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creative research in multidisciplinary traditions in Philosophical & Religious
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dialogue between old and new thought.
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Editorial ……

The Sucharitha: A Journal of Philosophy and Religion. The rave reviews we received were heartening. Your support and encouragement facilitated us to come out with the next issue on time without compromising on the standard style. The journal has and the quality of the articles.

In the present issue, we have taken up in detail the philosophical and religious issues discussed in academic circles. There are well written articles covering a wide range of issues that are thought provoking as well as significant in the contemporary world.

My thanks to the Members of the Editorial Board, to the readers, and in particular I sincerely recognize the efforts of the subscribers of articles. The journal thus receives its recognition from the rich contribution of assorted research papers presented by the experienced scholars and the implied commitment is generating the vision envisaged and that is spreading knowledge. I am happy to note that the readers are benefited.

My personal thanks to one and all.

(Dr. Victor Babu Koppula)
This paper aims to explore the conception of agent (kartÈ) in NyÈya tradition of Indian philosophical thought. In common-sense parlance, an agent (kartÈ) is one who performs an action. The potential or the capability of an agent to bring about an action constitutes his agency. The construal of agency is the background which determines that the agent cannot but be a person. And if an agent is a person, then, can NyÈya view of the agent fit in well to that scheme? Thus, this paper is divided into four sections: the first, talks about the agent (kartÈ) and his agency in NyÈya tradition. The second, explores the idea whether an agent of NyÈya tradition can be called a person. Lastly, the concluding remarks.

Agent and his agency in Nyaya tradition

Almost all the schools of Indian philosophical thought accept the doctrine of Karma which is more broadly defined in the following terms: ‘As you sow so shall you reap’. Or in other words, as is the action done by a person so will be the result borne by him. This implies that there is an invariable relation between the doer and the deed, agent and the action. NaiyÉyikas accept karma in the form of adÈrÈṣṭa i.e an unseen potency formed after the performance of deeds or actions. They also accept that one cannot escape the rewards and punishments of one’s actions. If this is so it becomes inevitable to

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1 Here I am only interested in human agent and his agency, therefore, the word ‘person’ is strictly spoken of in the sense of human beings.
understand how an individual performs actions i.e who is an agent ? and what constitutes his agency?.

Annabhaṭṭa, in Nyāyakośa, defines kartrtva(agency) as ‘the concept of agenthood involves direct cognition of the materials, desire to perform the action and capacity to do the action.’ (upādānagocar aparokṣa ajñāna cikīrṣākṛtimattvam) i.e an agent must be one who is capable of cognition, intention and volition. Naiyāyikas attribute all these qualities to the self or the ātman. Therefore, according to them, self is the agent or kartā. Vēcaspati Miśra, in Nyāyavērtikātētparyātīkē (NVT 4.1.21) suggests that ‘being an agent(kartrtvā) is to be characterised by the inherence of volition(prayatna), intention (cikīrṣē) and cognition(jñāṇa).’ Based on this view Nyāyayikas have accepted kartā or the agent at two different levels- (i) infinite and (ii) finite because they admit two types of selves. The infinite kartā is none other than Iśvara or God as conceived in the Nyāya philosophy. The status of Iśvara as kartā has been proved with the help of an inference in the Nyāyakusumanjali of Udayanācharya - ‘the world has some kartā, because it is an effect just like a jar’4. It is known fact that every effect is preceded by certain causes. Material causes in themselves are not enough or capable to bring about the effect rather a conscious agent is required to combine all the causes and turn it into effect. For e.g. a pot requires apart from mud and all, the potter. In the same way in the creation of the world a conscious agent is required to put the atoms into worldly creations. Unless a conscious being desires to create the world out of these atoms and actually

2 Abhyankar, Vasudev Shastri (revised & re-edited), Nyēyakośa, Bhandarkar Oriental Reasearch Institute Poona, 1978. P.
creates the world, world cannot come into existence. And the conscious kartṛ or agent is līśvara or God. A brief discussion in the Nyāya-sutra also talks about the agency of the God. It is in the form of an objection “sometimes action performed by a person for some desired end does not necessarily attain the result of his action. From this it is inferred that the attainment of the result of an action performed by a person is dependent upon something other than the action itself. And the being on whom depends the attainment of the result is God. Therefore, God is the cause i.e. it is to be admitted that there is an almighty supreme being or God who according to His own will, creates or destroys the world and dispenses the results of action to different living beings”. To this Gautama clarifies that ‘No, God alone’ as independent of the actions of the living beings is not the cause of the world, because no result is produced in the absence of actions performed by the living beings’. So it is made clear that the actions of the living beings including the God is the cause of this world, and the attainment of the results of actions by the living beings is due to the discretion of the God.

Thus, in the above sutras the kartṛtvā of God is made very clear. Atoms and karma become active only when controlled by conscious agents. Both God as well as other selves are regarded as agents but God is the ultimate kartṛ or controller and he is attributed with the status of Adhiśthātā. As to the nature of God it is said that It is a distinct form of self differentiated from the ordinary selves by certain qualities. It is different from the ordinary selves by the absence of vice, false knowledge and carelessness as well as by the possession of virtue, right knowledge, carefulness and

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6Ibid. iv.1.20
7Ibid. iv. 1.21
accomplishments. But God is not the cause of this world independently of the actions of men (adrṣṭa).

The way Naiyāyika prove the agency of God has been challenged in many ways. It has been argued that the characteristic of being embodied is involved in the very notion of kartā. And God being disembodied, He cannot be a kartā. That the world etc. does not possess any kartā can be established by perception also⁸. In reply, it is said that the definition of kartā or agent does not have any essential reference to the body. So, a disembodied being can definitely be a kartā. Some opponents want to reject the kartṛtva of lāvāra on the ground that the concept of kartṛtva is a self contradictory concept. It includes the feature of having a physical body and again doesnot include it. It is logically impossible to conceive this. This objection can be easily answered. It has not been proclaimed that the notion of kartṛtva would involve the characteristic of having a body and its negation at the same time. Sometimes kartā possess body and sometimes he does not. This is acceptable. Hence, God can be regarded as a kartā. Therefore, an infinite self can be termed a kartā in Nyāya philosophy.

Turning to the other kind of kartā which is my specific focus, as accepted by Nyāya philosophy is the finite self. Finite self is the individual self and these selves exist in plurality.

Naiyāyikas make clear as to who is this doer or the agent. It is said that: (Etṃendriyadyadhīsthātē, karnam hi sakṛtakam) i.e. the soul is the inspirer of the organs etc. for an instrument requires an agent.⁹ It is clarified that soul imparts sentiency to the sense organs and body and soul is the agent which makes the sense organs work.

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⁸ This discussion is in Nyāya Kusumāśjali of Udayanācharya.
for they themselves are insentient. Further, this soul is said to be the substratum of merit and demerit and not the body (dharmāḥdharmasriyoadhyakṣo viśeṣaguṇayogatai)\textsuperscript{10}. Had it been so that the body was the substratum of these, then the results of actions done by a particular body could not be experienced by another body. The existence of soul in another’s body is to be inferred from its voluntary actions\textsuperscript{11}. Voluntary movements are those movements which are a result of pravṛtti i.e. inclination. Knowledge, desire, effort etc. do not abide in the body and since voluntary movement is the outcome of effort; the soul which is possessed of effort is inferred from its voluntary movements. So it is clear that the soul which is the agent is capable of doing voluntary or intentional actions. Body is the locus of the experiences of pain and pleasure and the experiencer is the agent (self).Vātsayāyana in his commentary on Nyāya sutras of Gautama says that ‘the self is the knower of everything, enjoyer, omniscient and the perceiver’\textsuperscript{12}. The body is the locus of its enjoyment. The senses are the aids to enjoyment. Motivation and evil are the causes producing the body, the objects of senses, knowledge, pleasure and pain. Here it is made very clear that though the kartṛ is the self but this kartṛ cannot enjoy its kartṛtvā without its auxiliary that is the body. By motivation and evil is understood the karma done under the influence of pleasure or pain which becomes a kind of an unseen potency (adṛṣṭa) which in turn determines the future birth. Gotama, in Nyāya sutras (N.S 1.1.10) ascribes desire, aversion, volition, pleasure, pain and cognition as characteristics of the self. The

\begin{itemize}
\item \textsuperscript{10} Ibid. sutra 48. P.78
\item \textsuperscript{11} Ibid. sutra 50.P.79
\item \textsuperscript{12} See i.1.9 of Gangopadhyaya, Mrinalkanti(tr.),Nyaya-sutra of Gautama with Vṛṣyāyana’s commentary, Indian Studies: Past & Present, Calcutta, 1982, p.20-23.
\end{itemize}
process of an action being produced by the self is explained in the following manner: cognition gives rise to intention (cikīrtṣā) which in turn gives rise to volition (prayatna) which finally leads to bodily action (karman or cēṣṭā). Viśvanātha’s has presented an analysis of volition in Nyāyasiddhāntamuktāvali. A distinction is made between volition or voluntary action and automatic and reflex actions of the organisms. It explains that kṛti or prayatna\textsuperscript{13} includes: (i) pravṛtti i.e. the volition in the positive sense as conscious selection of the good (ii) nivṛtti, i.e. volition in the negative sense as rejection of the evil, and (iii) jivanyoniprayatna, i.e. activities arising from the jivana or life of the organism, in other words the automatic and reflex activities.

But kṛti in the narrower sense stands for pravṛtti, volition or voluntary action including in its positive and negative aspects, i.e. including nivṛtti. These are icchādveśapurvakaprayatna i.e. volition which is actuated by icchā (desire) and dvēśa (aversion). In other words, this type of prayatna emerges because of one’s own will. This excludes jivanyoniprayatna from volition proper as there is no volition in these organic activities because they are not svecchādīnāmatkṛtiśāddhya, i.e. cannot be brought to pass by one’s freewill.

Thus, finite self is agent according to Naiyāyikas. But this agency of self does not include body as the characteristics of the self cannot be attributed to the body. Body is seen as a mere auxiliary which executes the action as willed and decided by the self. Also, the self of Nyāya is not by its very nature possessed of consciousness.

