogation of the fundamental rights

1. All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void (2) The State shall not make any law which takes away or

⁴ Kagzi, M.C.J., *The Constitution of India*, Metropolitan, Delhi, 1958, pp. 85- 86; (ii)

Pylee, M.V., *Constitutional Government in India*, Asia Publishing House, Bombay, 1965, p. 501.

⁵ B.K. Gokhale, *Political Science*, A.K. Sheth & Co. Bombay-2, 1964, p. 886

⁶ https://shodhganga.inflibnet.ac.in/bitstream/10603/134458/3/012_%20constitution%20of%20india%20and%20judicial%20review.pdf.

abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void

2. In this article, unless the context otherwise requires law includes any Ordinance, order, bye law, rule, regulation, notification, custom or usages having in the territory of India the force of law; laws in force includes laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas
3. Nothing in this article shall apply to any amendment of this Constitution made under Article 368 Right of Equality.⁷

Judicial Review In India

Judicial review plays an important role as a protector when the executive, judiciary and legislature harm the Constitutional values and deny the rights. The judicial assessment is considered as an indispensable feature in the country. In India, there is parliamentary form of democracy where every section of people is involved in decision making and policy making process. It is true that the primary duty of the court to apply rule of law and is the groundwork of social equality. By exercising new powers of Parliament, rule of law which is to be applied by the court cannot be modified. All those here, who are doing public duty, are accountable. They have to work within the democratic provisions of the Constitution of India. The concept of separation of power and rule of law is judicial review. The influence of judicial assessment has been so long under Articles 226 and 227 in case of High Court and Articles 32 and 136 of the Constitution of India for the review.⁸

Mechanisms of Judicial Review

In India, three aspects are covered by judicial review that are as follows:

1. Judicial review of legislative action
2. Judicial review for judicial decision
3. Judicial review of administrative action

These facets of judicial review were pronounced by the Supreme Court of India in case of *L. Chandra Kumar v. Union of India*⁹, stating that the judges of higher court have to interpret legislation up to this end that the Constitutional values are not to be interrupted. To achieve this end, the judges have to keep in mind that the equilibrium of control, specified in the Constitution is not disturbed.¹⁰

⁷ <https://indiankanoon.org/doc/134715/>.

⁸ https://shodhganga.inflibnet.ac.in/bitstream/10603/134458/2/011_%20judicial%20review%20an%20indian%20perspective.pdf.

⁹ (1997) 3 SCC 261.

¹⁰ https://shodhganga.inflibnet.ac.in/bitstream/10603/134458/2/011_%20judicial%20review%20an%20indian%20perspective.pdf.

The concept of Judicial Review has its foundation on the following Constitutional principles:

1. The Government that cannot satisfy the 'governed', the legitimacy of its action cannot be expected to be considered legitimate and democratic and such Government also cannot expect to receive the confidence and satisfaction of the governed.
2. The Government in a democracy is a Government of limited powers, and a Government with limited powers has to take recourse to machinery or agency for the scrutiny of charges of legislative views and Constitutional disobedience, and such act of scrutiny can be done impartially and unbiased only by the court.
3. Each citizen in a democracy, who is aggrieved of a legislative act on the ground of Constitutional violation, has the inherent right to approach the court to declare such legislative act unconstitutional, and void.
4. In a federal State, judicial arbitration is inevitable in order to maintain balance between the Centre and the State.
5. Where the Constitution guarantees the fundamental rights, legislative violation of the rights can be scrutinized by the court alone.
6. The legislature being the delegate and agent of the sovereign people has no jurisdiction and legal authority to delegate essential legislative function to any other body.

Grounds for Judicial

Review Judicial review is central in dealing with the malignancy in the exercise of administrative power. Outsourcing of legislative and adjudicatory powers to the administrative authorities as an imperative of modern system of governance has brought the law of judicial review of administrative action as prime focus. Law dealing with judicial review of administrative action largely judge-induced and judge-led, consequently thickets of technicalities and inconsistencies surround it. Anyone who surveys of judicial review finds that the fundamental on which courts base their decisions include Rule of law, administrative efficiency, fairness and accountability. These fundamentals are necessary for making administrative action 'people-centric'.

Courts have generally exhibited a sense of self-restraint where judicially manageable standards do not exist judicial intervention¹¹. However, "self-restraint" is not the absence or lack power of judicial review. Courts have not hesitated, in exceptional situations, even to review policy matters and subjective satisfaction of the executive.

Generally, judicial review of any administrative action can be exercised on the following grounds:

¹¹ *Essar Oil Ltd v. HalarUtkarshSamiti*. (2004) 2SCC 765 Of SCC 392; *N.D. Jayal v. UOI* (2004) 9 SCC 362; *Hira Tikoo v. UT Chad* (2004) 6 SCC 765; *State of Karnataka v. Dr Praveen Bhai Togadia* (2004) 4 SCC 684; *E.V Chinnaiah v. State of A.P.* (2005) SCC 394

- (i) Illegality
- (ii) Irrationality
- (iii) Procedural Impropriety /Fairness

These grounds of judicial review were developed by the Lord Diplock in Council of Civil Services Union v. Minister of Civil Services¹². Though these grounds of judicial review are not exhaustive and cannot be put in water tight compartments yet these provide sufficient base for the courts to exercise their review jurisdiction over administrative action in the interest of efficiency, fairness and accountability.

Objects of Judicial Review

The ultimate authority to decide upon legality of administrative discretion lies with the courts. The objects of Judicial Review –

1. To declare the laws unconstitutional which are not in conformity with the constitution
2. To defend the valid laws and actions which are challenged to be unconstitutional
3. To protect and uphold the constitution by interpreting its provisions and to apply to the changing conditions of life.
4. To save the legislative function of the legislature being encroached by the other departments of the Government.
5. To check the actions of Central legislature and State legislatures from delegating the essential legislative functions to the executives or to check the Central legislature from delegating its legislative powers to the State legislature.¹³

Judicial Review and Related Judicial Pronouncements

Shankari Prasad v. Union of India¹⁴: It was held by six judge bench, five judges not agreed to amending the essential rights under the Indian Constitution. However, in case of Keshavanand Bharti v. state of Kerala where six judges out of seven judges held that Parliament modifying influence has and at all portion of the Constitution can be amended and over ruled the Golaknath case. The Supreme Court held that the essential rights cannot be modified in such a method, which will touch the elementary construction of the Constitution.

In the land mark judgment of Keshavanda Bharathi v. State of Kerela¹⁵, the apex court of India the propounded the doctrine of basic structure according to which it said that the legislature has power to amend the Constitution, but such amendments shall not change the basic structure of the Constitution, The Constitutional bench made no attempt to define the basic structure of the Constitution. S.M. Sikri, C.J mentioned five basic features:

¹² (1984) 3 All ER 935(HL) ; (9185) AC374 (CCSU Rules)

¹³ ChakradharJha, Judicial Review of Legislative Acts, 2ndEdn., 2009, Lexis NexisButtrworthsWadhawa at p.195.

¹⁴ AIR 1951 SC 458.

¹⁵ AIR 1973 SC 1461

- i) Supremacy of the Constitution.
- ii) Republican and democratic form of Government.
- iii) Secular character of the Constitution.
- iv) Separation of powers between the legislature, the executive and the judiciary.
- v) Federal character of the Constitution.

Justice Sikri observed that these basic features are easily distinguishable not only from the Preamble but also from the whole scheme of the Constitution. He further added that the structure was built on the foundation of dignity and freedom of the individual which undoubtedly cannot be amended. It was also observed in that case that the above are only illustrative and not exhaustive of all the limitations on the power of amendment of the Constitution. The Constitutional bench in *Indira Nehru Gandhi v. Raj Narain*¹⁶ held that Judicial Review in election disputes was not a compulsion as it is not a part of basic structure.

In *S.P. Sampath Kumar v. Union of India*¹⁷ Justice P.N. Bhagwati, C.J., relying on *Minerva Mills Ltd.* ((1980) 3 SCC 625.) stated that it was well settled and established that judicial review was a basic and essential feature of the Constitution. If the power of judicial review was absolutely eliminated, the Constitution would lose its basic structure and independence. In *Sampath Kumar*, the court further stated that if a law made under Article 323- A(1) were to exclude the jurisdiction of the High Court under Articles 226 and 227 without setting up an efficient and effective alternative institutional mechanism for judicial review, it would be violative of the basic structure and hence, outside the constituent power of Parliament.

I. R. Coelho v. State of Tamil Nadu¹⁸: This case was seen from *Keshvanand Bharti* case in which the cases like *Chandra Kumar v. Union of India* and others (1997), *Waman Rao and others v. Union of India* and others (1981), *Minerva Mills Ltd. and others v. Union of India* (1980), *Indira Nehru Gandhi v. Raj Narnia* (1975), where judicial review was considered as essential and integral Part of the Constitution of India.

Mitthu v. State of Punjab¹⁹: The Supreme Court of India has struck down Section 303 of Indian Penal Code, 1860. This section had made death sentence mandatory. In case Article twenty-one of the Indian Constitution was illustrated by the S.C.I. complete its frequent pronouncement.

P.U.C.L v. U. O. I.²⁰: The Indian Supreme Court, in its historical verdict stated that to disregard or disobey the decision given by the court, the lawmakers of

¹⁶ 1975 Supp SCC

¹⁷ (1987) 1 SCC 124 at 128

¹⁸ AIR 2007 SC 861.

¹⁹ AIR 1983 SC 473.

²⁰ AIR 1997 SC 568.

India have no power to ask for the instrumentality, if the legislature has influence over the subject matter.

Conclusion

If we have organisations that operate that way, an organisation that is comprised of individuals concerned with enhancing rights, they will have to do so by treating all in society with equal regard and respect. In this way, both the majority and the minority will benefit from political decisions. Individuals in society are likely to accept the decisions made here; and this is because the wishes and preferences of individuals in society must be taken into account in one way or the other, because the decision-making body is one that deals with any little detail that affects society.

Though it is a fact that power to review is very important, at the same time absolute power to review cannot be granted and by observing judicial review as a part of basic feature of the Constitution, courts in India have given altogether a different meaning to the theory of Checks and Balances. This also means that it has buried the concept of separation of powers, where the judiciary will give itself an unfettered jurisdiction to review anything and everything that is done by the legislature.

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Emerging Trends of Hate Crime in Contemporary Indian Society: A critical analysis of nexus between prejudice and hatred

Anil Prakash Gautam*

Abstract

*Hate Crime is a crime usually involving violence, which is motivated by prejudice on the basis of Religion, Caste, Race, Ethnicity, Gender, etc. "Hate crimes are **criminal acts motivated by bias or prejudice towards particular groups of people**. To be considered a hate crime, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias" (ODIHR). In the last few years, India has witnessed a number of hate violence consistently in the form of mob lynching. Many lost their lives in these incidents. Most of victims in these type of violence were either from religious minorities or suppressed class of Indian society. In this research paper, attempts have been made to know the main cause of mob lynching, sudden rise in lynching and perception of people towards minorities and traditionally stigmatized groups in India.*

Given the power of hate crime and its potentially wide-ranging consequence, the aim of this paper is to shed light and draw attention on some of the essentials at the core of this phenomenon and processes of religious hatred. In fact, the aim of the paper is to provide insights into the impact of religious prejudice in forming hatred in society and the role of religion in shaping hatred. Role of media in reporting this type of incidents and how social media used to incite these crimes at large scale. All these dimensions are incorporated and have been looked at through the prism of sociological perspective with reference to India.

Keywords: *Hate crime, prejudice, religion, mob lynching, hatred, social media.*

Introduction: - Hate Crime is a crime usually involving violence, which is motivated by prejudice on the basis of Religion, Caste, Race, Ethnicity, Gender, etc. "Hate crimes are **criminal acts motivated by bias or prejudice towards particular groups of people**. To be considered a hate crime, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias" (ODIHR). In the last few years, India has witnessed a number of hate violence consistently in the form of mob lynching. Many lost their lives in these incidents. Most of victims

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in these type of violence were either from religious minorities or suppressed class of Indian society. The increasing prevalence and intensity of hate crime can be understood in light of the following events.....

Emerging Trends of Hate Crime in India: - In India, the rate of hate crime has increased rapidly in the last few years, sometimes it appears in the form of caste oppression and sometimes in the horrific form of mob lynching. Currently two major trends of hate crime can be seen in Indian society, religious and political. It's wider impact on Indian society ruining the soul of "unity in diversity" and making the citizens of India suspicious towards each other among various identities which makes it difficult for the welfare of people, which produces barriers in the path of inclusiveness. Sometimes hate crime is directed at a particular individual, but sometimes at a group of people, or even an entire community. As a result, the gravity of the reactance of hate crime is in a direct correlation with and heavily depend on its subjected target. So we can say that on personal level every single person need respect and affection to survive happily in society keeping in mind that people have this natural tendency that need to be respected and treated with dignity, when any person become a target of hate speech, the harm done inevitably is in major form of instant psychological injury (emotional torture) with the possibilities of bodily attacks and physical injuries not being entirely excluded either. In some cases due to influential power of perpetrators, victims of hate motivated crimes forced to defend the dignity, integrity and wellbeing of culprits as a result the hurt can lead to various forms of psychosomatic states and disorders, few of them definitely being depression, maniac, mental retardants, which can completely smash not only the victim's life but also the lives of their belongings and dear one's. The wider and ferocious impact of hate crime on Indian society can be seen in the form of following incidents which took place recently in last few decades.

Events with religious trends:-

Dadri mob lynching, 28 September 2015: probably the first case of mob lynching was seen in Dadri, Uttar Pradesh, India in which a mob of villagers attacked the home of 52 years old Mohammad Akhlaq on suspicion of slaughtering a cow in which he was murdered. The attack took place at night in Bisra village near on 28 September 2015. Crowds consisting of local villagers attacked house of Akhlaq with sticks, bricks and knives, saying they suspect him of stealing and slaughtering a cow calf. In the attack, 52 years old Mohammad Akhlaq died and his son, aged 22 years Danish, was seriously injured. An Indian court later found at first sight evidence of meat that could be either mutton or beef, and ordered to file a FIR against the slain Mohammad Akhlaq. Later, a forensic lab in Mathura proved that it was cow meat. The then state government changed the original report and concluded that it was not storing beef for consumption.

Kasamari mob lynching, 30 April 2017: This incident of mob lynching took place due to suspicion of cattle thieves. Two young cousins of neighboring

village of Naramari, Nagaon district, Assam a Muslim-dominated village, the two childhood friends Riyazuddin Ali and Abu Hanifa had left their homes early that morning to fishing. After the sudden rose of rumor that they were cow thieves, a mob of a few hundred men gathered, chased down the boys and lynched them. Their bodies have been received by the families at Nagaon's Bhogeswar Phulkanani Civil Hospital later that day. Their eyes had been gouged out, ears cut off, knife wounds on their faces, all these acts indicates the brutality of the incident that people have a bias towards the religious identity of the victims.

Ramgarh Cantonment Market mob lynching, 27 June 2017: Alimuddin Ansari a resident of Manuwa village, Giridih district, Jharkhand was professionally a coal-trader who had been lynched by cow vigilantes, accusing him of transporting beef in his van. This incident took place in the busy area of Ramgarh cantonment marketplace. On that morning Ansari left home in his maruti van. An hour later, his younger son Shahban received a whatsapp forward of a video of his father being lynched by a mob of youngsters or cow vigilantes. Shahban drove to lynched place to save his father, but crashed some distance from his home. He called his elder brother Shehzad, who immediately set out for Ramgarh along with his mother but can't save his father's life.

Mangalore City mob lynching, 24 August 2014: Abdul Shameer left his home at Uppala village, Kasargod district, Kerala for driving a tempo to transport old cattle that had been sold for slaughter. On that day when he was driving the tempo loaded with old cattle into the Mangalore city. Suddenly, he found his way blocked by a yellow bus from which members of Bajrang Dal getting down armed with trishuls and rods, shouting terrifying slogans. Abdul was so frightened to run away his window of the tempo has been crushed by them and dragged him out and attacked him. He recalled many strangers to save him but all wasted. One man of the group pierced his skull with a sharp trishul, he fell unconscious and remembers nothing after that. Abdul was unconscious for many weeks. When he regained consciousness, he could not recognize even his children, and unable to stand or walk. When he get discharged from hospital, his wife tended to him night and day, carrying him in her arms like he would a child. Due all these cares and efforts he survived but justice eludes him. Some of the men who were arrested for attacking him were on bail very soon. Following a pattern that we found recurring throughout the country, the police also registered crime against Abdul under the Karnataka Prevention of Cow slaughter and cattle preservation Act, 1964 but he escaped arrest by applying for anticipatory bail.

Another act of hate crime took place in Navoor village about 25 km away from Uppala village in Karnataka on 12 November 2015. Harish Poojary, a 26-year-old young Hindu boy, lost his life because of suspicion of being a Muslim. On that day, he took a day off to celebrate the picnic with his friends. Later that evening after returning from the picnic, he went out again to buy some milk for tea but never returned. Her mother, Seethamma, was with concern to

herself. The next night her son was brought home dead, he was stabbed multiple times. She couldn't understand who would have done this to her son and why. The family initially assumed that the killers were Muslims. But the story, which was later examined and pieced together, has revealed that when Harish was returning from the shop, his close friend Samiullah, a Muslim, was passing by on his bike and offered to leave him home. It was a three-minute ride. On the way, a group of Bajrang Dal youths attacked them with knives. Samiullah, however, was badly injured but survived. Harish was stabbed 14 times and his intestines were ejected. Later, the police arrested Bajrang Dal activists Mithun Poojary, Bhuvith Shetty, Achyut and Raviraj on charges of murder. Two months after the son's death, his father was heartbroken. All this was caused by religious prejudice, hate crime and motivation, which devastated family happiness and forced them to live in unbearable pain and suffocation.

Alwar mob lynching 1 April, 2017: The victim was a 55-year-old resident of Nuh tehsil of Mewat, Jaisinghpur village Pehlu Khan. On March 31, he left for his village Jaipur to buy dairy cattle. Pehlu Khan was one of only 10 dairy farmers in his village and he was hoping to increase milk production for the upcoming holy month of Ramjan. On April 1, Pehlu Khan was returning to his village in Nuh, Haryana, with six other men carrying cows and calves from Jaipur. He was reportedly stopped by 200 cow vigilantes near Jaguwas Crossing on Jaipur-Delhi National Highway. Pehlu Khan had shown the Jaipur civic document as evidence that the cows were bought for milk. According to Irshad, son of Pehlu Khan who was with him, *"we had all the relevant papers, which shows that we were taking cows for dairy farming. We showed them a receipt for the sale and purchase. But they were not in a mood to listen to us. They tore up our documents and attacked my father before my eyes."* Despite the document, Pehlu Khan and others were dragged out of their vehicles. The mob beaten them with rods and sticks. Pehlu Khan later died from his injuries, while others, though seriously injured, survived. The perpetrators allegedly robbed the victims of their cellphones and purses as well (the victims said they lost Rs 110,000). Later, police arrested three persons from Kalu Ram age 44, Vipin Yadav age 19 and Ravindra Yadav from Behror of 30 years of age. The incident was widely condemned and many called on the government to crack down on cow protection vigilantes.

Apart from these incidents, some other heart-wrenching incidents have occurred in different regions of India which testify to the veracity of the religious trend of hate crime like Mohammed Ayub Mev, Sameer Sheikh, Junaid Khan, Mohammed Salim, and many more whose news could not reach the newspapers and people's mind. Most of the people who died due to mob violence were supposed to have a particular religion and belief which highlights its hatred towards religious aspect.

Events with Political trends:-

Apart from religious trends, there is another form of hate crime emerging in the contemporary India which is being operated, regulated and nurtured by the state and the government in the name of police encounter so that abolition of opposite ideology as well as opponents could be make possible. All these activities emerges a new trends that is political trend of hate crime, its form can be understood through a review of the events that have taken place in recent years.

Allegation of being 'D' voters and persecution by state in Assam: - This story belongs to wounded land of Kharbuja village, Golpara district in Assam where persecution happened for raising voice in the favor of civil rights. Yakub Ali a 22 years old boy who was shot dead by a policeman during protest. In Assam government has sent show cause notice to thousands of people in the name of being a 'doubtful' or 'D' voters in local parlance manifestly illegal immigrants from Bangladesh. According to the locales of area there has been a sudden surge in the numbers detained as 'D' voters since the new government took power in the state in May 2016. The new government not only increased the number of Foreigners Tribunals (An institution to identify 'D' voters) from 36 to 100 but also made them more effective. As things remain, those who are unable to draw up documents to establish their Indian nationality are housed in detention camps which are even more hellish than the country's notorious prisons. Seeing the action as targeting India's Bengali Muslim citizens, Yakub had joined the protest on June 30, 2017. There exists a video of what transpired then. A light stone was hurled by the protestors from the railway track close to the village. Some policemen picked up stones at the protestors and threw them back. The video shows a policeman carrying a rifle, aiming and shooting Yakub dead. There was no textbook use of modest force, no advance warning, no shooting down the waist. It was, frankly, a shooting to kill. After the death of Yakub his family filed a complaint against the noticed policeman whom they clearly identified on the video but no further action taken by the police.

Another kind of hate crime took place in Krishnapuda village in Karnataka which was somewhat similar to what was described above, a serious attack by Indian police in khaki. On April 19, 2014 a year after the new government was sworn in in the state, a constable of the ANF (anti-Maoist anti-Naxal force of Karnataka) posted at the forest post shot 22-year-old Mohammad Kabir three times in the back from a distance of five feet. According to his brother, Kabir was a housepainter. But when he developed an allergy to paint, he began looking for another job. In Karnataka, the law allows slaughter of old cattle. There was good money in delivering them. Kabir was employed as a loader up to one thousand per day. Farmers sold their old animals at a large cattle market in Shimoga, Western Ghats, and their trucks transported the animals to the coastal belt. Kabir came to know that there was an established, flourishing racket of the police allowing cattle-laden trucks to proceed only after they were paid at every checkpoint. The truck with Kabir was intercepted by the ANF at the check post.

The Special Police Force (ANF) set up to fight the Maoists had no role in fighting the ordinary crime including illegal cow slaughter. For reasons that are unclear, there seems to have been a dispute over checkpoint, reportedly even after the money was paid. According to initial reports, the ANF constable opened fire in the air and the driver, cleaner and other loaders managed to escape. However, Umar Farooq, who was in the truck, also filed a complaint that Kabir was shot in the back at close range. Although the constable was chargesheeted for murder, steps are reportedly being taken to close the case without completing his trial in the State Administration.

Like the families of the victims of hate crimes in every corner of India today, this family is also finding avenues for justice almost impossible to transcend.

Emerging trend of abolition of ideology and opponents instead of criminals under the guise of law: It has always been seen that as soon as a ruling of a political party based on a particular ideology, its reflection appears in the form of events in the society. Due to being from a particular community or ideology, sometimes facing unwanted reward or oppression, the quote below attempts to understanding the same mentality through analysis of various events.

It is not uncommon for the front pages of local newspapers to gather banner headlines with sensational stories of "dreaded criminals" killed or injured in dramatic shootouts with police. The media indiscreetly publishes the police version of each of these encounters. The BBC reported 443 such encounters between March and October 2017 or one every twelve hours since the new political party was sworn in. It seems strange that the majority of men shot in these encounters were Muslims or Yadavs as the media don't strike. Are they were just small criminals or men with no criminal record. Why police were rarely seriously injured, usually reporting light injuries on their shoulders or arms. A young man of 20 years old boy was picked up one night with a friend from his village with no police records. Police initially kept no official record of his detention. They were taken to the sugarcane fields where they were asked to run away but they refused because of fear that the police would shoot them in their backs. Police then kept them prone and shot in ankles, knees and elbows. The next day, police announced they were notorious criminals and newspapers duly reported that they had tried to flee while firing at police and were shot in self-defense. No objections were raised about how men fleeing through a field of tall sugarcane on a dark night could have been shot accurately in their ankles and knees. The boy is in prison today and is in constant and unbearable pain. Parents are daily weighed workers who have spent all their savings for their medication. They think he would never walk again. They don't have the money to hire a lawyer. The most sad and worrying is that, he will never be able to prove his innocence.

Another state sponsored hate crime happened in Haryana province of India on 29 May 2015. Qarar Khan aged 18 years, Zahid Khan, 23 from Dhulawat village, were killed in an encounter with the police near Rewari. According to Zahid's

mother the police had not handed over my son's body, it was found badly mutilated with acid after three days of encounter.

It was May 2, 2017, when police beaten four men of which one died and persecuted them on the grounds of social and religious prejudice. On that day, the police claimed that someone in the village had reported the killing of the cow. Police said in their report that they reached the village and found that five people gathered around a bull that was recently slaughtered. In the FIR, the bull is described as cow dynasty, which is the child of the cow. Four people were chased but fled, one was caught. On several pages in the FIR and in graphic and miserable detail, the condition of the murdered bull, cut on his neck, a severed horn, his body cut into two parts, skin stripped from half the body, and went around with dried blood. The bodies found next to a tarazu, or weight scale, were an axe and knife. After this FIR police managed to catch a Dalit man Lebabhai Bhambhi for allegedly slaughtering a cow. According to victim, *"the police beat him to confess to the crime. When his first appearance was in the court, he told that the police has demanded two lakh rupees to spare him and releasing his life."* Later police picked up second accused a Tribal farmer of 65 years old Kodarbhai Chapabhai Gamar, and two Muslim men, Imamuddin Nemauddin Padi and Shabber Ahmed Raees Ahmed Sheikh. They all were beaten and tortured by the police due to internal injuries tribal man Kodarbhai Chapabhai Gamar died and rest other survived but badly injured. According to Tribal man's widow, Shantaben, *"he was sleeping in his fields. A half-dozen policemen suddenly arrived and began thrashing her husband. When I pleaded with them to let him go, they pulled me harshly by arm, telling me to look at your husband's face one last time and advising me to prepare for his funeral."* According to villagers and his son *"police dragged Kodarbhai to the village marketplace, Lambadya Choraya, whipping him with belt and batons all the way. The beating was so brutal that he soiled his clothes with his excreta and urine, after that police drove him 20 km to another village square, and thrashed him again."*

The oppression of the weaker sections of the society by the police is not a new phenomenon, Kodarbhai's exposed torture was a rare occurrence but many incidents do not come to the fore, the only difference is that earlier this work used to take place inside the walls of the police station but now this mentality started to openly orgy. In this, there is significant role of caste and religion based prejudice of the Indian culture which promotes hate and violence towards certain predefined stigmatized social, religious group and prevents other social groups to come as whole against any oppression or persecution of these groups.

Role of social and religious prejudices in ensuring social justice: The thinking of Indian people is mainly determined by their religious beliefs, obviously it will be reflected in social life as well. Prejudices are set of irrational beliefs towards a social or religious group. They are generally based on religious beliefs that are formed during the process of socialization. When a person's primary

socialization takes place, he also adopts the prejudices prevalent in the society while adopting the cultural qualities of his community. These cultural patterns develop people's thinking and behavior towards other social and religious groups. Due to this, extremely cruel inhuman behavior also gets validity of people in the name of culture. Permanent caste system of Indian society is a strong example of this. The broad and gruesome effect of caste and religious prejudice can be understood from the occurrence of hate crime events explained above. In the following part of this article, we will try to understand how social and religious prejudice affecting the social justice.

These lynchings and police persecution brought out a worrying pattern of extrajudicial deaths, lynchings aggravated by bias (race and religion) inspired killings by police. After animal transporters have been killed, or police shoot them at close range, police records often try to show that trucks carrying cattle illegally and with great cruelty were attuned to accidents, killings or injuring truck drivers. Victims are charged for crimes and rash driving under cow protection laws. In some other cases, they were accused of being a dreaded criminal who shot at police. Typically, neither lynch mobs nor police have any crime registered against them, and in this way they prove themselves innocent. In rare cases where police file FIR that identify them as lynch attacks, they close cases on the grounds that their investigation failed to reveal the names of the attackers. All these acts of conspiracy happens in various part of India showing hatred of people towards socially stigmatized groups on the grounds of social and religious prejudice.

Conclusions:

We have seen throughout this article that religious or caste prejudice and mob lynching or hate crime are related in complicated ways. Religious or Caste Prejudice, most technically, is an affect—a desire to avoid someone because of her or his religion and caste, as opposed to stereotypes, which are more cognitive associations with a group and efforts to reduce religious prejudice should focus on both affect and cognition. But hate crime is also clearly linked to higher-order manifestations of prejudice, such as lynchings or hate violence through legal and organizational policies, symbolic annihilation of groups in the society, and everyday forms of discrimination, be they overt or subtle. With this complex view in mind, we can see that any attempts to redress hate crime or any other intolerance must include not only cohesive religious education, or even merely a wide array of communicative responses (public discourse and face-to-face), but also efforts at addressing social and religious prejudices incorporated with hatred at the structural and policy levels.

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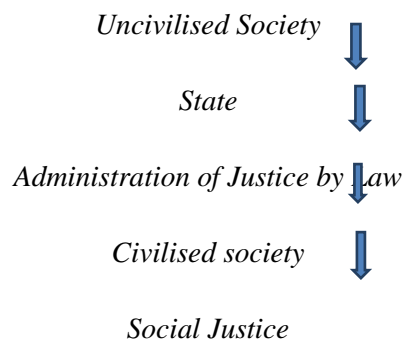
Social Justice and Reservation in India

*Birendra Kumar**

INTRODUCTION

Social Justice is a revolutionary concept which provides meaning and significance to life and makes the rule of law dynamic. The definition of social justice has received little serious attention for two related reasons. From one perspective, developed by Friedrich Hayek in the most compelling critique of the term to date, social justice is a mirage. It is meaningless, ideological, incoherent, vacuous, a cliché. The term should be avoided, abandoned, and allowed to die a natural death, or else killed off in a few paragraphs, but it does not merit a book-length critique. Hayek himself did not follow this logic; he wrote a sustained critique of the concept rather than dismissing it out of hand, and, we suggest, he was an exemplar of the virtue in his own public life¹. Anyway, we can state shortly about the concept of Social Justice and its implications. Thus, the term Social Justice is a blanket Term so as to include both Social Justice and Economic Justice.

According to the theory of social contract theory it can be said the demand of justice was responsible for making of state and governance (most important element of state). So in this aspect we can see a hierarchy in the development of civilization along with justice is following;



Uncivilized society's demand of justice is solved and tackled by theory of social contract and state was established. Thomas Hobbes in his book *Leviathan* said that without the concept of the state, "the war of each against all" is not solved. In this situation of uncivilized stage, there were no industry, police, legislation, society. Every individual has fear and danger of life and of property. Nature of every individual is brutish, nasty and cruel. Then to remove this situation state is necessary. The great scholar of law, Salmond said in his book, *Lecture on*

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¹ Michael Novak & Paul Adams, *SOCIAL JUSTICE Isn't What You think It is* (Encounter Books, New York, 1st edn, 2015)

Jurisprudence, society can exist only in shelter of the State and law, and for justice, peace, law and order, civilization, state is required.

Justice K. Subba Rao in his book, Social Justice in India said social justice aims to rectify through just means injustice in personal relationships of people and to remove the imbalances in political, social and economic life of the people². Along with fundamental rights Directive principles of State Policy fundamental to the governance of the country and spells out a social order in which Justice, Social, economic and political, shall inform all the Institutions of National life³.

Social Justice takes within its curve the objective of removing all affording equal opportunities to all citizens in social affairs as well as economic activities. The term “Justice without doubt is to deliver deprived and weaker sections of society bringing an egalitarian order under which opportunities are afforded to the weaker sections of society⁴. In India there was discrimination among people on various grounds such as, on the ground of Caste, religion, race, sex and place of birth. Our constitution tries to abolish such discrimination and established equality under the provision of Articles 14 to 18. Article 39 of the constitution of India provided many provisions like equal pay for equal work. The citizens, men and women, equally have the right to an adequate means of livelihood. Article 23 provides abolition of exploitation and forced labour. The workers should be provided full remuneration in lieu of their work is the object of Minimum Wages Act 1948, and Workmen Compensation Act 1923.

The word “reservation” has attained a particular legal significance in matters relating to public employment. The concept is founded on separating individuals or groups having certain characteristics pertaining to backwardness as per Articles 15(4) and 16(4) of the Constitution from the general category of candidates and conferring on them the benefit of special treatment. It is discrimination made in favour of the backward classes vis-à-vis the citizens in general and has been referred to as ‘Compensatory discrimination’ or ‘Positive discrimination’.

INSTRUMENTALITY OF LAW IN PROTECTION OF THE JUSTICE

The justice is the aim of any Law State, actually its creation (creation of state), separation of power, the rule of law, all enactments; all amendments are for achievement of justice. The motion of the justice is comparatively more ancient than that of law. The ancient roman derivative of justices are ‘*justus*’, *jutia*, *jus* which mean truth, morality, righteousness, equality, fairness, mercy, impartiality and last one is ‘Law’. Law is for the achievement of truth, mercy, morality,

² K. Subba Rao, Social Justice in India 1-2(National, Delhi,1974)

³ S.K.K .Gupta “minimum Bonus–A search for social justice” 25ILI 390(1983)

⁴ Punjab Nation Bank v. GulamDastagir AIR 1978 SC 481

righteousness, equality, fairness, and many more. Then main question is that how the system work? And how this aim and derivatives of justice can be achieved by operation of law? For removing injustice, the main graft of the system is find out injustice, and then is to make a law. To be sure, injustice means either violation of rights where a wrong violates the right of any one, has committed injustice, or where there is no such right is mentioned in legal system, as for example before the enactment of the Domestic Violence Act, 2005, domestic violence was injustice. There was no legal obligation of the person who commits this violence. But in 2005 a law was made and imposed legal obligation in the form of rights and duties in domestic premises. So the functioning of law is depending upon the derivatives of rights and duties. By protecting rights and imposing duties, this law tries to removes injustice or we can say by making and imposing law we try to remove injustice.

The Constitution gives us the right perspective for appreciation of the scope and place of Social Justice as an aspiration of the Nation. P.N. Bhagwati, Ex CJI of Indian Supreme Court observed in the very famous case *S.P. Gupta v. Union of India* also known as *Judges Transfer Case*- observed “Today a vast social revolution is taking place in the judicial process, the law is fast changing and the problems of the poor are coming to the forefront. The Court has to innovate new methods and device new strategies for providing access to justice to large masses of the people who are denied their basic human rights and to whom freedom and liberty has no meaning”⁵.

CASTE SOCIETY AND SOCIAL JUSTICE IN INDIA

In Indus-valley civilization, in spite of social stratification, there was no discrimination among different sections of society. But it was started in last phase of Rig-Vedic era. In the beginning phase of Vedic era there were no such discrimination in Vedic the societies. It is seemed to the hymns of Rig Veda, where an individual was saying that “I am a poet, my father is physician, and my mother is grinder”⁶ That means a family of Rig Vedic period was belonged to priestly class, business class and service class. But after being hold of someone upon society, Varna system was inserted in society. It obtained divine sanction due to its affiliation from the *Purushsukta*, tenth *mondal* of Rig Veda. The Rig Veda mentioned three classes in society, which was further elaborated to four, in a later hymn, the *Purushasukta*. In the hymn, a reference was made to the four orders of society as emanating from the sacrifice of the Primeval Being, as in the organic analogy. They are firstly the Brahman or poet-priest emanating from the head, secondly the Kshatriya or warrior-prince emanating from the 214 arms, thirdly the Vaisya or merchant emanating from the stomach and fourthly the

⁵ AIR 1995 SC 929

⁶ R.S.Sharma, India's Ancient Past 114 (Oxford India, Delhi, 32th impression, 2018)

Sudra or servant emanating from the feet. The *Chandala* or untouchable was regarded as beyond the pale of this fourfold scheme⁷.

The 19th and 20th centuries saw great social reformers like *Dr. B.R. Ambedkar, Sri Narayan Guru, Jyothiba Phule, Periyar E. V. Ramaswamy Naickar* and others. These social reform movements conducted many struggles against the caste system, caste oppression and untouchability in many ways. But, despite the struggles against caste oppression, the social reform movement did not address the crucial issue of radical land reforms. It got delinked from the anti-imperialist struggle. The Congress-led national movement on its part, failed to take up radical social reform measures as part of the freedom movement⁸.

Globally the movements of the Dalits (extreme backward) demand equality. Marx was also petitioner for the right of deprived class (proletariats) in his commune model. He, also dreaming for egalitarian societies and claimed the equal rights for deprived class. After Marx, such approach became very common among scholars not only of leftist but also some others. In later phase of 19th century, Albert Venn Dicey, who was the great scholar of the United Kingdom and delivered his lecture in Vienna about the Rule of Law against the *droit administrative* of France. In his lecture he concluded that equality in the basic requirement of the Rule of Law. Latterly in much renowned book of Mr. Dicey in 1885, that is "An Introduction to the Study of the Law of England, established the abovementioned concept of the Rule of Law especially for equality before Law. And after some colonial journey, this concept was affected by socio-political situation of America, where a new requirement of the Rule of Law is came out, that is equal protection of Law.

In Indian Constitution both expressions, Equality before Law and Equal protection of Law are incorporated in Article 14. One is associated with England and given by Dicey and other one is the product of American jurisprudence. The concrete philosophy is not only limited to equal treatment of law, but there should be great emphasis of the Law for establishment of equality where society is very unbalance on different issues among different communities. Categorically achieving equality is the main aim and objective of the Rule of Law. Because without dreaming egalitarian society, the claim of the Rule of Law is only ornamental. The test of the above-stated claim is that accused of the same offence if belongs to elite class of society it is very probable he can get a bail and after being some trial and court proceeding he can manage his acquittal but it is not happen in the case of alleged person belongs to deprived community. On the Ehrlich pattern of Living Law, deficiency in the application of rule of law can be observed. Here formal law are same but application is different.

⁷ G.S. Ghurye, *Caste, Class and Occupation* 4 (Popular Prakashan, Bombay, 1969)

⁸ *Ibid*

Again the question is for whom the equal protection of law is required. It is dispensation of Indian constitution, that reasonable classification is created in the favour of those group of people who are equal in society. In the case of *R K Dalmia v. Justice Tendolar*⁹ the test of reasonable classification was laid down. These are following:

1. That the classification must be founded on an intelligible differentia which distinguishes person or things that are grouped together from other left out of the group; and
2. That the differentia must have a rational relation to the object sought to be achieved by the statute in question.

After the *ChampakamDorairajan* case¹⁰, the first constitutional amendment was passed and clause (4) was inserted in article 16, according to which State can make special provision for SCs, STs and socially and educationally backward class for their up-liftment.

That times who were SCs and STs had been decided by the Government of India Act, 1935. On the basis of the Caste Sensex of 1931, these two schedules were added in the Act of 1935. It was very formal appearance of Dalits due to the long struggle of Dr. Ambedkar. He delivered an amazing lecture in all the three Round Table Conferences. But remaining of the castes that have backwardness is still undefined. In post-independence era, three important commissions were appointed by the Government i.e. *Kaka Kalekar Commission*¹¹, *Mandal Commission*¹² and *Justice RN Prasad committee*. After 93 rd constitutional amendment, the situation of OBC community is slightly upgraded, but still now the condition of SCs and STs are not so well in India.