\textsuperscript{13} Pravṛtti nivṛtti tatha……. Bhasa pariccheda with siddhanta-muktavali of Visvanath Nyaya pancanana translated by swami madhavananda, Advaita Ashram, 1996, p.243
Consciousness is its acquired attribute. This raises further questions to their concept of agent and his agency.

**Agent- A Person**

A person is a being characterized by consciousness, rationality, and a moral sense, and traditionally thought of as consisting of both a body and a mind or soul.\(^{14}\) Boethius defined person as ‘an individual subject whose nature is rational.’\(^{15}\) This definition by Boethius was later refined by Aquinas declaring that ‘person’ means an integral and unitary self-subsistent subject characterized by intellectual consciousness, moral freedom and all properties ensuing from these defining notes.\(^{16}\)

The question -‘who is a person?’ has had a long and relentless investigation where philosophers have agreed and disagreed to the composition as well as characteristics ascribed to person or the sense of personhood. We find there have been three major philosophical theories with regard to an understanding of a person. Some thought that we were immaterial souls or egos, only contingently attached to our bodies\(^{17}\). Plato and Descartes were well known advocates of this view. But due to a number of metaphysical as well as epistemological intractable problems (like category mistake pointed out by Ryle) this view was abandoned and more sophisticated answers were found to the question raised above. One view took the form of emphasizing that persons are human beings, evolved animals of a certain sort (the animalist view). Another view is represented by David Hume:

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\(^{14}\) Collins Discovery Encyclopedia 1st edition, Harper Collins Publisher, 2005.[encyclopedia2.thefreedictionary.com/person†(philosophy)]

\(^{15}\) Cf. Richard De Smet, S.J. ‘Towards an Indian View of the Person’in Contemporary Indian Philosophy ed. by Margaret Chattejee. MLBD. Delhi. P. 53.

\(^{16}\) Ibid. P. 53

\(^{17}\) Routledge Encyclopedia of Philosophy. P. 318
self or person is a bundle of perceptions. Finally there is a theory that persons are neither essentially animals nor reducible to their bodies or experiences. This view is influenced by John Locke's conception of person.

When we talk about agent who is essential to the concept of action, it is very clear that both of them are tied to each other in such a way that one cannot be explained or made sense of without the other. And here when the action in discussion is action of a human being then the most apt understanding of the agent will be that it is a person. A person capable of action in the empirical world cannot be disembodied. The above mentioned views with regard to person donot in any way take the sense of person as an embodied being. For we cannot call a building or monuments for example a person but if I have to talk about somebody like Obama, the American president, then I do call him a person. This means that an empirical individual or the doer of actions cannot but be embodied. Only an embodied person can be the locus of an action. The way Naiyāyikas have ascribed agency to the self who is by nature not conscious, but not to the embodied being raises doubt to the very efficacy of their concept of agency. A being does actions in the world and excluding the equal importance of body as an inalienable part and parcel of the agent is not convincing.

**Concluding Remarks**

Nyāya account of agent/kartā does not satisfy the logical requirements of karma. They believe in two types of kartā: finite and infinite kartā. But both the finite and the infinite selves do not satisfy the logical requirements of karma. The finite self in Nyāya is regarded as unconscious consciousness is said to be accidental quality of the self. But an unconscious self cannot play the role of a kartā for karma is a conscious phenomenon, which always
presupposes a conscious agent. Therefore, Nyāya account of finite self cannot play the role of a kartā. Like finite kartā, infinite kartā (God) also does not satisfy the logical conditions of karma because Nyāya conceives of God as disembodied and the concept of agency presupposes the involvement of body and bodily actions. A disembodied being cannot be the kartā of a karma. So, God, on this account cannot play the role of a kartā. Thus, Nyāya theories of finite and infinite kartā do not have any fitting in the agent as a person paradigm of karma.

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2. Chatterjee, Margaret. (ed.), Contemporary Indian Philosophy, MLBD, Delhi, 1998.


SREE NARAYANA GURU’S VISION OF GOD ON THE
BASIS OF DAIVA-DASAKAM (UNIVERSAL PRAYER)

Betty Sunny
Research Scholar
Kerala University Library
University of Kerala
Thiruvanthapuram

One Caste, One Religion, One God for man
One form and the same blood in all
I cannot find any differences...

Sree Narayana Guru

Introduction

Sree Narayana Guru was a philosopher, mystic, poet and social
reformer and a humanist all rolled into one. The guru was essential a
man of practical wisdom. He made notable contributions to all fields of
human life such as religion, ethics, education, economics, aesthetics and
so on. His achievements are so great and varied that they make him as
one of the pioneers of modern age.

Narayana Guru’s concept of God is scientific; he defined the God
as, the one reality that underlies everything that appears to be in all
the worlds, here or the hereafter was more than a matter of belief for
the Guru. Admitting the existence of the world means admitting the
realness of God, for the world cannot appear to be without a causal
Reality underlying. Likewise, admitting God means admitting the
existence of the world as the apparent from in which God becomes
manifest. God, Atman, Brahman, Arivu was interchangeable terms to
him. World and individuals are only manifestations of the one God. God
and the world are inseparably one, as are water and waves, as are gold and ornaments.

**Universal prayer**

Universal Prayer - Daiva Dasakam (1914) one of the most important work of Sree Narayana Guru. The Guru sublimates in this composition, a religious content into an occasion for revealing the deepest secret of wisdom without losing the devotional fervour of the situation.

Life can be approached from three angles; philosophy, religion and science. Philosophy is the path for those who can infer realities by putting together facts, mentally coordinate data to get an organized picture, and who also have an intuition to look at the hidden meanings of life which are not revealed through the perceptual data of everyday experience. Religion places its emphasis more on the heart, the feelings, of man. From this angle mystical experiences have a great place. Science is the path for those people who want to have a factual assessment of the given world and put their emphasis on the objectivity of what they study. It is difficult to place Narayana Guru in any single one of these categories. His approach is of a philosopher, a religious person and also a scientist. In Guru’s Daiva Dasakam, we have a prayer which can be accessed from all these three angles. It is at once a song and a science.

In this universal prayer, only the absolute is praised throughout. It is not specially aimed at any God of the Hindu Pantheon. God is here recognized as one God, not as the god of any place or religion. That Absolute is related with everything that depends on the supreme. This prayer begins with the word daivame which means, “oh, God.” It ends with the word sukham which means, “Happiness.” Literally the word daivam means “light” “the Light of lights”. For all religions there is
only one goal Ultimate happiness. This is very well brought out in Narayana Guru’s Atmopadesa Sataka, verse 49:

“All beings are making effort in
Every way, all the time, for the
Happiness of the Self; in the world,
This is the one religion; pondering
On this, without becoming subjected
To sin, be controlled.”

This prayer is also for seeking of happiness. The means for gaining happiness is to turn to God.

From the most high, O Divine,
Protect us here,
Do not leave us.
You are the navigator
Of this ocean of ephemeral becoming,
And (to us) your name is a mighty steamship.

( Daiva Dasakam verse 01)

This verse Guru says this world is equated to an ocean of misery, and a devotee is considered as a helpless being caught in that miserable ocean. God is considered as a great navigator who can take this helpless person across the ocean. Thus, the world of God the name of God is equated with a steamship.

Guru gives the clear cut definition of God in verse 3, is a departure from the usual Vedantic concept. Instead of an abstract generalization, God is shown here as intimately related with every sentient being, especially man, at a very existential level such as in the
meeting of the daily requirements of life, like food, clothing, and shelter. Man has two great necessities in life; one is to have the freedom that he cherishes to be what he is, to live as he likes and to express himself without being stifled by any external condition; the other is to maintain his body which is the only instrument he has to live his convictions and realize his goal.

The Ultimate Reality called Brahmans is what is thought of as God in this prayer. This Brahman is pure consciousness in essence. The Vedantic explanation of the appearance of the world is that it is Brahman manifesting itself, while also undergoing no intrinsic change. That means, the essential content of all that appears to be is nothing other than Brahman or pure consciousness. This consciousness, felt by the person who perceives as the knowing mind is called ‘drk’ in Vedanta, literally means ‘the eye’, and signifying the knowing subject. Then the object known is called drsya. The countable referred to in the present verse are equivalent to what Sankara means by drsya in his work Drk-Drsya-Viveka (discriminating the Knower and the known). Sankara says if an object seen is drsya, then the eye that sees it is the drk. Such objects could be countless, but the eye drk remains one alone. Thus all that is observable, whether gross or subtle, physical or mental, seem to converge to one point - like consciousness - the consciousness of the individual observer here rendered as “the perceiving mind” (drk). This is how the observed world and the observing mind are related in Vedantic perception.

Like ocean, waves, wind and depth,
Are ourselves, maya, your glory and you
Let me inwardly have
Such an awareness of life’s scheme.

(Narayana Guru Daiva Desakam Verse 4)
In this verse, Narayana Guru is giving an analogical equation. The aspirant who is offering the prayer is expected to meditate on the relevancy of the equation. God in this verse is likened to the depth in an ocean. The way to secure the grace of God is to perceive it as the depth principle in our own being. The fundamental aspects to be correlated in a systematic way in arriving at an intuitive perception of the Ultimate Reality are compared here to the ocean and its different aspects. In this verse, the four elements are associated with the ocean. These are ocean, waves, wind and depth exist together, one inseparable from the other. So to, we, maya, God’s glory and God are inseparably one. The essence of the prayer made in these verses, have an intuitive awareness of the coherent unity of the four fundamental factors mentioned here, comparable to four factors in the ocean.

You are the creation, the creator to,
As also the myriad of created things.
You again, O God are the substance
Of which al creation is made.

(Narayana Guru Daiva Desakam Verse 5)

The act of creation, the creator, the things created and the substance for creation are all different functional modes of one and the same consciousness Reality, which really is inconceivable and ineffable. The God that he Guru addresses in this prayer is not a reality outside the world. At the very outset he accepts the process of one thing transforming into another. The Guru addresses the ceaseless transmutation of things as God. Narayana Guru identifies God with his unified Substance. He does not postulate God as a separate entity.

You indeed are Maya
The maker of Maya to,
As also the enjoyer thereof
You are even the noble one who
Remove the very same Maya
To grant us the state of Supreme Union.