Indian society has a very long history of violence against Dalits. In pre and post-colonial era, number of incidents showing the mentality of Indian society. *Ambedkar* thundered thus in his *Annihilation of Caste*, "...turn in any direction you like, Caste is the monster that crosses your path. You cannot have political reform; you cannot have economic reform, unless you kill this monster."¹³ Today the statement of *Ambedkar* having truth, we can see the blood curdling incidents over Dalits across the India. Symbolism of Dalit politics is going on in also NDA leaded government of 2014-19. It was very shameful for any party who is in quest of the Dalits for President Election in India and finally they

⁹ AIR 1958 SC 538.

¹⁰ AIR 1951 SC 226

¹¹ *The First Backward Classes Commission was set up by a presidential order on 29 January 1953 under the chairmanship of Kaka Kalelkar.*

¹² *The Mandal Commission, or the Socially and Educationally Backward Classes Commission (SEBC), was established in India on 1 January 1979 by the Janata Party government under Prime Minister Morarji Desai with a mandate to "identify the socially or educationally backward classes" of India.*

¹³ Available at, <https://www.thehindu.com/opinion/op-ed/unpacking-the-dalit-angst/article23686712.ece> (visited on 9th of April, 2019)

found our current President. Actually it was effort of ruling Government of India to minimise the loss due to Dalits atrocities. Dalit atrocity is truth of our society. But in this tenure a specific type of violence with Dalits is invented. That is mob lynching and Una is the radical incident of this concern.

Over the decade to 2016, crime rate against Dalits rose by 25%; from 16.3 crimes per 100,000 Dalits reported in 2006, to 20.3 crimes in 2016, according to an analysis of 2016 National Crime Records Bureau (NCRB) data, the latest available.

Meanwhile, the crime rate against Adivasi or scheduled tribes declined by 9%, from 6.9 crimes per 100,000 Adivasi in 2006 to 6.3 crimes in 2016. However, cases pending police investigation for both marginalised groups has risen by 99% and 55% respectively, while the pendency in courts has risen by 50% and 28%, respectively. The conviction rates for crime against SCs and STs have fallen by 2 percentage points and 7 percentage points, respectively, to 26% and 21%, from 2006 to 2016.¹⁴

According to NCRB report of 2016 and concurrence of the Amnesty International survey report maximum undertrial prisoners are Dalits, Adivasi and Muslims. Marginalised communities form the bulk of the undertrial population – 53% are Muslim, Dalit and Adivasi. This is a disproportionately high number given these communities together make up only 39% of India's population. Most undertrials are poorly educated. Around 29% are illiterate and 42% have not completed secondary education¹⁵. More than 200 alleged hate crimes against marginalised people, including 87 killings, were documented by Amnesty India's interactive "Halt the Hate" website in 2018. About 65% of the crimes were against Dalits. Of the 218 documented incidents, 142 were against Dalits, 50 against Muslims, and eight each against Christians, Adivasi and transgender people. There were 97 incidents of assault and 87 killings reported. Of the 40 incidents of sexual violence, Dalit women were victims in 33 cases.

RATIONALIZING JUSTICE WITH THE HELP OF RESERVATION

Reservation is a mean not an end. The actual aim and objective of the reservation is to achieve sthe equality against social, economic and political disproportion. Aristotle (384-22 BC) regarded justice as inseparable from virtue. Aristotle's theory of justice as virtue is out in detail in his masterwork, *Nicomachean Ethics*, thought to have published in 350 BC. Aristotle understood virtue in the teleological sense as right conduct in accordance with universal law. He divided virtue into moral virtues and intellectual virtues. Moral virtue is to 'act according to the right principle'. Intellectual virtue, in particular the virtue of prudence,

¹⁴ Available at [https://www.indiaspend.com/over-a-decade-crime-rate-against-dalits-rose-by-746-746/\(visited on 9th April,2019\)](https://www.indiaspend.com/over-a-decade-crime-rate-against-dalits-rose-by-746-746/(visited%20on%209th%20April,2019))

¹⁵ Available at <https://scroll.in/article/843539/six-charts-show-how-undertrial-prisoners-in-india-are-11-denied-the-right-to-fair-trial> (visited on 5th jan.,2018)

enables a person to determine the right principle. The right principle, according to the prudent persons, turns out to be the mean between two extremes.

1. Particular Justice – a. Distributive Justice b. Corrective Justice
2. Political Justice

Aristotle adopted a more realistic analysis and interpretation of justice. In functional legal sense of justice according to him consists in ‘some sort of quality’. It consists in establishing proportionate equality both on needs and merit basis. It is not merely a particular virtue but an imperative requisite for welfare of the State. He enunciated the doctrine of justice as giving equal share to equal persons and unequal share to unequal persons.

The word “reservation” has attained a particular legal significance in matters relating to public employment. The concept is founded on separating individuals or groups having certain characteristics pertaining to backwardness as per Articles 15(4) and 16(4) of the Constitution from the general category of candidates and conferring on them the benefit of special treatment. It is discrimination made in favour of the backward classes vis-à-vis the citizens in general and has been referred to as ‘Compensatory discrimination’ or ‘Positive discrimination’.

A reservation is defined in Article 2 of the Vienna Convention on the Law of Treaties between States and International Organisations as: “Reservation” means a unilateral statement, however phrased or named, made by a State or an international organisation when signing, ratifying, formally confirming, accepting, approving or acceding to a treaty, or by a State when making a notification of succession to a treaty, whereby the State or organization purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that state or to that international organisation¹⁶.

Positive Aspect of Reservation in India:

- a) Increase in no. of individuals from backward areas in different decision making i.e. increment in representation from various segments of society.
- b) It has helped a few people from backward areas to accomplish higher posts or administrations in general society segment and in addition in some private foundations.
- c) It has urged the general population to battle for the equality at whatever point there is infringement of their human rights.
- d) Meritocracy is meaningless without equality. Above all else individuals must be conveyed to a similar level whether it lifts a segment or decelerates another regardless of merit.
- e) Reservation has backed off the procedure of forward class getting wealthier and backward class getting to be poorer.

Negative Aspect of Reservation in India

- a) It is a type of ethnic segregation.

¹⁶ http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/1_8_2011.pdf

- b) It's a greatest adversary of meritocracy.
- c) Its engendering idea of rank based society as opposed to disposing of it.
- d) Poor individuals from forward standings don't have any social or financial favorable position over rich individuals from in reserved rank. On the off chance that this wins, it might come about into the development of another retrogressive position of individuals having a place from needy individuals of forward station.
- e) Beneficiaries of reservation are to a great extent from overwhelming class in reserve standings. Minimized segment still remains underestimated.

In the early part of the submission we have essentially centred on who are Other Backward Classes and what is the idea of Creamy layer in India. However, before managing idea of OBC or Creamy Layer, a short look at arrangement of a commission to examine the states of in reverse classes has been talked about.

APPOINTMENT OF COMMISSION TO INVESTIGATE THE CONDITIONS OF BACKWARD CLASSES¹⁷

1. The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and economically backward classes within the territory of India and the difficulties under which they labor and to make recommendations as to steps that should be taken by the Union or any state to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission.
2. A Commission so appointed shall investigate the matter referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.
3. The President shall cause a copy of the report so presented together with a memorandum explaining the action taken therein to be laid before each House of Parliament.

To identify the backward classes (other than SCs and STs) the Second Backward Classes Commission (Mandal Commission) was constituted by an order made by the President of India in 1979 under Article 340 of the Constitution of India with following term of reference:

To determine the criteria for defining the socially and educationally backward classes To recommend steps to be taken for the advancement of the socially and educationally backward classes of the citizens so identified To examine the desirability or otherwise of making of provisions for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in the public service and posts in connection with the affairs of the Union or any State Present to the President a report setting out the

¹⁷ Article 340 of Constitution of India

facts as found by them and making such recommendations as they think proper.¹⁸

DEFINITION AND IDENTIFICATION OF OTHER BACKWARD CLASSES AND SOCIAL AND EDUCATIONAL BACKWARDNESS

The Mandal Commission was burdened with a heavy weight duty i.e. to determine who shall be included in the category of 'Other Backward Classes'? The Mandal Commission submitted its report and stated following eleven criteria / indicators to determine the social and educational backwardness.¹⁹:

(1) SOCIAL

- a) Castes/Classes considered as socially backward by others.
- b) Castes/Classes that mainly depend on manual labor for their livelihood
- c) Castes/classes where at least 25% females and 10% males above the state average get married at an age below 17 years in rural areas and at least 10% females and 5% males do so in urban areas.
- d) Castes/Classes where participation of females in work is at least 25% above the state average

(2) EDUCATIONAL

- a) Castes/Classes where the number of children in the age group 5-15 years who never attended school is at least 25% above the state average.
- b) Castes/Classes where the rate of student drop out in the age group of 5-15 years is at least 25% above the state average.
- c) Castes/Classes amongst whom the proportion of matriculation is at least 25% below the state average.

(3) ECONOMIC

- a) Castes/Classes where the average value of family assets is at least 25% below the state average. (i) Castes/classes where the number of families living in *kachcha* houses is at least 25% above the state average
- b) Castes/classes where the source of drinking water is beyond half a kilometer for more than 50% of the households
- c) Castes/Classes where the number of households, having taken consumption loan is at least 25% above the state average.

Thus we can see that the three groups i.e. social, educational and economic are not of equal importance. Separate weightage was given to indicators in each group. All social indicators were given 3 points. Educational indicators – 2 point each and Economic indicators – 1 point each. Total points come to 22. Whichever community obtained 11 points out of total 22 was considered as "Socially and Educationally backward class" (now known as OBC).

The commission adopted multiple approaches for the preparation of comprehensive list of Other Backward Classes for all the states and union territories. The main sources for preparation of these lists are:

¹⁸ The Commission submitted the report on 31.12.1980

¹⁹ *ibid*

- Socio-educational field survey;
- Census Report of 1961;
- Public evidence through interaction with people of the country;
- Lists of OBCs notified by various State Governments.

The OBC for the purpose of the reservations introduced by the Government of India in civil posts and services, in the first phase would comprise caste and communities, which are common to both the lists in the report of the Mandal Commission and State Government list.

The Government of India decided that the benefits of reservations intended for the OBCs will not be extended to persons/sections falling under the category of the Creamy Layer.

MAGNUM OPUS OF THE RESERVATION IN INDIA CONSTITUTION WITH SPECIAL REFERENCE TO SOCIAL AND EDUCATIONAL BACKWORDNESS

During the discussion on this issue by the Sub-Committee on Fundamental Rights. Mr. *Munshi* suggested that there be a clause with a declaration in positive form followed by a statement in negative form. Mr. *Alladi*, on the other hand, believed that it would suffice to have a clause that excluded certain kinds of discrimination. Both the suggestions were included; the former suggestions constitute what is now Article 14 and the latter's constitute is Article 15(1).²⁰ While the first part of Article 14 was adapted from Article 109 of the Constitution of Weimar, the latter part was derived from Section 1, amendment XIV of the Constitution of USA.²¹ The need to explain the term "equal before law" was not felt as the Sub-committee was of the view that the courts would follow precedent in interpreting the same.²² This clause was then modified drastically by the Sub-Committee on Fundamental Rights,²³ based on *Shri Alladi Krishnaswami Aiyar's* suggestion. Following this, "equality before the law" was shifted to the section on non-justifiable rights and the rest was shifted to the "right to life" section which was submitted to advisory committee²⁴. What was guaranteed was "equal treatment of laws".

However, the Drafting Committee insisted that the original clause be brought in. This provision then existed alongside what is now Article 15 and was later split into two Articles at the behest of the Constituent Assembly.

CONCLUSION

In the course of this article, it has been eventually provided certain recommendations with respect to the twin questions we have taken up – the

²⁰ B. SHIVA RAO, *The Framing of India's Constitution* 117 (Universal Law Publishing 2005)

²¹ B. SHIVA RAO, *The Framing of India's Constitution* 148 (Universal Law Publishing 2005)

²² B. SHIVA RAO, *The Framing of India's Constitution* 117 (Universal Law Publishing 2005)

²³ B. SHIVA RAO, *The Framing of India's Constitution* 171 (Universal Law Publishing 2005)

²⁴ DR. SUBHASH C. KASHYAP, *The Framing of India's Constitution: A Study* 181-182 (National Book Trust 2011)

creation of committees and the mandatory effect of data collection programs. In doing so, we have attempted to root these positions in philosophical justifications derived from the Rawlsian theory of justice as fairness. Attempting to extend the Rawlsian theory to questions of caste, we have contemplated that an extension of the theory would also feature actors within the process of reflective equilibrium, responding to the changes that they must take into account. Cumulatively, hence, this process of justification gives the positions taken moral and political coherence and allows us to respond to questions of inequality through a clear vision of justice.

In Indian context, the achievement of the reservation is very broad-spectrum. But the module of reservation is questionable because the path which is covered by this module is not satisfactory. Some people think anti reservation thought, they advocate all things on merit; they talk about reservation on the economic basis. But reservation is not poverty removing program. It is something else. It is something to increase the participation of deprived class in the society. So in our Constitution reservation is given on the basis of social and educational backwardness.

The scope of research in the area of reservation policy in India is unlimited and hence remain open for research in the related subject matter in future.

The Role of National Human Rights Commission of India in Protection and Promotion of Human Rights

*Dr. Rama Shankar**

It is the responsibility of every state that the people living there should be able to enjoy their basic human rights. All the human rights are meaningless if they are not protected. Their protection requires certain mechanism which will promote these rights.

In pursuant to the direction enshrined in Article 51 of the Constitution as well as in response to the United Nations recommendations for setting up of national institutions for the better protection, promotion and realization of human rights, the Government of India, enacted The Protection of Human Rights Act, 1993. This enactment has paved a new era of concern for preventing human rights violations. The Act gives a very wide and comprehensive definition to Human Rights¹ as “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India.” The Act envisages setting up of three tier machinery for the protection and enforcement of Human Rights, i.e., National Human Rights Commission, State Human rights Commission in States and Human Rights Courts at District level for better protection of Human rights and for the matters connected therewith or incidental thereto.

Constitution of a National Human Rights Commission²: The Protection of Human Rights Act, 1993 has established Human Rights Machinery for functioning all over the India territory. The Act Provides for the Constitution of the National Human Rights Commission consisting of: a) chairman who has been a Chief Justice of the Supreme Court; b) one member who is, or has been a Judge of the Supreme Court; c) one member who is, or has been, the Chief Justice of a High Court; and d) Two members to be appointed from amongst persons having knowledge of, or practical experience in matters relating to human rights. Besides these, the Commission shall include: e) The Chairperson of National Commission for Minorities f) The Chairperson of the National Commission for the Scheduled Castes and Scheduled Tribes g) The Chairperson of the National Commission for Women. All these appointments are made by the President after getting the recommendation from a committee³ which is headed by the Prime Minister.

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¹ Section 2(d) Protection of Human Rights Act, 1993.

² Section 3 Protection of Human Rights Act, 1993

³ the Committee consisting of:

- a) Prime Minister – Chairperson
- b) Speaker of the House of People – Member

Functions and Powers of the Commission: NHRC was established for the purpose of providing practical shape to the entire length of Human Rights philosophy in the light of social objectives under the Act. To facilitate its functioning the NHRC will have its own nucleus of investigating staff besides power to seek the assistance of central agencies and those in the states while inquiring into specific complaints of human rights violations. Section 12 and 13 of the Act provides the NHRC extensive powers of investigation and enquiry. The most important power is that, the Commission can inquire suo motu or on a petition by a victim or any person on his behalf, into the complaints of violation of Human Rights or abetment thereof and negligence by public servant in the prevention of such violation.⁴ The other functions include the power to visit jail or any other institution under intimation, recommend measures for effective implementation of Human Rights, determine remedial measures, study international instruments on Human Rights and make recommendations for their implementation, conduct research in the field of Human Rights, spread Human Rights literacy and encourage the efforts of NGO's.⁵

Powers of Commission Relating to Inquiries: The NHRC shall enjoy the power of a civil court and its proceedings shall be deemed judicial. The NHRC can approach the Supreme Court or the High Courts for grant of immediate interim relief of the victims or members of his or her family. Section 13 of the Act the powers of NHRC relating to inquiries. The Commission shall, while inquiring into complaints under this Act, have all the powers of a Civil court trying a suit under the Code of Civil Procedure, 1908, for summoning and enforcing the attendance of witnesses, examining them on oath, discovery and production of any document, receive evidence on affidavits, requisition from any public record from any court or office and issue commissions for the examination of witnesses or documents, to conduct investigations by utilizing the services of any central or State Government investigating agencies.⁶ After such investigation or inquiry it can recommend to the concerned Government to initiate proceedings for prosecution or approach the Supreme Court or the High Court for such directions, orders or writs and recommend for grant of immediate relief to the victims or the members of the family. The concerned Government is bound to submit compliance report to the Commission within one month.⁷

Annual and Special Reports of the Commission: In respect of the armed as well as the para-military forces, the NHRC either on the its own or on receipt of a petition may seek a report from the Central Govt. and make its recommendations to

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- c) Minister in charge of Ministry of Home Affairs in the Government of India – Member
 - d) Leader of the Opposition in the House of the People – Member
 - e) Leader of the Opposition in the Council of States – Member
 - f) Deputy Chairperson of the Council of States - Member

⁴ Section 12 (a) Protection of Human Rights Act, 1993

⁵ Section 12 Protection of Human Rights Act, 1993

⁶ Section 13 Protection of Human Rights Act, 1993

⁷ Section 18 Protection of Human Rights Act, 1993

that Government. The commission would, if necessary publish interim reports, Annual reports alongwith the action taken by the Government shall be land by the Central Government before each House of Parliament.⁸

To inculcate public accountability, the National Human Rights Commission under Section 19(3) is required to publish its report along with recommendations and action taken by the Government on the recommendations. Under Section 20 of the Act the commission is under an obligation to submit an annual report to Central Government as well to State Government concerned.

State Human Right Commission (SHRC): The Protection of Human Rights Act under Chapter V also provides for the setting up of State Human Rights Commission⁹ in States consisting of a Chairperson who has been a Chief Justice of a High Court, one member who is, or has been, a Judge of a High Court, one member who is, or has been a District Judge in that State and two members to be appointed from amongst persons having knowledge of or practical experience in matter relating to human rights. The Governor shall appoint the Chairperson and other members of the Commission after obtaining the recommendation of a Committee¹⁰.

The State Commission is empowered to perform all those functions, which have been entrusted to the National Human Rights Commission. The State Commission may inquire into violations of human rights only in respect of matters related to any of the entries enumerated in List II and III in the Seventh Schedule of the Constitution.¹¹ Section 36(1) of the Act, however, states that the State Human Rights Commission shall not enquire into any matter which is pending before a National Commission or any other statutory Commission duly constituted under any law in force. The Commission is required to submit its annual report to the State Government and it may submit at any time special reports on any matter, which in its opinion is of such urgency or importance that it cannot be deferred till the submission of the annual report. The State Government shall submit these reports before each House of State Legislature with a memorandum of action taken 3rland the reasons for non-acceptance of the recommendations, if any.¹²

Human Rights Courts

Chapter VI of the Act comprising Sections 30 and 31 makes the provisions relating to the creation of Human Rights Courts in each district.¹³

The setting up of Human Rights Courts in every District of the country for the speedy trial of offences arising out of violation of human rights is a novel provision of the Act. Section 30 of the Act provides for the setting up of Human

⁸ In the draft legislation as many as three of the five members was to be appointed among the serving secretaries of the Government.

⁹ Human Rights Act, Section 21 (2) (a-d)

¹⁰ Committee consisting of

- a) The Chief Minister — Chairperson
- b) Speaker of the Legislative Assembly — Member
- c) Home Minister of the State
- d) Leader of the opposition in the Legislative Assembly

¹¹ Human Rights Act, Section 21(5).

¹² Human Rights Act, Section 28

¹³ Human Rights Act, Section 30

Right; Courts by the State Governments, with the concurrence of the Chief Justice of the High Court by Notification, specifying for each District a Court of Sessions to be a Human Rights Court..

It is, however, to be noted that it is not mandatory for the States to create Human Rights Courts in each and every District as Section 30 of the Act expressively uses the expression the State Government 'may set up the Courts'. However, in order to provide speedy trial of offences arising out of violations of human rights, it is desirable that States particularly where human rights violations take place in large numbers should establish such courts.

Role of Human Rights Commissions in Protection of Human Rights

The primary and essential objective of the commission is to create a culture of human rights. Being an investigatory and recommendatory body with specific statutory powers, it acts as an adviser to the Government and submits its reports/recommendations for the future based on the material available, and is not subject to indict or charge any person or group in the society. The National Human Rights Commission has been established to remedy the situation and attend to pressing problems of the country's human rights front.¹⁴ The Government established the Commission¹⁵ in October 1993 to address issues of widespread violation of human rights and devise steps to be taken to redress grievances.¹⁶ The National Human Rights Commission, since its inception (1913), has been addressing the problem of custodial violence including torture, rape, death and disappearance in police custody. The Commission had issued a number of guidelines/ instructions includes report to the Commission about incident of custodial deaths and rapes within 24 hrs of occurrence, video filming of post-mortem examination and revision of autopsy forms as well as pre-arrest, arrest and post arrest guidelines for police authority.

The Commission is required not only to promote and protect all fundamental rights enshrined in the Constitution of India but also those covered by Treaties to which India is a party. Most of the complaints which come before the Commission relate to such matters as custodial deaths and rape, disappearance of persons from custody, cruel, inhuman or degrading punishment and torture, gender related violence, atrocities against vulnerable sections of society, such on women, children and the disabled, especially those belonging to Scheduled Casts and Scheduled Tribes.

One of the important functions of the NHRC is to spread human rights literacy amongst various sections of the society and promote awareness of the safeguards available for the protection of these rights.¹⁷

¹⁴ S.P. Srivastava, *op. cit.*, p. 6.

¹⁵ It is a five member body appointed by the Government, headed by former Chief Justice of India. Other Members are former Judge of the Supreme Court, former Chief Justice of High Court and persons having knowledge or experience in matters relating to human rights.

¹⁶ B.S. Waghmare, "The State of Human Rights in India and the Role of the Human Rights' Groups", *Human Rights: Problems and Prospects*, Vanita Ray (Ed.) (2001), p. 52.

¹⁷ B.P. Singh Sehgal, *Human Rights in India* (1995), p. 19.

Role of NHRC against Custodial Crimes

Custodial torture which is an additional form of violation of right to life and personal liberty in the most barbaric manner, has been a major concern of NHRC. The Commission believes in the view that custodial torture is preventable and that is the responsibility of the State to protect the rights of accused person in custody. The Commission after conducting enquiries and investigation of such cases recommended stringent actions against the erring police personnel and other custodial authorities. NHRC as a monitoring body over deaths and other violence in Police custody, has been emphasising on scientific, professional and human approach to be adopted by police personnel towards persons detained for investigations with a view to reduce custodial crime, the Commission has taken many steps to provide human rights training to the police personnel. It has made extensive recommendations, aimed at reforming certain aspects of the administration of the criminal justice system so as to make it more sensitive to human rights considerations.¹⁸

Towards this objective, the Commission soon after its set-up, as its first effort to end custodial violence issued guidelines/instructions on 14 December 1993, the Commission issued of its instructions to the All Chief Secretaries of all the States, asking them to direct all District Magistrates and Superintendents of Police to report directly to the Commission any instance of death or rape in police custody within twenty four hours of its occurrence, failure to send such reports, it was made clear, would lead to a presumption by the Commission that the effort was made to suppress the facts.¹⁹ Information on custodial deaths was to be followed by a post-mortem report, a videography report on the post-mortem examination, an inquest report, a magisterial enquiry report, chemical analysis report etc. Failure to send such reports, it will be presumed that an effort has been made to suppress the news of occurrence by such authorities. Besides this, it has also taken an active interest in the matters relating to the alleged mass cremation of victims of indiscriminate killings in police encounters.²⁰

It is not enough for the Commission to react to curb the torture, the Commission is of the view that the recommendations of the Indian Law Commission (ILC) made in its 113th Report of 29th July 1985 on a reference by the Supreme Court of India, should be acted upon. In that recommendation, the ILC suggested the insertion of a section 114 (b) in the Indian Evidence Act, 1872, to introduce a rebuttable presumption that injuries sustained by a person in the police custody may be presumed to have been caused by a police officer. In the view of this commission, such a provision could well have a restraining effect on of engaging in torture. Further, this commission supports the recommendation of the Indian Law Commission that Section 197 of the Criminal Procedure Code be amended to abrogate the necessity of governmental sanction for the prosecution of a police

¹⁸ Dr. Radha Nath Tripathy, "NHRC and Custodial crime." *The Indian Police Journal* vol. LVI-No.4, Oct.-Dec., 2009 at 73.

¹⁹ Annual Report of the NHRC, 1994-95

²⁰ Nirman Arora, *Journal of the Indian law Institute*, vol. 41: 384, July-Dec. 1999 at 526.

officer where a prima face case has been established, in an enquiry conducted by a session judge, of the Commission of a custodial offence, this Commission also endorses the view of the National Police Commission in its first Report of February 1979, that should be a mandatory enquiry, by a session judge in each case of custodial death rape or grievous hurt.²¹

The Commission (NHRC) had also evolved, and circulated for adoption, a Model Autopsy Form that took into account the work done by the United Nations on this subject and also the special circumstances prevailing in our country. The Commission has set up a Group of Forensic Experts to prepare a set of instructions to guide the doctors conducting post-mortem examinations. The panel of forensic experts has prepared the guidelines for video-filming of post-mortem examinations titled 'Instructions for Doctors Conducting the Post-Mortem' and a format for scrutiny of the video cassettes of custodial deaths.²²

The NHRC has been dealing with the problem of custodial violence including torture, rape, death and disappearance in police custody. The Commission has seriously taken up many cases of custodial torture of various forms from various parts of the country. As a result of persistent efforts of the Commission, in recent years, more and more cases of violation in custody have been exposed.

The Supreme Court has also given a good deal broader width to the working of the NHRC through its decision in *Pramjit Kaur v. State of Punjab*,²³ where the Court held that under Article 32, it can refer any matter to the Commission for inquiry and the Commission then acts sui generis under remit of the Supreme Court and, in such a case, the Commission is not bound by the shackles and limitations of the NHRC Act. The Court has thus observed: "In deciding the matters referred by this Court, NHRC is given a free hand and is not circumscribed by any conditions. Therefore, the jurisdiction exercised by the Commission in these matters is of a special nature not covered by enactment or law and thus acts sui generis".²⁴ Further, reference may be made to another Supreme Court pronouncement in *NHRC v. Arunachal Pradesh*,²⁵ in this case, the Commission assumes a new role – that of a writ petitioner before the Supreme Court. NHRC filed public interest litigation under Article 32 for enforcing the rights under Article 21 of the Constitution.

Conclusion

The National Human Rights Commission has rendered a signal service for the cause of observance of Human Rights, especially in the field of Civil liberties, for example its work in the field of prevention of Custodial deaths, rape and Torture

²¹ Annual Report of the NHRC, 1995-96

²² *Id.*, p. 18 & 45.

²³ (1999) 2 SCC 131.

²⁴ M.P. Jain, *Indian Constitutional Law*, (Fifth Edition) (Reprint) 2008, Wadhawa Nagpur, at p.1361.

²⁵ (1996) 1 SCC 742.

has been quite price worthy. Its direction to all District Magistrates and Superintendents of police to report to the Commission all incidents of Custodial death or rape within twenty-four hour has made a very salutary impact in preventing such incidents. Moreover, it is a sort of fore warning to the police officers that if they misuse their powers or commit excesses, they may be penalized for this.

Besides this the commission has handled some cases to alleged custodial death in such an effective manner that it has inspired the confidence of the people. Headed by a former Chief Justice of India and consisting of Judges of Supreme Court and Chief Justice of High Courts, its recommendation commands great respect. It is a statutory autonomous body and derives its power and authority from Act of parliament. It also deserves mentions under section 18 (6) it is mandatory for the commission to punish its inquiry report together with the comments of the concerned Govt. or authority if any, and the action taken or proposed to be taken by the concerned Govt. or authority on the recommendations of the Govt. in a democratic country like ours can afford to resist or avoid such public opinion. Therefore, instead of being reducing or repulsive, the Government will be too willing to accept and implement the recommendations of the commissions.

Thus, it may be understood that despite several shortcomings and drawbacks in the Act, the commission in practice has proved to be an effective body for the observance of human rights in the country. Within a short period, i.e. only a few years, it has performed creditable and price worthy works. It has rendered a single service for the observance of human rights especially in the field of custodial violence and death, false encounters by policemen abuse or misuse of powers by police officials, rape cases, review of Acts and Statutes. Most of the recommendations of the commission have so far been accepted.

At last we may have an idea that with certain amendments in the Act so as to remove the existing defects and shortcoming and streamlining the machinery of protection and observance of human rights, Protection of Human Rights Act 1993, can become an ideal Act for the protection of human rights in the Country.

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Motivation and Adjustment of Urban and Rural Students

*Ghazal Shaheen**

Abstract

The primary purpose of our study was to explore the effects of rurality on school adjustment and other school-related variables. Using data from 167,738 7th–12th graders located in a national sample of 185 predominantly white communities, multilevel models were estimated for perceived school performance and school liking using a variety of individual-level (e.g., gender, ethnicity, and peer school performance) and community/school-level variables (e.g., school size, rurality, and percentage free/reduced lunch) as predictor variables. Rurality was not significantly related to school adjustment, but rather, the characteristics of individuals living within those communities were. Results also indicated that participation in school and non-school activities, a strength of rural schools, can play a positive role in school adjustment. Given the significant relationships of income and parental education to all of the school-related variables, a key long-term strategy may lie in improving the economic climate of rural areas.

DESCRIPTION

According to Salary and Mayer (1990) emotional intelligence in being able to monitor one's own and other's feelings and emotions, to discriminate among them and to use this to guide one's thinking and actions¹. It means emotionally intelligent person is skilled in four areas identifying, using, understanding and regulating emotions. Goleman (1995) also stressed that emotional intelligence consists of five components: 1) Knowing one's emotions (Self awareness) 2) managing them (emotions) 3) motivating self 4) recognizing emotions in others (empathy) and 5) handling relationships. He stated that family and school are the places which can develop emotional intelligence.

Adjustment refers to the ability of an individual to fit into his environment. Good (1959) stated that adjustment is a process of finding and adopting modes of behavior suitable to the environment or changes in the environment. According to shaffer (1961) adjustment is the process by which a living organism maintains a balance between its needs and the circumstances that influence the satisfaction of these needs. Kulshrestha (1979) explained that the adjustment process is a way in which the individual attempts to deal with stress, tensions, conflicts etc., and meet his or her needs. In this process the individual makes effort to maintain harmonious relationships with the environment². The school

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and home plays the major role of socialization of any child, an school child learns social communications, handling emotions and management of day to day interactions.

Several studies have been reported in the area of social, educational, health and emotional intelligence of school students. Some researchers studied the variables like achievement, age, sex, socio-economic status, parental education, parental occupation and so on. But studies regarding specific locale differences as urban and rural, are very few. Singh, Chawdhari and Asthana (2008) have reported that emotional intelligence is significantly differ in urban and rural adolescents³. He indicated that urban adolescents are better than rural adolescents on emotional intelligence. But Shanwal (2004) found that rural children are emotionally more intelligent than urban children. Singaravelu (2007) found no significant difference in male and female student teachers on emotional intelligence with respect to locality and residence⁴.

Punia and Sangwan (2011) reported that the urban adolescents had comparatively better emotional intelligence and adjustment against rural counterparts. Lindgren (1959) defined 'adjustment as the act or process of established a satisfactory psychological relationship between the individual and the environment. Kasinath (1990) revealed that these is no significant difference in the total adjustment scores of urban and rural boys and girls studying in Navodaya Vidyalayas in respect of their emotional, social and educational adjustment⁵. Sujatha Gaonkar, khadi andKatarki (1993) reported that there is no significant difference between urban and rural students on adjustment.

Alexander and Packiam (1998) designed to find out the adjustment problems of male and female school going adolescents from urban and rural area. Study revealed that there is no significant difference is the proportion of maladjustment among the urban students. Urban students have more problems than rural students.

In this study urban and rural residence is considered. The urban and rural areas have their own distinctive features and they differ predominantly with each other in terms of homogeneity, integrity, occupations, environmental differences, social traditions, differences in size of communities, differences in physical facilities and educational level.

Rurality and School Adjustment

At the core of this study is whether ruralness matters in adolescents' school djustment. Based on the existing lit- erature, it is difficult to conclude whether rural areas are more or less likely to support school adjustment. On the one hand, rural schools seem to provide the ideal condi- tions to nurture school adjustment. While these factors appear to favor school adjustment Rurality and School Adjustment At the core of this study is whether ruralness matters in adolescents' school adjustment. Based on the existing literature, it is difficult to conclude whether rural areas are more or less likely to support school adjustment. On the one hand, rural schools seem to provide the ideal conditions to nurture school

adjustment. For example, the small size of many rural schools allows for more student participation in school activities (Schoggen and Schoggen 1988), which may lead students to experience a greater sense of belonging and better school performance (Darling 2005; Eccles and Barber 1999). While these factors appear to favor school adjustment, the core of this study is whether ruralness matters in adolescents' school adjustment. Based on the existing literature, it is difficult to conclude whether rural areas are more or less likely to support school adjustment. On the one hand, rural schools seem to provide the ideal conditions to nurture school adjustment. For example, the small size of many rural schools allows for more student participation in school activities (Schoggen and Schoggen 1988), which may lead students to experience a greater sense of belonging and better school performance (Darling 2005; Eccles and Barber 1999). Further, small schools can improve the academic achievement of impoverished students (Friedkin and Necochea 1988; Howley 1996; Howley and Bickel 1999). Moreover, rural schools often serve as a hub for many community activities (Parker 2001; Nachtigal 1979), which can also foster a greater sense of positive connection.

While these factors appear to favor school adjustment, since extraversion has a significant positive effect on social, educational, and general aspects of adjustment. So following programmes are suggested: a) School should provide proper physical facilities for games, sports and co-curricular activity as these would channelize the creative energy of the pupils. b) Social service camps, NCC/ NSS activities and other outdoor activities. These would develop desirable social qualities, consideration and cooperation which in turn help them to adjust well. c) Students should be given an opportunity to express their ideas and discuss their problems with school authorities. It develops self-confidence and mental satisfaction among the students. d) Parents and teachers should provide intellectual, social and emotional support to children at the time of stress and tension.

Conclusion

Adjustment among Senior Secondary School Student: Influence of Social Competence and Achievement Motivation. Adjustment is the process by which a living organism maintains a balance between its need and the circumstances that influence the satisfaction of the needs. It is a satisfactory and harmonious relationship of an organism to its environment. Thus the term adjustment may be defined as, "the process of finding and adopting models of behavior suitable to the environment or to the changes in the environment. Social competence refers to those skills necessary for effective interpersonal functioning. Achievement motivation is a concept which leads an individual in their goal to attain rewards, such as physical satisfaction, praise from others and the feeling of personal mastery. It is a disposition to strive for success in competition with others with some standard of excellence, set up by the individual. The achievement motivation of senior secondary school students of government schools was

higher than that of private schools. Senior secondary school students of urban area showed higher level of social competence than the students of rural area. Adjustment was not found correlated to social competence and achievement motivation very little influence of social competence and achievement motivation was found on adjustment.

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Shakespeare: A Revival in The Present Era

*Ram Munnee Paswan**

William Shakespeare (26 April 1564 (baptised) – 23 April 1616) was an English poet and playwright, widely regarded as the greatest writer in the English language and the world's pre-eminent dramatist. He is often called England's national poet and the "Bard of Avon". His extant works, including some collaborations, consist of plays about 38 plays, 154 sonnets, two long narrative poems, and a few other verses, the authorship of some of which is uncertain. His plays have been translated into every major living language and are performed more often than those of any other playwright.

Shakespeare's sequence of great comedies. After the lyrical *Richard II*, written almost entirely in verse, Shakespeare introduced prose comedy into the histories of the late 1590s, *Henry IV*, parts 1 and 2, and *Henry V*. His characters become more complex and tender as he switches deftly between comic and serious scenes, prose and poetry, and achieves the narrative variety of his mature work. This period begins and ends with two tragedies: *Romeo and Juliet*, the famous romantic tragedy of sexually charged adolescence, love, and death; and *Julius Caesar*—based on Sir Thomas North's 1579 translation of Plutarch's *Parallel Lives*—which introduced a new kind of drama. According to Shakespearean scholar James Shapiro, in *Julius Caesar* "the various strands of politics, character, inwardness, contemporary events, even Shakespeare's own reflections on the act of writing, began to infuse each other". *Hamlet*, *Horatio*, *Marcellus*, and the Ghost of *Hamlet's* Father. Henry Fuseli, 1780–5. *Kunsthaus Zürich*. In the early 17th century, Shakespeare wrote the so-called "problem plays" *Measure for Measure*, *Troilus and Cressida*, and *All's Well That Ends Well* and a number of his best known tragedies. Many critics believe that Shakespeare's greatest tragedies represent the peak of his art. The titular hero of one of Shakespeare's most famous tragedies, *Hamlet*, has probably been discussed more than any other Shakespearean character, especially for his famous soliloquy which begins "To be or not to be; that is the question". Unlike the introverted *Hamlet*, whose fatal flaw is hesitation, the heroes of the tragedies that followed, *Othello* and *King Lear*, are undone by hasty errors of judgement. The plots of Shakespeare's tragedies often hinge on such fatal errors or flaws, which overturn order and destroy the hero and those he loves. In *Othello*, the villain Iago stokes Othello's sexual jealousy to the point where he murders the innocent wife who loves him. In *King Lear*, the old king commits the tragic error of giving up his powers, initiating the events which lead to the torture and blinding of the Earl of

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Gloucester and the murder of Lear's youngest daughter Cordelia. According to the critic Frank Kermode, the play offers neither its good characters nor its audience any relief from its cruelty". In Macbeth, the shortest and most compressed of Shakespeare's tragedies, uncontrollable ambition incites Macbeth and his wife, Lady Macbeth, to murder the rightful king and usurp the throne, until their own guilt destroys them in turn. In this play, Shakespeare adds a supernatural element to the tragic structure. His last major tragedies, Antony and Cleopatra and Coriolanus, contain some of Shakespeare's finest poetry and were considered his most successful tragedies by the poet and critic T. S. Eliot. In his final period, Shakespeare turned to romance or tragicomedy and completed three more major plays: Cymbeline, The Winter's Tale and The Tempest, as well as the collaboration, Pericles, Prince of Tyre. Less bleak than the tragedies, these four plays are graver in tone than the comedies of the 1590s, but they end with reconciliation and the forgiveness of potentially tragic errors. Some commentators have seen this change in mood as evidence of a more serene view of life on Shakespeare's part, but it may merely reflect the theatrical fashion of the day. Shakespeare collaborated on two further surviving plays, Henry VIII and The Two Noble Kinsmen, probably with John Fletcher.