(Narayana Guru Daiva Desakam Verse 6)

It is the primeval desire in God to unfold everything that results in the creation of the world. Such a desire becomes materialized as the gross world is a mystery indeed. The necessity of explaining this mystery is why the seers postulated the idea of maya. Thus it is a man-made theory. But he very theory involves the notion that maya is God-made. The Reality that underlies the being of God, of the seers, of everything, is one and the same. So to say that God is the maker of maya and that humans are the makers of maya are equally true. The unreal cannot remain as a fact forever. When the real emerges that automatically erases all vestiges of ignorance. Here the Guru suggests that God is the only Real one who withdraws the illusions of maya and grants the supreme union with God. You are Existence, Consciousness and Value Experience,

You are the present and the past,
And the future is no other than you.
Even these spoken words, well considered,
Are nothing but you.

(Narayana Guru Daiva Desakam Verse 7)

Brahman is defined as Satcidananda. It is a compound word in which sat, cit and ananda are combined together. The Guru in his Darsanamala, uses this compound word itself. In the present verse the
Guru replaces sat with satyam for material convenience. Satyam is defined by Sankara thus:

Yad rupena Yan niscitam tad rupam
Na vyabhicarati tat satyam.

(Taitiriya Upanishad 2.1.1)

That, which never changes its intrinsic nature that is truly ascertained to be its own, is the Real. That real is conceived as God in this prayer. The Reality (sat) that is beyond all duality is pure and unconditional consciousness (cit) in essence, referred to as Jainism in this verse. Completely filing both within and without

Is the state of your grandeur,
That state we hail
O God, success be yours!

(Narayana Guru Daiva Desakam Verse 8)

After realizing that the very word with which one praises God is the Absolute, the supplicant becomes overwhelmed with the glory of God. Then even the thinnest line between the adorer and the adored vanish. That state is described here as the brimful glory of God.

In the next verse also the attitude of glorification is prevailing

Success be yours, O Great Lord Divine,
Ever intent on saving those in misery,
Success be yours, O the one
Consciousness and value-experience in essence
Of the ocean of mercy,
Success be yours!

(Narayana Guru Daiva Desakam Verse 9)
In all religions it is stressed that here is one and only one God. Even though God’s power manifests in many ways which can be called by different names and understood in different forms, one has to make the ultimate stand of reducing these god-heads to a God of all gods and a Truth of all truths. Here the Great Lord Divine means God, the greatest of all that is divine, is pure effulgence in essence, the effulgence of unconditioned consciousness. The Great Lord here is understood as the Ultimate God-head one arrives at, both through phenomenological and transcendental deduction. However, that god cannot touch the human heart if He, She or That is only an abstraction.

Narayana Guru’s God in the crying voice of millions all over the world who turn to God as their only refuge and succour. There is a numinous silence that is experienced by every supplicant in his or her own heart where the one praying receives Grace and feels consoled. This common experience is referred to here as ‘ever intent on saving those in needs’.

In the deep ocean of your glory
Let us all become immersed,
There to dwell, dwell forever
In Felicity Supreme.

(Narayana Guru Daiva Desakam Verse 10)

The goal of this prayer is not for “going to heaven”. Heaven may be pleasure-giving but hat happiness is transient; only Truth is eternal. Becoming truthful is identical with realization or deliverance. After having attained that state, one does not react to god and evil with love and hatred. Although individual life is pluralistic, there is no plurality in the Self-realization is not merely the experience of seeing one’s individuality merge into the Absolute. It is the realization that all selves are already one with the absolute. That is why in the present
verse it is said: “Immersed let us all become, there to dwell”. The state of the final merger prayed for here is portrayed by the Guru in the concluding verse of Atmopadesa Satakam as follows:

Neither this, nor that, nor the content of existence am I. But existence, subsistence, joy-immortal; thus attaining clarity
Emboldened, discarding attachment of being and non-being,
One should gently, gently merge in SAT-AUM!
(Narayana Guru Atmopadesa Satakam Verse 10)

Daiva dasakam is an Universal Prayer in Malayalam, an open prayer for freeing all humanity from suffering and ignorance. This work is deep in philosophical intent. It ends with the appeal that all may be merged in Universal Bliss - Brahman the One God of all religions. In this poem we find that The Guru equates the depth aspect of the ocean with the Absolute, God or Reality. The surface aspect of the ocean is meant to be analogous to the collective and overt aspect of the consciousness of humanity conceived as a unit.

In short Daiva Desakam, inspire the future generation to make an attempt to unify the best and varied findings of man lying scattered over centuries in the varied fields of arts, religion, science and the morel adventures of man and make their life peaceful.

Reference:


7. Ouwerkerk, The Untouchables of India, p.23.


A STUDY ON HUMAN RESOURCE PRACTICES AND ORGANIZATIONAL PERFORMANCE

Dr. Bindurani Rohidas
Dept. of Studies and Research in Management
Gulbarga University, Kalaburagi

ABSTRACT

This paper focuses on the different Human Resource Practices followed by SCR. It throws light upon relationship between Human Resource Practices and the organizational performance. The use of right HR practices has become the most important issue for every organization, it is important for the organization to know which HR practices influence an organization’s performance.

Key words: Organizational performance, Human resource practices

INTRODUCTION

Organizational performance comprises the actual output or results of an organisation as measured against its intended outputs (Goals and Objectives), which can be achieved by following the right Human Resource Practices. The South Central Railway has been chosen for the study. A sample size of 120 respondents has been selected using Convenience sampling method.

Definition of Organizational Performance

According to Daft (2000), organizational performance is the organization’s ability to attain its goals by using resources in an efficient and effective manner.

Richardo (2001) defined organizational performance as the ability of the organization to achieve its goals and objectives.
Javier (2002), performance is equivalent to the famous 3Es (economy, efficiency, and effectiveness) of a certain program or activity.

**South Central Railway**

The South Central Railway is one of the 17 railway zones in India. It was created on 2nd October, 1966 as the ninth zone of Indian Railways. South Central Railway Zone is the 2nd highest revenue earning zone in Indian Railways after Northern Railway Zone. SCR has six divisions namely Secunderabad, Vijayawada, Hyderabad, Guntakal, Guntur and Nanded with 5752 Route KMs of which 1604 RKMs are electrified. The South Central Railway operates various trains between different stations providing a well-developed and interconnected railway route and is considered a crucial zone connecting trains originating from East, West and North of India destined to Southern India.

**OBJECTIVES OF THE STUDY**

- To study the opinion of employees towards the different Human Resource Practices
- To study the relationship between Human Resource Practices and organizational performance

**LIMITATIONS OF THE STUDY**

- Study is restricted to only 120 employees
- Study is based mainly on the responses collected from the respondents.

**RESEARCH METHODOLOGY**

The present study is Descriptive in nature. A sample size of 120 respondents has been selected using Convenience sampling method.
Data collection: Both Primary and Secondary data have been used, primary data collected through prestructured questionnaire and interviewing the employees personally, before doing the survey a Pilot study has done to check the reaction to the questionnaire. Secondary data collected through various theses, research papers, articles, journals, internet sources, railway websites, etc.

ANALYSIS AND INTERPRETATION

Demographic profile of the respondents

Table no. 1.1
Gender of the respondents

<table>
<thead>
<tr>
<th>Gender</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>93</td>
<td>77</td>
</tr>
<tr>
<td>Female</td>
<td>27</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Investigation

Interpretation: Today both male and female are working for economic gains. As such respondents are classified into male and female. From the above table it is clear that out of 120 respondents 93 (77 percent) respondents are male and 27 (23 percent) of the respondents are female.

Table no. 1.2
Age of the respondents

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 25 Years</td>
<td>40</td>
<td>33</td>
</tr>
<tr>
<td>25 to 40 Years</td>
<td>63</td>
<td>52</td>
</tr>
<tr>
<td>Above 40 Years</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Investigation
Interpretation: Employees in the organisation are of different age groups. For analysis point of view respondents are divided into four age groups.

Above table represents age distribution of respondents. It can be observed that 33 percent of the respondents belong to age group of below 25 years, 52 percent of the respondents belong to age group of 25-40 years and 15 percent of the respondents belong to age group of above 40 years.

Table no. 1.3
Education of the respondents

<table>
<thead>
<tr>
<th>Education</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUC &amp; below</td>
<td>48</td>
<td>40</td>
</tr>
<tr>
<td>Graduation</td>
<td>51</td>
<td>42</td>
</tr>
<tr>
<td>Post-graduation</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Investigation

Interpretation: Above table represents the educational qualification of the respondents. It can be observed that 42 percent of the respondents are graduates, 40 percent of the respondents have studied up to PUC or less than PUC, and 18 percent of the respondents are post graduates.

Table no. 1.4
Experience of the respondents

<table>
<thead>
<tr>
<th>Experience</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 10 Years</td>
<td>55</td>
<td>46</td>
</tr>
<tr>
<td>10 to 20 Years</td>
<td>55</td>
<td>46</td>
</tr>
<tr>
<td>Above 20 Years</td>
<td>10</td>
<td>08</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Investigation
**Interpretation:** The senior and experienced employees have developed a sense of loyalty to the organisation. Above table represents the experience of the respondents. It can be observed that 46 percent of the respondents have experience of below 10 years, 46 percent of the respondents have experience between 10-20 years and 08 percent of the respondents are of above 20 years of experience.

**Table no. 1.5**

**Marital Status of the respondents**

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>89</td>
<td>74</td>
</tr>
<tr>
<td>Unmarried</td>
<td>31</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>100</td>
</tr>
</tbody>
</table>

**Source:** Field Investigation

**Interpretation:** Above table represents the marital status of the respondents. It can be observed that 74 percent of the respondents are married and 26 percent of them are unmarried.

**Table no. 2**

**Opinion of respondents on Human Resources practices followed by SCR**

<table>
<thead>
<tr>
<th>Sl. no.</th>
<th>Particulars</th>
<th>Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1</td>
<td>Recruitment and selection of candidate is</td>
<td>89(74)</td>
</tr>
<tr>
<td></td>
<td>transparent</td>
<td>(26)</td>
</tr>
<tr>
<td>2</td>
<td>Organisation’s training programme serve the</td>
<td>90(75)</td>
</tr>
<tr>
<td></td>
<td>Purpose</td>
<td>(25)</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>3</td>
<td>SCR makes justice in Compensation</td>
<td>95 (79) 25 (21)</td>
</tr>
<tr>
<td>4</td>
<td>Safety measures taken by the organisation are satisfactory</td>
<td>80 (67) 40 (33)</td>
</tr>
<tr>
<td>5</td>
<td>Employees are provided with all the basic amenities in SCR</td>
<td>78 (65) 42 (35)</td>
</tr>
</tbody>
</table>

**Source:** Field investigation

**Note:** Figures in the brackets indicate percentage

**Interpretation:** The above table shows opinion of all 120 respondents towards the 05 human resources practices followed by South Central Railway.

It is found that 74 percent respondents agreed to the statement that recruitment and selection of candidate is transparent in SCR whereas 26 percent of them disagree with the statement, 75 percent respondents agreed to the statement that organisation’s training programme serve the purpose whereas 25 percent of them disagree with the statement, 79 percent respondents agreed to the statement that SCR makes justice in the compensation whereas 21 percent of them disagree with the statement, 67 percent respondents agreed to the statement that safety measures taken by the organisation are satisfactory whereas 33 percent of them disagree with the statement, 65 percent respondents agreed to the statement that they are provided with all the basic amenities in the organisation whereas 35 percent of them disagree with the statement.
CONCLUSION

The study shows that most of the employees are satisfied with the different HR practices being followed by SCR, HR practices in SCR leading to successful organizational performance, happy and healthy work environment, better productivity etc. A good human resource practice ensures that the workforce is productive and satisfied with its job; hence, human resource practices and activities are crucial human resource factor in organizations. One can determine the success of any organisation based on the different practices adopted, organizational performance, and satisfaction level of employees, their performance and productivity and also by knowing how successful the company is in implementing various HR practices.

References

UNEQUAL BARGAINING POWER

Dr. Lavanya Kaushik
Associate Professor
Shree Jee Baba College of Law
Mathura

The law of contract has in recent time to face a problem, which is assuming new dimensions. The problem has arisen out of the modern large scale and widespread practice of concluding contracts in standardized form. A standard-form contract is otherwise known as standardized contract. Standard-form contract is usually a preprinted contract containing set clauses. Such contract is mostly used by a business (within a particular industry) by making slight additions or modifications in order to meet the specific situation. Since a standard-form contract favors the drafting party, they can amount to adhesion contracts. Unforeseeable contingencies affecting performance, such as strikes, fire, and transportation difficulties can be taken care of with the help of standard-form contract.

The idea of an agreement freely negotiated between the parties has given way to a uniform set of printed conditions which can be used time and time again, and for a large number of persons, and at less cost than an individually negotiated contract. Each time an individual travels by air, bus or train, buys a car, takes clothes to a dry cleaner, buys household goods, or even in some cases, takes the lease of a house or flat, a standard form contract, devised by the supplier, will be provided which the individual must either accept in whole, or, theoretically go without. In fact, there is little alternative but to accept; the individual does not negotiate, but merely adheres. In some respects, therefore, it would be more correct to regard the relationship which arises not as one of contract at all, but as one of status. The contracting party has the status of a consumer.
“The process of mass production and distribution, which has largely supplemented if it has not supplanted individual effort, has introduced the mass contract -- uniform documents which must be accepted by all who deal with large-scale organizations. Such documents are not in themselves novelties; the classical lawyer of the mid-Victorian years found himself struggling to adjust his simple conceptions of contract to the demands of such powerful bodies as the railway companies. But in the present century many corporations, public and private, have found it useful to adopt, as the basis of their transactions, a series of standard forms with which their customers can do little but comply."

People upon whom such exemption clauses or standard form contracts are imposed hardly have any choice or alternative but to adhere. This gives a unique opportunity to the giant company to exploit the weakness of the individual by imposing upon him terms, which may go to the extent of exempting the company from all liability under contract.

Due to enormous increase in the volume and complexities of trade and business, a business concern may have to enter into a large number of contracts with its customers or clients. When a large number of contracts have got to be entered into by a person, from a practical point of view and for the sake of convenience, a standard form for the numerous contracts may be used. The contracts with standard terms may be drafted by one party and on the same terms contracts may be made with numerous persons. For instance, an insurance company may prepare a draft of insurance policy, which may form the basis of contract with a large number of insured persons. Similarly, the railway authorities may print various terms and conditions in the Time Table, which may be deemed to be the basis of the contract with thousands of passengers who may be travelling by rail every day. In the same way,  

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the same terms and conditions may be printed on the back of every receipt issued by a dry-cleaner, on every lottery ticket sold by any particular person or institution. The contract in such a case is not made by the process of negotiation, as regards its terms and conditions, between the two parties. One of the parties generally prepares draft of the contract, which the other party is enabled or made to, or sometimes even deemed to, agree to. Such contracts have become quite common in our everyday life.

In standard form contracts, generally the terms of the contract are pre-drafted by one of the parties and the other is supposed to sign on the dotted line, without having any time or opportunity to get the terms changed. One of the parties being in a greater bargaining position, generally drafts the terms which suit him most, and at times tries to exclude or limit his liability, without caring for the interest of the other side, who is in a weaker bargaining position.

Issue Relating to Unequal Bargaining Power Involved in Standard Form of Contracts

Though standard contracts present the advantage of preprinted standard format; they are essentially "take it or leave it" contracts with no room for negotiations. Standard contracts are basically contracts which are drafted by one party and signed by another party without any modification or change. These contracts are criticized for killing the bargaining power of the weaker party and open up wide opportunity for exploitation.

Sometimes referred to as a boilerplate or an adhesion contract, it is often a contract that is entered into between parties with unequal bargaining power, i.e., a typical contract entered into between a consumer and a bank issuing a credit card, or that between an automobile manufacturer and a local dealership.
Standard form contracts are enforceable in many jurisdictions, though contracts of adhesion are subject to greater scrutiny. Contracts of adhesion are typically offered on a take it or leave it basis and embodied in a standardised form drafted by a dominant party. Also, given the unequal bargaining power between the parties, the buyer has no ability to negotiate with the dominant party. When scrutinising adhesion contracts, courts may apply an objective test and seek to determine if the clause was outside the reasonable expectations of the party that did not draft the contract. If this is the case, and the parties were in unequal bargaining positions, the contract will not be enforced due to its inequality. Generally, where the other party has reason to believe that the party manifesting such assent would not do so if it knew that the writing contained a particular term, the term is not part of the agreement.

Alternatively, courts may find the contract unconscionable and refuse to enforce it.

Unconscionability has been recognised as the absence of meaningful choice on the part of one party due to one-sided contract provisions, together with terms which are so oppressive (unfair) that no reasonable person would make them and no fair and honest person would accept them.

The use of standard terms and conditions is not, however, confined to contracts made with consumers. Many contracts between business people - indeed, perhaps the majority of such contracts- are today entered into on the basis of one person’s standard form of agreement or on the basis of a standard form of document, such as an order form, confirmation of order, catalogue or price list, put forward by one party, or which incorporate by reference the standard terms and conditions of trade associations.
The ordinary common law principles of the law of contract may not be capable of providing a just solution for a transaction in which freedom of contract exists on one side only. In particular, the party delivering the document may allocate the risks of non-performance or defective performance to the other party. While such allocation of risks should in principle lead to lower costs, it is only justifiable if at least some of the cost saving is passed on and if the other party is aware of the contractual allocation of risks. In fact, the party delivering the document may seek unfair exemption from certain common law liabilities, and thus seek to deprive the other party of the compensation which that person might reasonably expect to receive for any loss or injury or damage arising out of the transaction.

Acting within the limitations imposed on them by the contractual framework of these transactions, the Courts have nevertheless endeavoured to alleviate the position of the recipient of the document by imposing certain requirements for the incorporation into the contract of onerous terms, and by construing the document wherever possible in that person’s favor.

Courts and commentators have commonly taken the view of standard form contracts that the party who draws them up has a disproportionate bargaining power in terms of his ability to impose terms involuntarily on the other party. To use Lord Reid’s language in Suisse Atlantique, “the consumer has not time to read (standard form clauses), and if he did read them, he would probably not understand them. And if he did understand and object to any of them, he would generally be told he could take it or leave it”. The issue remains that whether information imperfections afflicting a consumer in this context are such as to lead to unconscionable contractual outcomes even in structurally sound markets. The disclaimer clause/fundamental breach cases are the classic example of the courts attempting to struggle with the answer to this question. A number of difficult conceptual issues are
raised by the question of the abuse of bargaining power through differential information about the content of standard form contracts.

**Exclusion or Limitation of Liability by One Party**

In view of the unequal bargaining power of the two parties, the courts and the legislature have evolved certain rules to protect the interests of the weaker party. Despite absence of a specific legislation courts have shown a marked willingness to interfere with standard form of contracts where there is evidence of unequal bargaining power. Courts have given reliefs in cases where weaker party has been burdened with unconscionable, oppressive, unfair, unjust and unconstitutional obligations in a standard form contract.

In **D.C.M. Ltd. v. Assistant Engineer (HMT Sub-Division), Rajasthan State Electricity Board, Kota**\(^2\) where the division bench had to consider the question whether the Rajasthan State Electricity Board functioning under the Electricity Act of 1910 and the Electricity (Supply) Act, 1948 could in exercise of its powers under Section 49 of the Supply Act require the consumer-appellant before them to pay by way of minimum charges at nearly three times the normal rate charged from other consumers being heavy industries consuming heavy demand of 25 MW. Even though the appellant before them, D.C.M. Ltd., had entered into such an agreement with the Board it was held that the said term in the agreement was unreasonable and consequently the demand of such excessive minimum consumption charges was not justified and could not be countenanced on the touchstone of Article 14 of the Constitution of India as the Electricity Board was an instrumentality of the State. The Court in this connection had to consider the nature of the written agreements entered into by the consumers of the electricity with the Board which was a monopolist and the further question whether an apparently inconceivable and unjust

\(^2\) AIR1988Raj64; 1987(2)WLN538
term in the written contract could be enforced by the Board against the consumer.