Shakespeare's work has made a lasting impression on later theatre and literature. In particular, he expanded the dramatic potential of characterisation, plot, language, and genre. Until Romeo and Juliet, for example, romance had not been viewed as a worthy topic for tragedy. Soliloquies had been used mainly to convey information about characters or events; but Shakespeare used them to explore characters' minds. His work heavily influenced later poetry. The Romantic poets attempted to revive Shakespearean verse drama, though with little success. Critic George Steiner described all English verse dramas from Coleridge to Tennyson as "feeble variations on Shakespearean themes."

Shakespeare influenced novelists such as Thomas Hardy, William Faulkner, and Charles Dickens. The American novelist Herman Melville's soliloquies owe much to Shakespeare; his Captain Ahab in *Moby-Dick* is a classic tragic hero, inspired by King Lear. Scholars have identified 20,000 pieces of music linked to Shakespeare's works. These include two operas by Giuseppe Verdi, *Othello* and *Falstaff*, whose critical standing compares with that of the source plays. Shakespeare has also inspired many painters,

including the Romantics and the Pre-Raphaelites. The Swiss Romantic artist Henry Fuseli, a friend of William Blake, even translated *Macbeth* into German. The psychoanalyst Sigmund Freud drew on Shakespearean psychology, in particular that of Hamlet, for his theories of human nature.

In Shakespeare's day, English grammar, spelling and pronunciation were less standardised than they are now, and his use of language helped shape modern English. Samuel Johnson quoted him more often than any other author in his *A*

Dictionary of the English Language, the first serious work of its type. Expressions such as “with Bated breath” (Merchant of Venice) and “a foregone conclusion” (Othello) have found their way into everyday English speech.

Shakespeare was not revered in his lifetime, but he received a large amount of praise. In 1598, the cleric and Author Francis Meres singled him out from a group of English writers as “the most excellent” in both comedy and Tragedy. And the authors of the Parnassus plays at St John’s College, Cambridge, numbered him with Chaucer, Gower and Spenser. In the First Folio, Ben Jonson called Shakespeare the “Soul of the age, the applause, delight, The wonder of our stage”, though he had remarked elsewhere that “Shakespeare wanted art”.

Between the Restoration of the monarchy in 1660 and the end of The 17th century, classical ideas were in vogue. As a result, critics Jonson. Thomas Rymer, for example, condemned Shakespeare For mixing the comic with the tragic. Nevertheless, poet and critic John Dryden rated Shakespeare highly, saying of Jonson, “I Admire him, but I love Shakespeare”. For several decades, Rymer’s view held sway; but during the 18th century, critics began To respond to Shakespeare on his own terms and acclaim what they Termed his natural genius. A series of scholarly editions of his Work, notably those of Samuel Johnson in 1765 and Edmond Malone in 1790, added to his growing reputation. By 1800, he Was firmly enshrined as the national poet. In the 18th and 19th Centuries, his reputation also spread abroad. Among those who Championed him were the writers Voltaire, Goethe, Stendhal and Victor Hugo.

During the Romantic era, Shakespeare was praised by the poet and Literary philosopher Samuel Taylor Coleridge; and the critic August Wilhelm Schlegel translated his plays in the spirit of German Romanticism. In the 19th century, critical admiration For Shakespeare’s genius often bordered on adulation. “That King Shakespeare,” the essayist Thomas Carlyle wrote in 1840, “does not he shine, in crowned sovereignty, over us all, as the Noblest, gentlest, yet strongest of rallying signs; Indestructible”. The Victorians produced his plays as lavish Spectacles on a grand scale. The playwright and critic George Bernard Shaw mocked the cult of Shakespeare Worship as “bardolatry”. He claimed that the new naturalism of Ibsen’s plays had made Shakespeare obsolete.

The modernist revolution in the arts during the early 20th century, far from discarding Shakespeare, eagerly enlisted His work in the service of the avant-garde. The Expressionists in Germany and the Futurists in Moscow mounted Productions of his plays. Marxist playwright and director Bertolt Brecht devised an epic theatre under the influence Of Shakespeare. The poet and critic T. S. Eliot argued against Shaw that Shakespeare’s “primitiveness” in fact made Him truly modern. Eliot, along with G. Wilson Knight and the school of New Criticism, led a movement towards A closer reading of Shakespeare’s imagery. In the 1950s, a wave of new critical approaches replaced modernism and Paved the way for “post-modern” studies of Shakespeare. By the 1980s, Shakespeare

studies were open to Movements such as structuralism, feminism, New Historicism, African American studies, and queer studies.

A.C. Bradley's *Shakespearean Tragedy* (1904) is the completion to the *Criticism of the 19th* century. He may have come after Hazlitt and Morgan but His work was the best of the Romantic school of critics, hi fact in Muirs words, "Bradley's *Shakespearean Tragedy* was the culmination of nineteenth century Criticism."

It must not be forgotten that it was initially Coleridge who set a trend for Character analysis and then Bradley's *Shakespearean Tragedy* finished off this Tradition with a flourish and he was definitely the last of the major critic of the Nineteenth centuiy. *Shakespearean Tragedy* had been and still is a very Impressive book. And its writer Professor A.C. Bradley is remembered as the Greatest Shakespearean critic. The following lines presents the Professor and Projects his personality as a critic:

He combines wide philosophic outlook with grasp of detail, and Synthetic power with analytic. In treating a single character he Never forgets its relation to the impression produced by the whole Play. His mind is powerful enough to cope with the entire world Which Shakespeare has hung in chains over chaos, and it is Fundamentally poetic. His analysis is effective in so far as it is Helped by memories and associations stirred up by the poetry of Shakespeare. He is never merely philosophic, like some of the Critics we have previously considered. There are occasions when Imagination partly retires and yields place to a more purely Scientific method.

Even today the book '*Shakespearean Tragedy*' remains incomparable. Itis a very compact, handy book, and no doubt very intelligently written. The Book's opening chapter itself is veiy revealing. It creates an impression ofOpening new avenues or vistas in the study of Shakespeare's Tragedies.

Bradley, does appear to be traciug a concept of tragedy, but running Parallel with his contention of what a Shakespearean Tragedy has to be; there is Another motive or interest, a hidden intention of tracing a concept of tragedy That agrees veiy well with his inteipretation of the four major tragedies where The main characters are concerned.

The 'realistic' or the historical school of critics were not the only Reaction, which was initiated against Bradley. This was further propelled by the 'poetic' critics, critics like L.C. Knight and F.R. Leavis, this brick batting Continued to be hurled at Bradley till the sixties. Bradley's reputation as a mere Psychological critic, no longer is a threat today since his reputation as a worthy Critic of Shakespeare has been established, having been tested by the changing Interpretation of Shakespeare's criticism. It still remains a powerful and Profound book to reckon with.

This study of Shakespearean criticism and its major critics, aims to Reveal, that these critics would not have survived without the existence of Another. If Johnson, and the neo-classical critics were the 'whipping boy' of Coleridge and other critics, Bradley in the 19th, 20th century became an object ofRidicule for

the champions of the 'realist' drama, the major objection coming from Stoll and Schucking. The 'poetic' critics have not spared Bradley either. L.C. Kjiights in his essay 'How Many Children Had Lady Macbeth?' (1933) Has condemned Bradley and his followers strongly. Yet these same critics who Have charged. Bradley for such an offence have frequently, indulged themselves With the perusal of character study. Wilson Knight argues against this system of Character depiction in his preface to the Wheel of Fire. But when it comes to his Own essay he himself is writing about Lucio as if he is a boy next door.

However, it is not as if these critics were rejecting Bradley on an Individual and a personal level. It was a conceited move and a rejection of the Tradition itself that Bradley was supporting through his Shakespearean Tragedy. These critics wanted to overthrow the long established habit of the 'character-Chasers'.

These opponent critics of the 20th century definitely must have gauged The dangers of such a speculative approach. Because in the true sense of the Word this was not interpretation. But they were to blame for the over Interpretation which was one very obvious kind of indulgence that aroused Many objections.

Many other factors were also responsible for the poetic school to have Made its appearance. It can be said to have flourished under the patronage of Eliot and Yeats. The all pei-vading, influential critical theories propounded by Eliot, had a definite impact on the study of dramatic imagery as a new Development. There were some poets like T.E. Hulmewlio were under the Impact of Mallarme and the symbolist movement that had come from France. So much so that it was given the fonii of a book by Herbert Reads, which was Much further enhanced by Robert Graves. The most intense impact could be felt On the powerful work of LA. Richards. It needs to be mentioned that this Movement was totally independent and did not depend on Shakespeare for its Existence. Even T.S. Eliot's writing was for general use, he may have taken Shakespeare as an example here and there. But the impact of his writing on The 17th century's style of verse was felt on Shakespeare's criticism. Even Richards when he wrote his Principles of Literai-y Criticism in 1925, it was the Playwright from Elizabethan time whose writings was selected and quoted as an Example when he wanted to illusti'ate a model. F.R. Leavis undertook to write About the 'texture of language essential to poetry' he would seek confirmation From Shakespeare's verses when ever he had to endorse a point of view, since He knew that this genius of a man had stood the test of time.

Another man responsible for this change from character analysis to Poetic study: has declared with great emphasis in 'How many children had Lady Macheth?' (1933): that Shakespeare could be understood only after the Study of rhythm and imageiy is applied to Shakespeare.

The first quarter of the Twentieth centuiy had given us a dramatist Shakespeare, the credit goes entirely to the toils and tribulation of Stoll, Schucking and others like Dover Wilson and Granville Barker. It was the unique Achievement of the

critics who came after the thirties, under the epithet of 'New Criticism' to have presented Shakespeare as a 'dramatic poet'.

In their eagerness, these writers tried to explore and exploit situations that never was before. In their hands Shakespeare's characters became obscure because the realm of realism had been crossed. They belonged to no one and nowhere, their veiympose became metaphorical. A very apt illustration of the imagery investigated in Shakespeare's character can be found in Mikhail M. Morozov's presentation.[^]

The interest in Shakespeare's use of symbolic language has extended its tentacles to a more novel avenue of approaches. Among them, the most noted are the psychological, anthropological, mythological and Jungian metaphysics, and the religious aspect which considers the Christian point of view.^{^^}

The Freudian psychology has given the psychologist of the recent times some food for thought. The critics of Shakespeare have now been provided with ample reason to explain Shakespeare's character with the new tools and terminology. The worthy sample of such an approach can be gleaned from Ernest Jones, Hamlet and Oedipus. The delay in Hamlet's action to carry out his duty as a revenge to his father's murder, is seen by Dr. Jones as an 'Oedipus Complex.' Hamlet because of all this confusion is presented as a living person by him and the real life, psychological laws and real life behaviour is applied to a dramatic personae in order to justify his stance as a psychological critic.

Shakespeare no longer can be found only in the pages of critics, but his plays are more and more being performed in the theatres. He can be watched on the screen, and in the film world too. John Russell Brown, a prolific writer of the present time, designates Shakespeare with the name of 'International Currency'.^{^^} Mr. Brown very simply tells us that Shakespeare's universality is never going to end. Since this author who lived four hundred years ago is still being performed in the theatres more than any other playwright and that too, all around the world.

The most respected theatre directors turn repeatedly to Shakespeare's scripts as if nothing modern has so fired their imagination. Giorgio Strehler, Ariane Mnouchkine, Peter Brook, Peter Stein, Suzeuki Tadashi, Robert Lepage: all these, each from a different country, have mined Shakespeare repeatedly for productions that are startling in effect, contentiously modern, and, often, sensuously beautiful as well.

If, the poetic school of critics were to be consulted regarding this continuous popularity of Shakespeare, they will definitely say that the merit lies in the poetry that he wrote. The linguist may claim, the language that Shakespeare used, that is the example of how the superb English language has worked wonders for him. But other poets and playwrights have used this language but they have not crossed the boundaries of time, place and culture.

What Shakespeare had written for one of his characters can be applied to him too:

“All the world’s a stage....”

The process of defining and redefining Shakespeare’s work has become Quite a profitable industry for the Europeans to perpetuate their brand of Literary preponderance and domination.

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Gandhi-Ambedkar Interface

*Emamuddin Ahmad Kadri**

Abstract:

GANDHI and Ambedkar would have agreed on as many issues as they would have disagreed upon. They could not find much ground for co-operation and collaboration. In popular perception - and in the perception of many of their followers too-they remained opponents. Both indulged in verbal duels in order to expose the weaknesses of each other's thought and actions. This legacy could never be abandoned by the Ambedkaiite political movement even after the 1950s. The disappearance of both personalities from the social scene, and a change in the political context have not altered the standardised positioning of the two as each other's enemies. Against this background it is proposed to enquire into the differences in the discourses of Gandhi and Ambedkar.

Keywords: *Gandhi, Ambedkar, caste, brahmanic, traditions, capitalism, untouchables*

INTRODUCTION

Two general points may be noted before we proceed to a discussion of the relationship between the Gandhian discourse and the Ambedkarian discourse. Movements for social transformation are based on emancipatory ideologies. At the present juncture in the Indian society we find that movements for social transformation are weak and localised. Further, the dominant discourse today does not believe in the project of emancipation. In this context it becomes necessary to tap the possibilities of realignment of emancipatory ideologies. It would be inadvisable to be persuaded by the exclusivist claims of any ideology to the project of emancipation.

Secondly, personality clashes need not be the decisive factor in the assessment of thought. Also, we need to accept that immediate political interests of Gandhi and Ambedkar clashed. Ambedkar began his political career as leader of the untouchables and continued to claim to be the authentic representative of the untouchable community. Gandhi, on the other hand, appeared to be denying the existence of separate interests of untouchables in the context of the freedom struggle. Ambedkar was always suspicious of the social content of freedom struggle and believed that Gandhi was not adequately sensitive to this. Since Gandhi was at the helm of the freedom struggle, Ambedkar thought it necessary to position itself against Gandhi. Given these historical circumstances, is it

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necessary that we sit in judgment to decide the case in favour of either Gandhi or Ambedkar?

The present note proceeds with the assumption that Gandhi-Ambedkar clashes resulted from their personalities, as well as their respective positioning in the contemporary political contexts. However, beyond these clashes and differences of assessment of contemporary politics, there exists some ground where the agenda of Gandhi and Ambedkar might actually be complementary. To realise this, it is necessary to throw away the burden of proving whose political position was correct or incorrect.

The question of separate electorates for untouchables is a case in point. Was Gandhi wrong in opposing separate electorate for untouchables? Was he wrong in forcing Ambedkar into acquiescence through the fast? I would tend to argue that such questions are largely irrelevant given the fact that 'separate electorates' do not form the core of Ambedkar's thought, in other words, Gandhi-Ambedkar relationship needs to be probed in the context not of personalities or political strategies, but in terms of their respective emancipatory projects.

1. CASTE QUESTION:

The centrality of the caste question in Ambedkar's thought cannot be overemphasised. He believed that untouchability was an expression of caste system. Therefore, Ambedkar chose to study the caste system and critically analyse the justification it received from Hindu scriptures. His thought does not deal merely with removal of untouchability which was but one part of the anti-caste movement. He was also concerned with the overall annihilation of caste. Gandhi, of course, was in favour of abolition of caste-based discriminations. In personal conduct too, he did not practise caste. But caste question does not occupy a place of urgency in his thought. He tended to emphasise untouchability more than the caste question. For Gandhi, untouchability formed the core of caste system. Once untouchability was removed, there will be no caste system. Gandhi was right in identifying untouchability as the most abhorring expression of caste-based inequality and attendant inhumanity. But the crucial question is, would caste disappear if untouchability is not practised? If so, why should there be internal differentiation and hierarchical separation among the touchable castes? Gandhi would argue that untouchability stands for everything ugly in the caste system and therefore, it must go instantly. Extending this logic he could further claim that untouchability could be fully and finally removed only when caste-consciousness is removed. Removal of untouchability would thus symbolically bury the caste system. In the light of development of Gandhi's views on the caste issue, there is no doubt about Gandhi's ultimate preparedness to abolish caste. And yet, caste question does not become the core of Gandhi's discourse.

Consequently, Gandhi did not extend the scope of satyagraha to caste and caste-based inequality. Gandhi extended support to temple entry movements but did not allow such movements to occupy centre-stage in his movement. Similarly, Gandhi undertook fast to convince the Hindus of the sinfulness of practising untouchability and exhorted people to abolish the practice. But the philosophy of satyagraha does not adequately answer the question of tackling injustices perpetrated by one's own society and sanctioned by religion. Satyagraha as a political weapon is adequately demonstrated by Gandhi's thought and practice. But if satyagraha is to become a moral purifier what kind of a struggle is necessary against untouchability and caste? In the case of untouchability, Gandhi could argue that the responsibility of removing untouchability lies with the caste Hindus. Hence the reference to sin and penance. However, as Ambedkar put it squarely, untouchability exists as a stigma on the body of the untouchables. As the ones suffering from injustice, how should the untouchables fight against their plight in the Gandhian framework? Even if they were to offer satyagraha, how could this act prick the conscience of caste Hindus who were under the ideological spell of religious sanction to caste and who were getting material advantages from the caste-based order?

Apart from practising untouchability, the caste society presents a number of other possible sites of injustice where different caste groups may be located in antagonistic situations. Gandhi's discourse does not direct intellectual attention and political energies to the question of waging struggle against the caste system and more importantly against caste groups deriving advantages from the caste system, instead, Gandhi tends to search possible areas of co-operation and integration of castes. Therefore, he refuses to recognise caste divisions even at the analytical level.

Gandhi's constant appeals to caste Hindus not to practise untouchability clearly indicate his awareness that one section of the society was being treated unjustly by another; it was not a 'personal' relationship but a group relationship. In spite of this division of society at the empirical level, Gandhi refused to concede separate political identity to untouchables through separate electorates. He would allow 'reservation of seats' but the representational character of those elected through reserved seats would not be 'communal', i.e., not as representatives of untouchables but as representatives of the general electorate. Gandhi's relative neglect of developing satyagraha against caste probably derived from this position of not recognising the political nature of social divisions.

Although he uses the term 'harijan' for untouchable 'brethren', Gandhi stoutly refused to recognise that caste-based divisions could actually be analytical categories for understanding the complex network of structures of injustice in the Hindu society. Ambedkar draws the distinction between untouchables and caste Hindus; he also suggests the possibility of using the categories of savarna and

avarna where the latter would include untouchables and tribals, aborigines, etc. Before him, Phule visualised the categorisation in terms of 'dvij' status shudra-atishudra and 'trivarniks'. The logic behind such categorisation is to locate the main contradiction in the caste-ridden society, either as varna or as 'dvij' status. While Gandhi would accept the empirical reality of caste, he was not prepared to posit in it the ideological basis of anti-caste struggle. Hence, his insistence on identifying the untouchables as part of the Hindu fold. The relative unimportance of caste question in the Gandhian discourse is prominently expressed in the writings of almost all Gandhian intellectuals who tend to virtually exclude the issue of caste from their expositions of Gandhism.

2. BANE OF CAPITALISM

The Gandhian discourse evolved through and along with his struggles against racism and colonialism. These struggles amply acquainted him with the evil side of western society. Yet, Gandhi was not trapped in formulating anti-west nationalism. He realised that the malady of the west lay in its peculiar production process. The modern process of production led to commodification and consequent degradation of human character. Therefore, Gandhi directed his attention to the modern lifestyle and the artificial generation of false materiality. The transformation of human beings into consumers from producers was the main step in the degeneration of human society.

In this sense the Gandhian discourse can be squarely situated in the context of the problematique of capitalism. Although Gandhi rarely attacked capitalism directly, his analysis of modern civilisation unmistakably indicts capitalism. His assessment of the exploitative nature of modern process of production, dehumanising effects of consumerism and his overall assessment of the modern society do not make sense, unless understood as analysis of the capitalist social order. Similarly, were not Gandhi demolishing the claims of capitalism, he would not have given so much prominence to the 'Daridranarayan'. His entire project hinges upon the juxtaposition between 'Daridranarayan' and the satanical nature of capitalist enterprise. Gandhi's advocacy of a simple life, insistence on abnegation of wants, and swadeshi must be seen as counterpoints to crass materiality and instrumental interdependence nurtured by capitalism. In this sense, Gandhi's swadeshi calls for redefinition of the scope of material development and an outright rejection of capitalism as the instrument of development. It must be borne in mind that Gandhi was not opposed to modern civilisation per se but as a social order based on capitalism.

Where does Ambedkar stand in relation to this Gandhian position, regarding capitalism and modern civilisation? Two points are striking in this context. Firstly, for the most part of his political career, Ambedkar did not employ his expertise in economics to his political agenda. Secondly, his early economic

treatises do not substantially depart from the ideological position and standard wisdom prevalent in economics during his time.

It may be said that the main concern of Ambedkar was to understand sociologically the operation of caste system and to understand the socio-religious justifications of the same. His political struggles, too occurred on very different terrain from the economic. Thus, though he was aware of the economic aspects of caste system he chose to concentrate on the social, cultural, religious and political aspects of caste. Besides, Ambedkar's writings manifest a constant vacillation on his part as far as assessment of modern capitalist economy is concerned. For one thing, he was not persuaded by the soundness of communist economics. For another, Ambedkar was wary of any alternative that would tend to glorify or justify a semblance of the 'old order' in which caste occupied a pivotal role. Thus, autonomous village communities, small industry, mutual dependence, etc, were not appreciated by him for fear of indirectly furthering caste interests. He might have looked upon forces *of* modernity as cutting at the root of caste society and therefore was not convinced of the 'evils' involved in modernity. yet it would be wrong to believe that Ambedkar upheld capitalism uncritically. Not only was he critical of many aspects of capitalist economy, Ambedkar was even prepared to reject it for a more egalitarian and democratic system of production. Ambedkar has noted the political fallout of capitalism, viz, sham democracy. He was not averse to a search for alternative economic system although he did not devote his energies to this project. Thus, Ambedkar would have no hesitation in either taking up economic issues to the centre-stage of popular struggles or in developing a critique of capitalism. But his emphasis on caste question gave an impression that he had no sympathy for radical economic agenda. Unfortunately, this resulted in many of his followers literally seeing 'red' at the mention of economic issues! This has led to a false dichotomisation between caste question and economic question. Ambedkar's speeches and Marathi writings suggest that he did not subscribe to such dichotomisation. He was aware of the threat to liberty, equality and fraternity not only from brahminism but from capitalism also.

3. PERSPECTIVES ON TRADITION

It is interesting to see how Gandhi and Ambedkar negotiate with tradition. Gandhi engages in a creative dialogue with tradition. He tries to find out the element of truth in tradition and emphasises it. In many cases he attaches new meanings to traditional symbols. He gives an impression that he is asking for nothing new in substance, but for the continuation of the 'old' tradition. The secret of Gandhi's ability to arouse revolutionary potential among the masses lies partly in this method of not claiming anything revolutionary, and in the appeal to the conscience of the masses through tradition. For this purpose, he not only chose popular traditional symbols but those symbols which have been associated

with truth and justice. Assuming the role of interpreter of our 'great tradition' Gandhi takes the liberty of developing his own normative framework on the basis of tradition.

Ambedkar, on the other hand, was in search of the ideology of exploitation. He felt that tradition was this ideology. Injustice based on caste could not have continued unless it was legitimised by tradition. He also believed that the tradition of Hindu society was predominated by brahminical interests. As such, he could not ignore the role of tradition in situating caste as a moral code of Hindu society. This prompted Ambedkar to take a critical view of the entire Hindu (brahminical) tradition. It is also possible that Ambedkar realised the role of tradition in the contemporary context. All reform was stalled throughout the 19th century in the name of 'our great tradition' and its correctness. Thus, it was not tradition but forces upholding tradition that must have made Ambedkar a staunch critic of tradition. Yet did he really forsake tradition in its entirety? Much of Ambedkar's critical attack on tradition was either directed against glorification of brahminical tradition. It is possible to argue that Ambedkar was engaged in demolishing the tradition of brahminism and rejected the vedic ideological tradition. But he was not rejecting all traditions or else how could he search in that same tradition the path of the dhamma? Nor was he opposed to liberating traditions in the form of different sects. He was complaining against a lack of adequate emancipatory space within the traditional framework.

Tradition in an unequal society will always be caught between crossfire. Inequality will be cogently placed as part of tradition and tradition will be glorified as 'anadi', 'sanatan' and infallible. The same heritage will be sought to be condemned for all sins of the society. Gandhi, sensing the emotional power of tradition, appropriated it in order to save it from chauvinist glorifications. But even an appropriation of tradition requires a strong critique. Such critique is a constant reminder that tradition may have the potential of aligning with forces which perpetuate inequality. An all-round criticism of tradition further sensitises us to the fact that in many cases tradition actually gives credence to the system of exploitation. In other words, the supporters of inequality are always comfortable under the aegis of tradition. Thus, appropriation of tradition and employing it for purposes of building a just society requires a strong will to reject large parts of tradition and situating tradition in a different context from the one historically associated with it. In this sense, Ambedkar's critical assessment of tradition provides a useful counterpoint to the Gandhian attempt of appropriating tradition. And the Gandhian project too, does not presuppose an uncritical appropriation of all tradition.

4. MEETING GROUND

In a very general sense both Gandhi and Ambedkar strived to visualise a community based on justice and fraternity. The Gandhian discourse identifies the

elements of community in the form of love, non-violence, dignity of human life and dignity of physical labour and a non-exploitative process of production symbolised by rejection of greed. From the vantage point of this vision of the community, Gandhian discourse makes an assessment of colonial and capitalist reality. It develops a trenchant critique of modernity. The Ambedkarian discourse unfolds in a different manner. It commences from the critical evaluation of Indian social reality. Therefore, it concentrates on Hindu social order, its religious ideology and Hindu tradition. Thus, Ambedkar's discourse takes the form of critique of Hindu religion and society. Ambedkar was constantly aware of the need to situate this critique on a solid basis of communitarian vision. Although liberty, equality and fraternity beckoned him constantly, Ambedkar transcends liberalism and socialism to finally arrive at the conception of the dhamma.

The difference in the structures of their discourses notwithstanding, Gandhi and Ambedkar thus came to share similar visions. Both believed that social transformation could come about only by social action. Therefore, they relied heavily on mobilising people against injustice. Social action perceived by Gandhi and Ambedkar was democratic; it was in the form of popular struggles. Gandhi many times appeared to be favouring compromises and avoiding 'conflict'. Ambedkar, too, is seen by many (even his followers) as a supporter of non-agitational politics. But the core of their politics as well as their position on social action leave us in no doubt that Gandhi and Ambedkar not only pursued popular struggles but they valued struggles as essential and enriching. They did not visualise removal of injustice without struggles and without popular participation. Further, Gandhi and Ambedkar would have no difficulty in agreeing upon the value of non-violence.

The discourses of Gandhi and Ambedkar respect the materiality of human life. Fulfilment of material needs, and a stable and enriched material life are seen by both as forming the basis of human activity. Therefore, they would not deny the legitimacy of the goal of providing material basis to society. Moreover, Gandhi and Ambedkar have a striking similarity in their views on morality. They believe moral values to be eternal and necessary for co-ordinating matter. At the root of this similarity is the common conception of secular religion. This conception rejected all rituals, bypassed the question of existence of god and other world, and brought morality to the centre-stage of discussion of religion. It is not a mere coincidence that both Gandhi and Ambedkar should be treated as heretic by religious orthodoxies of Hinduism and Buddhism, respectively. Both claim that religion and scriptures need to be understood in the light of conscience and morality. Wherever scriptures contradict conscience, religion demands that conscience should be followed. In this sense they were sceptical not only about scriptures, but 'priestly authorities' deciding the meaning of scriptures. This view

cut at the root of any notion of an organised, closed religion. Gandhi and Ambedkar shift religion from the realm of metaphysics and situate it onto the terrain of secular matters such as truth, compassion, love, conscience, social responsibility and enlightened sense of morality. Understood thus, Gandhi's sanatan dharma and Ambedkar's dhamma do not confine to individual and private pursuits of good life but operate as the moral framework for social action. Religion becomes secular and part of the 'public' sphere. When the so-called religious people were busy counting numbers, Gandhi and Ambedkar tried to turn religiosity of common man into a force for social transformation. Social life Struggle for truth and non-violence has to incorporate caste struggle because caste is a structure of violence and injustice. Just as Gandhi denounces the satanic culture of the west, Gandhism can be a denunciation of caste-based injustice. Gandhi does not forbid the use of soul-force against the satanic tendencies in one's own society. If contemporary Gandhism fights shy of caste struggles, it has lost the core of Gandhi's discourse. The restrictive interpretation of Gandhi will have to be rejected in favour of a creative interpretation. Non-recognition of categories like shudra-atishudra does not form the core of Gandhism. In fact, use of a term like 'daridranarayan' presupposes readiness to understand social reality on the basis of exploitative relations. Therefore, political mapping of social forces on caste basis can be incorporated into Gandhian discourse. Gandhi's strong rejection of religious authority behind untouchability, his later views on intercaste marriage, his non-orthodox interpretation on varna in early years and loss of interest in varna in later years, and the constant exhortation to become 'shudra', - to engage in physical labour - all point to the possibility that caste question can form legitimate concern of the Gandhian discourse. It should be of some interest that Gandhi does not eulogise the 'trivarniks' or their roles while constantly upholding dignity of labour. His sanatan dharma is characteristically uninfluenced by brahminism.

Similarly, Ambedkar's position on capitalism and modernity can be extended and reinterpreted. He located the primary source of exploitation in the caste system in the Indian context. But he never disputed the exploitative character of capitalism. His espousal of socialism (eg, Independent Labour Party) and state socialism apart, he tended to take the view that concentration of wealth and exploitation gave rise to 'dukkha'. His conception of dhamma makes it clear that Ambedkar made a distinction between material well-being and insatiable lust. This is the ground on which critique of modernist life can be figured within his discourse. It is true that Ambedkar's rejection of tradition and traditional lifestyle appears to be modernistic. But it must be conceded that Ambedkar had to take into consideration immediate interests of untouchables. Thus, his plea to move to cities need not be understood as a modernist project. Also, Gandhi's espousal of village life should not be seen as justification of existing village life.

Grounding Ambedkar's interpretation in his conception of dhamma can open up the possibility of bridging the distance between Gandhi and Ambedkar.

CONCLUSION

The discourses of Gandhi and Ambedkar were not antithetical. Therefore, it is possible to think in terms of common concerns and potential grounds for dialogue between the two discourses. Further, both Gandhi and Ambedkar were concerned with the question of emancipation. As such, a broadening of the scope of their discourses is all the more essential. As mentioned earlier, at the present moment, legitimacy of emancipatory project is being challenged. The dominant discourse today tends to underplay the caste question and legitimises capitalism. In contrast the movements of social transformation appear to be fragmented or stagnant. The theoretical strength required to meet this challenge can be gained partly by building bridges between the two rich discourses of our times.

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Margaret Atwood: The Women And The Writer

*Dr. Arun Kumar**

The perusal of Atwood's poetry, short fiction and novels and the list of other works shows that she is the most versatile prolific and imaginative writer of Canada who has far reacting influences on the social and literary field. She defies categorizations like feminist. Post- feminist, modernist and rises above the boundary of time and place. It is true that Canada is the locale in most of her works and the characters in drawn from the Canadian life, but she has universal and global appeal. One can easily identify oneself with some characters like goan, Rennie or Elaine. Rennie's experience of grandmother's do's and don'ts are common experiences for a child particularly for a female, child in India. Who can deny here what Rennie says:

As a child I learned how to be quiet, what not
to say, and how to look at things without
touching then
....."(Bodily Harm 54)

Physical and psychological exploitation of working women in the office/ work place that we find in *Life Before Man* is a global phenomenon. The modes of victimization of women may vary from

place to place but the pains, anguish trauma and dilemma in life can be easily shared and empathized. Similarly the survival strategies adopted by the female protagonists in Atwood's fiction may not be intune with our culture but the struggle for identity and equality knows no political/geographical boundary. They are essentially human concern. Atwood herself says :

"I write for people who like to read books. They
don't have to be Canadian readers ... you can pick
up a lot of things from context." (Qtd. Prabhakar,
154)

Atwood is branded as a feminist but she defies parochial view of feminism. She does not offer any feminist alternative to the society. She does question the existing credential of marriage but does not lesbianism or anything in solution. What she seeks is a friendly and equal relationship between husband and wife that no civilized society can deny. Above all, besides marriage there are different pretexts like tradition, technology, modernity, advertisement etc. in which women are victimized and she exposes all such modes. It is natural that her protagonists are invariably women and mostly creative artist : Joans, writer,

Pennies, journalists, offreds, narrators, Elaines, painter, Elizabeth Project administrator in museum, and the narratives female centric. As a matter of historical fact that her first novel. *The Edible Woman* is 'the first Canadian novel that anticipates the trends of feminism found in the later women novelists such as Doris, Lessing, Margaret Drabble and Toni Morrison. (Prabhakar, 35) She shows the seamy side of setting women against man or of any attempt to divide the two and to demolish the social structure. Her novel *Life Before Man* articulates the fallacy of seeking autonomy of both the partners in the institution of marriage. She denounces extra-marital relationship. Fidelity and morality are applicable for both. Simone de Beauvoir also says. "adultery is for both a breach of contract" and this would lead to anarchy in social relations. So the message in the novel is loud and clear 'be faithful to each other' and respect the social code which is essential for social stability and sanctity. Again it is very important to observe that she does not blame only men for disintegration and chaos in marital life. None of her female characters are ideal or flawless. As Coomi Vevaina writes, "Caught in the victor- victim dichotomy none of the women protagonists of Atwood...are innocent, victimized one dimensional human beings."

(341) They, too have their share in the ruins of their life and relationship. The protagonist of *Life Before Man* Elizabeth towards the end realize the importance of a family life and desperately longs for a harmonious marital life. The novelist, by making her build 'a dwelling over the abyss' as a symbol of creative non-victim, validates the institution of family. She stands true to what Dorothy Parkar says, "My idea is that all of us, men as well as women should be regarded as human beings" (Std. Prabhakar,155)

Besides this she champions the cause of the primitives, the aboriginals the wild nature who happen to be in a victim position like women or more than that. So essentially she is a humanist and against all sorts colonialism, imperialism, feudalism and victimization. If she is a feminist, her concept of feminism is more comprehensive, broader, egalitarian and humane than that of Alice. Munro and Margaret Laurence who liberal and existential feminist respectively. Howells rightly says that her works deal with "a comprehensive range of social issues and form such a variety of perspectives that it eludes the simplicity of any single feminist position." (Howells, 14)

Atwood is alive to the world of reality and writes what she sees, experiences and knows well. And she knows well that post- feminism is a myth and she explodes it in *BodilyHarm*.

The fluidity of characters who assume different roles is reflected in the role of the novelist also who speak about the truth in different veins and modes. She speaks in a realistic mode in *Life Before Man* in *The Edible Woman* she prescribes the preamble of feminism adopting a feminist mode. The development of her career as a fiction writer is parallel to the development of the thoughts of

feminism. If in early novels she appears in a feminist mode as she develops the individual self of her protagonists as in *Surfacing*, *The Edible Woman*, *Bodily Harm*, she eludes this image by introducing the fluidity of self as is reflected in the motif of quilting in *Alias Grace*. Dystopia in *The Handmaids Tale*, Speculative and fantasy mode in *Oryx and Crake*, Biblical mode in *The Year of the Flood*, Gothic in *Lady Oracle* are some other modes of her narrative in which she speaks the same truth. So Atwood makes experiment in the narrative mode and structure and show her mastery in handling complex social issues like human rights, colonialism, subalterns, victimization of women and ecology existential issues, corruption in Caribbean island, creating folk lore of expedition and historicity of the nation, heclash between the aboriginals and the settlers, the primitives and the civilized, and the victims and the victors in general. She charts out her own distinct ideological perception which includes something from the different streams of feminism and leaves out some thing of them with which she does not agree. She practices the same in her social life as an activist of AmnestyInternational.

The present research work studies Margaret Atwood's voluminous output in three genres : Poetry, short story and novel, each of them deserves exclusive study or research. The research examines her works from socio-cultural perspective and underlines her contribution to the respective fields and outlines the characteristics of her poetry, short stories and novels, both thematic and stylistic. It traces the evolution of Canadian literature and the role Atwood plays init.

The fictional world Atwood is so wide and diverse and amenable t different critical readings that it is beyond the scope of the present research to deal with them comprehensively. They are just illustrative of the scope for further research woks little ecocritical, post-modernist, feminist and psycho-analytical study of her novels besides the exclusive study of her poetry, short-fiction and non-fictive prose-works. Therefore, in order to make the study pointed and

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Speculative and fantasy mode in *Oryx and Crake*, Biblical mode in *The Year of the Flood*, Gothic in *Lady Oracle* are some other modes of her narrative in which she speaks the same truth. So Atwood makes experiment in the narrative mode and structure and show her mastery in handling complex social issues like human rights, colonialism, subalterns, victimization of women and ecology existential issues, corruption in Caribbean island, creating folk lore of expedition and historicity of the nation, heclash

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Mulk Raj Anand's *Untouchable*: A Social evil of caste system

Dharmendra Kumar*



Abstract:

*The paper presents not only Indian religious and economic upheaval of society but also it reveals the overrules of powers upon lower caste people in both modern as well as ancient way of society. The novel *Untouchable* explores and investigates the ideas and the thinkings of novelists to reveal the basic structures of Indian Standard of living. It also innovates the big difference between Indian higher class of people and the lower of class of people. *Untouchable*, oppression and negligence cover the keynotes of social hierarchy. There was a little hope in the society of awareness of novelists towards the downtrodden people of Indian Society. They have measured the depth of sorrow of the people so they could raise their voices against the prevailed system of society.*

Key words: downtrodden, oppression, untouchability, negligence

Introduction

Mulk Raj Anand has presented the very true picture of Indian social criticism in which he has drawn a very live picture of Bakha, who is the protagonist of the novel *Untouchable*. Along with Bakha, Rakha, Lakha and Sohini have also been taken as live picture of the present novel. The protagonist Bakha has been taken as a hero among those thousands of untouchable people of the society. The novel *Untouchable* still touches the hearts of thousands of readers. In the novel *Untouchable* he mainly deals with the evil of untouchability. The opening paragraph of the novel deals with the differences between untouchable and the other communities living in the town. On the one hand, one side of the road there were large number of houses of aristocratic families where as on the other hand as the outside of those big boundaries there were also so many scavengers living there, the leather workers, the washer-men, the barbers, the grass-cutters and also the other caste of Hindu society. Anand completely believes in the dignity and equality of all human beings. He is deeply hurt by the way of untouchables in which the miserable life of Bakha reflects the light upon the contemporary social life. In those times the outcastes were

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restricted to do their jobs in society as being ignored by the rich class of the people.

Anand was deeply motivated and influenced by Mahatma Gandhi. He started his literary career as a novelist with his first novel *Untouchable*. The present novel *Untouchable* is considered as one of the best novels of the world as it received a big name and fame. Society was purely dominated by a rich class of people, where Anand has focused his attention on the poor and downtrodden people of the society.