**Standard Form of Contracts between Employer and Employee**

Courts have strictly ruled against those standard contracts which exploit the position of an employee vis a vis the employer. They have repeatedly held that in case of employment contract between the employer and employee, there is a universal tendency on the part of the employer to insert those terms, which are favorable to him in a printed and standard form, leaving no real meaningful choice to the employee except to give assent to all such terms. In such a situation the parties cannot said to be in even position possessing equal bargaining power. Where the parties are put on unequal terms the standard form of contract cannot be said to be the subject-matter of negotiation between the parties and the same is said to have been dictated by the party whose higher bargaining power enable him to do so.

In *Superintendence Company of India (P) Ltd v. Sh. Krishan Murgai*\(^3\), Hon'ble Supreme Court held that "It is well settled that employees covenants should be carefully scrutinized because there is inequality of bargaining power between the parties; indeed no bargaining power may occur because the employee is presented with a standard form of contract to accepts or reject. At the time of the agreement, the employee may have given little thought to the restriction because of his eagerness for a job; such contracts "tempt improvident persons, for the sake of present gain, to deprive themselves of the power to make future acquisitions, and expose them to imposition and oppression."

\(^3\) 1980 AIR 1717 1980 SCR (3)1278 1981 SCC (2)
Standard form of contracts with Consumers

Standard form of contracts with consumers are often contained in some printed ticket, or notice, or receipt, which is brought to the attention of the consumer at the time the agreement is made and which a prudent consumer would read from beginning to end. In fact, however, the consumer has neither the time nor the energy to do this and, even if this was done, it would be of little assistance for the consumer could not vary the terms in any way. It is not until some dispute arises that the consumer realizes how few are the rights in the contracts.

Consumers and investors enter into standard form contracts for financial products and financial services every day. Contracts for home loans, credit cards and client or broker agreements for example, are almost certainly standard form contracts.

It is surely more convenient to make contracts through preprinted standard forms rather than negotiating on individual basis. The use of standard form contracts shortens the time for suppliers to supply and consumers to obtain goods or services; and thus facilitates the velocity and multitude of mass production and consumption. Moreover, standard form contracts have the effect of reducing transaction costs for suppliers, which may otherwise be passed on to consumers. Proliferation of e-commerce has resulted in augmentation of the use of standard form contracts, as individual negotiations seem to be impracticable for online consumer sales.

Standard form of contracts as a Detriment to consumers

As standard form contracts are drafted by professionals for and on behalf of the suppliers, they are inherently one-sided.

Standard form consumer contracts are often in small or virtually illegible print and drafted in legal and/or professional language which consumers find difficult to understand. In addition, a lot of them are
lengthy and tedious. Consumers who usually sign the contracts at the spot should not be expected to read over and fully understand them before they put their signatures. It is not uncommon that the salespersons just ask consumers to sign the contracts without advising consumers to read over them. Consumers are often under pressure to conclude the bargain quickly without reading the terms carefully or questioning about them. It may be that a consumer is at the front of a queue or he has been given concession during negotiation; and as a result of this, he would feel obliged to cooperate by wrapping things up as soon as possible.

A consumer may be a good price watcher. However, he may not be able to shop around for the best contract terms. It may require a certain level of knowledge and will cost a lot of time to do so. Moreover, it is doubtful whether the full text of contract is accessible to a consumer who is just shopping around. In most cases, consumer would only be given a copy of the contract after he/she has agreed to purchase.

With the superior bargaining power and information asymmetry in its favour, in drafting a standard form consumer contract a supplier may seek to tilt the balance towards itself at the expense of the interests of consumers. Even if a consumer is aware that the terms are unfavourable, he would proceed with signing the contract thinking that these terms will not be exploited, or realizing that he is not in a position to bargain as the contract is presented on "take it or leave it" basis. Consumers indeed have limited freedom of choice and little room for negotiation on terms as the terms are so standard across the industry; or the products they want are only supplied by particular.

**Standard Form Contracts used in the building trade**

Established in 1931, the Joint Contracts Tribunal (JCT) has produced standard form contracts for the building industry for 75 years and it is estimated that two-thirds of the projects in the UK are conducted
according to their terms. The Standard form contracts produced have been devised and revised over a period of time by representatives of all interested parties in the building trade, such as builders, architects, surveyors, sub-contractors and local authorities. The JCT standard form contract rapidly assumed the status of an authoritative agreement as regards the building operations that it covered, although it has always been accepted that terms may be implied. The idea which underpins the JCT contracts is that there is value in producing a mutually consistent set of documents to enable a suite of contracts to be used on the same project. As a result, there are common expectations and procedures in place where the contract is for a consultant, constitutes the main contract, deals with the relationship between main contractor and sub-contractor or indeed between sub-contractors. Standardization caused problems because broad terms designed to fit all situations rendered the contract almost meaningless.

**Conclusion**

In the absence of any effective legislative or judicial control over the use of standard form contracts, traders are likely to be tempted to avail themselves of their overwhelming bargaining power to impose on consumers terms that go beyond what is reasonably necessary to protect their own legitimate interest. Traders who do not have the self-restraint and would seek to draft the contractual terms in the way that goes beyond self-protection. Widespread use of unfair terms and the bad experience of consumers who suffered detriments as a result of the use of unfair terms would create the risk of reducing consumer confidence and depressing consumer spending.

Conversely, if consumers are aware that the contracts they are about to enter into were fairly drafted, consumers would feel more confident and secure in making the purchase and this would tend to boost the sales of the market. Besides, consumer contracts drafted in a fair manner and in good faith is the prerequisite of a fair marketplace which would
provide a sound basis for a prosperous development of economy, and, thus, both consumers and businesses will be benefited ultimately.

A standard form consumer contract should be fair not only in substance but also in form. It is fair only when it is legible and intelligible. Apart from using plain and ordinary language, a standard form consumer contract should be short and simple. Terms which are superfluous, draconian or convoluted should be avoided. They cannot help in the safeguard of the business' interests. Rather, they are likely to make the contract unnecessarily complicated and increase the risk of and costs for resolving disputes. Adoption of fair terms in consumer contracts would indicate the determination of business to abide by the principle of good faith and this would help business build a rapport with consumers.

Moreover, a consumer contract containing unfair terms is a piece of evidence showing that the business does not treat consumer fairly and act in good faith. Consumers would respond by mistrust towards the business and this would significantly impair its goodwill. A fair consumer contract will serve the best interests of consumers, businesses and society.

The importance of standard form contracts in the world of businesses cannot be overstated. More than any other factor, it is the growth of standard terms which has prompted the development of legislative and judicial forms of protection for those who suffer from inequality of bargaining power in the market place. Moreover, it is in this field that we have witnessed some of the worst abuses of economic power. But, alongside the popular vision of standard contracts as abusive, lies another model, in which standard form contracts can be seen as facilitating the more efficient working of markets by saving time when the contracting parties are of roughly equal bargaining strength. They can be conceptualized as a private form of ordering in which industries
are able to formalize shared understandings about what constitutes fair
practice and sound economic sense. Viewed in this way, the use of
standard contracts to plan future relations and allow for the flexibility
needed in a field can be seen in a positive light.
SUGGESTIONS TO IMPROVE IMAGE OF PUBLIC SERVANT

Dr. Monika Garg
Assistant Professor
Apeejay Stya University
Sohna

In India the image of Public servant are always dicey. They are always looked upon with suspected eyes. In spite of their hard job profile we always consider their job as lucrative. Single instance of corruption destroys the reputation of whole department. But all fingers in one palm cannot be equal therefore it is quite unreasonable to call every public servant as corrupted, bias or unfair. We hardly have heard names of Narendra Kumar, Ajit Doval, B. Chandrakala, Satyendra Dubey, Armstrong Pame, renowned public servants who are known for their amazing, brave, honest and dedicated service for Indians. The author does not support any kind of favoritism in public administration rather trying to give some suggestions for improving image of Public servant.

Make Public Servant Personal Responsibility

The apex court of India has made serious attempt to declare personal responsibility of Public servant. The best example of it is the high profile case of Common Cause Registered Society vs Union Of India & Others on 25 September, 1996. There in an innovative and refreshing action was taken by Supreme Court Bench and held that in two matters concerning two former Union Ministers, Mr. Satish Sharma and Ms. Sheila Kaul are personally liable for misfeasance of duty. The hon'ble court observed that

"A Minister who is the executive head of the department concerned distributes these benefits and largesses. He is elected by the people and is elevated to a position where he holds a trust on behalf of the people.
He has to deal with the people's property in a fair and just manner. He cannot commit breach of the trust reposed in him by the people. We have no hesitation in holding that Capt. Satish Sharma in his capacity as a Minister for Petroleum and Natural Gas deliberately acted in a wholly arbitrary and unjust manner. We have no doubt in our mind that Capt. Satish Sharma knew that the allottees were relations of his personal staff, sons of Ministers, sons/relations of Chairmen and members of the Oil Selection Boards and the members of the Oil Selection Boards themselves. The allotments made by him were wholly mala fide and as such cannot be sustained\(^1\)." The Court observed that

``It is high time that the public servants were held personally responsible for their mala fide acts in the discharge of their functions." It was a case where, after elaborate verification, the court found that an allotment of petrol pumps in favour of 15 persons by Mr. Sharma was vitiated by a lack of transparency, nepotism and arbitrariness. The court found the allotments wholly mala fide, arbitrary and motivated by extraneous considerations\(^2\)."

The court further observed that "We are of the view that the legal position that exemplary damages can be awarded in a case where the action of a public servant is oppressive, arbitrary or unconstitutional is unexceptionable. The question for consideration, however, is whether the action of Capt. Satish Sharma makes him liable to pay exemplary damages. In view of the findings of this Court, the answer has to be in the affirmative. Satish Sharma's actions were wholly arbitrary, mala fide and unconstitutional. This Court has given clear findings to this

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\(^1\) Common Cause Registered Society vs Union Of India & Others , S.C dated 25 September, 1996
\(^2\) ibid
effect in the Common Cause case. We, therefore, hold that Capt. Satish Sharma is liable to pay exemplary damages."

The court conclude that a public servant could be made liable for paying exemplary damages for his acts of misfeasance in public office, the Bench relied upon certain decisions of the Supreme Court as well as the House of Lords. The decisions in Ramana Dayaram Shetty vs. Lucknow Development Authority were relied upon to hold that in the matter of grant of largesse, the Government and its officials should act in a fair, just and transparent manner and that if they act maliciously and deliberately causing injury to the citizens of the state, they could be held liable for damages. The decision of the Privy Council in Rookes vs. Barnard was relied upon to hold that exemplary damages could be awarded for "oppressive, arbitrary and unconstitutional action by the servants of the Government".