The novel begins with an autumn morning in the life of Bakha. It was very morning before Sunrise. The atmosphere was not completely bright as it was before Sunrise. *Untouchable* is a story of one day life of Bakha, an outcaste sweeper. Touching Bakha means polluting the Hindu and so on many activities done by Bakha, as sweeping, buying some edible objects from the shops, Bakha was completely treated as an animal in society. These was a poignant incident happening with Bakha, as he was hungry enough and it was low chances of getting some breads anywhere. In that situation a family member throws a piece of bread in the drain full of dirt, and Bakha gets it and eats because it was difficult to quench his thirst without a piece of bread. Another big incident happens in the life of Bakha, when he goes to a sweet shop desiring to get (Jalebi) sweet, where shopkeeper washes the coins given by Bakha and throws (Jalebi) sweets on the road as one treats with an animal. So many incidents happen that day in his daily routine of life.

People have no sympathy for Bakha. Society was full of the feelings of caste system, not only few classes of people but also a large number of people were being treated as animals. Anand's consciousness towards the prevailing poverty in the society brings some awareness among the people. It may be said that in those very dirty and ignorable situation in the society, he brings a ray of hope for the downtrodden people as well as people suffering from other social problems.

Another part of the novel deals with the suffering of Rakha, Bakha's brother, Lakha, his Father Sohini, his dear sister. How they all are moving in the society only to get a piece of bread to quench their appetite.

Anand is considered to be an extraordinary novelist for his deep pondering to represent the deprived and the subjugated people who are struggling for their better living. Mulk Raj Anand published his first novel *Untouchable* in 1935 which concentrates on the miserable life of unprivileged people. The depiction of the lower people in this novel is the crucial subject to be analyzed critically. In the Indian cultural context, negligence appears on the basis of caste, class and gender. The caste system has played a great destruction to the people of our country, and under the British rule the situation was not different. The caste system is deeply rooted in our country from the time immemorial hence untouchability, a social evil is the byproduct of caste system. There are mainly four castes in Hindu society in India – the Brahmins, the Kshatriya, the Vaishyas

and the Sudras. In which the First Brahmins are considered to be the highest caste and they are also imagined to be almost near to God, whereas the second who are kshatriyas are considered to be warriors and they maintain the peace and security of country.

In the hierarchy, the Vaishyas occupied a position lower in the society and their prime duties are to collect/earn money. Further the last who are Sudras, they perform menial jobs in the society like sweeping, cleaning etc. The sweepers and the scavengers are regarded as untouchables because of caring out the filthy jobs. The sweepers and scavengers had to take away the human dung with their hands and it is believed that a touch by a sweeper or a scavenger would have the effect of polluting a Hindu high caste. Early efforts were begun with Swami Vivekananda to eradicate this social evil who wrote –

The cast system is opposed to the religion of Vedanta. Caste is a social custom and all our great preachers have tried to break it down. From Buddhism downwards every sect has preached against caste and every time it has only riveted the chains. (Vivekananda 1983:31)

Discussion :

Untouchable is a protest novel against the evils of caste system in our country as well as in society. The purpose of the creation of the novel *Untouchable* was quoted as –

“*Untouchable* was in the sources a ballad born of the freedom. I had tried to win for truth against the age-old lies of the Hindus by which they upheld discrimination. The profound thoughts of the upper orders in ancient India about caste were often noble. Someone in the great Mahabharata had cried “caste, caste-- There is no caste!” And I wanted to repeat this truth to the “dead souls” from the compassion of myself explanation in the various Hindu hells, in the hope that I would myself come clean after I had been through fewer as if were.” (George, 19)

The novel *Untouchable* explains with Bakha, an eighteen years old sweeper in the pre- independence period. The story depicts the grave and the stressed relationship among untouchables. In India, even lower-caste people were not allowed to get water from common well as the high caste people think that it would be polluted by their mere touching. In the novel the people of lower caste wait at the platform of the well for getting the water with the help of some upper-caste Hindus who might be generous for fetching some water in their pitchers. The situation brings untouchables to remain thirsty dirty and filthy. Anand describes it as :-

The outcastes were not allowed to mount the platform surrounding the well because if they were ever to draw the water from it, the Hindus of the three upper castes would

consider the water polluted. Nor were they allowed access to the nearby brook as their use of it would contaminate the stream .(Anand2001:14) Anand depicts hoe these untouchable class of people not allowed to enter into the temple also. In the “Temple incident” of the novel *Untouchable* Bakha and his sister Sohini are being accused of polluting the temple. Here Bakha is curious to know what has actually been happened as he is not involved in any of the crime. The peaceful atmosphere is suddenly disturbed by the cry. “Polluted! Polluted!” (Anand, 68). Bakha has been asked to get rid of the place by the crowd of people as,

“Get off the steps scavenger! off with you! you have defiled our temple! Now we will have to pay for the purification ceremony. Get down, get away, dog! A temple can be polluted according to the holy books by a low caste man coming within sixty nine yards of it and here he was actually on the steps at the door. We are ruined. We will need to have a sacrificial fire in order to purify ourselves and our shrine.” (Anand, 69-70).

Anand as a social activist conveys a strong message through his novel *Untouchable* and raises the voice against caste system in Indian society. However, Indian government has implemented many laws against it, yet it is seen at every corner of the society.

Conclusion :

Mulk Raj Anand as a great Indian Social activist as well as a social critic conveys a strong message through this novel *Untouchable* to eradicate the caste system and untouchability. In the Indian context, it has been observed that untouchability starts on the basis of caste, class and gender of the people of our country. Although our Indian governments abolished the practices of untouchability by constitutional law yet the situation has not been changed completely in the country.

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Christianity in Central Asia

*Ravi Ranjan**

INTRODUCTION:

Christianity particularly in **Central Asia** and Asia in general can be traced to right after the birth of Jesus Christ and has predominantly been subject to much conjecture and speculation. The linkage of Christ birth, presence of Jews from Persian Empire present in Jerusalem on the day of Pentecost (the birth of Christian church) with the ancient traditions where apostles Thomas and Andrew preaching in the ancient Persian empire which also included people living in Central Asia, such as the Bactrians, Scythians and Sogdians.²⁶ Some other origins of Christianity in Asia can be traced to the Church at Antioch (modern day Antakya, Turkey), from where Christianity also spread westwards to Asia Minor, Greece and Rome. The two primary languages of this region were Aramaic (language of Christ) and Syriac, later the liturgical language of the Church of the East. The Syriac speaking population spread from Turkey to Iraq and eventually to the whole of Persian empire during this period. Christianity in the region of Central Asia has since this period (early 1st Millennium) has often been caught in the middle of conflict between the two warring empires i.e. the Roman and the Persian Empire. In the 3rd century situation became more grim for the Syriac speaking people when they were absorbed in majority by the Sassanid Persian empire (Zoroastrian in nature), and on the other hand what later followed was the adoption of Christianity by the Roman empire as the official religion.²⁷ While the church's composition was of both of Syriac and native Persian speaking people, the rulers who were majorly Zoroastrian had a suspicious view of the Syriac speaking populace. The church of the east (Persian) in the 3rd century AD became independent from the church of Antioch (Turkish), with the convention of synods by the Persian Shah and the head of this church (bishop of Seleucia-Ctesiphon) was regarded as equivalent in authority and stature to the Patriarch of Rome, Antioch, Constantinople and Alexandria. As this political independence was not enough, there arose theological differentiation in the 5th century AD and the Church of the East became more inclined towards the theology of Nestorius (c.381-451), and hence since then it has come to be known or identified as either the Church of the east or the Nestorian church (the Nestorian View cites division between human and divine persons of Christ are

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²⁶ This article by Mark Dickens primarily focuses on the church of the east also known as Nestorian church which covers both Turkic and non-Turkic speaking People.

²⁷ For convenience and ease of understanding the author in the article uses Church of the East or Nestorian Church While the original and modern name of the church is Holy Apostolic Catholic Assyrian church of the East.

separate). The church spread Christianity vigorously during the period of 5th century AD to 13th Century AD with a large number of missionaries who not only expanded from the Persian to the Central Asian region but also China, Mongolia, India and as far as Korea from early. The final period of expansion of this church in Central Asia was under the rule of Mongols. Christianity became a major influence in the powerful Mongol empire, however the power of the great Mongols waned towards the end of the thirteenth century, Christianity too lost its sheen in this region and slowly and steadily Islam became a major religion.

The second most important phase of Christianization among the central Asians was via the Russian Orthodox Church whose origins can be traced to 988 AD the baptism of the Kievan Prince Vladimir and his people by the Ecumenical Patriarchate²⁸. The Russian Orthodox Church has in the past and in present claimed exclusive jurisdiction over the orthodox Christians who are currently residing in former member republics of the USSR sans Georgia and Estonia, although Estonia, Moldova and Ukraine dispute this claim. Expansion of Russian Orthodox Church reached Central Asia too, and the vast geographic expansion in 17th and 18th century AD and various financial and political incentives were offered to local level political leaders who would help the expansion. Central Asia was not alien to this rapid expansion of Christianity. The Orthodox Church gained recognition and legitimacy during the pre-Czarist or Pre soviet era however after the Russian Revolution of 1917 and the formation of the Soviet Union, religion was completely shunned from the policies of the newly formed Soviet government²⁹. As the Soviet Union followed a secular approach towards religion, it also promoted state sponsored atheism.

Christianity in Central Asia during Soviet Period (1917-1991)

In the annals of history, the year 1917 was a major turning point in Russian, central Asian history and also for the Orthodox Church. After the abdication of the Czarist government and the dissolution of the Russian Empire, the erstwhile regimes numerous grants of privileges to the Church were relinquished. The Bolsheviks who emerged triumphant in the revolution declared formation of government and came to power in October 1917, and also declared separation of the Church and the State. This was the first time the Church found itself without the official support of the state and this was for the first time in its history. One of the first declarations the communist government made after the revolution (decree issued in January 1918) was freedom from “religious and anti-religious propaganda”. What followed was the suppression on religious institutions, mass

²⁸ Ecumenical Patriarchate of Constantinople is one of the fourteen autocephalous churches (jurisdictions), that together compose the Eastern Orthodox Church. It promotes the expansion of Christian faith and the Orthodox doctrine; patriarchs are involved in ecumenism, charitable work, inter-faith dialogue and defense of Orthodox Christian traditions.

²⁹ Palmieri, F. Aurelio. [“The Church and the Russian Revolution,” Part II](#), The Catholic World, Vol. CV, N°. 629, August 1917

arrests and execution of the clergy. All church related activities were banned; this was primarily to prohibit the influence of the church on the masses especially the younger generation. During the Russian civil war, the church too was caught in crossfire where the church clergy, officials and leader supported the white movement or were against the Red Army. As Lenin would quote it in 1905, "Religion is opium for the people; religion is a sort of spiritual booze, in which the slaves of capital drown their human image, their demand for a life more or less worthy of man".

Similar was the state of religion in general and Christianity in particular during the reign of Stalin, whose anti-religious campaign was excessively used to target the Orthodox Church. A majority of its leaders and clergy was either shot dead or sent to labor camps. Schools and institutions promoting Church and religion were prohibited. The prohibition and ban did not end here; the successors of Stalin i.e. Nikita Khrushchev and Leonid Brezhnev followed the same policy throughout their rule, though the severities of these acts against religion were different. For example starting with Stalin, during the Nazi attack on the Soviet Union in 1941, Joseph Stalin reviewed his policies and in an attempt to garner support for war efforts, relaxed the states policies on the church and as a result had secret meetings with certain clergies which later resulted in opening up of some theological schools, in particular the Moscow Theological Academy Seminary, which had been closed since 1918³⁰. It is later during the time of Mikhail Gorbachev that the church and other religions like Islam (a dominant religion amongst the Central Asian ethnicities) were provided some leniencies to propagate and profess their teachings and ideologies. These freedoms were not without certain conditions and preconditions put forward by the then Soviet government. For example, there is enough trace and evidence that, despite the declaration of Glasnost by Gorbachev to ease the existence of religious identities, the interference and involvement of the state still persisted. The link of Glasnost and KGB (Komitet Gosudarstvennoy Bezopasnosti), the main security and spy agency of the erstwhile Soviet Union is well explained and known to many scholars. There are evidences which relate to the direct involvement of the ROC (Russian Orthodox Church) and the KGB, especially in espousing the KGB efforts overseas³¹. These evidences of the link between the state and religion towards the latter part Soviet rule provide two facets; one the bonhomie between the two and two the constant surveillance of the state on religious freedom. However, after the disintegration of the Soviet Union, religion in general and Christianity (Orthodoxy in case of Russia and other religions like Islam, Judaism and Buddhism in case of Central Asia) in particular revived again and a post-soviet recovery did include religion en masse.

³⁰ Sheila Fitzpatrick, "New Perspectives on Stalinism", *The Russian Review*, vol. 45, October 1986, p. 358.

³¹ Russian Patriarch was a KGB spy, *The Guardian*, February 12 1999.

CENTRAL ASIAN AWAKENING AND CHRISTIANITY: The Post-Soviet Period.

After being subjugated to Soviet state atheism and also being constituted as a religious minority in a Muslim majority region (Central Asia), Christians have been and are struggling hard to have an equal platform along with their Muslim counterparts. Some of the many Christian minorities are Orthodox, Catholic and protestant and Lutherans, Baptists and Presbyterians to name a few.

KAZAKHSTAN:

The Kazakh region for centuries related Christianity to either the west or Russia, this can be related to the influence Orthodox Christianity had during the Soviet period where the majority 'Russians', practiced Christianity. Even during the Soviet disintegration, in Kazakhstan Russians were the ethnic majority. In 1992, 960,000 Lutheran Christians majorly of German origin lived in Kazakhstan, however by the end of 1997; approximately 600,000 of these had immigrated to countries like Germany, Russia, Siberia and Ukraine. The influence of Christianity waned and dropped drastically after the soviet disintegration and towards the end of the 20th century only one Orthodox Church remained in the capital of Kazakhstan, Almaty³². However, in the last two decades Christianity in this country has been gaining ground and this to some extent can largely be attributed to the absence of Islamic influence (religion in general), and also the evangelization of the ethnic minorities. In present day Kazakhstan the Christian community comprises of 70.2 % followed Islam, 26.2 % followed Christianity³³. There are however no signs of tolerance towards religious diversity in Kazakhstan. There are occasions when (as recent as in 2015 in Kazakhstan), where an ongoing service in the evangelical church is stopped by state officials citing the church is not registered, and similar other state and majoritarian fear is inflicted upon the Christian minorities in Kazakhstan³⁴.

UZBEKISTAN:

Uzbekistan, like its other Central Asian counterparts majorly adopted Islam as the dominant religion, where 88% are Muslims, and a mere 9 % are Christians (orthodox eastern church). The current regime, which is as recent as the regime of Islam Karimov, the state has come under the radar of various human rights agencies as it has been accused of suppressing religious minorities. The state has been accused of restricting religious freedom and Christians, who are recent converts especially from Islam, are subjugated to harsher treatment. It has also been accused of raiding Christian homes and confiscating religious texts, thus controlling religious movements and constantly keeping an eye on them to control the spread of Christianity and other religion.

³²<http://www.christianitytoday.com/ct/2000/july10/20.29.html>

³³ Results of the National population census of Kazakhstan 2009.

³⁴<https://www.opendoorsusa.org/take-action/pray/tag-prayer-updates-post/hear-the-cry-of-christians-in-central-asia/>

KYRGYZSTAN:

While the constitution and law provides for the freedom of religion in Kyrgyzstan and the constitution too provides for separation of state and religion, the Kyrgyz state has also come under criticism from various quarters. The government does not officially support any religion; however a decree in 2006 has recognized Islam and Russian Orthodoxy as traditional religions. In this context, the actions of states dealings with radical Islamic groups and Christians has also been questioned where state has taken soft stand with radical Islamists and failed to recognize the Church. In Kyrgyzstan 80% population is Muslim and only 11% is Russian Orthodox. There also exist the Roman Catholics who are much lower in population. During the recent political turmoil in 2010 with the overthrow of former president Kurmanbek Bakiyev a Kyrgyz strongman, hailing from Jalalabad region, there occurred mass exodus of ethnic Uzbeks, and the target of the pro-Bakiyev forces were the ethnic Uzbeks and the Kyrgyz Christians helping and sheltering them. The exodus of ethnic Russians and the rise of Islam after the post-soviet era has also led to a state of fear among the Christian minorities in this country. This can be gauged from the fact that the Russian population (majority Christians) of Kyrgyzstan has dropped from 45% during Soviet time to less than 10% at present³⁵.

TAJIKISTAN:

Tajikistan has a very miniscule Christian population. In fact, it is a minority religion in Tajikistan. Muslims constitute 95.5 % of the population and Christians constitute 1.3% of the population. Along with the Russian Orthodox Church, which is the largest Church in Tajikistan, the Lutheran Church and the Ukrainian Orthodox Church is also present in Tajikistan. There are laws in the constitution which provide for religious freedom; however, in 2009 the enactment of a new law which restricts religious worship on state sanctioned forms, and also imposition of censorship on religious literature and performing rituals to state-approved venues. The states inability to protect Christian minorities from radical Islamists is a cause of concern. The brutal bombing of a church in November 2000 where more than 10 people lost their lives exposes the vulnerability of the minority Christians and also the inability of the Kyrgyz state to ensure equal protection to them from threats, persecution and exodus is questionable. It is somewhat similar to the above mentioned Central Asian states approach.

TURKMENISTAN:

The religious demography in Turkmenistan depicts 89% Muslims, 10% Christians (Russian Orthodox Christians). The Turkmen of Turkmenistan have ethnic roots in Iran, Turkey and Afghanistan, and like them are Muslims in

³⁵ William Yoder, "Ethnic Violence Buffets Kyrgyz Christians". Unrest in Southern Kyrgyzstan undercuts hopes for evangelism boom under new government. 17.06.2010. www.christianitytoday.com

Majority. These ethnicities identify themselves as Muslims, and also acknowledge Islam as an integral part of their cultural heritage. Though Article 11 of the constitution guarantees freedom of religion, it is often criticized for just being in paper and not in practice. Rather, interestingly former president Saparmurat Niyazov's writings are imposed on all religious communities. The government's sided approach towards protecting and providing an environment of security to the religious minorities especially Christians has attracted severe criticism from many observers. For example, in the year 2000 it was observed that Christians known to be involved in religious work in Turkmenistan have been expelled. At the same time, it is not only Christianity which are at the danger end, but also other minority religions especially Hare Krishna movement and Baha'ism³⁶.

CONCLUSION:

There are two things in common in each of the Central Asian countries discussed above. Firstly, all were part of the erstwhile Soviet Union where religion was discarded and frowned upon. Secondly, when these states became independent, they were neither close to adopting a secular policy, nor were in complete agreement with becoming a monotheistic society, hence aggravating the contours of the discourse of religion in Central Asia. The most salient fact about Central Asia today is that, most of the present rulers or parties were once the ruling communist elites and they had neither sought independence nor was it coveted³⁷. It was actually thrust upon them and thus these rulers were compelled to fabricate a different identity for their respective ethnically diverse states, and also had to contend for the first time with radically differing ideologies. Hence, after a decade when the same elites are in power, they leave no stone unturned to practice what they did when under the Soviet rule and every effort is made to campaign against opposition parties, religious and ethnic minorities etc. Those who survive these campaigns often go underground and under the garb of claiming and setting up a caliphate and an imagined Islamic community as was during the times of Prophet Muhammad and also to restructure Central Asia through an anti-west anti Russia crusade. Hence, in a way religion is being used not only by the ruling elites to remain in power in central Asia but also the underground Islamic fundamentalists who want form a caliphate³⁸.

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90: Jan.-March, 2018, No. 1, ISSN 2393-8285 UGC No. 48704 Impact Factor 2.897

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Environmental Protection In India And Principles of International Environmental Law

*Raj kumar**

Introduction:-

The increasing urbanization and rapid industrialization of contemporary India has led to a host of grave environmental problems such as air, water, and noise pollution. Human history is, as a whole is a patchwork of, prudence and profligacy, of sustainable and exhaustive resource use. In contemporary India the instances of profligacy clearly outnumber (and outweigh) those of prudence although such was not always the case". This article attempts to analyze the issues relating to the linkages between international environmental law principles and their applications in domestic law by the state courts in India. Global Environmental crisis has questioned the modernity and its values. The very existence and survival of man and other forms of life have become a matter of deep concern.

Environmental policy framework

The emergence of a coherent policy framework to address environmental concerns in India can be traced back to the setting up of an advisory body, the National Committee on Environmental Planning and Coordination (NCEPC) in 1972 following the 24th UN General Assembly meeting on Human Environment. The 42nd amendment of the Constitution in 1976 led to the incorporation of environmental concerns through the addition of Article 48 A to the directive principles of state policy. The article declares: "The state shall endeavor to protect and improve the environment and to safeguard the forests and the wildlife of the country." Also, Article 51 A of the Constitution imposed a fundamental duty on every citizen "to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for all living creatures." Further, Article 253 of the Constitution granted the Central government overriding powers to legislate on environmental concerns and implement India's international obligations. The insertion of the article can be perceived as an attempt to introduce global concerns about the environment within the paradigm of Indian environmental law. This endeavour towards a coordinated approach towards environmental concerns is further manifested in the enactment of environmental statutes that employed "a system of licensing and criminal sanctions to preserve natural resources and regulate their use." These include the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Water (Prevention and Control of Pollution) Cess Act 1977, the Forest (Conservation) Act 1980. In an attempt to bring together diverse environmental concerns under an 'umbrella' Act in the wake of the Bhopal gas tragedy, the Government of India enacted the

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Environmental Protection Act(1986) under Article 253 of the Constitution. This Act empowered the Centre to “delegate its powers or functions to any officer, state government or other authority.” The provisions of this Act override any other law.

Constitution and Environment

Environment related rights were not included in the originally drafted constitution of India in 1950. Influenced by the Stockholm Declaration of 1972, the Forty Second Amendment to the Constitution of India introduced Article 48-A[i] and Article 51A (g)[ii] as forming part of the Directive Principles of State Policy and Fundamental Duties respectively. Forests, wildlife and population control were subjects on which the states had exclusive power to make laws, but now the Concurrent List enables both the Central Government and the state governments to make laws on these areas.[iii] Further, the scope of Article 21 of the Constitution of India has been consistently enlarged by the Supreme Court of India so as to include right to healthy environment within the fold of right to life. Role of Indian judiciary will be explored in detail later in the paper.

Need for judicial intervention

The inadequacy of these laws in controlling environmental pollution has been attributed to the essentially reactive nature of legislative approach towards environmental problems. In fact, the need for judicial intervention and the consequent emergence of the Public Interest Litigation (PIL) as a method of addressing environmental concerns needs to be examined in the backdrop of the failure of environmental statutes to find long term solutions to problems of environmental pollution in India. The emergence of the PIL as a grievance redressal mechanism in the domain of environmental law has led to a creative re-interpretation of Constitutional provisions in India to link environmental concerns with fundamental rights, the integration of international principles of environmental law into the Indian legal framework and an attempt by the Courts to balance environmental concerns with a model of sustainable economic development.

The increasing intervention of the Courts to resolve problems of environmental pollution in the face of the failure of executive bodies to carry out their responsibilities has seen both a celebratory attitude towards judicial activism as well as a skepticism in more recent times towards the Court exceeding its brief through attempts at policy formulation and thereby defying the principles of separation of powers. This paper attempts an analysis of case law to demonstrate how a treatment of the PIL as a means of securing social justice and extending the provisions of right to life by the Supreme Court becomes problematic as the Supreme Court is faced with more complex political questions that involve reconciling environmental concerns with sustainable economic development and negotiating with conflicting class interests.

Sources of International Environmental Law

The traditional sources of International legal obligations which equally apply in the field of the environment comprise 'the body of rules which are legally binding on states in their intercourse with each other. These rules derive their

authority, as per Article 38 (1) of the Statute of the ICJ, from four sources: treaties, International custom, general principle of law recognized by civilized nations, and subsidiary sources. The main "subsidiary sources" are the decisions of courts and tribunals and the writings of jurists. Apart from the ICJ the other international courts dealing with environmental issues are the European Court of Justice, the European Court of Human Rights, GATT Dispute Settlement Panels and international arbitral tribunals." "National" courts and tribunals have often interpreted international obligations in environmental law field and jurisprudence of these courts is likely to become an important source in the development of international environmental law. According to Prof. J.G. Starke, "the decisions of state courts may, under the same principle as dictate the formations of customs, lead directly to the growth of customary rules of international law."¹

General Principles and Rules of International Environmental Law: General principles of international environmental law reflect in treaties, binding acts of international organizations, state practice, and soft law norms. They are general in the sense that they are applicable to all members of the international community in respect of the protection of the environment.

Legal status of General International Environmental Principles: Prof. Philippe Sands has opined that in the absence of judicial authority and conflicting interpretations under state practice it is frequently difficult to establish the parameters or the precise international legal status of each general principle or rules. Some general principles or rules may reflect customary law, other may reflect emerging legal obligations, and yet others might have an even less developed legal status. Of these general principles and rules only aforesaid Principle 21 of Stockholm, Principle 2 of Rio and the good neighborliness are sufficiently substantive to be capable of establishing the basis of an international cause of action i.e. to give rise to an international customary legal obligation.

International Law and State Courts: The environmental decisions of the national / state courts and international environmental law have influenced each other.² The decisions of the state courts which are 'subsidiary sources' under Article 38(1) of the statute of the ICJ, may lead directly to the growth of 'customary' rules of international law. Similarly, the state courts have often developed national environmental jurisprudence by taking inspirations and helps from the international environmental laws. In the light of aforesaid development, hereinafter, an attempt has been made to analyze the linkages between certain international environmental law principles and their application in domestic law by the state courts in India.

International Law and the Indian Constitutional Scheme

¹ J.G. Starke, *Introduction to International Law* (Butterworth, 10th Edn. 1989) First Indian Reprint 1994, Adity Books, New Delhi, p.48.

² See, Anderson, Michael and Galizzi, P., *International Environmental Law in National Courts* (London :

Internal Law and the Distribution of Legislative Power: Article 245 of the Constitution of India deals territorial Jurisdiction of the legislative power, confers the power to the parliament to make laws for the whole or any part of the territory of India. Article 246 deals with the subject matter of laws, empowers the parliament to have 'exclusive' power to make laws with respect to the Union list. Under Article 253 the parliament has exclusive power to make any law for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

International Law and Constitutional Duty: Though Part IV (Article 37 to 51) of the Indian Constitution, known as the Directive Principles of State Policy, is not enforceable by any court but principles contained therein are fundamental in the governance of the country and it "shall" be the duty of the State to apply these principles in making laws (Article 37). Article 51 specifically deals with international law and international relation, inter alia, provides that the 'state shall endeavor to foster respect for international law and treaty obligations.' Here, it may be recalled that the courts have invoked Article 48-A (duty of the state to protect environment) to develop a fundamental right to environment as part of the right to life under Article 21.³

Statutes Enacted in India Pursuant to the International Environmental Law

In India many important environmental statutes have been enacted to ratify or to fulfill national obligations under the international environmental treaties, conventions and protocols etc. Hereinafter, an effort has been made to present a table which contains a list of international environmental laws and relevant Indian environmental statutes showing close linkages between the same.

S.No.	International Environmental Laws	Relevant Indian Environmental Statutes
1.	The Stockholm Conference, 1972	The Air Act, 1981
2.	The Stockholm Conference, 1972	The Environmental Protection Act, 1986
3.	The Rio Conference, 1992	The Public Liability Insurance Act, 1991
4.	The Rio Conference, 1992	The National Environmental Tribunal Act, 1995
5.	Convention of Biological Diversity, 1992.	The Biological Diversity Act, 2002
6.	Convention of International Trade in Endangered Species of	The Wild Life Protection (Amendment) Act, 2002

³ In several leading cases the Indian courts have been guided and inspired by Article 48-A and developed a general fundamental right to environment under Article 21. See, *M.C. Mehta v. Union of India* (Kanpur Tanneries Matter) AIR 1988 SC 1037 at 1038; *Rural Litigation and Entitlement Kendra v. State of U.P.* AIR 1988 SC 2187.

	Wild Fauna and Flora, 1973.	
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International Law and Indian Courts

Role and Status of the Indian Judiciary

The role of judiciary depends on the very nature of political system adopted by a particular country. It is now a well established fact that, in India, in view of legislative and executive indifferences or failures, the role of judiciary has been crucial in shaping the environmental laws and policies. The role of the Indian Supreme Court may be explained quoting the views of Professor S.P. Sathe and Professor Upendra Baxi two leading academics who have extensively written on the role of judiciary in India. Professor Sathe has analyzed the transformation of the Indian Supreme Court "from a positivist court into an activist court".

Under the constitutional scheme the legal status of Article 51(A)-(g) and 48-A is enabling in nature and not legally binding per se, however, such provisions have often been interpreted by the Indian courts as legally binding. Moreover, these provisions have been used by the courts to justify and develop a legally binding fundamental right to environment as part of right to life under Article 21.⁴

The judicial adoption of international environmental law into domestic law in India has not been done overnight rather it has been gradual. In order to understand the judicial process of such adoption the present discussion can be divided into the following three periods³⁹ :

- First period of Judicial Adoption (1950-1984)
- Second period of Judicial Adoption (1985-1995)
- Third period of Judicial Adoption (1996 onwards)

First Period of Judicial Adoption (1950-1984): Traditional Dualist Approach

During the period of 1950 to 1984 the Indian courts have adopted a traditional dualist approach that treaties have no effect unless specifically incorporated into domestic law by legislation. In *Jolly George Verghese v. Bank of Cochin*⁵ the Supreme Court upheld the traditional dualist approach and gave overriding effect to the Civil Procedure Code over International Covenant on Civil and Political Rights. However, the court in this case, minimizes the conflict between the Covenant and domestic statute by narrowly interpreting the Civil Procedure Code.

As for as the customary international law is concerned, during 1950-84, there was hardly any legislative exercise in the name of customary international law.

⁴ *R.L.E.K., Dehradun v. State of U.P.* (Doon Valley Matter) was the first case in which the Supreme Court recognized a fundamental "right to live in a healthy environment with minimum disturbance of ecological balance". A.I.R. 1985 SC 625 at 656.

³⁹ The idea of this classification and substantial information contained there under have been broadly adapted from : Michael Anderson, 'International Environmental Law in Indian Courts', *Review of European Community and International Environmental Law*, Vol. 7(1), 1998, 22-31.

⁵ (1980) 2 SCJ 358.

The Indian judicial approach relating to the legal status of the customary international law was clarified in *Gramophone Company of India Ltd. v. Birendra Bahadur Pandey*.⁶ In this case the court relied upon the English decisions and endorsed the doctrine of incorporation. According to this doctrine rules of international law are incorporated into national law and considered to be part of national law unless they are in conflict with an Act of the parliament.

Second Period of Judicial Adoption (1985-1995) : Growing Influence of International Environmental Law

During this period international environmental law was used to interpret the character of state obligations with respect to the right to life (Article-21), which has been interpreted to include the right to a healthy and decent environment.

- **Treaties**

Before 1996 there were very few references to international environmental treaties though by 1990 India was party to more than 70 multilateral treaties of environment significance.⁷

In *Asbestos Industries Case*⁸ the Supreme Court extensively quoted many international laws namely ILO Asbestos Convention, 1986, Universal Declaration of Human Rights, 1948, and International Convention of Economic, Social and Cultural Rights, 1966. In this case the court dealt the issues relating to occupational health hazards of the workers working in asbestos industries. The court held that right to the health of such workers is a fundamental right under article 21⁹ and issued detailed directions to the authorities.¹⁰

- **Soft Law Standards**

The Stockholm Declaration, 1972 and the Rio Declaration, 1992 have been considered milestones in the development of international environmental law. Though these two declarations have often been characterized as 'soft' law but their impacts both at international and domestic levels, have been profound. In India, the post Bhopal Mass Disaster (1984) era was a creative period for environmental jurisprudence. During this period, in landmark *Doon Valley case*¹¹, the Supreme Court dealt with the impact of mining in the Doon Valley region and through its orders impliedly generated a new fundamental "right of the people to live in healthy environment with minimal disturbance of ecological balance."¹² In this case there were series of orders and in one of its orders the court recognized the influence of the Stockholm Conference by accepting that this "conference and the follow-up action thereafter is spreading the awareness".¹³ Again, in *Kanpur Tanneries Case*¹⁴ the Supreme Court extensively

⁶ (1984) 2 SCC 534.

⁷ Anderson, (1998) , *op. cit.*, note13, p. 26.

⁸ *Consumer Education & Research Centre v. Union of India* (1995) 3 SCC 42.

⁹ *Ibid*; 70 (Para 25).

¹⁰ *Ibid*; 73 (Para 31).

¹¹ *R.L.E.K. Dehradum, v. State of U.P.* AIR 1985 SC 652. Three judges bench order of March 12, 1985

¹² *Ibid*, 656 (Para 12).

¹³ AIR 1987 SC 359, 363 (Para 19) order of Dec. 18, 1986.

quoted the Stockholm Declarations and strengthened the then nascent fundamental right to environment in India. In this case the court gave preference to 'environment' over 'employment' and 'revenue generation'. During this period the Rio Declarations, 1992 was also cited in the *Law Society of India case*.¹⁵

During this period of 1985-1995, according to Prof. Anderson, the said soft laws were invoked by the court simply to make the general point that environment should be protected. The use and role of soft laws was 'secondary' rather than 'substantive'.¹⁶ The courts were just using soft law standards to evolve and strengthening the fundamental right jurisprudence under Article 21. In fact, international environmental law played primary and substantive role in the next period starting from the year 1996.

The Third Period of Judicial Adoption (1996 Onwards): A New Approach/Substantive Use of International Environmental Law

- ***Customary International Law and the Vellore Case (1996)***

In contrast to its previous caution during 1985-1995 periods, the Supreme Court adopted a more robust attitude to customary international law in the year 1996.¹⁷

In the year 1996 the Supreme Court, led by an activist green judge- Justice Kuldeep Singh, inaugurated a new environmental jurisprudence in historic *Vellore case*¹⁸ and invariably applied the ratio of this case in a series of other landmark environmental cases. In all such cases international environmental law was used 'substantively' and the Supreme Court developed a unique domestic environmental jurisprudence by blending the Indian environmental law with the international environmental law.

In *Vellore case* the court considered a public interest litigation highlighting discharge of toxic waste and polluted water from the large number of tanneries in the State of Tamil Nadu. A three judges' bench led by Justice Kuldeep Singh adopted a very strict stand against the polluting tanneries. In this case the court reviewed the history of the concept of sustainable development under international law. In this connection the court briefly referred important legal developments such as the Stockholm Conference 1972, Brundtland Commission Report, 1987, Caring of the Earth Report, 1991, Rio Conference, 1992, Convention on Climate Change, 1992, Convention on Biological Diversity, 1992 and Agenda -21 (A programme of Action for Twenty-first Century) etc. The important legal findings of the *Vellore case*, relevant for this article, are summarized below.

- (1) The court held that "Sustainable Development" as a balancing concept between ecology and development has been accepted as a part of customary international

¹⁴ *M.C. Mehta, v. Union of India* AIR 1988 SC 1037. See Para 4 (pp. 1038-1040) for detailed discussion of Stockholm Declarations by Justice Venkataramiah.

¹⁵ *Law Society of India v. Fertilizer & Chemical Travancore Ltd.* AIR 1994 Ker. 308.

¹⁶ Anderson, (1998), *op. cit.*, note 13, p. 25.

¹⁷ *Ibid.*

¹⁸ *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647 : AIR 1996 SC 2715 Unanimous Judgment delivered on August 28, 1996; by a three judges bench of the Supreme Court of India.

law though its salient features are yet to be finalized by the international law jurists. (p. 658, Para 10, *supra* note 25).

- (2) The court was of the view that "The precautionary Principle" and "The Polluter Pays Principle" are essential features of "Sustainable Development." (*ibid.*, p. 658, Para 11).
 - (3) The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. (*ibid.*, pp. 659-660, Paras 13 & 14).
 - (4) According to the court, "once these principles are accepted as part of the customary International law there would be no difficulty in accepting them as part of the domestic law.
- ***Application of Vellore Case by the Courts Led by Justice Kuldeep Singh***

The Supreme Court led by Justice Kuldeep Singh decided the *Vellore case* on August 28, 1996, and in several important subsequent judgments written by him¹⁹ he applied the ratio of the *Vellore case*. This account has been presented in a tabular form as below:

Table

S.No.	Cases in Which <i>Vellore Case</i> Applied	Date of Order/Judgment	Judge Who Delivered the Order/Judgment
1.	<i>Bayer India Ltd. case</i> ²⁰	Sept. 09, 1996.	Justice B.L. Hansaria, (Justice Kuldeep Singh was a member of the Bench)
2.	<i>Badkal & Surajkund Lakes case</i> ²¹	Oct. 11, 1996.	Justice Kuldeep Singh
3.	<i>Suo Motu case</i> (Vehicular Pollution in Delhi matter) ²²	Nov. 18, 1996	Justice Kuldeep Singh
4.	<i>Shrimp Culture case</i> ²³	Dec. 11, 1996	Justice Kuldeep Singh
5.	<i>Kamal Nath case</i> ²⁴	Dec. 13, 1996.	Justice Kuldeep Singh
6.	<i>Calcutta Tanneries case</i> ²⁵	Dec. 19, 1996	Justice Kuldeep Singh

¹⁹ Except one order written by Justice Hansaria to which Justice Kuldeep Singh was the party. See serial number 1 in the table.

²⁰ *F.B. Taraporwala v. Bayer India Ltd.* (1996) 6 SCC 58, 61 (Para 4).

²¹ *M.C. Mehta (Badkal and Surajkund Lakes Matter v. Union of India)* (1997) 3 SCC 715, 718-20. (Para 8 & 10).

²² *Suo Motu Proceeding In Re : Delhi Transport Development* (1998) 9 SCC 250; 251. Justice Kuldeep Singh (Joint order of the Div. bench) applied the precautionary principle as part of sustainable development to establish a legal duty of the state government to control the vehicular pollution in Delhi).

²³ *S Jagannath, v. Union of India* (1997) 2 SCC 87, 143-46 (Para 47).

²⁴ *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388, 413-414 (para 37 & 38).

7.	<i>Taj Trapezium case</i> ²⁶	Dec. 30, 1996.	Justice Kuldip Singh
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Analysis of the cases shown in the aforementioned table shows that within a short period of four months i.e. from Sept. 1996 to Dec. 1996, the ratio of *Vellore case* was applied in seven important cases by the Supreme Court. Through this exercise *Vellore case* was virtually converted as the grundnorm by Justice Kuldip Singh without stating that it was he who created this grundnorm.

• ***Application of Vellore case by the Other Judges in Post Kuldip Singh Era***

Even after retirement of Justice Kuldip Singh in Dec. 1996 the entire ratio of *Vellore case* remained intact. In fact, this ratio of *Vellore* has been further strengthened when in many other important environmental cases the Supreme Court reiterated and upheld the same. But, in post Kuldip Singh era nature and extent of the application of *Vellor's* ratio has varied from case to case.

In *Samatha case*²⁷ only meaning and importance of the term sustainable development as well as "the polluter pays principle as a facet thereof" have been briefly mentioned and affirmed by the Supreme Court. In *Nuyudu case*²⁸ citing *Vellore case* the Supreme Court felt it necessary to further elaborate the meaning of precautionary principle in more detail'. (Para 32, p. 733). In *Sardar Sarovar Dam*²⁹ majority judgment (Kirpal, J. for himself and Anand, CJI.) referred the *Nayudu & Vellore Cases* and approved the construction of a mega dam and found it compatible with the concept of sustainable development.