The Bench directed Mr. Sharma to pay Rs. 50 lakhs by way of exemplary damages to the Government exchequer. Similarly, in the case relating to Ms. Kaul, the court directed her to pay Rs. 60 lakhs on finding that she had grossly abused the powers and discretion vested in her and that her acts amounted to misfeasance of public property by a public servant.

With a view to putting an end to all kinds of legal controversies and technicalities and placing the matter on a firm, clear and unambiguous footing, it is necessary to enact a law providing that where a public servant causes loss to the state by his mala fide act or omission, he should be made liable to make up for it. It is immaterial whether it is

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3 ibid
4Ramana Dayaram Shetty vs. The International Airport, 1979 AIR 1628, 1979 SCR (3)1014
5 Rookes v Barnard [1964] UKHL 1
6 Common Cause Registered Society vs Union Of India & Others , S.C dated 25 September, 1996
called damages or compensation or surcharge - the idea being restoring to the state the loss suffered by it because of the mala fide act of its official. Such a provision must be extended to all `public servants', as defined in the Indian Penal Code and the Prevention of Corruption Act, which expression has been interpreted to include members of Parliament/legislators and ministers. Such a law would have the merit of obviating several questions - whether the Government can be asked to pay damages to itself, whether the power to grant or allot some benefit can be called `property', whether such action of the public servant constitutes a tortious action, whether damages/exemplary damages can be awarded for such acts and if so on what basis and to what extent, whether a public office is a trust and questions of locus standi. It would also contribute to avoidance of multiplicity of proceedings and be more effective than a mere criminal prosecution under the IPC or the PC Act\(^7\). The law must, however, provide that proceedings there under be taken on the basis of information received including an audit report or a report of any commission, committee or body competent to examine the facts. The authority empowered to launch the proceedings must be an independent high level officer/agency whose tenure, conditions of service and independence should be firmly and fully guaranteed as has been done in the case of the Central Vigilance Commissioner. Different authorities may be prescribed for different classes of public servants.

Such a course has become absolutely essential and urgent. The public servants must be put on notice that they will make good the loss caused by them to the state by their mala fide acts, that they should no longer be under the cosy impression that their mala fide order/action would at best be set aside by the court and that nothing would happen to them.

\(^7\) [www.thehindu.com/2001/02/05/stories/05052524.htm](http://www.thehindu.com/2001/02/05/stories/05052524.htm)
personally. They should be made aware that a mala fide act or action carries the liability for damages/compensation\(^8\).

Creating a personal liability of this kind would contribute greatly to good governance and emphasise the need for a transparent, fair and honest exercise of power. It would in no way dampen the initiative of the ministers or officials, nor would it inhibit them in any manner from effectively discharging their functions. A responsible Government and the concept of accountability are not antithetical to good governance; on the contrary, they promote it - they contribute to public good. Mere errors of judgment would certainly not expose the public servants to such a consequence but where their actions are mala fide, i.e. where the action or order has been taken/made knowing that it is contrary to law and prejudicial to the interest of the state or where the action/order is taken/made with corrupt or other oblique motives, they should be held responsible. If such acts result in loss to the state, they must be made liable to make good the same\(^9\).

Paving the way for making public servants accountable if they fail to perform their duties, court has stated that people can seek damages on account of their "inaction". Currently, no law exists under which government employees can be prosecuted or held liable for inaction. The move of seeking such damages, a first in the country except in defamation cases, if put to use effectively is likely to make public servants more responsible\(^10\). On 23 Jan 2016 while pronouncing judgment Additional District Judge Kamini Lau observed-

"Failure to act is an actionable wrong as much as any malafide action by such public servant for which the aggrieved person can seek damages for all the physical, mental, emotional, psychological, social

\(^8\) ibid
\(^9\) ibid
\(^10\) Anil Kumar Vs. M/S. I Sky B & Ors, CS No. 323/13
and financial loss and sufferings caused to him. For this, a public servant would be liable in his personal capacity,"

The judge noted that the general impression about personnel manning public institutions not performing and getting away with it needs to change. "It is this malaise which ails public institutions. Today that needs to be taken care of. It is time that public servants, particularly officers of the government, police, corporations, municipal bodies, etc, are made to answer for the inconvenience, trauma and loss caused to the public due to their failure to act on time and to make them liable for such inaction."

The court was hearing a civil suit filed by head constable Satish Chand against four other cops, including an inspector and an additional sub-inspector, who allegedly did not register an FIR on his complaint and instead booked him in a false case under Section 107/151 CrPC for breach of peace. Chand sued the four cops and sought a compensation of Rs 1 lakh on grounds of defamation and loss of reputation. His plea, however, was dismissed by a trial court so he appealed before the district court.

On June 2, 2004, the four cops refused to take action on Chand's complaint saying that his minor son was beaten up by some boys. In his plea, he said that instead of inquiring into the matter the cops started beating him and booked him in a false case in which he was later discharged.

**Check on Making Defensible Decision by public servant**

Making defensible decision sometime is necessary while it cannot be used as shield. Like in South Africa once Gandhiji had taken shelter in a police station to get protection from angry mobs, who were strongly

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11 ibid
12 The Times of India on Dated Aug 27, 2015.
opposed to his struggle for indentured labors. During this, the officer-in
charge of the station lied to the mob that Gandhiji had left the station
long ago. This persuaded the crowd to disperse and Gandhiji was saved
from possible injury or death.

Moreover, In the aftermath of Bombay blast in 1993, the then CM had
deliberately included the name of a Muslim populated area among the
list of blast affected site to convince people that it was not an attack on
Hindus alone. This prevented a violent communal retaliation from the
affected community.

Sometimes a civil servant has to resort to lies for maintaining law and
order, to give hope to people or to prevent people from panicking during
a difficult situation. If one lie benefits the public at large then it should
not be considered as a compromise on ethics.

Honesty forms one of the most significant civil service values. It is the
ability of civil servant to be truthful to his inner-self and public both.
But, the word truth has to be taken in broader sense. The ultimate
truth as per Gandhi is establishment of progressive and socially
integrated society. and the civil servant can refrain from speaking truth
or lie in order to uphold supremacy of public interest. Chanakya too has
reiterated the same by introducing Kutil NITI where deviant means
like lie is acceptable till the time it harmonize the society.

To illustrate, if some terrorist attack has happened and state's
machinery has come to a stand still. In such situation if civil servant in
order to avoid chaos and restore law & order in public, issues an
authoritative statement of everything being in control then it may not
be unethical fully. However, Public Servant should use such means as a
matter of exception and not rule.

A civil servant is expected to be morally upright and possess highest
standard of ethical conduct. He is expected to be a role model in the
society and lead by examples. His actions must be defensible before
legislature, judiciary, constitutional values and larger citizenry. In this context lying is obviously not a desirable trait to be there in a civil servant.

Therefore it is not ethical for a civil servant to lie even in case of public interest. But in cases where it can be proved without doubt that significant public interest is in stake and situations are not permitting to present the truth, civil servant can lie only if in future he can beyond doubt defend his actions with facts and reasons.

**Public Servant Acting in Public interest**

If we look at Section 19 of the P.C. Act which bars a Court from taking cognizance of cases of corruption against a public servant under Sections 7, 10, 11, 13 and 15 of the Act, unless the Central or the State Government, as the case may be, has accorded sanction, virtually imposes fetters on private citizens and also on prosecutors from approaching Court against corrupt public servants. These protections are not available to other citizens. Public servants are treated as a special class of persons enjoying the said protection so that they can perform their duties without fear and favour and without threats of malicious prosecution. However, the said protection against malicious prosecution which was extended in public interest cannot become a shield to protect corrupt officials. These provisions being exceptions to the equality provision of Article 14 are analogous to provisions of protective discrimination and these protections must be construed very narrowly. These procedural provisions relating to sanction must be construed
in such a manner as to advance the causes of honesty and justice and good governance as opposed to escalation of corruption.\(^\text{13}\)

**Public Servant Should be Political Neutral**

Neutrality in Indian Civil Services means the civil servants should execute duties in accordance to laws and regulations without prejudice against or preferential treatment towards any groups or individuals. He should not confuse between ‘political neutrality’ with ‘programme neutrality’. At the stage of policy formulation, the role of public servants is to render free and frank advice which should not be coloured by any political considerations. Once a policy or programme has been approved by the elected government, it is the duty of the Public servant to faithfully and enthusiastically work for its implementation. Not carrying out this task in the right spirit would amount to misconduct inviting appropriate sanctions. A corollary of permanence is political neutrality of civil servants i.e., (i) their advice is expected to be non-partisan; (ii) they do not undertake work which is of benefit to one party; (iii) senior civil servants are restricted from taking part in party politics even outside of their professional roles.

Political neutrality in parliamentary system of government is:

(i) Politics and policy are separated from administration. Thus, politicians make policy decisions; public servants execute these decisions.

(ii) Public servants are appointed and promoted on the basis of merit, rather than on the basis of party affiliation or contributions.

\(^{13}\) Dr. Subramanian Swamy vs. Dr. Manmohan Singh and another CIVIL APPEAL NO. 1193 OF 2012 Para 18.
(iii) Public servants do not engage in partisan political activities.

(iv) Public servants do not publicly express their personal views on government policies or administration.

(v) Public servants provide forthright and objective advice to their political masters in private and in confidence. In return, political executives protect the anonymity of public servants by publicly accepting responsibility for departmental decisions.

(vi) Public servants execute policy decisions loyally and zealously, irrespective of the philosophy and programs of the party in power and regardless of their personal opinions. As a result, public servants enjoy security of tenure during good behaviour and satisfactory performance.

Sardar Patel had made the following observations in the Constituent Assembly to support the continuance of the pre-independence civil service structure: “It needs hardly to be emphasized that an efficient, discipline and contented civil service assured of its prospects as a result of diligent and honest work, is a sine-qua non of sound administration under democratic regime even more than under an authoritarian rule. The service must be above party and we should ensure that political considerations, either in its recruitment or in its discipline and control, are reduced to the minimum if not eliminated altogether.”