CONCLUSION

Various international law principles and norms have become part of our own environmental law jurisprudence by adopting them through the mechanism of Constitutional Amendment, enactment of certain specialized Statutes such as Environment (Protection) Act, 1986, Public Liability Insurance Act, 1991, the National Environmental Tribunal Act, 1995 etc. But the most important and significant role was played by the Supreme Court of India through its various landmark judgments. Through these judgments the court has made important international environmental law principles as an unalienable part of India's environmental jurisprudence. The court has expanded the scope of Article 21 of the Constitution of India to include right to healthy environment within the fold of right to life. Now anyone can go to the court and seek a remedy in case his/her right to enjoyment of life is threatened due to un-sustainable developmental activities.

²⁵ *M.C. Mehta (Calcutta Tannaries' Matter) v. Union of India* (1997) 2 SCC 411, 429-430 (Para 18 & 19).

²⁶ *M.C. Mehta (Taj Trapezium Matter) v. Union of India* (1997) 2 SCC 353, 382-83. (Para 32).

²⁷ *Samatha, v. State of A.P. & others* (1997) 8 SCC 191, 274. (Para 123) (Decided on July 11, 1997 by three judges' bench).

²⁸ *A.P. Pollution Control Board v. Prof. M.V. Nayudu* (1999) 2 SCC 718, 732-34 (Para 30, 31 & 36).

²⁹ *Narmada Bachao Andolan v. Union of India* 2000 (7) SCALE 34, 91-92. (pares 119-121) (AIR 2000 SC 3751).

The process of integration of India's environmental law with the international environmental law is an ongoing process and it is in progress. The present paper does not intend to go into the details of on the ground implementation of these principles but in the end it can be said that though adoption of international norms into country's own environmental jurisprudence has truly been a great achievement, it would be a real success if environmental justice would become a part of human rights justice system of the country.

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Educated Unemployment

Dr. Hemlata*

Abstract- Education has emerged as a fundamental requirement of a Person's life. Life without education is similar to animal education plays an important role in making the future of the future by making all-round development of the child.

Education is given to the learner by the teacher. The major three components of education are education teacher and learner.

At present, the quality of education has become so much affected that the army of educated unemployed has stood.

In spite of being educated, you are unemployed. There are several reasons for this, like capital and land which are available for government jobs. In government employment salaries are attractively low but facilities are good. The job is fixed, while in private business, the full income but facilities depend on hours of work. Secondly, any ordinary person is required to have large capital and land available to start the system. Normally it is not possible to start a personal business. One reason for this is also the lack of experience.

These are some of the major reasons why educated unemployed are affected. One of the main reasons for educated unemployed is that their knowledge is not equivalent to their degrees. The lack of quality in their knowledge is associated with the teacher. The kind of knowledge the teacher gives to the learner gets the same result. The change in result here also depends on the learner's interest. Due to the lack of quality of education in education and the absence of recruitment of government jobs, the number of unemployed is open in the present time.

Employment paths open with the development of education. A person can get a job of a small post when the line of stripes is taken, then the question mark on the education teacher and its quality is displayed. At present, the quality of education and the teacher needs to be effective so that the learners can self-employed in the absence of a job.

Keywords- Unemployment, Quality of education, Business, Degree, Relative knowledge, Development.

Introduction- Unemployment in the current Indian perspective is at the peak. In the absence of employment the status of Educated unemployed has become pathetic. Every year lakhs of the young people from the university or collage wish for a bright future by becoming Educated, but when the teacher does not get a small level job. Being educated young people do not want to work in

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agriculture. The direct impact of the unemployed youth on country's economic situation lies on the situation. The main reason for this in India is the lack of population growth capital government recruitment etc and lack of this problem has become a cause of great disappointment for the youth in modern times after the year 1972-1973 unemployment rate was the highest during the year 2017-2018.

Conclusions- Unemployment is highest in the modern times than in Previous years. The basic cause of unemployment is the Increase in the population. The lack of the self Employment, the absence of official recruitment. Unemployment, where frustrating the youth of the Country. The educated section of the society wishes to Do a respectable job or business, which is why most of the people want to be educated teacher this is the reason for the education sector that due to lack of proper education knowledge and no training, teacher become compulsory. School are set up to be teacher and keeping private school open. Knowledge given by such teacher can only make the person literate. Educated unemployed gets the means of nurturing their own family, but the quality of education becomes zero.

An institution believes that 85% educated youth in India Who can not prove their qualification in any situation despite good studies 45% of the youth are considered unemployed for employment, 65% can not work for the young clerk and 97% can not do the job of properly educated youth accounting.

In India, youth have been considered as one of the super Power on one side. While on the other hand, in the Achive of unemployment. So it is possible that all the Mechanisms work at the grassroots level rather than The spirit of selfishness, than such a large section of the Country can be fully literate and it can get better Employment opportunities.

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Long-term Monthly Climatology of ISM and Low-Level Jets

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Abstract

This study's monthly climatology of different climatic parameters is seen using long-term reanalysis data with Indian Summer Monsoon (ISM) rainfall gridded data. The study tried to understand better its linkage within cross-equatorial region low-level jets formed in the Indian Ocean's near-equatorial region. Monthly climatological climate parameters display ISM's relationship with India neighboring areas on a regional scale. The analysis utilized various statistical tools like ordinal least square and support vector regression with Hilbert transform and R-squared correlation value for better understanding. Statistical operation shows that SVR model+Hilbert transforms display more accurate correlation than OLS model+Hilbert transform in each month of JJAS (June, July, August, September). The SVR model+Hilbert transform least correlated with only August month ISM gridded rainfall amount.

Keywords: -Low-level jets, cross-equatorial, ISM, Mascarene High

Introduction

The Indian Summer Monsoon (ISM) is a seasonal feature that brings copious rainfall over India and helps sustain more than one billion people's livelihood. The ISM is the most dynamic monsoon system (Gadgil, 2003) that contributes almost 70% of total rainfall within the span of four-month (June-September) over India (Parthasarathy et al. 1994). ISM plays a vital role in the farming sector utilizing water supply and food grain production and, therefore, directly influences society's economy and cultural aspects. Inadequate rainfall during the season poses a threat to society and dampens the growth of the nation. During the pre-monsoon season (April & May), intense heating over northwest India and adjoining Pakistan caused by increased solar radiation leads to the formation of a deep low pressure over these regions, and it persists till September (Warner, 2009). These regions experience low surface pressure (about 3-10 hPa less) than the surrounding regions. The Tibetan plateau acts as a divine heat source. Compared to the heat low over the Indian subcontinent at 500 hPa, thermal convection is stronger over the Tibetan plateau because of its higher elevation. The ascending air over the plateau, along with the upper-level divergence associated with the monsoon precipitating systems, rapidly spreads outwards. The divergence of air leads to an upper-level anticyclone centered around Tibet at

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300-100 hPa. Tibetan high is a large anticyclone with the largest amplitude near 200 hPa during northern summer (Krishnamurthy et al., 1973). TEJ forms close to 100 – 150 hPa levels during monsoon, and it is an essential constituent of the ISM circulation. It forms in June and persists until September (Krishnamurti and Bhalme, 1976). It has a wind speed of roughly 40 – 50 m/s to the west of India's southern tip over the Arabian Sea (Reiter, 1961). Cross-equatorial low-level jet is a low-level jet that forms when the trade wind crosses the equator along a narrow longitudinal belt over the Somalia coast (near the East African mountain), followed by an eastward turning due to Coriolis force. This westerly jet seen close to 4°N-10°N in the Arabian Sea has a maximum intensity of 30m/s-40m/s at 850 hPa (Findlater, 1978). The monsoon trough is a semi-permanent feature of the ISM in the lower troposphere. It is a region of large scale cyclonic vorticity, extending from north of BOB to western India (Rao, 1976). It is flanked by westerly to south-westerly monsoon winds to the south and easterlies to the north. The trough tilts southwards with height and reaches up to 500 hPa level. The temporal and spatial variations of the monsoon trough are responsible for ISM intra-seasonal variability embedded in it. Monsoon disturbances are low depression and storms that form over BOB/AS and move inland. The BoB dominates in producing such systems where they travel along the monsoon trough and produce heavy rainfall. ISM rainfall is highly dependent on these disturbances. Excess ISMR years have a significantly higher number of these monsoon disturbances than drought years (Kumar & Desai, 1999). The intra-seasonal variability of the rainfall plays a significant role in Indian agriculture, economy, water resource management; the prediction of ISM's active and break spells, duration, and intensity requires a thorough understanding of the responsible physical mechanisms. Though a considerably large number of studies have explored the monsoon dynamics and large-scale teleconnection, the links between the MH variability and ISM are rarely studied. The present study aims to understand the links between intra-seasonal variability of ISM rainfall with SbH/MH through the means of cross-equatorial flow (CEF) and westerly low-level jet (LLJ). Krishnamurti and Bahlme (1976) noted that large-scale ISM flow is affected by MH. Studies have reported a robust relationship between the SbH and the monsoon precipitation over the south and Southeast Asia (Krishnamurti and Bhalme, 1976; Feng et al., 2003; Xue et al., 2004). These studies found that strengthening (weakening) of MH or Australian high (AH) leads to increased (decreased) rainfall over different monsoon regions of the Asian continent during boreal summer. A recent study by Manatsa et al. (2014) had shown that east African rainfall is also strongly linked to MH. Their study shows that MH's zonal displacement, especially its eastern ridge, causes the rainfall variability over east Africa. Suppose the eastern ridge of MH shifts westward, the southeast wind coming from higher latitude over the southern Indian Ocean strengthens. In that case, this induces cold air on a warm surface and suppresses the convection over the western Indian Ocean, which leads to

rain deficit in the East African region. Therefore, changes in the SbH significantly influence rainfall over regions located in the African and the Asian continents. During the break phase, there is an increase in mean surface pressure over the Indian subcontinent and causes a weak inter-hemispheric pressure gradient, weakening the CEF. Thus, vulnerable LLJ causes less rainfall activity over central India.

Data and Methodology

Era-Interim reanalysis data maintained by the European Centre for Medium-Range Weather Forecasting (ECMWF). It is a combined product of advanced global model data with data assimilation. Era-Interim has high temporal (hourly) and spatial ($0.25^\circ \times 0.25^\circ$). The data are used in $0.5^\circ \times 0.5^\circ$ spatial resolution of 6-hourly time-frequency from 1979 to 2017 from the Copernicus Climate Change Service (C3S). The different variable utilized for the study is temperature, geopotential, wind (both zonal and meridional), and mean sea level pressure (MSLP). The gridded long-term rainfall data over the Indian region is taken from the Indian Meteorological Department (IMD). Gridded rainfall data is stored at the National Data Centre (NDC), IMD, Pune, using the Shepard method (Shepard, 1968). Over the Indian region, 6329 stations weather data site is present, out of 70 are Agro-meteorological stations, and 522 are Hydro-meteorological stations maintained through the Indian Meteorological Department. Rainfall gridded long-term data obtained from 537 observatories established all over India. The state government weather department supports the remaining stations. The dataset has a spatial resolution of $0.25^\circ \times 0.25^\circ$ with daily temporal resolution. The variation of density of observations may vary from time to time.

Various mathematical operations were applied on era-interim and rainfall gridded data to find the linkage between low-level jet Indian summer monsoon rainfalls. A mathematical function like cross-correlation, Hilbert transform, ordinary least square regressions, and support vector regression (SVR). Cross-correlation is a potent tool in signal processing. It is the generalized form of typical linear correlation. This method equitably compares the different time-series data, and it shows how the two-time series match and where the best/maximum correlation coefficient occurs. It is calculated by creating the lags in time series of two signals in both directions, and it gives the time-lag correlation coefficient between the two movements.

The Hilbert transform (HT) is essential in mathematics and signal processing. HT of a signal $x(t)$ is termed as the transform in which phase angle is shifted by $\pm 90^\circ$ of all components of the signal in data. The HT is vital in signal processing, where it derives the analytic representation of a real-valued signal $x(t)$. Specifically, the Hilbert transform of u is its harmonic conjugate v , a function of the real variable t such that the complex-valued function $u + iv$ admits an extension to the complex upper half-plane satisfying the Cauchy–Riemann equations. In this setting, the Hilbert transform was first introduced by

David Hilbert to solve a particular case of the Riemann–Hilbert problem for analytic functions. Hilbert transform of $x(t)$ is expressed with $\hat{x}(t)$, and it is given by:

$$\hat{x}(t) = \frac{1}{\pi} \int_{-\infty}^{\infty} \frac{x(k)}{t-k} dk$$

A signal $x(t)$ and its Hilbert transform $\hat{x}(t)$ has the same amplitude spectrum, autocorrelation function, and energy spectral density.

Ordinary Least Squares regression (OLS), often called linear regression. An OLS linear regression procedure builds the best fit line that would serve as the most accurate way of depicting the data points spread with a single line. The least-squares property states that the line fit in the OLS method will have the smallest value of each data point's summed squared deviations from the line. The simple linear regression model equation is represented as:

$$y = \beta_0 + \beta_1 x + \varepsilon$$

Where y is termed as the dependent variable, and x is termed as the independent variable. The terms β_0 and β_1 are the parameters of the model, also known as regression coefficients. The β_0 , and the β_1 is termed as the intercept term and slope parameter, respectively. The impalpable error component ε accounts for the failure of data to lie on the straight line and represents the difference between the actual and observed realization of y .

R-square is used to measure the goodness-of-fit for linear regression models, also known as the coefficient of determination, multiple determinations for multiple regressions. It calculates the power of the relationship between your model and the dependent variable on a 0 – 100% scale. Higher R-squared values reflect smaller differences between the fitted values and the observed data. R-squared is the fraction of the dependent variable variation that a linear model explains. R-square (R^2) represents the fraction of the variance for a dependent variable defined by predictors in a regression model. Whereas correlation explains the robustness of the relationship between a dependent and independent variable, R-square explains to what extent one variable's variance explains the second variable's variance. If R^2 of the model is 0.50, then nearly half of the observed variation can be explained by the model's inputs.

$$R^2 = \frac{\text{variance explained by model}}{\text{Total variance}}$$

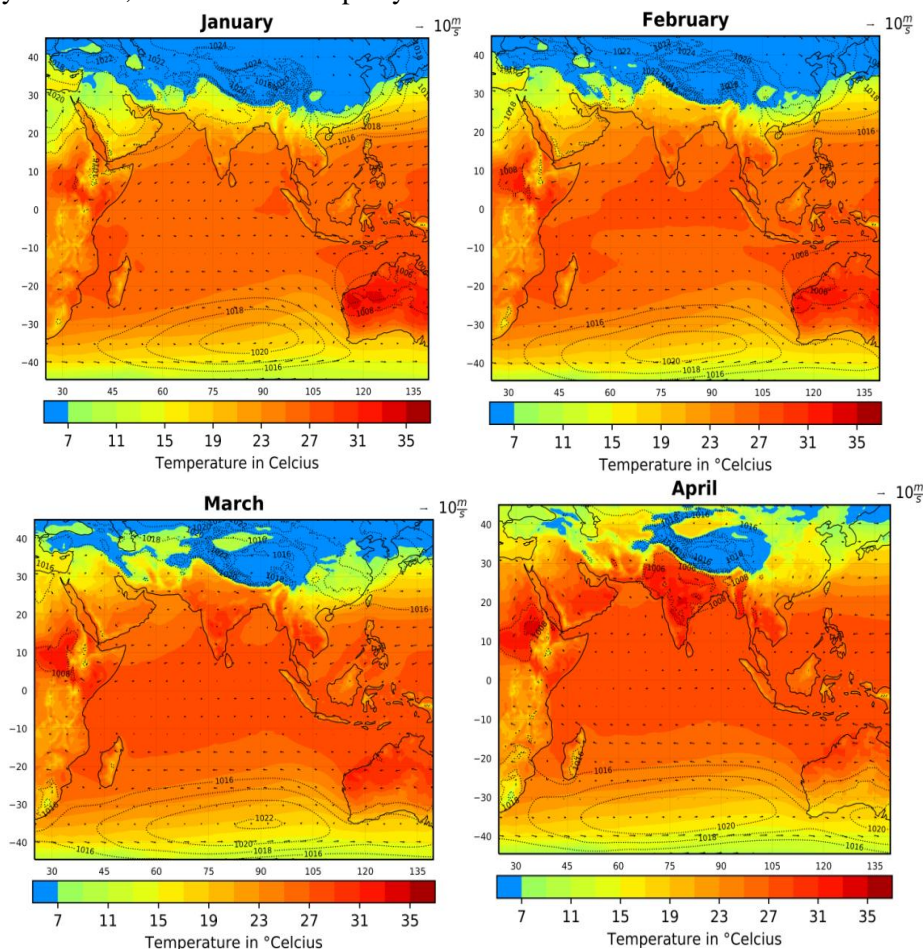
Support Vector Regression (SVR) is utterly different than other linear Regression models. The Support Vector Machine (SVM, a classification algorithm) algorithm is used to predict a continuous variable. SVM is a discriminative algorithm that tries to find the optimal hyperplane. It distinctly classifies the data set in N-dimensional space (N - the number of features). In a 2D space, a hyperplane is a line that optimally divides the data points into two

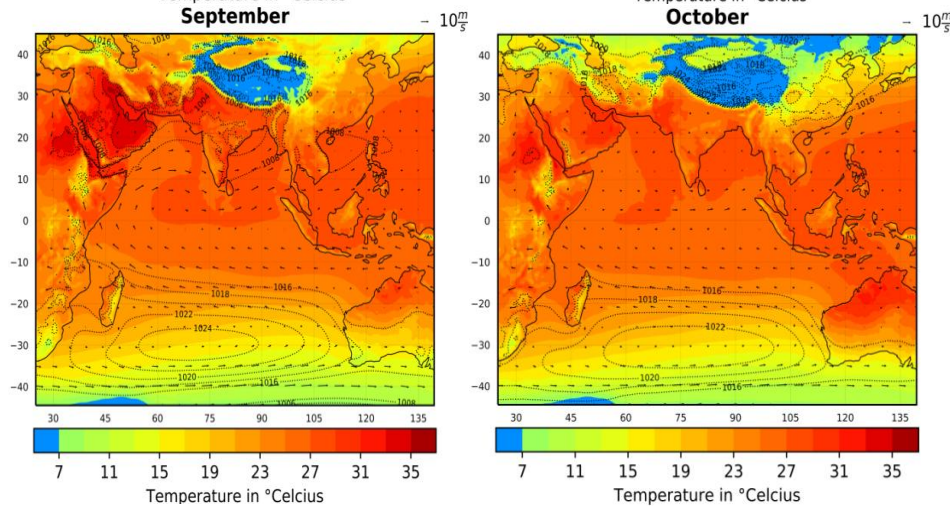
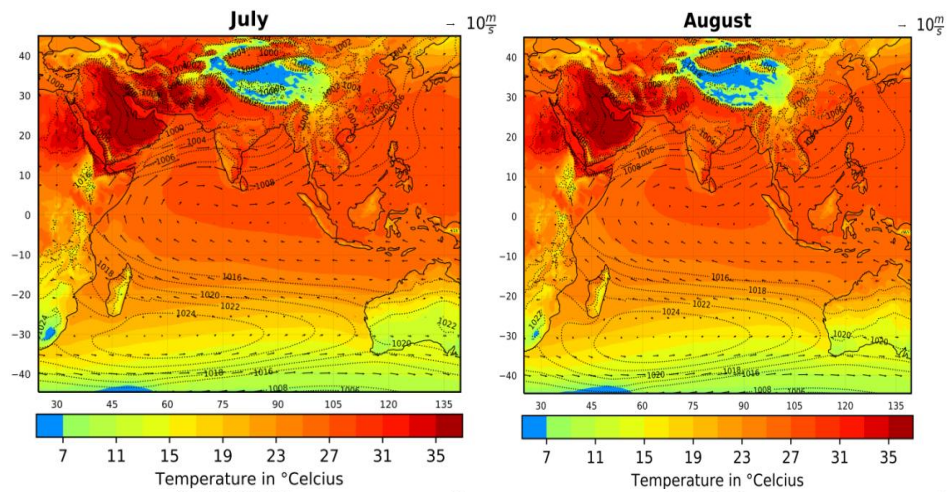
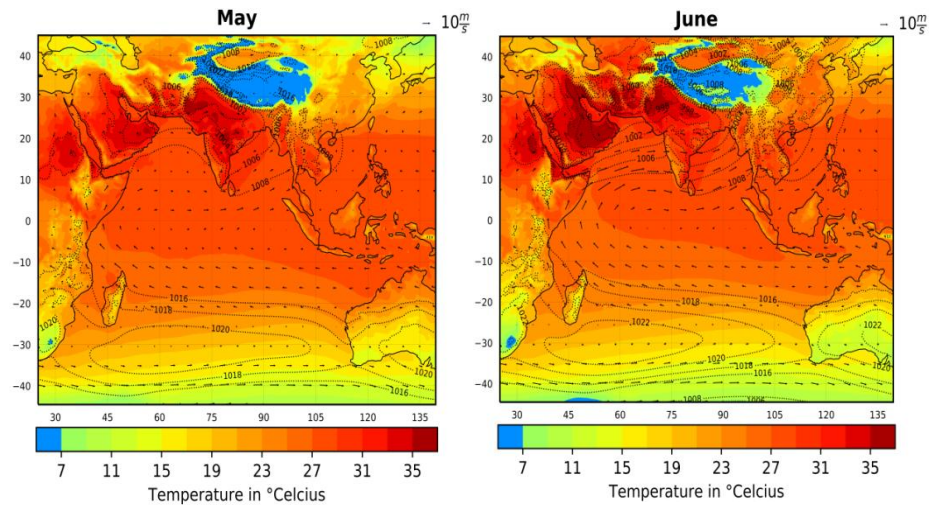
different classes. In a higher-dimensional space, the hyperplane would have a different shape rather than a line.

While other regression models (both linear and multilinear) attempt to keep the error between the predicted and the actual data, SVR seeks to fit the most acceptable line within a predetermined or threshold error value. SVR attempts to categorize every prediction line into two types. One part passes, and another one doesn't pass through the error boundary (space separated by two parallel lines). Those lines which exceed the error boundary are not treated as the difference between the forecasted value, and the real value has surpassed the threshold error. The lines that pass are considered for a potential support vector to predict the value of an unknown.

Result and Discussion

This subsection discusses the initial results of our analysis. Using the ERA-5 dataset of 40 years (1979-2018), we have computed seasonal climatology. Fig. 1 shows climatological 2-meter temperature (T-2m), MSLP, and wind at 850 hPa over the region 45°N -45°S, 25°E - 140°E. T-2m is shown by color fill, MSLP by contours, and wind at 850hpa by vectors.





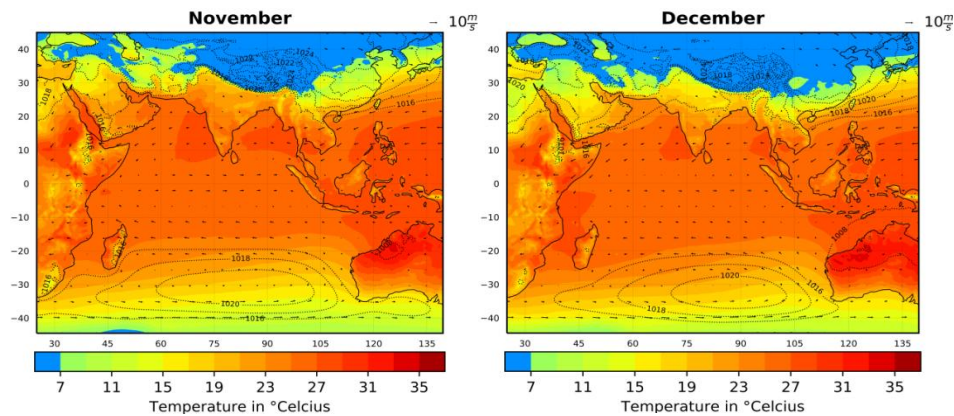


Figure 1. Monthly evolution of wind, MSLP, and T2m fields over the region considered for the analysis

As observed in Fig. 1, during January, northern India and adjoining regions of Pakistan show a high-pressure system (~ 1018 hPa). It is well known that during NH winter, the ITCZ is located south of the equator, and there is less solar insolation in the NH, leading to low temperatures over the north Indian region. The SbH (or MH) is located between $70^{\circ}\text{E} - 100^{\circ}\text{E}$ in the southeastern Indian Ocean. In February month, high pressure over the north Indian region reduces as the sun starts moving northwards. The SbH is longitudinally extended compared to January, where its core shifts westward from 70°E to 65°E . In March, the high pressure over the Indian sub-continent further comes down, and there is some increase in temperature over the north Indian region. Also, as compared to February, the pressure near the SbH region is higher in March. However, it remains more or less the same in April. During April and May, intense heating over the Middle East desert and northern Indian subcontinent result in the formation of heat low over these regions as depicted from pressure contour lines. The lower temperature is now confined only to the Himalayan and Tibetan plateau region. During May, the SbH moves northward, and a slight increase is seen in the intensity compared to the previous months. The heat low and intensified SbH create a huge inter hemispherical meridional pressure gradient, as shown in Figure 2.

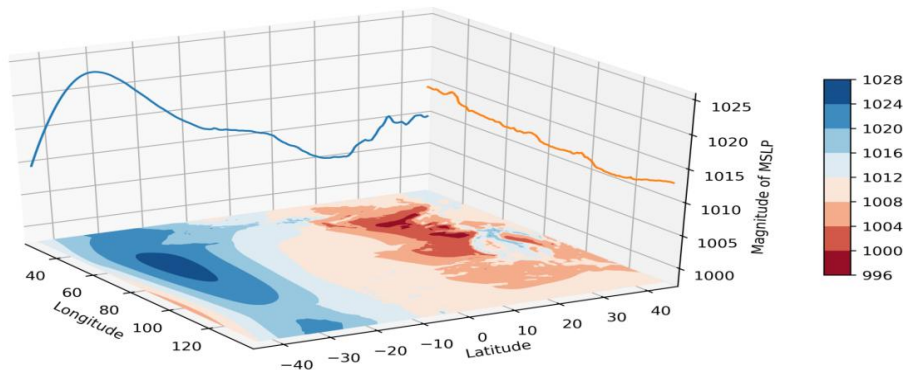


Figure 2. Contour plot of MSLP on the horizontal axis, line plot of latitudinal mean and longitudinal mean on the vertical axis

Due to this pressure gradient, the trade winds over Indian Oceans deflect northward across the isobar line and cross the equator near the Somali coast (as seen in May) and termed as the cross-equatorial jet (also known as Somali jet). In June, this pressure gradient further increases as pressure over the MH region increase (~ 1022 hPa), which intensifies the CEF shifting it more northward. As it moves northward, Coriolis force deflects this jet towards the Indian subcontinent, and this jet is termed as westerly or low-level jet (LLJ, also known as Findlater jet (FJ)). This jet persists till September end, but its strength varies during these periods. July month shows the decrease in temperature over the Indian subcontinent. ISM rainfall is one of the prominent reasons for this decrease in temperature. In July, FJ is positioned more northward as compared to that in June. During July, there is an increase in pressure over the MH region. August's features are almost similar to the July month except that the western extent of SbH has shifted from 40° E to 45° E. In September, the pressure gradient becomes weaker. The intensity of the FJ now decreases, and the MH region starts shifting southwards. As shown in Fig. 1, the intensity of SbH drops as the sun moves southward from October month. FJ disappears in this month, and the intensity of MH further decreases. Also, the temperature over the Tibetan plateau region falls as the sun moves southward. In November, temperature over the Indian sub-continent becomes lower, and there is northeasterly flow over the Arabian Sea and BoB. The SbH shifts more south-eastward, and intensity reduces. In December, the power of SbH further decreases, and temperature over the Indian subcontinent is lesser than that during November. The pressure contours during December show a high-pressure system over north India.

The linear model is constructed to predict the ISMR with three predictors (FJ, CEF, MH_MSLP). Two models are established in this study. The first one uses the multilinear OLS method; the second model uses the SVR method to catch non-linearity in data. The linear model is also established on a different time scale (e.g., monthly). The following table shows the R-square values on a different time scale of different models:

Month	JJAS	June	July	August	September
OLS+Hilbert	0.282	0.375	0.252	0.192	0.389
SVR+Hilbert	0.417	0.671	0.523	0.491	0.635

R-square is used to measure the goodness of fit for the linear regression model. The value of r-square for the seasonal time scale is 0.275 with the OLS method. It slightly increases with predictors having its Hilbert transform. This rise occurs due to the Hilbert transform, which resolves the time-lag of predictors up to some extent. An increase in r-square value with the SVR method is noted. It is

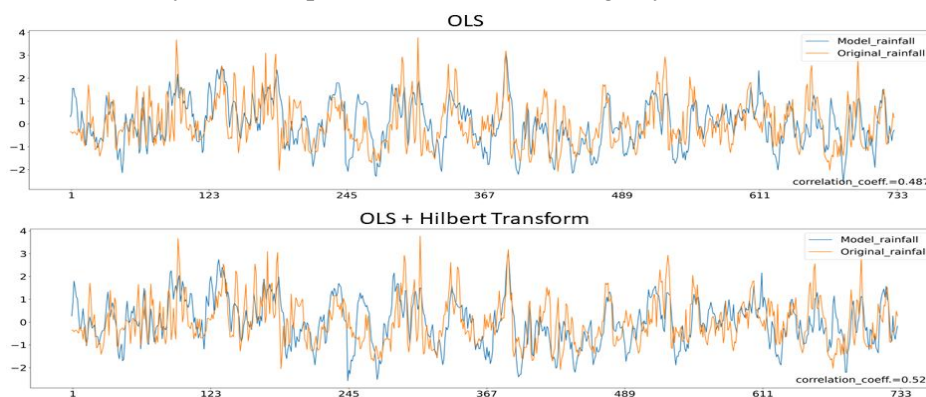
because the SVR method also catches non-linearity in the dataset. The pattern of different models is almost the same in all four months.

All models show a high r-square value for June. It reflects that predictors play an essential role as one of the significant forcings for ISMR. Value decreases in July, which resembles that some other forces start acting to drive the ISMR. It significantly decreases in August, which personifies that predictors are now less significant forces in driving the ISMR. But surprisingly, in September, the r-square value is highest; it shows that predictors used in the model play a vital role in the onset and retrieval of monsoon. The linear regression model is also performed spatially (i.e., with each grid). The next Figure shows the linear regression model to predict rainfall at each grid point using OLS and SVR methods. The linear regression model is also performed spatially (i.e., with each grid).

The test-train analysis is fundamental to ensure the model can generalize on the new dataset. In this analysis, the original dataset is split into two datasets, i.e., Train data and Test data. In this analysis, the model is first trained on Train data to find the slopes and intercept of the linear equation used in the model. With this and intercept's help, the model is tested over the Test dataset to predict rainfall. The correlation between rainfall obtained by model on Test data and original rainfall data are listed in Table 2.

Month	JJAS	June	July	August	September
OLS+Hilbert	0.279	0.242	0.348	0.131	0.439
SVR+Hilbert	0.595	0.869	0.892	0.818	0.862

With a comparison of Table 2 with Table 1, the model with OLS+ Hilbert and SVR+Hilbert shows a good fit. Only for an August month, OLS + Hilbert models are under fitted. Table 2 shows the model performs exceptionally well for September month while the model is underfitting for August month. For June and July, the model is a good fit. Also, table 2 shows the model with the SVR+Hilbert method is performing exceptionally well. Model rainfall is offering a good correlation with original rain. The above analysis is done with a lag of one day, which shows a good correlation between model and actual rainfall. The Train-test analysis is also performed on different lag days.



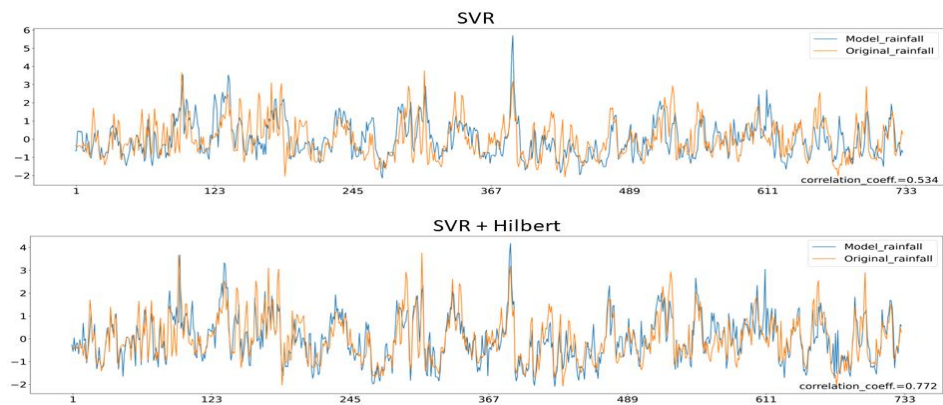


Figure 3. A plot of original daily rainfall and model output obtained by the trained model with different Methods.

Conclusion

More accurate ISM required a better understanding of the ISM linkage relationship with various low-level jets. Monthly climatology of wind, geopotential, temperature utilized for regional understanding thoroughly of the climate of neighboring areas that have a direct impact on Indian Summer Monsoon Rainfall. Better prediction if ISM is essential for India. As the Indian economy is mainly agriculture-based, rainfalls determine agricultural production in India. The OLS+Hilbert and SVR+Hilbert with R-square correlation value show that better prediction of ISM is possible from thoroughly understanding its linkage with different atmospheric phenomena worldwide, mainly of neighboring areas regional scale. From the climatological monthly features (i.e., MSLP, T-2m, and evolution of 850 hPa winds) over the study region, ISM's semi-permanent features (like Heat Low, MH, CEF, FJ) primarily evolves in June, and strong signals persists till September. So we limit our further analysis to the monthly and seasonal variability of MH, 850 hPa winds, and other variables during the ISM season (JJAS). The location of MH, FJ, and CEF is in terms of time series consist of FJ (5°N-20°N, 60°E-75°E), CEF (5°S-5°N, 40°E-60°E), MH_MSLP (40°N-40°S, 45°E-105°E) and ISMR is seen.

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Essentially Contested Concepts and Natural Kind Terms: Kant and Kripke

*Sikander Jamil**

Abstract: *In a landmark essay published in 1956, W.B. Gallie proposed seven conditions for a given concept to be essentially contested. The idea has been widely discussed and interpreted in various ways. In this paper, I want to show that natural kind terms also fulfill all the seven conditions of contestability. Using the same criteria, the theory may be interpreted in the context of the contrasting theories of natural kind terms which Kant and Kripke developed independently. This paper is an attempt to explore this interesting finding which has never been discussed before.*

KEY WORDS: *Gallie, Essentially Contested Concepts, Kant, Kripke, Natural Kind Terms*

A. INTRODUCTION:

W.B. Gallie (1956) proposes seven conditions of contestability which must be satisfied categorically and necessarily to make a concept essentially contested. He takes first five conditions to be primary while the last two conditions, he considers as secondary; although he focuses more on the later. Most of interpreters have taken Gallie literally, and that's why they misrepresent the theory. In my interpretation of Gallie's theory, first five conditions are only preliminary while the main conditions of contestability are, in fact, the last two conditions. In order to consider a concept as essentially contested, the last conditions should be considered first. But the interpreters did just the opposite. Their efforts are like putting the horse before the cart. I would like to argue that the role of exemplars and their sustainment in determining essentially contested concepts is central to Gallie's theory. He shows, "we can best see more precisely what it means by comparing and contrasting our uses of it...by considering how it came to be" [Gallie 1956: 198].

Gallie primarily deals with those concepts on which there is a wide disagreement about their use, adaptability, and the role they play in different contexts. It appears that by using the term 'concept,' he did not have the connotation of concepts *per se* as we come across in contemporary philosophy. He uses concepts and terms interchangeably, which shows that he is more concerned about the syntactical framework of different concepts/terms, rather than their conceptual content. This is an interesting finding because much of the

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interpretation of his theory is based on the misunderstanding that concepts are used in the strict sense. In his essay, Gallie points at some live and artificial examples. In live examples, he includes political concepts like democracy, social justice, and religion while trivial terms of common utterances like “championship” have been taken as artificial examples. He claims that these concepts/terms, and of similar sorts, are essentially contested.

Apart from taking additional conditions as the main ones and the first five conditions as the preliminary ones, I would like to develop the theory in the context of Kant-Kripke debate on natural kind terms. In early twenty-first century, much philosophical work is done to discuss and make sense of propositions related to natural kinds such as gold and water, in the context of different lines of philosophical thought within analytic framework, e.g. semantics of direct reference, modal metaphysics, modal epistemology, metaphysics of scientific realism etc.

Nevertheless, the source of the entire development may be traced in Kant’s classical epistemological framework. He argues that the propositions of natural kinds such as ‘Gold is a yellow metal’ are necessary, a priori, and analytically true.¹ The propositions are a priori in the sense of experience independence. The apriority shows the relation between the concept of the subject term (gold) and the concept of the predicate term (a yellow metal) and doesn’t require empirical verification on its each acquaintance. The proposition is not only semantically a priori, but also epistemically a priori. In order to know the concept, a speaker just requires analysis within the given conceptual insight of gold; without the mediation of any sensory-motor process on his part. The concept is used bracketing the initial sensory experiences by which it was acquired at the first place.

In order to refute this Kantian position, Kripke provides various counterexamples and argues that the propositions are neither analytic, nor necessary, nor a priori. He argues, “...as an example ‘Gold is a yellow metal,’ which seems to me an extraordinary one, because it’s something I think that can turn out to be false...Note that Kant’s example, ‘Gold is a yellow metal,’ is not even a priori, and whatever necessity it has is established by scientific investigation; it is thus far from analytic in any sense.”² He denies a priori nature of the proposition on the basis of the perceptual experience of the natural kind stuff. Because he denies apriority character of the proposition, its analyticity is challenged on its own accord.

It is interesting to note that Kant and Kripke maintain their position “aggressively and defensively” in different contexts, that is to say, in the context

¹ Ellington, J. trans, 1977. *Prolegomena To Any Future Metaphysics*, Indianapolis: Hackett Pub. Co. 4: 267.

² Kripke, Saul 1980. *Naming and Necessity*, Cambridge, Massachusetts: Harvard University Press, 39.

of epistemology and metaphysics respectively. I want to show that the debate may be interpreted in terms of Gallie's theory of essentially contested concepts. Before I undertake this task, first it is necessary to understand what essentially contested concepts are all about, and what are different criteria that make some concepts to be essentially contested?

B.ESSENTIALLY CONTESTED CONCEPTS AND NATURAL KIND TERMS: KANT AND KRIPKE

Saul A. Kripke developed a new theory of reference according to which a proper name or a natural kind term functions as a rigid designator that rigidly designates a unique referent in all possible worlds. This theory had been presented as an alternative theory to the descriptivist approach of Frege and Russell which advocates that the definite description may also determine the reference of a proper name or a term. Kripke argues that the associated definite description, being non-rigid, only contingently stipulates the reference.

Here it is important to note that both essentially contested concepts and natural kind terms require the role of "an original exemplar whose authority is acknowledged by all the contested users of the concept" (VI). But we find that there is no contest over the natural kind terms like "water", or "gold", or biological sortals like "tiger".

There is a contest over the context in which the terms are used in the theories of Kant and Kripke, which is ontological and metaphysical respectively although they both identify the significance of an original exemplar. In Kripke's theory, the concept of natural kind terms is based on scientific essentialism, according to which there is a semantic relation between a term like "water" and its underlying chemico-compositional microstructure (H₂O). Kripke visualizes the metaphysical aspect of the theory. In a sharp contrast to this position, Kant shows that the said relation is not possible at all because human sensorium is incapable of grasping the atomic or sub-atomic micro-structure of the kind. In other words, things in themselves (*Ding an sich*) cannot be known at all; what is knowable is only phenomena – the ontological reality.

From Kantian perspective, natural kind terms are taken in linguistic as well as ontological sense. The term, say, 'gold' is used as a linguistic entity that refers to a specific substance that is conventionally found to be associated with the term. The term may be analyzed by focusing our thoughts that follow when we use the term. In doing so, we pursue only the recapitulation of the description that may be associated with the term. Thus, the term plays a dual role - as a designator and as an ontological reality to which a description has to be provided. This practice only clarifies the concept 'gold,' and don't upgrade our knowledge. That's why, the judgment related to the concept is said to be analytic, and Kant takes all analytic judgments to be *a priori* cognitions.

Whereas in Kripke's theory, the term like "gold" is taken as a rigid designator that only designates an element with atomic number 79 in all possible worlds in which the element exists. Thus, we see that he takes gold's atomic

structure to be its essence, rather than the associated macro-physical properties, as taken in the Kantian system.

Taking both the positions into consideration, it is easy to show the internally complex character of natural kind terms because the contest over their use can be traced back to different versions of essentialism, of Kant and Kripke. There is a sharp contest over the essence of natural kinds to be their micro-physical or phenomenological properties. Each party gives arguments in support of his position.

Here, the remark of Fred Kroon and Robert Nola is important. According to my interpretation of their view in the context of Gallie's theory, there is contestability over the use of the term gold itself. On their account, the term may be used in two distinct senses, that is, rigidly designating concept, and stereotype concept (Kroon and Nola 449). The former one uniquely and invariably picks out the unique referent (the gold stuff) and picks out nothing else except that stuff (they call it GOLD₁), while the later one is called as GOLD₂ which is a definite description by which the stuff may be identified by mean of its superficial, external, or macro-physical properties. Thus, in the Kantian perspective, two senses may be ascribed to a single natural kind, which confirms its internal complex character.

According to condition III of Gallie's theory, "Any explanation of its worth must therefore include reference to the respective contributions of its various parts or feature...the accredited achievement is initially variously describable". Literary evidences show natural kind terms are "initially variously describable".

We may turn to test condition IV for natural kind terms. According to this condition, "the accredited achievement must be of a kind that admits of considerable modification in the light of changing circumstances...the concept of any such achievement "open" in character". Several theories of natural kinds show their unique characteristic of openness. Kant was restricted to use the terms for mass nouns ("water" and "gold"), while Kripke extends the use to a wide range of objects including mass nouns and animal species that occur in nature, as I have mentioned above.

As regards to condition VII, value achievement of the exemplar is not only sustained but also becomes evolved over the period of time. Applying this condition to natural kind terms, we are reminded of *logical relation* between terms and their qualitatively unique referents. This refers to the sustainment of achievement of the exemplar, as we have seen in the form of initial empirical intuitions (the Kantian perspective) or the causal basis (as per Kripke's doctrine) of reference stipulation. Also, over the period of time, now we have a more developed and evolved approaches of natural kind terms. For example, Kripke broadens the arena of the objects that may be included under the terms.

C.CONCLUSIVE REMARKS:

I have demonstrated that natural kind terms satisfy all the seven conditions (both preliminary and mains) of contestation that Gallie proposes. That's why;

the terms show sharp resemblance with essentially contested concepts. Contrasting positions of Kant and Kripke is an evidence of the contestation that is endemic to natural kind terms. For example, gold is an empirical concept, and under current examination, is essentially contested because different theories may be weaved around the same concept. As we have seen that both Kant and Kripke maintains their positions on strictly logical grounds. There are three main sources of disagreements between them. Defenders of Kantian position like Robert Hanna argues that essential property of gold has something to do with yellowness as its phenomenological appearance. This is what human senses may grasp. And initial empirical intuition of gold as an ontological entity is the essence of gold. Kripke offers an equally strong but contrary position that the underlying microstructure of gold, its atomic number 79, is the essence of gold. On his account, yellowness is the contingent property of gold, while gold's atomic number is taken as its essential property. So, the first contest is over different versions of essentialism that they offer.

The second source of conflict is the context that they take into consideration. The context in which Kant proposes his theory of natural kind terms is ontological, while for Kripke the context is entirely metaphysical.

And the third major source of irresolvable dispute is this. Kant takes the term 'necessity' in connotation with analytic necessity. In his account, yellowness is a part of the gold concept itself. He claims, "...I need only decompose (*zergliedern*) it [gold], without looking beyond it elsewhere".³ Hence, the *a priori* relation between yellowness and gold is so strong that the presence of metal with its yellowness constitutes the very concept of gold. Whereas Kripke deals with empirical or physical necessity, he argues that gold is semantically equivalent to its atomic number 79, which is something ascertained *a posteriori*. The methodology they adopt to know natural kinds is different. Kant prefers *a priori* method of knowability of terms, while Kripke argues that the terms may be known only *a posteriori* by mean of empirical investigation. Their rival positions show essentially contested character of natural kind terms.

The very essence of essentially contested concepts lies in their syntactical framework, rather than presupposed conceptual content that each group of disputants would like to endorse. In this sense, natural kind terms rigidly satisfy the criteria of contestability, although much interpretation of Gallie's theory moves around political concepts. This finding broadens the arena of such concepts, for natural kind terms appears to be an offshoot of the same tree.

I have tried to propose above that Gallie's conditions may be applied in the reverse order of priority, which makes the last two auxiliary conditions to be the main ones while endorsing the first five as only preliminary yet important conditions. This practice is like putting again cart before the horse, and justifies

³ Ellington, J. trans, 1977. *Prolegomena To Any Future Metaphysics*, Indianapolis: Hackett Pub. Co. 4:267.

not only Gallie's original position but also do justice for the theories of natural kind terms. In spite of the fact that Kant and Kripke maintain deep contrasting positions on strictly logical grounds, they independently maintain that natural kind terms arise from original exemplars as we have seen in the case of gold as an instantiated stuff. Their methods acknowledgment may vary. Kant argues that the source of gold stuff lies in its initial empirical intuition, while for Kripke it is initial dubbing of the term with the actual referent that was being designated at the first place. Kripke deals with natural kind terms in the metaphysical sense, while Kant takes them in both linguistic as well as ontological sense. Moreover, the contest over their use can be traced back to different versions of essentialism that they endorse.

From Gallie's perspective, the ongoing intellectual struggle for acknowledgment results in the development of the concept under consideration. And because of this constructive mechanism, we have a better understanding of natural kind terms.

A group of users of natural kind terms may defend Kantian position while criticizing the Kripkean one, and the opponent group may do just the reverse. More importantly, each group is inclined to shift to the other side of the argument and changes its position, if the group is exposed to a more appealing counter-argument or stronger evidence. Still, strict contrasting and analytic perspectives are to be maintained, and there is no room for consensus between opponent groups at all.

Finally, essentially contested concepts are complex in character because there is an underlying ambiguity in their explanations not by virtue of their conceptual content but by the ways different parties claim their belongingness with the concept. Since natural kind terms are linguistic devices that designate unique samples of a particular natural kind, they do not contain any semantic content of their own. In this sense, the terms fulfill Gallie's conditions in a more plausible manner. In my view, this approach is metamorphic. In the context of Kant-Kripke debate, neither Kantian approach nor Kripkean arguments may be called as the last theory of natural kind terms, although both the approaches are important philosophical contributions. This is enough evidence to demonstrate the indispensability of Gallie's doctrine for philosophically significant concepts.

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The Indian Communist Movement at a Crossroad: A Marxian Assessment

*Dr. Arun Kumar Singh**

Abstract

Faced with the assault of neoliberal globalization and internecine struggle, the Indian communist movement is shown to be facing a series of inherent contradictions and an identity crisis that has dented its influence and stifled its growth. Maoism and mainstream communist trends functioning with different goals and strategies exhibit a common commitment to state-centric politics and a vanguardist party structure that comes at the expense of advancing the Marxian project of nonexploitation, fair distribution, and democracy

Key Words: *Class, State, Democracy, Revolution, Vanguardism*

Introduction

Since its birth as a united Communist party in the 1920s, the communist movement in India has had a chickened and at times controversial history. With sustained struggle over working-class issues in urban and rural areas, facing and negotiating at times episodes of bans, arrests, and extermination campaigns, the Indian communist movement has carved out an influential place for itself, albeit still restricted, in the Indian body politic. Over the years, however, it got itself ruptured into two political trends: the call of the ballot (parliamentary democracy), and that of the bullet (armed revolution). In the current juncture, Indian Marxism as typified by the communist parties appears not just sundered, but faced with an identity crisis. The massive defeat of parliamentary communist forces in the May 2011 legislative elections in the state of Kerala and particularly West Bengal, and the growing criticisms against the totalitarian nature of Maoist politics, only harden our claim.

While the fragmentation of the Indian communist movement began prior to independence, the first major split led to the formation of the Communist Party of India (Marxist) (henceforth CPI(M)) out of the Communist Party of India (CPI) in 1964. Another materialized within CPI(M) in 1967 to inaugurate the Naxalite movement, proposing armed peasant insurgency along the purported lines of Mao Zedong. The latter, along the years, split into numerous components, principal among them, as of now, the CPI (Maoist) and CPI (Marxist-Leninist) Liberation. While diverse communist parties commonly share Leninist vanguardist organizational structure, the history of the Indian communist movement is a saga of conflict and contestations not only against

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mainstream ideas and institutions, but also within itself: inter- and intraparty struggle continues to bleed the communist movement in India from within. For convenience, I break down the multi-layered strands of Indian Marxism into two broad strands: the armed insurgency organized around the CPI (Maoist), the largest underground Communist party; and that of parliamentary democracy practiced by a conglomeration of Left parties organized around CPI(M), the largest mainstream Communist party. The third strand revolves around the Communist Party of India (Marxist-Leninist) Liberation (CPI(ML)), which, while maintaining a tense relation with parliamentary democracy, finds itself increasingly squeezed between the two trends (opposing Maoism while at the same time opposing the state-sponsored, armed operation to finish the CPI (Maoist), and opposing CPI(M) even though it enters into electoral alliances with it or other Left parties in certain places). While acknowledging its uniqueness and accepting the criticism of using a broad brush, my focus is on the first two trends, which dominate the current Indian scene, with particular emphasis on the nature of their politics and modes of practice.

Left, Right, Left, Right ... The Maoist Route

Notwithstanding the massive deployment of repressive state apparatuses (symbolized by operation Green Hunt),⁵ the ruling coterie leading the charge against Maoism is fully aware that this is no ordinary war campaign. The modes of repression are conjoined with ideological state and private apparatuses to turn the war against CPI (Maoist) into a war of benevolence waged to liberate the rural populace, principally the Adivasis (the indigenous population) and Dalits (hitherto the untouchables, in the hierarchy of the caste system) from a decrepit state of life. Hence the war campaign is conjoined with, and turned into, a campaign for the development of Adivasis and Dalits; many new rural development projects have been and are being initiated as part of this campaign to isolate the Maoists. This indicates that Maoism is addressing concerns and issues rooted in the forms of life of ordinary Indians, at least of marginalized sections of the population large enough to make it, in the words of the Indian Prime Minister, India's "biggest internal threat." Yet the Maoist struggle has several limitations that dent its potency (Chakrabarti and Dhar 2010). Cultivating exclusively extra parliamentary political space, Indian Maoism exhibits two properties: state centrism (i.e., the capture of state power), and armed struggle. Armed insurrection against the state to initiate the New Democratic Revolution is supposed to overthrow the ruling class which comprises the "class of comprador bureaucrat capitalists" composed of "a nexus of top politicians, top bureaucrats and the big business house" who are in direct alliance with semifeudal forces in the countryside, and indirect alliance with the imperialists, particularly the United States (Arvind 2002; also see Indian Maoists 2009). The 'developmental' face of state is dismissed as the mask of a repressive state and its ploy to assimilate the oppressed and expropriate their true demands.

Communist Parties in a Parliamentary Democracy

The participation of legal communist parties in a parliamentary democracy sits uncomfortably with the proposed political horizon they claim beckons a revolution. Let us explore by focusing on CPI(M). In its assessment, “The present Indian State is the organ of the class rule of the bourgeoisie and landlords led by the big bourgeoisie, who are increasingly collaborating with foreign finance capital in pursuit of the capitalist path of development. This class character essentially determines the role and function of State in the life of the country” (CPI(M) 2011, 5.1). The exploitative and oppressive system supported by the state will have to be met by the Peoples Democratic Front (PDF), led by the working class in alliance with the peasantry in order to initiate a Peoples Democratic Revolution (PDR) as a stepping stone to socialism. Moreover: The Communist Party of India (Marxist) strives to achieve the establishment of people’s democracy and socialist transformation through peaceful means. By developing a powerful mass revolutionary movement, by combining parliamentary and extra parliamentary forms of struggle, the working class and its allies will try their utmost to overcome the resistance of the forces of reaction and to bring about these transformations through peaceful means. However, it needs always to be borne in mind that the ruling classes never relinquish their power voluntarily. They seek to defy the will of the people and seek to reverse it by lawlessness and violence. It is, therefore, necessary for the revolutionary forces to be vigilant and so orient their work that they can face up to all contingencies, to any twist and turn in the political life of the country. (CPI(M) 2011, 7.8) Outside the problems of the representation of the economy as a homogenous entity and the understanding of class (like the Maoists, in terms of a group of people, rather than process, predicated on power/property rather than surplus labour, whose problems have already been highlighted), the CPI(M)’s program and practice contain a few areas of ambivalence of which only three will be highlighted below. First, PDR and its participation in state-centered politics render its stance on state and democracy fuzzy. Second, as the balance of CPI(M)’s politics tilted toward state entered politics, it disturbed and ultimately blew up its class alliance of workers and peasants, as we shall argue looking at the case of West Bengal.

The Problem of Marxian Practice: Vanguardism

One stunning similarity among diverse communist parties of India, legal or illegal, is their Leninist, vanguardist party structure with a commitment to democratic centralism; the Jacobin political imperative, openly evident in Maoism and latently in CPI(M), helps sustain it. But, problematically, the context of vanguardism in which Lenin operated hardly exists in India’s current scenario, making Leninist organization a stumbling block rather than an aid in shaping communist politics in the country. Locating the Russian state as fundamentally ‘premodern’ and repressive, Lenin put forth two reasons for the success of the Bolshevik revolution: “the most rigorous and truly iron discipline

in our party (and) the fullest and unreserved support from the entire mass of the working class” (Lenin 1968, 514). Gramsci later warned, “In Russia the state was everything, civil society was primordial and gelatinous; in the West, there was a proper relationship between the state and civil society, and when the state trembled, a sturdy structure of civil society was at once revealed” (1971, 236). With a somewhat modern state and with the ongoing attempt to transform society into a competitive market society under neoliberalism, Gramsci’s insight is even more relevant today than ever before, at least in India.

Methodology

Data and facts have been collected from secondary sources for the presented research paper, using various textbooks, newspapers, journals, research paper, website etc.

Conclusion

Without demoting the importance of the growing state-capital-media onslaught on the imagery of communism that is complementing the shifting geography of India’s economic map, my focus in this essay has been to highlight the internal crisis of both Marxian politics and its forms of practice. This sense of crisis has deepened following the electoral defeat of the parliamentary left and the partial effectiveness of the state-sponsored attack on the Maoist route. Besides the problems already highlighted, I would end by saying that perhaps it is time to recognize that, while communists have been good at opposition and in initiating movements, they have stumbled on the question of governing, whether that be through the illegal Janata Sarkar of the Maoist or in using the modernist statecraft. Because of the nature of politics, they have not, as yet, found a way to articulate a methodology of governance different from the modernist state moored in liberalism. Communist politics in India, in the twenty-first century, calls not just for rethinking Marxism, but perhaps, given our predicament here, for a redoing of Marxism.

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Mathematical Analysis of Momentum and Heat Transfers Study under Magnetic Filed Effect

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Consider two dimensional oscillatory flow of an electrically conducting viscous, incompressible fluid past an infinite horizontal plate. \bar{x} - axis is taken along the plate in the direction of flow and \bar{y} - axis is taken perpendicular to the plate. A uniformly distributed constant magnetic field B_0 is acting perpendicular to the plate. Under the MHD boundary layer assumption, flow is governed by the following equations:

$$\frac{\partial u'}{\partial t'} + u' \frac{\partial u'}{\partial y'} = \frac{\partial U}{\partial t'} + \nu \frac{\partial^2 u'}{\partial y'^2} - \sigma \frac{B_0^2 u'}{P} - \frac{\nu}{k'} u', \quad (1.1)$$

$$p C_p \left\{ \frac{\partial T'}{\partial t'} + \nu \frac{\partial T'}{\partial y'} \right\} = k \left\{ \frac{\partial^2 T'}{\partial y'^2} \right\} + u \left(\frac{\partial u'}{\partial y'} \right)^2 \quad (1.2)$$

The boundary condition are:

$$\left. \begin{aligned} T' &= T_\infty, \quad u' = 0, \quad \text{at } y = 0 \\ u' U(t), T' &= T_\infty, \quad \text{as } y \rightarrow \infty \end{aligned} \right\} \quad (1.3)$$

On introducing the following non-dimensional quantities

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$$\left. \begin{aligned} u &= \frac{u'}{v_0}, \quad y = \frac{y' v_0}{\nu}, \quad t = \frac{t' v_0^2}{\nu} \quad (1.4) \\ \theta &= \frac{T' - T_\infty}{T_w' - T_\infty}, \quad u = \frac{u'}{v_0}, \quad k_0 = \frac{k' v_0}{\nu^2} \\ M &= \frac{\sigma v B_0^2}{p V_0^2} \end{aligned} \right\}$$

(Magnetic Parameter) $p = \frac{p v C_p}{k}$
(Prandtl Number)

$$E = \frac{v_0^2}{C_p (T_w' - T_\infty)}$$

(Eckert Number)

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In equation (1.1) and (1.2), we get

$$\frac{\partial^2 u}{\partial y^2} - (1 + \epsilon A e^{-nt}) \frac{\partial u}{\partial y} + M(U - u) + \frac{dU}{dt} - \frac{\partial u}{\partial t} - \frac{u}{k_0} = 0 \quad (1.5)$$

$$P \frac{\partial \theta}{\partial t} - P(1 + \epsilon A e^{-nt}) \frac{\partial \theta}{\partial y} = \frac{\partial^2 \theta}{\partial y^2} + PE \left(\frac{\partial u}{\partial y} \right)^2 \quad (1.6)$$

The corresponding boundary conditions

$$u = 0, \theta = 1, \quad \text{at } y = 0 \quad (1.7)$$

$$u \rightarrow U(t), \theta = 0, \text{ as } y \rightarrow \infty.$$

We assume the solution of equation (1.5) and (1.6) as

$$u(y, t) = u_0 + E u_1 e^{-nt}, \quad (1.8)$$

$$U(t) = 1 + E e^{-nt},$$

and $\theta(y, t) = \theta_0 + E \theta_1 e^{-nt}$; where E is small.

Using equation (1.8) in equations (1.5) and (1.6), we get

$$u_0'' + u_0' + M(1 - u_0) - \frac{u_0}{K_0} = 0, \quad (1.9)$$

$$u_1'' + u_1' + \left(n - \frac{1}{K_0} \right) u_1 = -u_0' A - n, \quad (1.10)$$

$$\theta_0'' + P \theta_0' = 0, \quad (1.11)$$

$$\theta_1'' + P \theta_1 n + P \theta_1' = P u_0'^2. \quad (1.12)$$

Now the corresponding boundary conditions are :

$$u_0 = 0, u_1 = 0, \theta_0 = 1, \theta_1 = 1 \text{ at } y = 0 \quad (1.13)$$

$$u_0 = 1, u_1 = 1, \theta_0 = 1, \theta_1 = 1 \text{ as } y \rightarrow \infty.$$

On solving the equations (1.9), (1.10), (1.11) and (1.12), we get the values of u

and θ as:

$$\begin{aligned}
 u &= -e^{-A_1 y} - \frac{M e^{-A'_1 y}}{\frac{1}{K_0} + M} + 1 + \frac{M}{\frac{1}{K_0} + M} \\
 &+ E \{ -(S_1 + 1) e^{-B_1 y} + (S_2 + N) e^{B'_1 y} \\
 &+ S_1 e^{-A_1 y} - S_2 e^{-A'_1 y} - N \} e^{-nt} \quad (1.14)
 \end{aligned}$$

$$\begin{aligned}
 \theta &= e^{-Py} + E [e^{-M_2 y} \left\{ 1 - \frac{P A_1^2}{(4 A_1^2 - 2 P A_1 + P_n)} \right. \\
 &- \frac{P A_1^2 M^2}{\left(\frac{1}{K_0} + M\right) \{4 A_1^2 - 2 P A_1 + P_n\}} \\
 &- \frac{2 P A_1 A'_1 M}{\left(\frac{1}{K_0} + M\right) \{(A_1 + A'_1)^2 - P(A_1 + A'_1) + P_n\}} \\
 &+ \frac{P A_1^2 e^{-2A_1 y}}{4 A_1^2 - 2 P A_1 + P_n} + \frac{P A_1'^2 M^2 e^{-2A_1 y}}{\left(\frac{1}{K_0} + M\right) \{4 A_1'^2 - 2 P A_1' + P_n\}} \\
 &\left. + \frac{2 P A_1 A'_1 M e^{-(A_1 + A_1') y}}{\left(\frac{1}{K_0} + M\right) \{(A_1 + A_1')^2 - P(A_1 + A_1') + P_n\}} \right] \quad (1.15)
 \end{aligned}$$

$$\text{Where } A_1 = \frac{1 + \sqrt{1 + 4 \left(\frac{1}{K_0} + M\right)}}{2},$$

$$A'_1 = \frac{1 - \sqrt{1 + 4 \left(\frac{1}{K_0} + M\right)}}{2},$$

$$S_1 = \frac{A A_1}{A_1^2 - A_1 + \left(n - \frac{1}{K_0}\right)},$$

$$S_2 = \frac{A A'_1}{A_1'^2 - A'_1 + \left(n - \frac{1}{K_0}\right)},$$

$$B_1 = \frac{1 + \sqrt{1 - 4 \left(n - \frac{1}{K_0}\right)}}{2}$$

$$B'_1 = \frac{1 - \sqrt{1 - 4 \left(n - \frac{1}{K_0}\right)}}{2},$$

$$N = \frac{n}{n - \frac{1}{K_0}}.$$

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Role of NABARD in Rural Financing: An Analytical Study

*Pramila**

Reserve Bank of India (RBI) combined diverse functions and duties including rural credit. RBI could not devote sufficient attention to the details of complex credit problems of integrated rural development in the midst of its multifarious and growing responsibilities in various other fields. This was the problem of RBI unit 1981. In order to rectify this problem, National Bank for Agriculture and Rural Development (NABARD) was established in July 1982 on basis of the recommendations of the Sivaraman Committee (1978). Since then, NABARD has taken over the promotion of agriculture, small scale industries, Cottage and Village industries, handicrafts and other rural crafts and allied economic activities in rural areas.

The NABARD, the apex bank has been envisaged as an organizational device to provide undivided attention, forceful direction and a pointed focus to the credit problems arising out of an integrated approach to rural development. On its establishment, NABARD has taken over from the RBI its refinancing functions in relation to State Co-operative Banks and Regional Rural Banks.¹ The Bank is now the coordinating agency in relation to the Central Government, planning commission, State Government and institutions at all India and State levels engaged in giving effect to the various policies and programmes relating to rural credit. As a development bank for the rural sector, NABARD will have special responsibility to ensure that the training facilities for the bank staff engaged in rural lending are adequate. To the extent that the training schemes are sponsored and financed by the Agriculture Refinance and Development Corporation (ARDC), these will automatically stand transferred to NABARD. This is a field in which the RBI should continue to take active interest and take the necessary measures to strengthen the efforts of NABARD at improving and expanding the training facilities for project and programme lending.

Role of NABARD

The establishment of NABARD on July 12, 1982, marked a land mark in the development of Indian agriculture in general and warehousing in particular. It holds out a new hope for the rapid development of warehousing in the states. In view of the pronounced inadequacies of owned capacities of the State Warehousing Corporations and the Consequential adverse effect on the growth of post-harvest agricultural infrastructure, the NABARD can almost play a historical role in pushing up scientific public warehousing efforts in the country.² Instead of toeing the conventional line, it must assume a positive role in

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providing credit stimulus as well as credits for the construction of new godowns to various State Warehousing Corporations. It can and should provide credit stimulus to State Warehousing Corporations to increase their owned capacities. Earlier, when no bank finance was available for storage, there was hardly any question of credit stimulus in the field. The ARRC provided it in a limited way; but the NABARD can provide credit stimulus in a big way indeed. In so far as the provision of investment credits for storage is concerned, the NABARD can resort to the open money market and float debentures for the purpose, even if it does not get concessional IDA credits. It is already a priority sectors finance and it would not at all be a problem for Government to guarantee the debentures. Economic assistance in the field can also be availed of from the International Agricultural Development Fund, the FAO, the Kredinstalt, the Asian Development Bank and the EEC – Even if no international aid or loan is available, the NABARD can mobilize adequate resources for storage finance within the country itself. Selling credit is an art and that too, not necessarily at the expense of the borrowers. The borrowing institutions have to be taught proper techniques for the formulations of viable projects. The NABARD will have to take an initiative for this purpose, and develop a number of modalities for project formulation which are suitable for different regions in the country with due regard to topographical and ecological variations. This is indeed badly needed to match the willingness of the borrowing agencies to go in for investment credit for storage. The provision of long-term credit for storage on the basis of properly formulated project reports necessarily implies a large amount of project discipline in the disbursement as well as proper utilization of credit. Appropriate technical consultancies will have to be made available to the beneficiaries by the NABARD so as to achieve an optimum productivity for its lendings. These consultancies should be made available on a regular basis for purposes of project implementation as well as for the evaluation of the on-going projects.³

The NABARD will have to equip itself with the necessary technical staff, which may be a charge on the various projects on a pro rata basis. As income generation from the newly – created assets in the shape of godowns is an important determinant of the total repayment schedule of the borrowed loans, this may provide an impulse to the borrowing warehousing corporations to rationalize and modernize their storage charges structure. The adoption of economically appropriate tariff structure has to be an essential ingredient of any storage project financed by the NABARD. For purposes of project execution and appropriate funds, materials, time and personal management, the NABARD may insist on the provision of suitable managerial cadres in the corporations at the base, intermediate and top levels. This may be done in consultation with the central warehousing corporation.

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A Cross-Cultural Study of Need Structure

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ABSTRACT

The present study was conducted on 144 tribal and 144 nontribal male undergraduates for the empirical verification of the hypothesis that the two groups of respondents would differ significantly in terms of their need structure, especially achievement motive, aspiration and risk-taking, which were measured, using S.C.T. by Mukherjee (1984), Aspirational level scale by Singh (1972) and Non-risk scale by Chaube (1972). The obtained Scores were analysed and treated the help of t-test. The results thus obtained confirmed the above hypothesis. The non-tribal group excelled the tribal group in respect of achievement motive, aspiration and risk-taking.

INTRODUCTION :

One constituent of the study is culture, which refers to the totality of the customs, arts, science, and religious and political behaviors taken as an integrated whole, which distinguishes one society, from another (Chaplin, 1975). In fact culture is the sum total of ideas, conditioned emotional responses and patterns of habitual behavior which the members of that society have acquired through instruction or imitation and which they save to a greater or lesser degree.

Tribal culture differs from non-tribal culture in terms of cultural norms, cultural relativism, parenting styles, environmental stimulation and cultural transmission, resulting into distinct personalism of tribal and non-tribal children. Vijya and Arundita (2001) reported that the tribal group excelled in terms of economic and religious values but the non-tribal group excelled in social and i political values. Chaudhary et al. (2003) reported i significant effect of family environment on M personality development of children. Grewal et al. (2002) also reported significant impact of qulity home Environment on temperament of rural children. In view of the references stated above it is highly warranted to compare the tribal and nontribal children in terms of their need structure, especially achievement motive, aspiration and risk taking.

Purpose: The purpose of the study was to examine to effect of cultural affiliation on the development of need structure. The study intended to compare the tribal and non-tribal children in terms of achievement motive, aspiration and risk taking.

Sample: The sample of the study consisted of 144 tribal and 144 non-tribal undergraduates of colleges located in Hazaribagh and Muzaffarpur respectively.

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Barring the cultural difference they were made matched as far as practicable. The sample consisted of only male students.

Tools:

- (1) A Personal Data Sheet.
- (2) Sentence Completion Test Mukherjee (1984).
- (3) Aspirational Level Scale Singh (1972).
- (4) Non-risk scale Chaube (1972).

Table - 01

Mean, SD and ‘t’ showing the significance of difference between the tribal and the non-tribal children in terms of achievement motive.

Subject	N	Mean	SD	SE	t-value	df	P
Tribal Children	144	60.29	16.67	1.39	8.12	286	<.01
Non- Tribal Children	144	76.85	17.93	1.49			

Table -02

Mean, SD and ‘t’ showing the significance of difference between the tribal and the non-tribal children in terms of aspiration.

Subject	N	Mean	SD	SE	t-value	df	P
Tribal Children	144	31.44	6.82	0.57	8.79	286	<.01
Non- Tribal Children	144	38.65	7.23	0.60			

Table - 03

Mean, SD and ‘t’ showing the significance of difference between the tribal and the non-tribal children in terms of risk-taking.

Subject	N	Mean	SD	SE	t-value	df	P
Tribal Children	144	29.63	5.49	0.46	10.22	286	<.01
Non- Tribal Children	144	37.09	6.89	0.57			

RESULTS

In the light of the results displayed in above three tables the hypothesis stated above is strongly supported. The results displayed in table-1 showed superiority of the non-tribal children over their tribal counterparts in terms of achievement motive. This finding might be interpreted on the rationale that the

non-tribal children come from high income, educational and vocational background which is conducive to higher need for achievement. The results displayed in table-2 also showed that the non-tribal children have higher level of aspiration than the tribal children, which might be interpreted on the ground that non-tribal children are brought up in the environment, which is more conducive to high aspirational level. The findings given in table-3 also showed that the non-tribal has more risk-taking tendency than the tribal children, which might be interpreted in terms of more stimulating environment.

It was concluded that the non-tribal children excelled their tribal counterparts in respect of achievement motive, level of aspiration and risk-taking.

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A classification of Soil, Soil fertility and Agriculture Land in Jamui District (Bihar)

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Abstract

According to Bushnell "Soil is the natural part of the earth's surface, being characterised by layers parallel to the surface resulting from modification of parent materials by physical, chemical and biological process operating under varying conditions during periods of time.¹ W.D. Thornbury states "Soils are, next to water, man's most vital natural resource. The production of soils is the most significant result of rock weathering.² Soils are basic resources and are the most essential to human life among the nature's gifts. Bennett refers to it "As the physical basis of agricultural enterprise (Elements of soil)". For detailed planning of proper land use, it is necessary to chart soil resources by a systematic survey. In fact, soil survey is the starting point for all long terms planning for land use.³ Mr. Chaudhary has rightly observed that soil survey for a planning of land utilization is an inventory of certain physical conditions of land of fundamental importance in determining proper land use.³

The parent materials of soil are closely related to topography, climate and organisms and also to the age of the area. Topography is the configuration of soil surface. It includes slope of the land, exposure, position in the landscape and position from surface. Significant changes may be noted in topography within a short distance but it is not possible in case of climatic conditions. Climate refers to the condition of temperature, rainfall and wind etc. from which the soil is made up and organism include plant or vegetative mantle, the animals and the microbiological lives. These all affect the formation of soil of an area. A change in topography produces changes in moisture regime and accordingly changes in the quality of soil is marked. Changes in parent materials also provide different bases to the pathogenic factors affecting the formation of soil. In brief it can be said that changes in soil pattern follows the changes in topography and parent materials. So il patterns and soil associations are so much useful in evaluating the general characteristics and qualities of the soils of an area and for use as guide for land use planning. Where the soils are deep, well drained, having a level surface structure and where the slope is only 1 to 3 per cent, the land is much suitable for intensive cultivation. In such areas there is little or no danger

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of soil erosion. The soil of such areas has good capability and yields crops without loss in its productivity. In contrast, areas of shallow soils with steep slope and poorly drained have limited capability and many limitations to their uses.

Classification of Soil:

The scientific data on the soils of the area under study are far from adequate. The sources of information available to the author are the settlement reports, district gazetteers and information gathered from farmers during field work. The main factors governing the system of classification were texture, colour and the level of land. Each type of soil is given local name.

Soil types are related with the soil series, which is divided into soil types. Such divisions are made on the basis of the differences in the texture of the surface layers, soils having surface layers of same texture belong to one soil type. Sedentary soil series of advanced maturity may belong to one soil type but soil of alluvial origin having different textures of the surface layers, may be divided into two or more soil types. It is a very difficult to mark a clear cut dividing line between the areas of two different soil types as the soil texture may vary from field to field or at a very short distant. Therefore, classification of soil types has a broad base.

On the basis of the information's the soils of the district are classified:

- (i) Heavy clay called karail,
- (ii) Clay called kewal,
- (iii) Clay loam called dhusi kewal,
- (iv) Loam called dhurs, dhusri, doras or balmat,
- (v) Sandy loam called Balsundari, and
- (vi) Sandy or balui.

The clay soil is locally called "Kewal". The soil particles are very fine and coherent. The percentage of sand is almost one-fourth of the constituent. It is black or dark in colour due to excessive predominance of humous content over other ingredients of the soil. The clay soils of Jamui district are classified as follows:

- a. Kachhua kewal is the typical clay soil of low land or chaur which remain too long and too deep under water to admit paddy cultivation. This soil grows all types of rabi crops. Its colour is black.
- b. Karail or kakari is a black tenacious rich soil also found in the chaur which grows only rabi crops.
- c. Dhusri or dhushri kewal is a little lighter than kachhua kewal and grows both paddy and winter crops.

- d. Gorki is an extremely still soil suitable neither for paddy nor wheat or barley and grows only rahar, gram, kulthi etc. It has a mixed white and red colour.
- e. A brick red soil found near the hills, very stiff and impervious to water, rather poor growing only rahar, gram, kulthi etc., has no special local name.

The loamy soil is locally known as dhusri or dhus. It is a light rich soil suitable for crops. It contains sand and clay. It is useful for wheat, maize and paddy. Vegetables are also grown near the settlement. The sandy soil is locally known as 'balsumi' or 'balu ahi'. It is not a rich soil but bhadaai and rabi crops are grown in it. Dhus, balmat or dora is diara soil containing about three-fourth sand and one-fourth clay. It yields only inferior rabi crops.

Soil Fertility and Agricultural Land:

The fertility of soil is understood on its ability to bear fruits. The intake of manure and fertilizer for cropping is a measure to distinguish the potential fertility of soils. Four fertility zones have been noticed which lie almost in concentric belts around the settlements (table-1).

Table - 1
Soil fertility zones (around the settlement)

Sl. No.	Potential product	Input of manure/ fertilizer	Cropping intensity	Yields	Names
1.	Very high	Very high	Very high	Very high	Bhit
2.	High	High	High	High	Nath-bhit
3.	Moderate	Moderate	Low	Low	Dhannar
4.	High	Nil	Very low	Very low	Chaur

(1) This zone lies around the settlements. It is highly productive and is never manured. 'A' variety of land fetching crops like potatoes, vegetables, mustard and sugarcane are cultivated.

(2) "A grade land adjoining the bhit land is intensively cropped every year. As its distance from the farmer's dwellings is short much attention is paid by the farmers. This zone is heavily manured or fertilized and is put to intensive agricultural use with multiple cropping. Crop yields are considerably higher.

(3) 'B' grade form low lying at some distance from the settlements does not get proper attention of the farmers to in conveniences of approach and distance as well as it is manured occasionally. It is largely a single cropped paddy land, however, khesari, gram and tisi are also sown as second crops in some restricted fields.

(4) Chaur lands being fourth in farm productivity lies quite away from the settlements. This zone gets fresh silt every year as rain as flood water bring silt and stagnate for longer period. It had chiefly black soil constituted a heavy clay clay. Crop failures during the early sudden deep flooding is common. It is never manured. Yields of broadcast aghani and also mung are high.

Soil Erosion - Soil erosion may be described as, "The theft of soil by the elements and is the removal of soil particles either singly or in a mass.⁴ Erosion, a physical destruction of soils more or less occurs on every type of land. Since, the land has decreased in quality and quantity; it has become very difficult to feed the rapidly multiplying mouths. Hence, this careless waste of our most precious resources amounts to a "National Crime". A healthy agriculture is bound up with the healthy soil. The loss of soil fertility and its tonnage mean a steady decline in the food production capacity.

Soil Conservation:

The conservation work in the district has been under taken just recently. Conservation is defined as "The greatest good to the greatest number for the longest time"⁵ Previously the meaning of the term was limited strictly to the prevention of soil erosion. The term soil conservation as generally used today includes a multitudes of measures and practices which are parts of the broader concept it has come to mean in recent years. "Thomas Jefferson was probably the first American to advocate publicly better cone of the soil".

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Role of Mobile Phone In Library Services

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ABSTRACT

This paper explores the challenges and opportunities presented by mobile phone in the context of an academic library services. This emerging format raises important questions about selection, acquisition, access, instruction, outreach, and evaluation as these practices have been applied to traditional resources. A more nuanced understanding of the content and format of mobile phones informs a collection development strategy for discovering, acquiring, and maintaining these resources. The development of an outreach program that includes liaison activity, instruction, and research consultations is also explored as a way to drive users to these new resources. The paper also seeks to explore the utilization of mobile phone services in the educational environment, explore the nature of mobile phone use among students, and investigate the perception of students on mobile phone uses in library and information services.

INTRODUCTION

In the era of improved mobile communication technologies, vast amount of changes are generated in facilitating communication and the transfer of information namely from business to business, business to customers, employers to employees, etc. and in providing more and more added value services (Steenderen, 2002). The technologies have made communication and access to information very convenient and timely to the users from the comfort of their own home and office, and from where ever they are while on the move with their mobile phone units or PDAs. The use of mobile technologies is increasingly widespread especially among the Asian countries such as India. Various applications can be observed among the users, which ranged from telephone conversation and simple text messages (SMS), to multimedia messaging services (MMS) and internet access, depending on the capability of each mobile phone technology and services rendered. These applications have been made possible through various developments in the mobile telephone technology such as GPRS, WAP, and the 3G, 4G standard.