Unfortunately, this vision of civil service neutrality no longer holds good. Changes in governments particularly at the state level often lead to wholesale transfer of civil servants. Political neutrality is no longer the accepted norm with many civil servants getting identified, rightly or wrongly, with a particular political dispensation. There is a perception that officers have to cultivate and seek patronage from politicians for obtaining suitable positions even in the Union
Government. As a result, the civil services in public perception are often seen as increasingly politicized\textsuperscript{14}.

The Commission is of the view that the political neutrality and impartiality of the civil services needs to be preserved. The onus for this lies equally on the political executive and civil servants. The Commission in its Report on “Ethics in Governance” while examining the ethical framework for Ministers has recommended that a code of ethics for Ministers should inter-alia include the following: “Ministers must uphold the political impartiality of the civil service and not ask the civil servants to act in any way which would conflict with the duties and responsibilities of the civil servants.” Sardar Patel once said on Role of Civil Servant: “Today, my Secretary can write a note opposed to my views. I have given that freedom to all my Secretaries. I have told them, ‘If you do not give your honest opinion for fear that it will displease your Minister, please then you had better go. I will bring another Secretary!’ I will never be displeased over a frank expression of opinion\textsuperscript{15}.”

In the wake of transfers of bureaucrats and dismissal of governors because of their perceived political leanings, Narendra Modi government amended the service conduct rules for bureaucrats, mandating them to be politically neutral, besides maintaining high ethical standards and discharging their duties with impartiality\textsuperscript{16}.

The Government of India amended the All India Services (Conduct) Rules, 1968, so that officials of the Indian Administrative Service (IAS), Indian Police Service (IPS) and the Indian Forest Service (IFoS) should maintain “high ethical standards, integrity and honesty; political

\begin{flushleft}
\begin{enumerate}
\item http://iasmaker.com/contents/display/neutrality-in-indian-civil-services
\item ibid
\item http://www.livemint.com/Politics/JRtPPScyTXwKFvtMI1bDLI/Centre-amends-All-India-Services-rules-to-promote-impartiali.html
\end{enumerate}
\end{flushleft}
neutrality; promoting of the principles of merit, fairness and impartiality in the discharge of duties (and) accountability and transparency.”

The new rules “require officers of these three services to maintain confidentiality of information in relation to one’s duties as required by existing laws and rules. Particular emphasis is placed on maintaining confidentiality and refraining from disclosing information if it may prejudicially affect the interests protected under Section 8(1)(a) of the Right to Information Act, 2005,” it said, referring to a landmark law brought in by the previous United Progressive Alliance (UPA) government to curb corruption and increase transparency in governance.

The new list of “do’s and don’ts” include being “responsive” to the public “particularly to the weaker sections”, be courteous and maintain “good behaviour with the public”.

The amended service rules also call on the officials to “commit themselves to and uphold the supremacy of the Constitution and democratic values, defend and uphold the sovereignty and integrity of India, the security of state, public order, decency and morality.\textsuperscript{17}”

It also call on bureaucrats to “maintain integrity in public service; take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically; declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest.”

The amended service rules also mandate officials not to “place themselves under any financial or other obligations to any individual or organization which may influence him in the performance of his official duties; not misuse his position as civil servant and not take decisions in

\textsuperscript{17} ibid
order to derive financial or material benefits for himself, his family or his friends.”

Officials should “make choices, take decisions and make recommendations on merit alone; act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society; refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices.”

**Accountability and Transparency**

Transparency and accountability in administration as the sine qua non of participatory democracy, gained recognition as the new commitments of the state towards its citizens. It is considered imperative to enlist the support and participation of citizens in management of public services. Traditionally, participation in political and economic processes and the ability to make informed choices has been restricted to a small elite in India. Consultation on important policy matters, even when they directly concern the people was rarely the practice. Information-sharing being limited, the consultative process was severely undermined. There is no denying the fact that information is the currency that every citizen requires to participate in the life and governance of society. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on ‘access’, the greater the feelings of 'powerlessness' and alienation.

Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices. Government

\[18 \text{ ibid}\]
information is a national resource. Neither the particular government, nor public officials, creates information for their own benefit.

This information is generated for the purposes related to the legitimate discharge of their duties of office, and for the service of public for whose benefit the institutions of government exist, and who ultimately (through one kind of import or another) fund the institutions of government and the salaries of officials. It follows that government and officials are 'trustees' of the information of the people. Nonetheless, there are in theory, numerous ways in which information can be accessible to members of the public in a parliamentary system. The systemic devices promote the transfer of information from government to parliament and the legislatures, and from these to the people.

Members of the public can seek information from their elected representatives. Annual reporting requirements, committee reports, publication of information and administrative law requirements also increase the flow of information from government to the citizen. Recent technological advances also help to reduce further the gap between the 'information rich' and the 'information'.

However, in spite of India's status as the world's most populous democratic state, there was not until recently any obligation at village, district, state or national level to disclose information to the people, information was essentially protected by the colonial secrets Act 1923, which makes the disclosure of official information by public servants an offence. The colonial legacy of secrecy, distance and mystification of the bureaucracy coupled with a long history of one party dominance proved to be a formidable challenge to transparency and effective government let alone an effective right to information secretive government is
nearly always inefficient in that the free flow of information is essential if problems are to be identified and resolved\textsuperscript{19}.

**Ethical behaviour of Public Servants**

Public Servants are expected to be on Service throughout the country and their decisions have strong binding character. So, administrative and managerial capacity should not be effected by political instability and uncertainties in the Governance. Effective policy making and regulation, Effective coordination between institutions of governance, Leadership at different levels of administration are expected from him. Service delivery at the cutting edge level, continuity and balance of changes in administration is a challenge to his job. Public servants have special obligations to the community because of three reasons.

First, they are responsible for managing resources entrusted to them by the community.

Second, they provide and deliver services to the community.

Third, they take important decisions that affect all aspects of the community life.

The community has a right to expect that their Public servants functions fairly, efficiently and impartially. It is essential for the community to be able to trust and have assurance in the reliability of the Public servant’s decision-making process. The decisions and actions of Public servants should reflect the policies of the government of the day and the standards that the community expects from them as government servants and they are expected to maintain the same standards of professionalism, responsiveness, and impartiality.

\textsuperscript{19}

http://rti.img.kerala.gov.in/RTI/elearn/GovernanceandRTIinIndiaSHEILA_RAI.pdf
Therefore Public Servant need to be ethically Strong and morally justified all the times while policy making or implementing.

**Duties must be defined**

In India duties of public servant are not clearly defined. He has to do all such duties as are delegated to him by laws, by laws, orders and regulations. Sometime he has to go beyond the scope of his office which leads to hardship. Therefore clear duties must be defined so that nobody could misuse their position and they could work more than puppet of ruling government. If duties are marked in clear framework it would improve the performance of public servant because most of the time they waste their measure time in coordinating the activities and policies of government and foul politicians consider them their servant and guard. It is clear that they are the servant of public and should be made responsible for the public only. Public servant should be kept away from dirty game of politics. It is possible only when their duties are defined clearly.

**Answerable to judiciary**

In India list of scams are unlimited. Sometimes they are highlighted because of the involvement of ministers, public servant or because of amount involved in it otherwise our pro active media made them high profile. But end of all scams is with judiciary only. Judiciary is considered as guard of constitution because it hold, upholds and protects the spirit of constitution. There are four ministries in the union government which are regarded as gold mines for making money i.e Defence, Petroleum, Power and Communication. Four other departments where corruption is rampant are Public Works, Police, Excise and Revenue. But our Judicial System has tightened the whole scene by holding that Any suspicion of leniency from the court would compromise the public’s faith in judiciary. The S.C bench comprising of Justices T.S. Thakur, Kurian Joseph and R. Banumathi said the only...
objective of punishment under the Prevention of Corruption Act is
deterrence and denunciation and there is no scope for a public official
convicted of corruption to reform, and his punishment under the
country’s anti-corruption law is meant to reflect the public’s abhorrence
for his crime.

The court held that there is no room for sympathy or leniency towards
a public servant convicted of corruption. In fact, the 1988 statute does
not even give scope for a corrupt public servant to reform, the judgment
said. In 11 page verdict delivered by a three-judge bench recently
reasons that once a public official is convicted under the Prevention of
Corruption Act, 1988, he automatically loses his job. This situation
affords him no second chance to redeem his conduct in public life.

The verdict, authored by Justice Joseph, said courts cannot risk not
making the punishment “appropriately deterrent”. Any suspicion of
leniency or sympathy from the court to a convicted public servant
would compromise the public’s faith in judiciary, the Supreme Court
cautioned. “The judgment on sentence shall not shock the common
man. It should reflect the public abhorrence of the crime. Misplaced
sympathy or unwarranted leniency will send a wrong signal to the
public, giving room to suspect institutional integrity, affecting
credibility of its verdict,” Justice Joseph observed.

The 1988 Act was amended last year to increase the punishment for
corruption. Minimum punishment under Section 7 (public servant
taking gratification other than legal remuneration) of the Act has been
raised from six months to three years and maximum punishment from
five years in jail to seven years. Under Section 13 (criminal misconduct
by a public servant), the punishment was raised from one year to four
years and the maximum to 10 years and fine. The judgment dealt with

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20 The Hindu, New Delhi, 3 May 2015.
21 ibid
the case of a police officer who was caught red-handed taking a bribe of Rs. 25,000 in January 2001\textsuperscript{22}. Therefore it is clear that neither judiciary nor constitution will leave any sympathy with corrupted public servant and for their each act they are answerable to judiciary in particular and public in general.