With close to maximum of the Indian population using hand phones, Indian are no longer alienated from various services offered by organizations and businesses via mobile phone transmission, especially using simple text messaging services (SMS). With 3G & 4G fully operating in the near future, the

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use of MMS will be expected to be widely accepted by mobile phone users. The application of wireless communication services has recently managed to penetrate the educational industry in an effort to improve learning and information delivery services such as lecture notes, examination results, admissions, bursary, etc. Library as a central organ in supplying information to the community is also expected to face the same service transformation as experienced by various other services in the educational field. Many library services are potential targets for this different mode of delivery.

Despite the various information services provided through mobile phone services, assessments need to be made in order to understand the needs and requirements of the mobile phone users. Many information related services provided through a mobile phone as a delivery mode are left under utilized due to lack of understanding on the users and the nature of the contents and services needed. Although library related services via a mobile phone is not yet implemented in the higher learning institution in India, such services is inevitable in the future. When the time comes, the academic institutions and the telecommunication companies need to be well prepared with the knowledge and understanding of the concepts within the provision of library and information services and what the users need.

ROLE OF MOBILE PHONE IN EDUCATION

The widespread use of mobile phone technologies as compared to the use of personal computers can be clearly seen across all walks of life in Indian society. While internet uses tend to be dominated by middle to high class society, the penetration of the mobile phone uses seems to move across the lower and the minority class boundaries. These include the minority racial groups, the lower class groups, young adults, and senior users. The use can also be seen widespread among students at the institution of higher learning. Such widespread use may provide broad opportunities for institutions and businesses alike in applying the technology for commercial as well as for educational purposes. In the Indian educational environment, mobile phone can take into various forms. The most basic services can be seen made in the form of information delivery such as examination results, admission status, course registrations, etc., from the institutions to their respective customers (i.e. students, faculty members and staffs, vendors, etc.). The most common mobile phone application services that have been used in educational field are information queries and deliveries via SMS.

Mayer (2002) has introduced several steps through which institutions may follow in SMS services. The steps involved collection of mobile phone numbers, setting up a centralized SMS service centre, and sending group SMS via a network. The information that can be applied in a centralized SMS is, such as:-

- Reading lists – the list of the books, which are in the library;
- Lectures, meeting schedule, exam dates
- Academic information about the students

- Crucial homework reminders
- Web link
- Urgent messaging
- Announcements– thought/facts of the week, information about new activities, changes in schedules
- Mobile author application- it will help lecturers/teachers/instructors/tutors to create and author their computer-based courses.

Many high academic institutions including those in India have been providing various Mobile phone based services. According to Yerulshalmy and Ben-Zaken (2004) the potential for educational applications is huge. Students use updated educational applications on their phones, whenever it is convenient to them. They share their learning process and outcomes, without being in the same physical place and they may get personal tailored exams and quizzes on their cellular phones. Yerulshalmy and Ben-Zaken (2004) studied the use of such technology in enhancing learning particularly mathematics. Attewell et al. (2003) studied similar application in relation to improvement of young adults in reading, mathematical skills, and spelling. Wireless technology was found to enhance young adults' interest in education. Currently, paper indicated that users of a mobile phone are found to have positive attitude towards using the technology for communication purposes (phone calls, SMS, MMS and e-mails), specifically for group work, discussion, help offered to and from classmates, receipt of personalized information, communication with the teacher, issuing of spot quizzes, etc. (Lubega et al., 2004). Similar attitudinal studies by Nagaki et al. (2004) also revealed similar results. At present, almost every students studying in the tertiary institutions owns a mobile phone. With many institutions aiming to position themselves at the forefront of tertiary education in the twenty-first century, it is inevitable that mobile solutions will be the best access point in providing convenience to the modern campus. This can be done by extending the service delivery channels from PC to mobile devices via SMS, and through WAP over GSM, GPRS, and 3G & 4G technologies. For instance, the library users can now renew books and pay fines for overdue loans without stepping into a library as long as they carry their mobile phones.

LIBRARY SERVICES PROVIDED VIA MOBILE PHONE

➤ SMS NOTIFICATION SERVICES

Libraries may provide the alerts on latest news, events and notices via SMS and MMS to users wherever they might be go. The users can get notified instantly with notice alerts such as- alerts on bringing new books to the notice of users for suggestion, intimation of arrival of indented documents by users, informing availability of reserved documents for collection, appraising about overdue books, outstanding fines, reminders to return library items, renew books, library circulars, e-journals

subscribed, change in timings, information about important events, loan request etc.

Such alert notifications can be generated automatically using integrated library management system/software. SMS messages can be sent to group of users simultaneously through many free applications, and intermediary websites/clients.

➤ **FORMAL EDUCATION, DISTANCE LEARNING AND E-LEARNING**

Students are very versatile in using their mobile phones and various mobile applications. Academic libraries can harness the advantage to lead implementation of library services through mobile devices to support distance learning, formal education, and research activities in e-learning environment by making the information resources ubiquitous. Library services should also blend with teaching and research practice of colleges/universities, scientific community or other patrons whom they serve.

➤ **DATABASE BROWSING**

Libraries provide access to a variety of its resources and databases. The users can just enter search terms and see results that are designed specifically for mobile viewing. This service includes OPAC (online public access catalogue), integrated search, and original document search. OCLC's WorldCat Mobile application pilot allows users to search for and find books and other materials available in their local libraries through a web application they can access from a PDA or a smart phone.

➤ **MY LIBRARY**

My library is a personal library space where users can find information and resources of their choosing. Users can read alerts, check records, renew resources, request items, track interlibrary loans and document delivery requests, set up email notices of new books and journal articles, set up preferences for catalogue searching, etc.

➤ **E-RESOURCES WITH MOBILE INTERFACES**

Some publishers are already delivering e-books (both text and audio) that are accessible via mobile phones. It offers access to a variety of databases and digital resources such as e-Books, e-Journals, Web databases, dissertations, audio books, streaming music, films, images and article databases which can be used on mobile. These collections can either be downloaded from the library websites on user's own mobile devices or libraries lend mobile devices with the collections already on them. A large collection of audio books both free-and subscription based services are available for download and also transferable to mobile devices.

Libraries can make use of multimedia messaging service (MMS) on mobile devices to share photos, videos, and audio. Most of the e-book publishers provide 24x7 accesses to the library subscriptions from any internet terminal within the campus, as well on mobile devices, such as i-Pads, Android devices, and Kindle.

➤ **LIBRARY GUIDE**

Libraries can give users the best of library guide information such as library use guide, question answering service, and library statistics delivering rich content in a way that works best for users. If users have questions and want to contact the librarian for help, they can get a fast response from the library via the mobile device and find the appropriate information needed.

➤ **MOBILE DOCUMENT SUPPLY**

The mobile environment and technology present new opportunities for sending document requests and scanned images and monitoring the use of collections as well as the automation of administrative operations. It can support electronic funds transfer, supply chain management, e-marketing, online marketing, online transaction processing, electronic data interchange, and automated inventory management systems.

➤ **TEXT REFERENCE SERVICE**

If the library receives a high volume of enquiries that require brief responses, such as dictionary definitions, facts or service information then Librarians can provide instant answers, and links to articles/references in real time.

➤ **LIBRARY VIRTUAL /AUDIO TOURS**

Library Virtual/ Audio tours, instruction/induction/orientation programs have been quite significant in bringing the nonusers to libraries and also help the remotely located or users located in different geographical locations. Library users, who don't have time or inclination to attend an on-site workshop, can get access to library tours on their mobile devices. Audio/ virtual library tours can be produced fairly quickly, inexpensively, and could reduce the amount of staff time spent helping new users to orient themselves in the library and explaining the facilities available. It can easily be provided both as downloads from the library website and on mobile devices.

➤ **QR (QUICK RESPONSE) CODE ON MOBILE**

QR code stands for 'quick response', and basically two-dimensional bar codes that can contain any alphanumeric text and often used to store urls, text, etc., known as 'mobile tagging'. Data can be translated into a QR code by any QR generator, many of which are available as free download. Users simply enter the data to be translated, and the generator produces the

code, which can then be displayed electronically or in printed format. Decoding the information can be done with any mobile camera phone that has a QR reader, which is freely available online for most devices.

MOBILE DEVICES USED IN LIBRARIES

- ❖ PDAs (Personal Digital Assistant)
- ❖ Smart Phones
- ❖ Cell Phones
- ❖ iPods and MP3 players
- ❖ Tablets

The design of mobile devices and services is important to accessibility. As reading becomes more inclusive of diverse communities, libraries will need to address the ongoing accessibility challenges of the mobile world

COMPONENTS

- ❖ The users
- ❖ The devices
- ❖ The operating systems
- ❖ The services
- ❖ The content
- ❖ The research tracking (how users currently engage with information on the World Wide Web via their mobile devices.)

PREREQUISITES FOR IMPLEMENTING MOBILE-BASED LIBRARY SERVICES

Mobile technology is unlikely to be able to supply the necessary service on its own, but needs to be integrated with digital technology. The following prerequisites were identified-

- ❖ Digitized information base
- ❖ Information products designed for an e-platform
- ❖ Electronic information service delivery
- ❖ Design of electronic access systems.

MOBILE SITE DEVELOPMENT TOOLS

While libraries can make their own mobile sites, there are also different services that translate the website into a mobile friendly interface .via the use of CSS (Cascading Style Sheets) or ADR (Auto-Detect and Reformat Software) which allows a website to rearrange its control and navigation to suit the size of the screen it is being viewed on. That way websites will look good on all sizes of screens including the popular net books and libraries will be well positioned to meet future demand.

The Library websites (with or without OPACS) which are especially designed for viewing on mobile devices are as American University Library, Boston University Medical Center Mobile Library, Cambridge University Library, Cornell University Library, Duke University, Florida International University Libraries, London School of Economics (LSE) Library

ADVANTAGES OF MOBILE PHONE IN LIBRARIES

➤ **User friendly Aid**

Familiarity with their own devices and technology helps the users in accessing information quickly and does not require orientation and training. Mobile users are using the facilities on mobile phones like SMS, instant messaging, web browsing, e-mail effortlessly to communicate. Most of these features are pre-installed on mobile devices or option for data plan packages.

➤ **Personalised Service**

Personalised service helps users to interact with library staff to seek specific information or reference away from library.

➤ **Ability to Access Information**

Information access from anywhere at any time will be of great help for users who cannot visit library in person and provides a constant link to required information resources.

➤ **Time Saving**

Users need not record information about resources while browsing and searching library resources or wait at library transaction counter to renew/reserve books and hence the time of the user is saved.

➤ **User Participation**

Libraries can enrich OPAC by allowing users to incorporate user created content like notes or images uploaded by users.

➤ **Location Awareness**

Mobile communication enables libraries to offer location-based services/content through global positioning system (GPS) capabilities. Libraries can guide the users to the location of specific document or service through maps and navigational tools.

➤ **Limitless Access**

All online resources accessible on their desktop also become accessible through mobiles.

➤ **Access to Print-disabled Users**

Mobiles communications help providing services orally to vision-disabled and physically handicapped users.

DRAWBACKS OF MOBILE TECHNOLOGY

- ❖ Compared to wired Internet service, has relatively slow transmission speed
- ❖ Limited computational power
- ❖ Inconvenient input and output interface
- ❖ Insufficient contents
- ❖ High price

LIMITATIONS/BARRIERS OF MOBILE PHONE IN LIBRARY Although mobile Technology holds great promise for library services, there are some limitations or barriers in providing library services such as-

- ❖ Content ownership and licensing,
- ❖ Usually expensive and resource intensive
- ❖ Limited memory of mobile devices digital rights management
- ❖ Access to information in the digital age
- ❖ Reach of an external vendor into the digital collections and technologies
- ❖ Another pressing concern about mobile technology in the library is privacy
- ❖ Issues related to trust and security-
- ❖ Some of digital content can only be accessed on certain devices, and this can have a "chilling effect" on learning and library service because it locks some people out.
- ❖ Lack of appropriate mobile-
- ❖ Difficulty in supplying content to an increasingly mobile student body
- ❖ Problems in finding and accessing the content needed for mobile learners from the Library perspective
- ❖ The use of wireless devices is increasing rapidly, yet there is concern in the scientific community that this technology could have adverse side effects.
- ❖ Lack of staff awareness and familiarity
- ❖ The dearth of technological expertise among staff members
- ❖ Increasing staff reductions and other cutbacks

Mobile phones are still viewed by the majority of people as devices for making phone calls and text messages, so they often don't associate them with other activities, such as information seeking. However, people are increasingly dependent on their mobile phones and there is a growing minority who do use them as diaries, for taking notes and for e-mail and internet access. As a result there may be an increase in expectation from Library users that libraries will provide some services in a mobile friendly way.

SOLUTIONS

Libraries should conduct analyses and make smart decisions, such as

- ❖ Support staff education
- ❖ Explore partnerships
- ❖ New funding models
- ❖ Ready to compromise when it comes to their traditional information delivery models.
- ❖ Protect themselves from deceptive content agreements with third party providers

- ❖ Need the expert knowledge of mobile devices to flow through the profession and not just lie in the hands of recent library school graduates.
- ❖ Tell users about the thousands of free mobile-ready books available from such initiatives as Project Gutenberg
- ❖ Create opportunities to educate staff, build local expertise, and promote discussion by offering training sessions and professional development options.
- ❖ Build a solid foundation of knowledge about mobile services within the organization
- ❖ Host lectures or discussion groups or include such information in their websites, blogs, or newsletters.

As the use of mobile phones grows, library staff will need to learn and use the technology to serve library users where they are, and libraries will face management, funding, and training challenges in meeting this need. Instead, expert technical knowledge must flow throughout the profession.

“as technology advances emboldened librarians hold the key.”

CONCLUSION

There is a growing influence of mobile phones in Libraries, especially as network access becomes more affordable and reliable, and mobile applications have seen mainstream acceptance in teaching, learning, and research. This trend will likely continue, and one way libraries can respond to this emerging trend is to make the library's website easily accessible via web-enabled mobile devices. Libraries should make conscious choices about what they want to offer in this arena and act accordingly and only time will tell if a completely mobile-accessible library, in terms of its services and collections, will become common place.

"By going mobile phone, a library takes a giant step toward becoming a round-the-clock service"

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Problems of Regional Rural Banks in Providing Agricultural Credit in the State of Bihar – A Critical Analysis

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Abstract

Agriculture finance and agricultural marketing are the two important pillars of the agriculture sector. In this unit problems relating with finance which have been observed from the different angles have been discussed in detail.

The problems of agricultural finance in Bihar are of different character. Some are general problems and some are specific. Specific problems are basically concerned with the institutions which provide short term and long term finance to farmers. General problems are of common nature such as lack of banking facilities in rural areas, lack of saving and investment habits, low rate of capital formation in urban and rural areas, poor financing of money market, illiteracy, misuse of fund, poor farming system, poor productivity, lack of government initiatives, etc., are the problems which create hindrances in the way of agricultural finance.

Introduction

In Bihar there are mainly three sources of agricultural credit. One is govt., second is financial institution and third non-institutional sources. In all these sources RRBs play a vital role in the State but they are suffering with a number of problems. With rigidity in rules and regulations and procedure of granting loans, there are some other problems also, which are faced by RRBs. "One of the most important problems of RRBs emanated from the very nature of multi-agency control as between Central Government, State Government and nationalized banks. A lack of uniformity in functioning, financial support and monitoring of activities has appeared in a significant way. The aspects of proper recruitment and training of RRB staff have not received due attention. The urban and pro-rich bias seems to have been inherited by the RRBs. Undue branch expansion under pressure from state governments has created problems of control and management. Loan recovery is a big problem. The high incidence of overdues to the extent of 66 per cent, in June 1991, is due to many internal and external factors, like defective loan policies, weak monitoring, apathy to recovery, failure to ensure proper utilization of loans, political interference, unchecked willful defaults, and natural calamities, lack of legal and administrative support from government etc⁷."

Objective of the Study:

1. To find out the problem of agricultural credit in Bihar.
2. To offer certain suggestions.

*** Guest Faculty Magadh Mahila College Patna University Patna & Director Khandelia Commerce**

Results & Discussion

Different committees appointed by Government and RBI identified some other problems also such as low level of margin, bad debts, high operating cost and low profitability, restricted operational area, over burdening of staff, declining control, deteriorating customer service and competitive environment etc. RBI conducted a study in 1980 & 2005 on the viability of RRBs and found the factors that limit the RRB branches from being viable. These are:

- i. Location of branches at the centers where business potential is limited.
- ii. Difficulty in expanding the volume of business due to keen competition from commercial banks and co-operatives; and
- iii. The target group which is historically weak and unenterprising clientele.

In this way, constraints which are responsible for non-viability of RRBs may be classified as internal and external constraints. Internal constraints are all those which are under the control of RRBs and concerned institutions and external constraints are beyond the control of RRBs. These constraints have been seen as follows:

Internal Constraints

(A). Defective Control and Monitoring

There is no single agency for controlling the activities of RRBs. "The general superintendence, direction and management of affairs and business of RRBs rest with their Board of Directors, consisting of nominees of Government of India, State Government and the sponsor banks. The supervision and monitoring of the RRBs is done by NABARD and regulatory functions are looked after by the Reserve Bank of India. Decisions on board policies regarding organisational matters, loaning policies etc, are taken by the steering committee on RRBs, in many cases, in consultation with the Government of India. At the State level, State level co-ordination committees (SLCCs) have also been formed to have uniformity in approach of different RRBs. Decision in staff matters are taken by the Government of India, on the recommendations of SLCCs. In the matter of initial staff support, training facilities, refinance up to the prescribed extent, the RRBs depend upon the sponsor banks. The sponsor banks' role and responsibility in the development of RRBs have not been spelt out, but in general, they are expected to provide general counselling and support to their RRBs and oversee their activities so that they are in a position to realise the goals expected of them. There is a feeling amongst the RRBs that they are being 'controlled' by so many agencies and decisions on vital matters take long time."

Poor Staffing

There is no uniform practice followed by RRBs in recruitment. In some cases it includes written tests and interviews while in others selections are made on the basis of written tests for recruitment and selection of personnel for RRBs, Lack of proper manpower planning and procedural delay in recruitment and selection has retarded normal operations of bank. Complaints of corrupt practices have also been recorded in observation. Absence of a vigilance

organization in banks also has worsened the situation. It was observed that officers recruited by the banks were immature, inexperienced, untrained persons. Staffs recruited by RRBs are generally incompetent. They are not capable to shoulder, the responsibilities.

There is no motivation to staff. These personnel of RRBs do not have any promotional avenues. The resultant stagnation is causing considerable frustration, especially when they compare themselves with staff of commercial banks. The staffs of RRBs are not fully acquainted with the village life whereas they have to work in rural areas. They are used to the basic physical amenities like furniture, electricity, tap water, sanitation and cinema etc. and all these are mostly lacking in villages. There is a fear amongst employees that their wives and children would acquire the rural style of living and speaking, with the result that they would be looked down upon by their friends & relatives in cities. These problems minimize the interest and motivation to increase the efficiency.

A major problem of RRBs is negative attitude and behaviour of staff. "Many poor people often complain about the kind of behaviour that they receive while interacting with service agencies like banks or health centres. They are not treated properly because of our inherent attitudes, where many of us care less for those who are weak and deprived, while caring more for the rich and the powerful. No wonder few poor people, both men and women, can gather the confidence to approach RRBs and secure loans from them. Disregard for public service and disregard for the poor makes the problem of the approaching poor more complicated. Many staff of the bank are not properly sensitized even when some of them are from the rural areas. Many rural poor feel reluctant to approach the banks and do not have enough courage because of their lowly livelihood, their clothes behaviour of the staff becomes a major hindrance for institutions engaged in public service, in reaching the poor clientele and others socially deprived."

Low morale of staff is also a problem which affects adversely the efficiency of RRBs. "This could be due to the continued uncertainty over the future set-up and the continuous losses incurred by their banks. This has resulted in several serious problems in areas of personnel management and industrial relations. There is an urgent need to bring about positive attitudinal changes in the outlook of staff and have looked into these aspects in depth and the consequential strained industrial relations have affected the overall functioning of many RRBs."

Table- 1
Survey of some branches in Bihar

Branch	Avg. no. of employees per branch	Loan sanctioned	Disbursement	Recovery
Mithila Kshetriya	2-3	Poor	Poor	Poor
Vaishali Kshetriya	4-5	Satisfactory	Satisfactory	Poor
Bhojpur Kshetriya	2-4	Satisfactory	Satisfactory	Average
Magadh Kshetriya	4-6	Poor	Poor	Satisfactory

Source: Market survey conducted in the year 2007

It is obvious from this survey that overall the disbursement and recovery position of loan is badly affected due to poor staffing pattern of these RRBs which ultimately affect the rural development and agricultural sector of the State.

Low Credit-Deposit Ratio

Credit deposit ratio of RRBs in Bihar is very low compared to all India. It was 39.09 per cent in Bihar and 97.40 per cent in India in the financial Year 2006-07⁸. "The position regarding unsatisfactory C.D. ratio has been brought before various forums including the Regional Consultative Committee of bank Attention has been paid by the various expert groups for removing the factors responsible for the low credit deposit ratio but nothing has happened positive the low C.D. ratio reduces the magnitude of credit flow.

Problem Related to Borrowers

Identification of borrower is the first step in the process of granting loan. In RRBs identification of borrowers is not done carefully. Identification should be based upon survey of rural clientele but in most of the cases it is not based upon rural clientele; it is the mercy of rural authorities to give the names of the borrowers of their own choice. In many cases the big landlords having land in two villages furnish documents as small farmer showing a part of their assets, and avail the benefits of small farmers, for which they are not entitled.

In a large number of banks, the proportion of loans granted under government-sponsored programmes have gone up over a period of time and there have been a greater reliance on government support in growth of lending business⁹. This has led to a mindset of compulsion in providing loans to all those sponsored by government agencies over looking the standard credit appraisal practices. This has resulted in poor quality of loans and to some extent malpractices in the process of granting loans."

Lending to Non-Target Groups

RRBs were allowed to lend for NTG beneficiaries to the extent of 40 per cent of their fresh advances before liberalization from July, 1991. This limit was

raised to 60 per cent after globalisation¹⁰. "With the emphasis on viability and allowing RRBs to lend to NTG there are expectations of improvement in lending portfolio of RRBs through the feedback received so far has indicated that during more than three years period, after allowing RRBs for NTG loans, the same has not picked up to any appreciable level. A good number of RRBs have not been able to develop appropriate systems and procedures for lending to diversified activities also. Despite the permission for NTG lending most of the RRBs have not utilised this opportunity to a significant extent. There was a persistent tendency to look for outside support in this regard rather than internal initiatives."

Profitability

RRBs have been incurring losses over the years. In the case of a few RRBs, the amounts of the accumulated losses have far exceeded the total amount of their paid up capital¹². Such RRBs will find extremely difficult to wriggle out of the situation. The factors, like wide dispersal of clientele, small size of operations, large number of accounts, costlier loan supervision, difficulty and higher costs in movement of cash, inadequate opportunities for investment of surplus funds affect the viability of RRBs.

Other Problems

Lack of security of branches of RRBs is another problem of RRBs. Most of the Branches are located at isolated places with no strong rooms; no iron grills and no armed guards. Branches were opened by compromising the security aspect which is definitely risky in the present environment of the country. Motivating the institution and borrowers is also a problem faced by these RRBs. From the institutional perspective, role of an appropriate institution or an enforcer and transmitter of incentives and motivator and inducer of savings is essential for development. The institutional design should serve to promote and facilitate functioning at the levels of both the lenders and the borrowers. This factor seems to have been largely overlooked in Bihar. Monitoring to perform has not given due importance in the State.

External Constraints

Recovery

Recovery is an important aspect of a banking institution like RRBs where bank has been suffering from problem of poor recovery of advances. On the one hand its resources are limited and on the other hand, its resources are limited and on the other hand, poor recovery makes its resources further poor. A number of factors have contributed to the poor recovery of loans. These factors may be classified as internal and external factors. The internal factors such as defective loan policies and procedures, inadequate supervision and monitoring, absence of linkages, failure to initiate prompt action etc, have been largely responsible for poor recovery position of RRBs in general, the external factors like natural calamities, time consuming legal framework, lack of legal & administrative support from the government, unfavourable socio-political

environment in misuse of funds, willful defaults, defective & complex behaviour of borrower etc. have contributed to poor recovery climate¹⁵. Government programmes such as IRDP, IRY etc, also affect the recovery position of banks. "Directed credit programmes and subsidized lending have badly affected viable functioning of credit disbursing units. The entire exercise has largely come to be characterised by tiring of funds from above to borrowers who often take it as a gift that need not be returned."

A state level survey about recovery problem in the State of Bihar clearly States that, "the recovery performance was abysmally low, leading to the choking out of the credit recycling channel. Willful defaults, misuse of loans, lack of follow up, wrong identification of beneficiaries, advancing benami loans, employee unrest were also rampant.

It is really regrettable that RRBs which come into existence on the promise of 'employing rural educated youth who are properly oriented to look after the needs of rural folk' due to their 'local feel and familiarity with rural problems' could not fulfill the objective of timely recovery of loans and is now saddled with huge overdues for lack of effective follow up. While reasons such as willful defaults, misuse of loans, wrong identification of borrowers, scheme could have contributed to the high level of overdues, one disquieting feature noticed is the commuting indulged by staff from nearby centres. This has come in the way of developing proper contacts with the customers. Visits to villages have become infrequent and inspections of assets are conducted in a perfunctory manner. This apart, 'non-public working days' introduced at rural branches to facilitate staff to visit villages for contacting existing and potential customers both for recovery and deposit mobilisation is not implemented as per guidelines given, with sincerity by branch staff. The huge overdues also have an adverse impact on the profitability of RRBs in the form of providing for bad debts¹⁶. The provisions made in this regard eat into their current earnings and contribute to further losses. The latter, therefore do not make any effort to recover the loans.

The interview conducted in this regard clearly shows that lack of monitoring and follow-up the credit requirements of the farmers are the main reasons behind the poor recovery of loans.

Conclusion & Suggestion

The above analysis clearly states that institutional and non institutional financial agencies not only suffer from internal problems but they suffer from external problems too. There are some organizational, managerial and administrative problems, which may be solved by these institutions at their own level. The concerned institutions like, Central Government, State Government, NABARD and sponsor bank should formulate effective policy for agricultural sector in the State so that the benefits of globalization can be exploited. There is a need for overhauling of working of these banks for rural development of Bihar. RRBs and concerned institutions should take the responsibility of reforming and rejuvenating the working in the developing State of Bihar.

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Problems And Prospects Of Indian Agriculture Products Export Under WTO Regime

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Agriculture is the backbone of the Indian economy despite the industrialisation. Indian agriculture accounts for about one-fourth of gross domestic products and is source of livelihood of more than two-third of the India population. It provides employment to around sixty to sixty-five per cent of total workforce in the country.

There has been appreciable increase in agricultural exports after economic reforms were initiated. Aggregate agricultural exports increased from \$3.2 billion in 1991-92 to \$ 6.86 billion in 1996-97 but thereafter declined to \$ 5.5 billion in 1999- 2000. Thus, during the nineties agriculture exports increased at 8.96 per cent per annum as compared to only 2.43 per cent during the eighties. Appreciable increase in exports has come about mainly due to the devaluation of the Indian rupee and opening of economy due to significant reduction in the import duties. The decline in the agricultural exports in the latter half of the nineties is probably due to sharp reduction in the international prices of agricultural commodities. The growth performance may be justified.

The appreciable increase in agriculture performance contains mainly two factors i.e. (a) Investment and (b) Recent policy Development. The economic reforms of 1991- did not contain an explicit agricultural component, it created favourable conditions to agriculture through the trade policy reforms of the rupees. The former has helped in reducing the protection to manufacturing, eliminating thereby anti-agricultural bias and improving the terms of trade to agriculture. These economic reforms seem to have helped the agricultural sector probably because of increasing business transactions between the agriculture sector and rest of the economy over the years.

Recent policy development is determined mainly by trade policy, exchange rate, monetary policy and relative weighted average support price.

Overall annual growth rate of agriculture declined to 3.6 per cent during the 1990s, from 3.9 percent during the preceding decades, and that of its allied sectors declined to 3.7 per cent from 4.2 percent during the corresponding periods. Despite favourable terms of trade for agriculture and a normal south-west monsoon, the growth of food production remained sluggish during the 1990s and the process of diversification of agricultural production from coarse cereals to oilseed crops in the rainfed areas also slowed down. These trends may be attributed to : (a) a decline in public investment in agriculture since the early 1980s (the annual growth rate being 1.9 percent during the 1990s, as compared to

***Vill- Mainapatty, P.O.- Maheshwara, PS- Babubarhi, Dist- Madhubani**

4.0 percent during the 1980_s) which slowed the expansion of irrigation; (b) low public investment in R&D (0.5 percent of agricultural GDP as against the norm of 1 per cent as recommended by the ICAR) thus affecting technological progress; (c) decline in the annual growth rate of fertilizer use from 7.8 percent during the 1980_s to 4.3 percent during the 1990_s, (d) deceleration in the annual growth rate of area under HYV from 4.9 percent during the 1980_{ss} to 2.8 percent during the 1990_s; (e) fall in soil fertility due to intensive cultivation and wheat-rice rotation year after year in the north-western region ; and (f) the over-exploitation of groundwater due to an unregulated expansion of tubewells. More than a decade of high growth in food production has led to a slackening of investments in agriculture research, irrigation and rural infrastructure that would provide productivity growth in the crops sector.

The country may have graduated to second stage of development and agricultures, influences in the economy has gradually weakened - its share in GDP. has declined steadily over the years- but it still plays a dominant role in shaping the GDP trend.

Last years records 8.1 percent GDP growth, infact, was largely due to sharp 8.6 percent farm growth. Our back experiences show that growth in farm output is followed by a growth in GDP.

The trade policy introduced since 1991 has attempted to remove some of these handicaps. The new trade policy is basically aimed at improving the productivity and competitiveness of Indian industries and elimination or minimisation of quantitative licensing and other discretionary restrictions in foreign trade and to achieve simplification of procedures governing foreign trade. The new policy has envisaged a number of significant steps to increase fiscal incentives, to achieve greater access to imports of capital goods, raw materials and components to Indian industries, improvement of organisational framework and tariff reform.

The policy has been subsequently reviewed and revised to further phase out quantitative restrictions to sustain high growth rate of exports and to enhance the opportunities for the domestic economy to participate in the dynamics of foreign trade. This policy has been further revised in terms of the Exim Policy 1997 - 2002 which marks another step in the direction of a more free trade condition and integration of the Indian economy with the world economy. It has attempted to consolidate the gains and to restructure the schemes to achieve further liberalisation and to strengthen the Indian industries for higher growth of exports.

Though the new trade policy has led to acceleration in the rate of growth of exports, the fact remains that the pace of the reforms and liberalisation has been quite slow. Similarly, the rate of globalisation of the economy has also been slow. The objective of trade policy in the Indian economy, as the Economist has suggested, should be to create such conditions in which export-led growth operates. The Indian export sector functions under the limitation of a number of

structural weaknesses concerned with technology, marketing, quality and information and it is necessary to remove these weaknesses to achieve a quantum growth of exports. Besides such steps have to achieve a quantum growth of exports. Besides such steps have to be adopted in association with an effective policy to achieve macro-economic stability.

An analysis has been made of the benefits arising from India's acceptance of the Dunkel Draft and membership of the World Trade Organisation. India's acceptance of the Dunkel Draft has been beneficial to India's export trade in various ways. It has no potential to produce an adverse effect on agricultural production and export of agricultural products. In fact, it will have a favourable effect on agricultural exports as is borne out by the behaviour of agricultural exports during 1995 - 96 when it grew by 40 per cent. Besides the agreement will have the effect of increasing the exports of textiles from India. Besides the agreement has provided for reduction of tariffs based on reciprocity and the Indian trade policy in recent years has conformed to it and import tariffs have been substantially reduced. In case of trade in services Indian has offered entry to foreign services in which such entry is considered to be most advantageous in terms of capital inflow, technology and employment.

On the basis of the analysis of the different aspects of the behaviour of the export sector, some guidelines can be suggested to infuse a greater dynamism into this sector. One of the basic deficiencies of this sector has been its instability which can be eliminated by removing the structural weakness of this sector. The structural weakness of this sector lies in low efficiency and productivity in resource use, lack of modern technology and a system approach to the processes of management, marketing, information, planning and decision-making. Trade policy, however, well conceived and implemented, cannot transform this sector in a truly dynamic one so long as the structural weaknesses persist.

The response of the export sector of India to changing world trade conditions has been such that when world trade is booming, Indian exports do not respond adequately to it and in the event of sluggish conditions in world trade, Indian exports fall much more. This is largely due to the operational effect of the structural factors. The same factors also explain to a large extent the falling share of India in world trade. The basic approach to the export sector must undergo a change and production should be effectively geared to exports. At the same time it is necessary to bring about a substantial improvement in the competitiveness of Indian industries which also can be achieved through the elimination of the structural weakness.

The demand for the exports of the developing countries has grown slowly because of technological advancement of synthetic substitutes, preferential trade, the tariff barriers against processed products and lack of rapid growth in the industrialized countries which are the major trading partners of the developing countries.

The growth of Indian exports is largely due to market expansion rather than by market penetration. This has arisen because of lack of planning and marketing management. India has to adopt a policy framework on the lines of that followed by the East Asian countries to transform the export sector into an effective instrument of growth. This policy framework has to be a broad-based one consisting of close co-operation between the state and the private sector, market-orientation of the development process with state guidance, formation of human capital, maintenance of macro-economic stability and an outward-looking strategy of development.

India has embarked upon a policy of trade liberalisation and global-orientation of the economy. However, liberalisation of imports must take into account its effect on the Indian industry. It must, therefore, be based on careful planning and should aim at improving and strengthening the growth and productivity of Indian industries. The Indian industries must be given sufficient opportunity to improve their productive capacity and competitiveness to be fully prepared for the ultimate goal of completely free international trade which is one of the objectives of the World Trade Organization.

There are two sectors of the economy which require special attention in export policy. These sectors being the agricultural sector and the small scale industrial sector. Though the relative role of primary exports has been falling, there is still a vast scope for increasing the exports of this sector in terms of horticultural product, fruits and flowers. Such exports need specific infrastructure and technology.

A country's exports have to contend with the exports of the regional trading blocks which have tended to dominate the world trade at present. The agreement among the SAARC countries regarding the formation of a regional trading block in terms of SAPTA (South Asia Preferential Trade Area) appears to be in the right direction for increasing Indian exports. Besides India has become a dialogue member of the Asean which is also an encouraging development. India should also make an energetic effort to overcome American opposition to its becoming a member of the East Asia and Pacific Trading Block. This means that the country has to operate on a wide front in terms of structural improvement, and an appropriate trade and economic policy to convert it into what the Economist has characterized it as the "Tiger of the sub-continent".

Current problems of the development of agricultural products export :

1. Certain broad strategies have been worked out to improve the agricultural products exports performance in the international market. These include a serious effort towards improving the quality image of Indian agricultural products.
2. In order to provide an impetus for export, a subsidy scheme has been launched to assist the exporters towards the cost of transport, freight and value addition.

3. Medium term export strategy : A thorough study of India's competitiveness in each market vis-a-vis its competitors has been carried out to work on the aspect of fine-tuning our country's specific export strategies for the next 5 years.
4. Thrust on renovation of capital assets : Re-planting, rejuvenation and modernisation are essential ingredients to maintain the quality and productivity of the pruned bushes. The Government has extended benefit under Section 33AB of the Income-Tax Act Whereby upto 40 per cent of the profits can be ploughed back for these purposes. This will have a significant impact towards improving productivity.
5. Irrigation facilities are also not encouraging. Only 38.6 per cent of the total area under all agriculture crops in the country are irrigated.
6. The farmers are mostly uneducated, often illiterate, and does not have access to best practice in agronomy.
7. The socio-economic structure of the country-side, the tenancy system, uneconomic holding, lack of water-supply at the appropriate time of cultivation, and proper marketing facilities are also the weaknesses of Indian agriculture.
8. There is non-availability of timely credit at reasonable rates of interest to the farmers.
9. The country lacks adequate marketing infrastructure and rural connectivity and rural storage facilities, cold chains and transportation facilities. About 53 % of the villages are still not connected by roads. Low incomes and limited capacity to invest inputs, low finance, expensive finance for small farmer through the village money lending system - all these inadequacies compelling farmers to go for distress sales of their produce.
10. One of the major handicaps faced by Indian exporters is the lack of information on key aspects of exportable commodities and relevant developments in the export markets. The exporters may be able to gather partial, and not necessarily accurate, information on prices, supplies and demand for the commodities they are dealing with and may have some general.
11. India's export efforts have to be made in an environment, which is characterized by progressively more openness and competition. Indian exporters of agricultural products have to go a long way to establish their superiority on customer orientation, quality consciousness, timeliness and reliability, and competitive prices.

Some suggestions are given here for the development of agricultural products export :

1. Government should constitute a high power committee to review the reasons for the failure of several E.O.U.s and suggest remedies to revive the same.
2. Identify strains suitable for fresh and processed market.

3. Research activities should be intensify on Indoor phase I, casing material, packaging and marketing should be strengthened.
4. Value-added products viz., pickle, soup powder etc. should be developed and promoted.
5. Diversification is required to explore the possibility of other promising varieties for their production.
6. Increasing the pace of motorisation of artisanal craft to improve their capabilities.
7. Improvement in the system of data generation as well as quality of data on exploited stocks.
8. Development of linkages between stakeholders as well as between stakeholders and Governmental Institutions.
9. Emphasis should be laid on development of early maturing varieties for specific conditions such as soil types, eco-geographic and rainfall conditions.
10. Breeding for the development of multiple disease resistant varieties is urgently required so that a particular variety can be grown in larger area. Main centres working with resistance breeding should develop the screening facilities.
11. Breeding for drought and high temperature tolerance should be initiated at targeted centres.
12. Emphasis should be laid for production and promotion of quality seeds to achieve seed replacement rate of 10 %.
13. Region specific IPM modules should be demonstrated across the country through frontline demonstrations (FLDs).
14. Small scale processing units should be popularising among farmers.
15. Aggressive approach for demonstration of potential of improved varieties, production and protection technologies should be taken up on priority.

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Problem of Co-operative Banks in Providing Agricultural Finance in the State of Bihar - A Critical Study

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Abstract

The institutional agricultural credit has grown significantly over time encouraging adoption of modern production technology and private capital formation on farms to enhance their productive potential. It helped raising agricultural productivity and production in different states and the country as a whole. Yet, the institutional agricultural credit delivery system is faced with some problems, which restrict its outreach to different areas and sections of farming classes as well as are hindering its growth and contribution towards agricultural growth to the optimum levels. These things have been highlighted in this chapter in detail.

Introduction

Problems of long-term agricultural financing in Bihar are many and complicated. Long-term agricultural financing is very different from industrial and trade financing in which credit institutions has gained considerable experience and expertise. Long-term agricultural finance involves the concept of development banking as against credit-deposit banking with which the credit institutions are familiar. Hence, an attempt has been made in this chapter to analyze problems connected with agricultural credit being provided by different institutions and persons in Bihar.

Objective of the Study

The study aims at:

1. To find out the problems of Co-operative Banks in providing agricultural credit in the State of Bihar.

Methodology of the Study

The study is based on the data collected through primary as well as secondary sources. A Survey was also conducted to know the actual position and problems of agricultural credit in the State of Bihar.

Results & Discussion

In the field of agricultural credit co-operative banks as well as Land development banks are playing a very important role. Co-operative banks provide short term finance where as land development bank provide long term loans to the farmers. The purpose which was observed behind the promotion of these banks was to remove the farmers from the debt-trap of the indigenous bankers but due to some practical difficulties these banks could not achieve its

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objectives as was accepted from them. In course of conducting this research work a number of problems have been seen but some are really very strategic problems. An attempt has been made in this chapter to identify these problems and to find out the solution of their problems.

Problems Regarding Cost of Credit

One of the bottlenecks in the growth of institutional credit is the cost of credit. Generally, the cost of credit is so high that it does not permit the farmer of ordinary means to take advantage of such credit. This observation of the United Nations Report has got relevance in Bihar where the Bank charges 10.50 per cent interest for productive loan and 11 per cent for unproductive loan. The interest charged by different land development banks differs from State to State. Generally, the interest charged by the Central Land Development Bank is one per cent higher than that payable on debenture. As most of the Central Land Development Banks are issuing debentures at 5.5 to 6.5 per cent, the ultimate interest paid by the farmer ranges between 7 to 9 per cent per annum. It may, thus, be stated that the interest charged by the Bihar State Co-operative Land Development Bank is somewhat higher in comparison to that of other States.

In the course of interacting with the farmers different types of situations have been observed relating with the cost of credit. Somewhere it was seen that processing cost was high and due to this the cost of credit was more than the original rate of interest. In some of the places it was found that loan is provided after deducting the total amount of interest payable for the period of loan. In some of the places it was seen that interest is payable and amount is repayable on monthly basis to the lender. All such type of conditions prevailing in the State is increasing the original cost of credit and there is a big gap between proposed interest rate and actual interest rate.

Thus, the ultimate rate at which the farmer can borrow on a long-term basis depends on a variety of factors. Because it is not only the cost of credit to the farmer but also, it will determine the rate of interest. And, as such, such rates cannot be determined only from the point of view of borrowers. Thus, to begin with, leading rates are determined by the cost of raising funds. Even assuming that ideal conditions are created for the successful issue of debentures, the interest payable on these debentures will have to be in relation to the bank rate and the borrowing rates of the Government who usually guarantees such debentures. The State Land Development Bank, which issues debentures and renders other services, such as the scrutiny of the propositions and the supervision of the branches, and the branches which supervise the use of loans and the conduct of the borrower have each to retain a certain margin to cover their cost of administration as well as the risk involved in lending. This margin varies in each case from one per cent to one and a half per cent. It can, however, be reduced provided the losses are kept to the minimum and the business turn over is increased appreciably.

Differential Rate of Interest

Recently, a committee was constituted to study the possibility of charging differential rates of interest for small and big farmers. In order to arrive at a rational decision, it would be necessary to examine the rate of return obtained out of the productive loan taken by big and small farmers and in case it is seen that the rate of return is not equal for both, different rates should be fixed as otherwise, just merely one is a big farmer and the other is a small farmer, one should not think of different rates of interest unless one is politically motivated. It would be interesting to note here which has been revealed from this research have that too small a unit of farming is as much uneconomical as too big a unit. In other words, it is the medium-sized unit which provides the highest return. Moreover, if a differential rate is fixed for a small and a big farmer, it should be seen that the bank is being provided with cheaper sources of raising money for such lending or the high lending rate for big farmers should be able to absorb the loss of lending at a lower rate to small farmers. However, it should be borne in mind that to arrive at any rational decision, it would be necessary to define small farmers and big farmers on the basis of productivity and yield obtained instead of the acreage held.

Problems Regarding Title of Security

One of the major caused for delay in the disposal of loan application by the Bank is the time spent on the search of a title.

One of the difficult problems which the Bank faces especially in Bihar is the establishment of clear title to the ownership of the land because no land records are complete and up-to-date even after passage of the Land Reforms Act. In Bihar, derivation of title is very complex and as such the appraisal of the title is also a very complicated affair. But in accepting land as mortgage, first, and by far the most important, condition to be satisfied is that the borrower has a clear title to the ownership of the land. In our State, the property offered as security for a loan is either ancestral or self-acquired property of the applicant for loan. In case the applicant claims the property as ancestral property evidence for the same will be the long and continued past possession of the property, which can be deduced from the production of the yearly tax receipts and old passed-on papers issued to a members of the family. Revenue registry is an important factor in the establishment of title and in cases where the family has not been in need of money or has not resorted to borrowing on the security of land, the only proof of title will often consist of the registry in the name of the applicant or his forefathers in the records of the Revenue Department and payment of 'Kist' in respect of 'patta' under which the land is held. Further, in such cases, the revenue account will also be verified. If the applicant's name is not found in the latest revenue account, the reason should be ascertained. If there is some partition deed, it should also be filed to ascertain the title. If the partition is not based on a registered document or if it was merely oral, the statements should be taken from the divided co-larceners making mention of the specific

item and the area that fell to the applicant's share stating clearly that the divided members have not objected to the applicant's mortgaging the land to the bank.

A survey has been conducted in this regard and the observations which have come are as follows:

- i. The copies of the entries in the record of rights only show the name of the applicant and do not give details as to how the applicant acquired the title to it; in many cases, the other relevant entries in this regard are to be asked for and the applicant is not able to get the same easily and quickly;
- ii. In case of resurvey of the land a co-operative statement showing the old and new survey numbers is required which the applicant finds difficult to obtain;
- iii. In case of purchased lands it is difficult to get the copies of village records of the predecessor in title ,i.e., the seller;
- iv. In case the headquarters of the primary co-operative society is situated at any other village, it is difficult for the applicant to get a certificate of the society about his liabilities which is being needed by the Bank;
- v. In case of loan for wells ,some times, it becomes difficult for the applicant to get a certificate for the applicant to get a certificate for the work done, out of the first installment of the loan, from the village Sarpanch or the Village Level Worker as the case may be;

Problems Regarding System of Repayment

It is important for farmer in negotiating a loan to arrange for its repayment when the income from the project for which the loan was made will be available .If this principle is not followed, the farmer will not have funds to repay the loan when it is due; under such circumstances, he will be obliged to renew the loan which usually adds to its costs or failing in this, he may foreclose or sell such assets as have been used for security. Often poor timing of loan bonds leads to further indebtedness and embarrassment to; the farmer, not infrequently creditors will use this device of bad timing to force farmers into bankruptcy or to gain control of the farmers business. Many good farms have been lost in this fashion. The annual payment of principal and interest should correspond in size to the annual net income expected of the elements for which the loan was obtained. The actual practice should be that the annual payments should be equally distributed because it is assumed that the contribution of the productive agent will be the same each year. But in many cases, it may not be true as the productivity of an element will vary from year to year and in many cases, it will normally decline with constant use. It may be vice-versa also in some cases. Hence, it is desirable that the repayment should be such wherein repayment plan should correspond to productivity, as only in that way, the farmer will be placed in economically viable position. A study of the enterprise shows, that the farm shall not earn enough for the first five years to meet this obligation.

Problems Regarding the Repaying Capacity

The mortgage of land is taken as a security only because the Bank can, in the last resort, realize its money by selling the land. This is not to say that it

expects, while making the loan that every mortgaged land will have to be sold. Nor can it afford to have sales on a mass scale. In order to safeguard against this contingency, the Bank insists that adequate security should be supported by the repaying capacity of the borrower. For this purpose, the Bank has to make elaborate enquiries with a view to ascertaining the net income of the applicant from agriculture and other sources after deducting the expense such as land revenue and cost of cultivation and the family budget. These investigations finally lead to the formulation of a clear idea of the probable savings the borrower can have at his disposal in a year. The Bank has also to find out whether the applicant has any other commitments to be met out of the savings. On the basis of the information thus collected, the Bank can decide whether the loan is likely to be repaid in the stated installments. In arriving at the decision, no account is taken of the possible benefits that the borrower might derive from the use of the loan. This is because until now at any rate the main purpose of borrowing had been the redemption of past debts. In such cases, the loan can bring only mental relief in the borrower and might, at the most, bring other indirect benefits.

Problems Regarding Rising Overdues

One of the most disquieting features in the loan operation of the Bank during the period under study has been the problem of rising overdues. The magnitude of the problem can be assessed from the following table.

Table- 1
Percentage of Overdues

Pre Globalization				Post Globalization			
1970-75	1975-80	1980-85	1985-90	1990-95	1995-2000	2000-05	2005-07
36	30	44	31.5	31	34	33.7	34.8

Source: CMAI Report 2004, p. 90.

It is quite evident that overdues have assumed serious proportions and it may affect the further flow of long-term credit. Recently, the availability of funds for making advances has been linked with the recovery performance of branches due to financial disciplines introduced by the Reserve Bank of India for improving the recovery performance of the branches and reducing the magnitude of overdues. The Bank has been allotted a lending programme of Rs. 11 crore for the financial year 2006-07, but the eligibility has been reduced to Rs. 8.97 crore only due to lower recovery position of the branches⁶. This position also prevails in "some States particularly Assam, Bihar, Madhya Pradesh, Mysore and West Bengal, where the proportion of overdues to demand at primary level exceeded 30 per cent as on 30 June, 2005."

This accumulation of high overdues in the Bank is partly due to rapid expansion in the loaning programme without commensurate measures to liquidate past overdues and partly due to administrative, supervisory and managerial weaknesses.

Undue Delay in Loan Disbursement

In the course of assessing the credit policy of the banks it was found that the Bank generally follows a very elaborate and cumbersome procedure for sanction of loans. This often results in time lag between the date of application and the date of actual disbursement of loan.

Table- 2
Period of Loan Disbursement in Months

State	Period of Loan Disbursements	State	Period of Loan Disbursements
Bihar	6 months	Uttra Pradesh	4 months
Kerala	3 months	West Bengal	9 months
Gujrat	2 months	Rajasthan	8 months
Punjab	3 months	Tripura	3 months
Himanchal	2 months	Andhra Pradesh	9 months
Maharashtra	3 months	India	2 months

Source: Personally compiled data based on interview conducted with the officials of credit institutions.

This table clearly indicates that the period of loan disbursement in Bihar is comparatively high then all India average which affects the growth of agriculture to the larger extent. This time-lag is 6 months in Bihar and Kerala as against 2 to 3 months in Gujrat, Punjab and Himanchal Pradesh; 3 to 4 months in Maharashtra, Uttar Pradesh and Tripura; and 9 months in Andhra Pradesh, Rajasthan and West Bengal. Much of the delay in the sanction and disbursement of loans is accounted for by the time taken in the security of the title of the applicant to the hypotheca and the registration of mortgage bonds. In order to obviate such delays most of the co-operative banks have changed the strategy and it was decided that when an application for a loan is received, a public notice shall be given calling upon the interested persons to present their objections to the loan. The prescribed officer shall consider every objection and accepting matters which have to be decided by a Civil Court he shall make an order in writing either upholding or over-ruling the objections.

Conclusion

The above analysis clearly states that institutional and non institutional financial agencies not only suffer from internal problems but they suffer from external problems too. There are some organizational, managerial and administrative problems, which may be solved by these institutions at their own level. The concerned institutions like, Central Government, State Government,

NABARD and sponsor bank should formulate effective policy for agricultural sector in the State so that the benefits of globalization can be exploited. There is need for overhauling of working of these banks for rural development of Bihar. RRBs and concerned institutions should take the responsibility of reforming and rejuvenating the working in the developing State of Bihar.

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Marriage System in India: A Historical Study

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***Abstract :** Marriage is considered to be a sacred institution in India. It is a 'sanskara' or purificatory ceremony obligatory for every Hindu. Marriages, according to Hindu beliefs are made in heaven, and once you are married, the bond is supposed to last for seven lifetimes. It is considered to be a turning point in an individual's life as he enters the second important phase or ashram of his life – the 'Garhasthyaashram'. Hindu religious books have enjoined marriage as a duty because an unmarried man cannot perform some of the most important religious ceremonies.*

Description: As we know, women in the Indus-Valley Civilization were highly respected and given the stature of God, thereby establishing a matriarchal society. Having said that, let us get to understanding a concept that is far away from the prevalent practices of marriage in India- 'Matrilocality.' As the word suggests, matrilocality or uxorilocality is a societal practice where a married couple resides with or near the wife's parents. Thus, the female offsprings of a mother remain living with (or near) the mother, thereby forming large-clan families typically residing over three or four generations.

Marriage is an ancient institution which evolved in society to give it stability and order. The early Smritis have mentioned eight forms of marriages prevalent in ancient days in India. The rules relating to marriage formulated in the early smritis were continued during the period under review.

Among the social institutions, marriage was most important Samskara. It marked the second stage in a woman's life. She was expected to stay with her husband, who became not only her lord, but also her deity. Rules relating to marriage, formulated in the older Smritis were not materially altered during this period. But there was a growing tendency to lower the marriageable age of girls. That the marriage of a girl was the parents concern is corroborated by the literature of the period. Among the Brahmanas, girls were married before the age of puberty. The only exception to this rule, according to Manu, was that if a good husband could not be had, she could, on reaching the age of puberty and waiting for three years after that, choose a husband for herself. If a proper bridegroom was not available she herself chose one, for which neither she nor her husband incurred any sin.

Bhatta Lakshmidhara, who belongs to the period, however, explain this exception by saying that the meaning is that she should not be given in marriage to one devoid of good qualities but one who has attained puberty should not be detained in the house. Jirnutavajhana in his Davabhaga

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also quotes with approval the injunction of Vishnu and Paithinasi that calamity would befall if a girl is married after puberty. He further quotes Manu that the nubile age is twelve years for a girl to be married to a man aged 30, and eight years for one to be espoused by a man aged twenty-four. In his *Kala-Viveka* he further quotes a line from the *Vishnu Purana* (III,10,16) to show that the marriageable age of the girl and boy should be in ratio of 1 to 3." As laid down in the *Smritis*, the 12th year was the limit for a girl up to which she could remain a maiden. Medhatithi while quoting Manu, also declared that girls in his time attained puberty when they were twelve. The fact that girls of a very tender age were generally given away in marriage is also corroborated by the statement of Alberuni (11th C.A.D.), who states that no Brahmana was allowed to marry a girl above 12 years of age. But the above rules probably applied strictly only to the Brahmanas. There seems to have been exceptions in the case of the Ksatriyas. The prevalence of *Svayamivara* in the Ksatriyaroyal families shows that the girls were mature enough to choose their partners.

The attitude of our age towards the question of inter-caste marriage was not encouraging. The *Anuloma* form of marriage was sanctioned as legal by most of the *Smritis*. It was once common in Hindu society and detailed provisions are given as to the rights and privileges of the children born of inter-caste *Anuloma* marriage. 10 These inter-caste unions could not have been numerous as the marriage was prohibited within certain degrees of relationship, and the marriage within the same caste was preferred." Historical examples can be cited to show that inter-caste marriages rendered the caste system flexible to some extent. The father of Bana had married a Sudra lady and the poet had a Parasavall, brother Candrasena by name. We learn from the Tipperah grant of Lokanatha (650 A.D.) that on the mother's side of family member was called Parasaval3, i.e., sprung from a Brahmana father and a Sudra mother. In Pratihara records of 9th century A.D. Brahmana Harishchandra is described to have married Brahmana as well as Ksatriya girls. 14 A literary evidence also supports the *Anuloma* marriage where the poet Rajasekhara had married Ksatriya Chahamana lady. The Chedi king Yasahkarnadeva went so far to marry a girl of Huna family who had not the equal status like she Chedis in the society. 15 In Kashmir history we find many such instances of inter-caste marriages. Baladitya, the king of Gonandadyhnasty is known to have given his daughter in marriage to a Kayastha. Sangramaraja, a king of Kashmir had married his sister to a Brahmana. 16 The famous lady Didda, the daughter of Lohar king was married to Ksatriya Ksema Gupta, and she issued joint coinage with her husband which is supported by the coin-legend. 18 In the records and literature of Assam too, we find the examples of inter-caste marriage during the period under review. These evidences go to prove that inter-caste marriage was not discarded in the society. Among the Muslim historians, Ibn Khurdabada describes *Anuloma* inter-caste marriages, while Alberuni laying down the theoretical rules adds that in his time (11th century A.D.) Brahmanas did not avail of this liberty and were marrying women of their own caste. 20 Thus, it can be fairly concluded that such inter-caste marriages were not often taking place in the society of the period.

Brahma is the form of marriage in which the bride-room is invited by the father of the bride. Decked with ornaments, she is given as a gift to the groom after the father's having enquired regarding his family, character, learning and health. The essential aspect of this form of marriage is that the bride is a gift from her father to the groom. Vasistha and Asvalayana mention that the gift is made by pouring out a libation of water. 21 Baudhayana²² mentions that in Brahma form the bridegroom asks for the hand of the bride.

Marriage as a Social Institution

Marriage has been an important social institution. It is the basis for the family. The functions of marriage include regulation of sexual behavior, reproduction, nurturance, protection of children, socialization, consumption, and passing on of the race.

Hindu marriage is regarded as a means to establish a relationship between two families. Free intermixing between two sexes is a taboo. Thus most marriages are arranged by parents or relatives, even in the educated class. Children are expected to accept their parents' decision with respect to marriage unconditionally, extra-marital relationships, separations, and remarriage have been looked down upon. For most people in India, marriage is a one-time event in life, which sanctified and glorified with much social approval. Marriage is a social necessity; marrying children is the primary responsibility of parents in India. Daughters should be married as soon they become young in early twenties and sons married as soon as they start earning. Married couples are accorded respect in the community. Non-solemnization of marriage is a social stigma. Social values, customs, traditions and even legislation have attempted to ensure stability of marriage.

Conclusion : As society has advanced the Hindu marriage has gone through various changes. Even values attached to it have changed tremendously. Individuals now are selecting their mates according to their own requirements. Many are not getting into matrimonial alliances due to some problems. The marriages in India are governed by the Hindu Marriage Act and Special Marriage Act which regulates the marriage. The provision of divorce has also helped many people to come out of their marriage. Thus, as believed Hindu marriage is no more indissoluble.

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Achievement Motivation and Adjustment of Urban & Rural Female Students

Baljit*

Abstract : *The Present Study of Achievement Motivation and Adjustment of Urban & Rural Female Students. Many factors can impact a Students' quality of life during the transition to college from high-School. Incoming college freshmen are forced to Adjust to a new social network, new living arrangements, financial concerns, and the standards of a different academic environment. Pascarella and Terenzini (1991) describe this transition as a "culture shock involving significant social and psychological relearning in the face of encounters with new ideas, new teachers and friends with quite varied values and beliefs, new freedoms and opportunities, and new academic, personal and social demands."* According to the literature, many adolescent handle this transition successfully, but a significant subset has difficulty. Despite the growth opportunities it provides, this period of life is often accompanied by stress and maladjustment, which can cause devastating academic and health consequences. For instance, adjustment during the first year in college can predict level of academic achievement and college completion) similarly, maladjustment is a predictor of withdrawal from college and negative impacts on physical and psychological health. As reported in many studies, college transition can trigger emotional and behavioral problems ranging from feeling depressed and stressed to engaging in health risk behaviors, such as drinking alcohol, smoking or driving dangerously. So it will essential to parents and educator to acknowledge the factors related to their achievement motivation and adjustment. The Present investigation, an attempt was made to study the achievement motivation, Self- concept, and adjustment of college students in relation to their gender and inhabitance.

Description: Achievement Motivation one classification of motivation differentiates among achievement, power, and social factors. achievement motivation or the need for achievement is the psychological drive to excel a social form of motivation n to perform at a high level of competence¹. It is sometimes abbreviated to n ach or n-ach. Competing in socially valued activities where achievement can be recognized and given appropriate recognition either by the group of internally by the performer. The term need for achievement was first introduced by Henry murray in 1938 in his book "explorations of Personality " where he used it in the since of overcoming obstacles or being

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regularly willing to take on difficult task. The term achievement motivation has been the preferred term more recently.

Self –concept every individual exists in a constantly changing World of experience of which he is the center. It is his basic tendency and striving to know and understand himself as well as his environment as he experiences and perceived it . Due to constant interactions with his environment, gradually the form of his self is differentiated and developed. In this process an integrated, organized and unique self-structure comes out. In this process, an integrated, organized and unique self-structure comes out. All his behavior is directed towards actualizing, preserving and enhancing this self –structure. That part of self-structure which the individual perceives as a set of specific and relatively stable self- characteristics formulates his self – concept.

Adjustment generally refers to modification to compensate for to meet special conditions. In the dictionary the term adjustment means to fit, make suitable, adapt, arrange. Modify, harmonize or make correspondence. Whenever we make an adjustment between two things adapt or modify one of both to correspond to each other for example wearing of cloths according to requirement of the seasons is an example of the adjustment as a process it is necessary to examine some of the definitions of Adjustment.

Motivation is a vital condition of all learning success in any undertaking of any single out depends to a large extent or how badly you want to succeed, any how much energy you put forth in short on how a strongly you are motivated.

Motivational factors have been recognized as one of the primary factors in academic achievement². Empirical studies apply demonstrate the value of academic motivation in academic excellence. Morgan (1956) observes, “Several hundred words in every day vocabulary refer to people’s motives. Some of the more common ones are wants, striving, desire need motive goal aspiration, drive, wish, aim ambition, hunger, thirst, love and revenge.” Many of these given words can be defined with good reasons and prove useful for us in scientific study of motivation³.

As Klausmeier (1964) says, “Motivation is activity by one person designed to stimulate or arouse state within a second person or group that under appropriate circumstances initiates or regulates activity in relation to goal, or it is the aroused state of the individual that under appropriate circumstances initiates or regulates behaviour in relation to goals. “A teacher, we find for example, arranges circumstances within in the classroom to encourage pupils to make certain responses to spell, to learn some words correctly. Motivation also refers to the state within the learner without specifying the motives and its uses particularly in describing intensity⁴. Thus, after the teacher makes the attempt to encourage pupils to study, motivation in the pupils may range from very low to very high. This second uses is also applied in this connection.

Achievement has long been thought to be among the most important human motives⁵. The achievement motive is aroused whenever person knows

that his or her performance will be evaluated in terms of some standard of excellence and that the consequences will be either favourable (success) or unfavourable (failure) (Atkinson, 1964). Murray called the need to achieve 'n-achievement', Psychologists often use the shortened term "n-Ach."

Atkinson Theory:

One of the most elaborated and successful theories of achievement motivation was proposed by John Atkinson (Atkinson, 1964; Atkinson & Birch, 1978).

Achievement Motivation:

The third and final tenet of Atkinson's theory is that an individual's tendency actually to engage in achievement-oriented behaviour (Ta) is a combination of the person's tendency to approach (Ts) minus his or her tendency to avoid (Tf):

$$TA = TS - TF$$

If we substitute previous terms for those in this equation, we have the following equation.

$$TA = \{Ms - MAF\} \{Ps \times (I - Ps)\}$$

This equation implies that all people are motivated both to seek success and to avoid failure. Every achievement-oriented situation arouses both motives⁶. Whether or not a person actually engages in achievement-related activities depends on two factors: the resultant achievement motivation (Ms-Maf) and the difficulty of the task {Ps x (I-Ps)}.

The study is helpful to teachers and other agencies engaged in teaching works. The dynamics of human behaviour and its analysis has always been important for persons imparting education to children. Motivation is the central behind all learning⁷. The results of this study are helpful in understanding the dynamics of child learning. Understanding of personality characterization of high and low academic motivation groups are helpful in fostering the need for academic achievement those who are lower on it. Counselors in the school they may take help in programming to improve the academic achievement of the students.

Though several efforts were done to control the effect of extraneous variables, but there are some limitations of the study also. There are also several other variables which have not been covered. Further, the habits of the students of high and the low academic motivation groups need also to be investigated. Other investigators in the area of education and guidance are suggested to work on school climate of the school in relation to motivation to learn. They also can do research works on educational policy and role of teacher also. Thus the present investigation highlights the importance of role of academic motivation and variables associated with it.

Objectives

1. To study the effect of gender on students achievement motivation.

2. To study the effect of inhabitanace on students level Of achievement motivation.
3. To study the interactional effect of gender and inhabitanace on students level of achievement motivation.
4. To study the effect of gender on student's level of adjustment i.e. home, health, emotional and social.
5. To study the effect of gender on students self- concept.
6. To study the effect of inhabitanace on students 'self- Concept.

Conclusion : Thus the psychology of adjustment is that aspect of the science of human behaviour that attempts to explain how people cope with demands and problems of everyday living. To develop an adequate understanding of psychological adjustment, it is necessary to adopt a specific viewpoint regarding basic human nature. Three viewpoints have traditionally being held: the moral, the phenomenology and the social learning or behavioural.

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Psychology Remains of Family Background Factors in India

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Abstract : Literature on family studies in India has grown to a large extent in the last two decades, although such studies are scattered. This article presents socio-demographic data on families in India aiming to provide bases for analyzing research, particularly in the area of family development. Indian families are classified as patrilineal and matrilineal according to the lineage or descent by father or mother. The family structure is conceptualized as the configuration of role, power, and status and relationships in the family which depends upon the families socio-economic background, family pattern, and extent of urbanization. Marriage practices are emphasized covering subjects such as marriage patterns, selection of marriage partner, age at marriage, age at consummation of marriage, marriage rituals, financial exchanges and divorce. In spite of urbanization and industrialization in the contemporary Indian society, the family institution continues to play a central role in the lives of people.

Description: The present chapter is concerned with those studies made in India and abroad, which were considered relevant in context of the view to justifying family background factors and creativity among high school students.

Sex, Socio-economic status, Area of residence, Parent's education, parent's interest in creative work, working as well as cultural climate, atmosphere at home, size of the family, school and working situation, discipline and treatment received at home and school and society etc. have been found to be quite significant in the growth of creative activities.

Kalliopuska (1989) surveyed the effect of active dancing on the personality of 62 dancers¹. The subjects completed four questionnaires of self-esteem and a questionnaire of hobbies and were administered the Rorschach test and the picture completion portion of the Torrance tests of creative thinking. The findings were as predicted.

Gupta (1976-77) surveying literature on home and school environment came to conclude that understanding of the dynamics of environmental factors is very important for the study of creativity. Much has been said theoretically as well as empirically regarding the role of various environments that are conducive to creativity. It is needless to say that home is the starting point in the life of a person and various factors related to home environment influence the development of creativity². The roles played by broken home and good home are

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well known to educationists and psychologists. Various empirical studies showing development of creative potential in specific home are available.

Okuda Shawn (1991) examined whether real world problems are more predictive of creative accomplishments than problems contained in standard divergent thinking task. The findings indicated that real world problems were more predictive of creative accomplishments than standard divergent thinking.

Harvey and others (1961) have given a good theoretical account of the role played by home environment. They considered two qualities of environment—organizational patterns and degree of conceptualization (abstractness) in persons. Persons of low conceptualization manifest stereotyped thinking, dominated by authority, whereas persons of high conceptualization manifest exploring situations to be creative and adaptive in changing situations. Getzels and Jackson (1962) have cited an example of Scotts and Blacks families as converges and diverges respectively, and recorded the histories of their home environments. The former found to be domineering and academic achievement oriented, while the latter provided freedom for children's individuality.

Studies have shown that family background, education of parents, position of family and honour held by the parents and others at home in community and neighborhood, feeling of superiority, social and intellectual bases in the family, as well as professional background and vocational independence of the parents have also been known to influence creativity of the child (Cropley, 1967; Shafer and Anastasi, 1968). Other factors like Sibling relations, serious illness and feeling of isolation during childhood, unbroken homes, where death, divorce or hardship are absent, have been found to affect the growth of creativity (McClelland, 1956).

Cante et al. (1994) explored the relation between ego-functions and personality traits in 90 psychiatric out patient³. The result showed high correlation between ego functions & personality traits.

Ittenback and Harrison (1996) conducted their study on 348 graduates and undergraduate students. They completed items from the autonomy scale and the ego strength scale⁴. They found that the ego strength could be predicted by performance on measures of problem solving dimensions of personality.

Social Interdependence

One of the great themes pervading Indian life is social interdependence. People are born into groups—families, clans, subcastes, castes, and religious communities—and feel a deep sense of inseparability from these groups. People are deeply involved with others, and for many, the greatest fear is the possibility of being left alone, without social support. Psychologically, family members typically experience intense emotional interdependence. Economic activities, too, are deeply imbedded in a social nexus. Through a multitude of kinship ties, each person is linked with kin in villages and towns near and far. Almost everywhere a person goes, he can find a relative from whom he can expect moral and practical support.

In every activity, social ties can help a person and the absence of them can bring failure. Seldom do people carry out even the simplest tasks on their own⁵. When a small child eats, his mother puts the food into his mouth with her own hand. When a girl brings water home from the well in pots on her head, someone helps her unload the pots. A student hopes that an influential relative or friend can facilitate his college admission. A young person anticipates that parents will arrange his or her marriage. Finally, a person facing death expects that relatives will conduct the proper funeral rites ensuring his own smooth passage to the next stage of existence and reaffirming social ties among mourners⁶.

This sense of interdependence extends into the theological realm. From birth onward, a child learns that his "fate" has been "written" by divine forces and that his life is shaped by powerful deities with whom an ongoing relationship must be maintained.

Conclusion : In India's vociferous democracy, different groups are increasingly demanding their share of scarce resources and benefits. While new agricultural crops and techniques are expanding productivity, forests, rangeland, and water tables are diminishing. As competition grows, political, social, ecological, and economic issues are hotly contested. Justice in matters pertaining to class, gender, and access to desirable resources remains an elusive goal. India is but one of many nations facing these crucial problems and is not alone in seeking solutions. For many centuries, the people of India have shown strength in creating manageable order from complexity, bringing together widely disparate groups in structured efforts to benefit the wider society, encouraging harmony among people with divergent interests, knowing that close relatives and friends can rely upon each other, allocating different tasks to those with different skills, and striving to do what is morally right in the eyes of the divine and the community. These are some of the great strengths upon which Indian society can rely as it seeks to meet the challenges of the future.

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Preparation of Mixed Ligand Complexes of Alkaline Earth Metal Salts of 1-nitroso-2-naphthol with some Bidentate ligands

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I.M(5,7-DBr-8HQ)₂(bzl), where M=Ca, Mg and Ba.

To a solution of alkaline earth metals 5,7-dibromooxinate in dioxane, benzil was added in equimolar proportion. The contents were refluxed on a steam bath for about one and half hour. A clear solution was obtained. On cooling the refluxate, the adduct separated gradually. It was collected on a filter, washed with ether and dried in a desiccator over anhydrous CaCl₂.

Yield ----- 83% - 85%.

II.M(5,7-DBr-8HQ)₂(bnzn), where M=Ca, Mg and Ba.

About 0.01 mole of appropriate metal 5,7-dibromooxinate was dissolved in 25 mL of dioxane and treated with an ethanolic solution of benzoin. The resulting solution was refluxed on a steam bath for about one and a half hour. Crystals of the mixed ligand complex separated gradually on cooling. It was collected on a filter, washed with dry ethanol and dried in a desiccator over anhydrous CaCl₂.

Yield ----- 82% - 85%.

III.M(5,7-DBr-8HQ)₂(benox), where M=Ca, Mg and Ba.

Equimolar proportion of alkaline earth metal 5,7-dibromooxinate and benzoinoxime were taken in a conical flask. 80-100 mL (1:1) solution of dioxane and ethanol was added and refluxed on a steam bath for one and half hours.¹ On cooling the refluxate, the mixed ligand complex gradually separated. The product was collected on a filter, washed with pure dry solvent and dried in a desiccator over anhydrous CaCl₂.

Yield ----- 84% - 86%.

IV.M(5,7-DBr-8HQ)₂(opd), where M=Ca, Mg and Ba.

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An alkaline earth metal salt of 5,7-dibromo-8-hydroxyquinoline and orthophenylenediamine were taken in equimolar proportion in a conical flask. About 80-100 mL 1:1 solution of dioxane and ethanol was added and refluxed on a steam bath to 20-25 mL. The resulting solution was cooled when the adduct separated gradually.² In some case, the resulting solution was stirred for a while when the adduct separated. The product was collected on a filter and dried in a desiccator over CaCl_2 .

Yield ----- 80% - 85%.

V.M(5,7-DBr-8HQ)₂(biur), where M=Ca, Mg and Ba.

About 0.1 mole of appropriate 5,7-dibromooxinate was dissolved and refluxed with equimolar ethanolic solution of biuret on a steam bath for two hours. The resulting solution was concentrated to minimum volume and left overnight when the adduct separated. The mixed ligand complex was collected on a filter, washed with ether and dried in a desiccator over CaCl_2 .

Yield ----- 80% - 88%.

VI.M(5,7-DBr-8HQ)₂(benac), where M=Ca, Mg and Ba.

Equimolar proportion of alkaline 5,7-dibromooximates and benzoylactone were taken in a conical flask containing 1:1 solution of dioxane and ethanol. The contents were refluxed on a steam bath to dryness. The product was obtained on cooling and scratching the sides with the help of a glass rod. It was taken out, washed with ethanol and then dried in a desiccator over CaCl_2 .

Yield ----- 82% - 88%.

Preparation of Mixed Ligand Complexes of Alkaline Earth Metal Orthoaminophenolate with some Bidentate ligands.³

I.M(OAP)₂(bzl), where M=Ca, Mg and Ba.

About 0.01 mole of appropriate metal salt of orthoaminophenol was dissolved in minimum ethanol and treated with an ethanolic solution of benzil. The resulting solution was refluxed for one hour on a steam bath and cooled when the adduct gradually separated. It was collected on a filter, washed with ether and dried in a desiccator over CaCl_2 .

Yield ----- 70% - 75%.

II.M(OAP)₂(bnzn), where M=Ca, Mg and Ba.

Equimolar proportion of benzoin and the alkaline salts of orthoaminophenol were added to 80-100 mL of ethanol and refluxed on a steam bath for one hour. On cooling the refluxate, the adduct gradually separated. The

product was filtered under buchner funnel, washed with pure dry solvent and dried in a desiccator over CaCl_2 .

Yield ----- 72% - 78%.

III.M(OAP)₂.(benox), where M=Ca, Mg and Ba.

An alkaline metal salt of orthoaminophenol and benzoin oxime were taken in a conical flask in equimolar proportion. About 80-100 mL of ethanol was added and the contents refluxed on a steam bath for one hour when a clear solution was obtained. It was left overnight when the mixed ligand complex crystallize out. The product was collected on a filter, washed with ethanol and dried in a desiccator over CaCl_2 .

Yield ----- 75% - 80%.

IV.M(OAP)₂.(opd), where M=Ca, Mg and Ba.

To ethanolic solution of orthophenylenediamine, an appropriate metal salt of orthoamino phenol was added in equimolar proportion. The contents were refluxed on a steam bath for about one hour and cooled. When the adduct separated out, it was collected on a filter, washed with ether and dried in a desiccator over CaCl_2 .

Yield ----- 75% - 80%.

V.M(OAP)₂.(biur), where M=Ca, Mg and Ba.

Equimolar proportion of the alkaline salts of ortho aminophenol and biuret were taken in a conical flask and refluxed on a steam bath for an hour with 100 mL of ethanol. A clear solution was obtained which on cooling gave crystals of mixed ligand complex. The product was filtered, washed with cold dry ethanol and dried in a desiccator over CaCl_2 .

Yield ----- 72% - 78%.

VI.M(OAP)₂.(benac), where M=Ca, Mg and Ba.

About 0.01 mole of benzoyl acetone was dissolved in 40-50 mL of ethanol and treated with an ethanolic solution of 0.01 mole of appropriate metal salt of the orthoaminophenol. The resulting solution was refluxed and concentrated on a steam bath to a volume of 20-25 mL and cooled. The product separated gradually on cooling the refluxate. It was collected on a filter, washed with ether and dried in a desiccator over CaCl_2 .

Yield ----- 75% - 80%.

Preparation of Mixed Ligand Complexes of Alkaline Earth Metal Salts of 1-nitroso-2-naphthol with some Bidentate ligands.

I.M(1N 2N)₂(bzI), where M=Ca, Mg and Ba.

About 0.01 mole of benzil was dissolved in 40 mL of ethanol and treated with 0.01 mole of alkaline earth metal salt of 1-nitroso 2-naphthol dissolved in about 40-45 mL of 95% ethanol and refluxed on a steam bath for an hour and half. The adduct separated gradually on cooling the refluxate. It was collected on a filter, washed and dried in a desiccator over CaCl₂.

Yield ----- 80% - 84%.

II.M(1N 2N)₂(bnzn), where M=Ca, Mg and Ba.

Equimolar proportion of alkaline earth metal of 1-nitroso 2-naphthol and benzoin were taken in a conical flask in absolute ethanol and the contents were refluxed over steam bath for an hour.⁴ The refluxate was concentrated and cooled when crystals of mixed ligand complex separated. It was filtered, washed with ether and dried in a desiccator over CaCl₂.

Yield ----- 78% - 80%.

III.M(1N 2N)₂(benox), where M=Ca, Mg and Ba.

An alkaline earth metal salt of 1-nitroso 2-naphthol and benzoinoxime were taken in a conical flask in equimolar ratio (0.01 mole each). It was then refluxed for an hour and half over steam bath with constant stirrings. The refluxate was then cooled when the adduct gradually separated out. It was collected on a filter, washed with pure dry solvent and dried in a desiccator over CaCl₂.

Yield ----- 75% - 80%.

IV.M(1N 2N)₂(opd), where M=Ca, Mg and Ba.

Equimolar proportion of orthophenylenediamine and alkaline earth metal salt of 1-nitroso 2-naphthol were dissolved separately in 40-45 mL of absolute alcohol and mixed. The resulting solution was refluxed on a steam bath for about an hour and half. On cooling the refluxate crystals of mixed ligand complexes separated out. The crystals were filtered, washed with cold, dry ethanol and dried in a desiccator over CaCl₂.

Yield ----- 80% - 85%.

V.M(1N 2N)₂(biur), where M=Ca, Mg and Ba.

To a solution of biuret (0.01 mole) in absolute alcohol, ethanolic solution of appropriate metal salt of 1-nitroso 2-naphthol was added in

equimolar proportion. The contents were refluxed for an hour when a clear solution was obtained. The solution was cooled when the adduct separated gradually. It was collected on a filter, washed with cold dry ethanol and finally dried in a desiccator over CaCl_2 .

Yield ----- 78% - 80%.

VI. $\text{M}(\text{1N 2N})_2(\text{benac})$, where M=Ca, Mg and Ba.

Equimolar proportions (0.01 mole) of benzoylacetone and alkaline earth metal salt of a-nitroso b-naphthol were taken in a conical flask in 100 mL absolute ethanol.⁵ The contents were refluxed over a steam bath to a volume of 15-20 mL and left overnight when the crystals of mixed ligand complex separated. It was filtered, washed with ether and dried in a desiccator over CaCl_2 .

Yield ----- 70% - 75%.

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