\textsuperscript{22} ibid
WOMEN EMPOWERMENT THROUGH SKILLS DEVELOPMENT
(A case study of Durga Bai Mahila Sisu Vikasa Kendram in North Coastal Districts of Andhra Pradesh)

Swarnalatha.Kusuma
Research Scholar
Department of Economics
Andhra University, Visakhapatnam

Abstract

Today women are playing vital role in economic field: as workers, consumers, entrepreneurs, managers and investors. They are in almost every field: architecture, lawyers, financial services, engineering, medical and IT jobs. They have also entered service occupations such as a nurse, a beautician, a sales worker, a waitress, etc. in spite of their increasing number in every field, women still remain perhaps the most underutilized human resource. Many are still excluded from paid work and many do not make best use of their skills due to lack of training and opportunities. The rapid pace of economic development has increased the demand for educated and skilled female labour force almost in all fields. Hence, the status of women and their overall contribution to social and economic development of a nation largely depends upon the availability of employment opportunities. Under these circumstances, government has geared up several programmes to develop the women both at social and economic fronts. Such a training program has been run by the government of Andhra Pradesh in the name of the Telugu Bala Mahila Pragathi Pranganam where most of the women are getting training in different developmental activities to empower themselves with their individual skills. In this context the present study ‘Women empowerment through
skills development – A case study of Durga Bai Mahila Sisu Vikasa Kendram in North Coastal districts of Andhra Pradesh’ constituted.

Introduction:

Analysis of data is a process of checking, transforming and representing data with the goal of observations useful information, suggesting conclusions and supporting decision-making. Data analysis has multiple aspects and approaches to encompassing diverse techniques in different purposes. Data analysis is a process for obtaining raw data and converting it into useful information for decision-making by users. Data is collected and analyzed to answer questions, test hypotheses or disprove theories. The data necessary as inputs to the analysis are specified based upon the requirements of those directing the readers who will read the finished output. The general type of entity upon which the data will be collected is referred to as an experimental unit (e.g., a person or population of people). Specific variables regarding a population (e.g., age and income) may be specified and obtained. Data may be numerical or categorical (i.e., a text label for numbers) Data is collected from a variety of sources. It may be obtained through interviews, downloads from online sources, or reading documentation.

Here the data were collected from the respondents (women) who have been trained at DMSVKs in Visakhapatnam, Vizianagaram and Strikakulam districts for skill development in various empowerment activities. After collecting the data from the respondents through pre-designed questionnaire and processed the data with the help of SPSS to obtain the results which are presented in the following tables. The output results are discussed and analyses under each table in the following pages.

In the socio-economic profile the data is presented in related to age, education, marital status, caste, religion, etc., and discussed
Objectives:

To study the socio-economic profile of women beneficiaries of Durga Bai Mahila Sisu Vikasa Kendram in north coastal districts of Andhra Pradesh.

Methodology and sample design:

The study is confined to Mahila Pranganam under Durgabai Mahila Sisu Vikasa Kendram in North Costal districts of Andhra Pradesh. The primary data has been collected from the women respondents by personal interview right at their place of training through a pre-designed questioner in different Mahila Pranganam institutes functioning at different mandals in selected three districts. Each district from four mandals and each mandal 25 members total number of 300 beneficiaries.

1) Age-group:

Age is one of the important factors to get training through the DMSVK centres. It is observed in the centres that most of the women in the age group between 15-40 years and training in different empowerment activities according to their interest and requirement. Hence, here the following table gives details of women respondents in selected district by their age-group.

<table>
<thead>
<tr>
<th>Age group (in years)</th>
<th>District</th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td>Vizianagaram</td>
<td>Visakhapatnam</td>
<td></td>
</tr>
<tr>
<td>Below 20</td>
<td>53 (53.0)</td>
<td>70 (70.0)</td>
<td>48 (48.0)</td>
<td>171 (57.0)</td>
</tr>
</tbody>
</table>
It is observed from the table that while a dominated group of respondents are in the age group of below 20 years are attending to DMSVK centres from all the selected three districts, their representation in Vizianagaram district is comparatively more than other district. Whereas, in Srikakulam and Visakhapatnam 42 per cent each group of respondents are in age group of 20-30 years. But very less number of above 30 years age-group women is attending the centres in all the study districts. Overall it shows that as many as above fifty per cent of the women respondents are in the age group of below 20 years (57 per cent) and from the remaining above one-third of the respondents are in the age group of 20-30 years (37 per cent) and the remaining are in the age group of above 30 years.

2) Education:

Education plays an important role in development of human being. Especially for women education is very necessary to interact in different activities and empowerment. Here to get training in DMSVK centres, they need minimum of primary level education, because the material given at training centres and the notes prepared are need, education knowledge of the participants. Hence, here the following table gives details of women respondents in selected district by their education.
Table - 2

Distribution of sample women in selected districts by their Education

<table>
<thead>
<tr>
<th>Education</th>
<th>District</th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td>Vizianagaram</td>
<td>Visakhapatnam</td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>9 (9.0)</td>
<td>17 (17.0)</td>
<td>5 (5.0)</td>
<td>31 (10.3)</td>
</tr>
<tr>
<td>Secondary</td>
<td>34 (34.0)</td>
<td>42 (42.0)</td>
<td>27 (27.0)</td>
<td>103 (34.4)</td>
</tr>
<tr>
<td>Intermediate</td>
<td>32 (32.0)</td>
<td>34 (34.0)</td>
<td>39 (39.0)</td>
<td>105 (35.0)</td>
</tr>
<tr>
<td>Higher</td>
<td>25 (25.0)</td>
<td>7 (7.0)</td>
<td>29 (29.0)</td>
<td>61 (20.3)</td>
</tr>
<tr>
<td>Total</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>300 (100.0)</td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)

From the above table it shows that very less number of women with primary level education in all the three districts, whereas 34 per cent of women in Srikakulam, 42 per cent in Vizianagaram and 27 per cent in Visakhapatnam districts studied up to secondary level education. The intermediate qualified women number is also considerable, where 32 per cent from Srikakulam, 34 per cent from Vizianagaram and 39 per cent from Visakhapatnam are getting training in DMSVK centres. It is also observed from the table that 25 per cent women in Srikakulam district, 7 per cent women in Vizianagaram district and 29 per cent women in Visakhapatnam
district are qualified Higher education. On the whole it is noticed from the table that majority group of women in all the selected three districts studied intermediate, secondary and higher education.

3) Marital status:

While the main intension of the DMDVK centre is to empower poor women through various training and self development programmes, here both married and unmarried women are participating. This programme is very much encourage to married women those were pregnant and having small babies. For pregnant women special medical care will be provided and for small babies crèche also available in the centres. Hence, following table presents the distribution of married and unmarried women in selected districts.

Table - 3

Distribution of sample women in selected districts by their Marital Status

<table>
<thead>
<tr>
<th>Martial Status</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>35 (35.0)</td>
<td>43 (43.0)</td>
</tr>
<tr>
<td>Unmarried</td>
<td>65 (65.0)</td>
<td>57 (57.0)</td>
</tr>
<tr>
<td>Total</td>
<td>100 (100.0)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)
According to the above table it shows that a dominated group of women in Srikakulam (65 per cent), Vizianagaram (83 per cent) and Visakhapatnam (57 per cent) from their respective totals are unmarried, whereas 35 per cent in Srikakulam, 17 per cent in Vizianagaram and 43 per cent in Visakhapatnam districts are married women. In the overall analysis it indicates more than two-third of the women are un-married (68.3 per cent) while above thirty per cent are married (31.7 per cent).

4) Caste:

In India most of the government schemes and programmes run on caste based. But this programme not supporting or encouraging any particular caste. So the women from all caste groups are enrolling their names and getting training in different activities. This can be shown in the following table where the distribution of women in selected three districts by their caste groups.

**Table - 4**

**Distribution of sample women in selected districts by their Caste Group**

<table>
<thead>
<tr>
<th>Caste Group</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td>Vizianagaram</td>
</tr>
<tr>
<td>O.C</td>
<td>18 (18.0)</td>
<td>27 (27.0)</td>
</tr>
<tr>
<td>B.C</td>
<td>29 (29.0)</td>
<td>21 (21.0)</td>
</tr>
<tr>
<td>S.C</td>
<td>38 (38.0)</td>
<td>31 (31.0)</td>
</tr>
<tr>
<td>S.T</td>
<td>15 (15.0)</td>
<td>21 (21.0)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100 (100.0)</strong></td>
<td><strong>100 (100.0)</strong></td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)
This can be understood from the above table that 18 per cent of women in Srikakulam district, 27 per cent in Vizianagaram district and 19 per cent in Visakhapatnam district from their respective totals are belongs to OC category. Whereas, 29 per cent of women in Srikakulam district, 21 per cent in Vizianagaram district and 29 per cent in Visakhapatnam district are belongs to BC category. But it is noticed that 38 per cent of women in Srikakulam district, 31 per cent in Vizianagaram district and 36 per cent women in Visakhapatnam district are belongs to SC category, and 15 per cent of women in Srikakulam district, 21 per cent in Vizianagaram district, 16 per cent women in Visakhapatnam district are belongs to ST category. On an average the representation of women from all castes are found significant where SCs and BCs are dominating.

**Economic and living conditions:**

**5) Type of the house:**

The living conditions of any one can be denoted by their type of house where they are living. With the help of development activities of the government in rural area also the people are getting financial support to construct pucca houses. Still some people are living in semi-pucca and kutcha houses due to their poor economical conditions. Hence, the following table analyses the type of house that the respondents are living in the study area.
Table - 5

Type of the house that the women respondents are living

<table>
<thead>
<tr>
<th>Type of the house</th>
<th>Srikakulam</th>
<th>Vizianagaram</th>
<th>Visakhapatnam</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kutcha</td>
<td>7 (7.0)</td>
<td>31 (31.0)</td>
<td>7 (7.0)</td>
<td>45 (15.0)</td>
</tr>
<tr>
<td>Semipucca</td>
<td>46 (46.0)</td>
<td>33 (33.0)</td>
<td>40 (40.0)</td>
<td>119 (39.7)</td>
</tr>
<tr>
<td>Pucca</td>
<td>47 (47.0)</td>
<td>36 (36.0)</td>
<td>53 (53.0)</td>
<td>136 (45.3)</td>
</tr>
<tr>
<td>Total</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>300 (100.0)</td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)

According to the table if shows that 47 per cent of the respondents in Srikakulam district, 36 per cent in Vizianagaram district and 53 per cent in Visakhapatnam district are living in pucca houses, whereas 46 per cent in Srikakulam district, 33 per cent in Vizianagaram district and 40 per cent in Visakhapatnam district are living in semi-pucca houses. But it is unfortunate to explain that 7 per cent of the respondents in Srikakulam district, 31 per cent in Vizianagaram district and 7 per cent respondents in Visakhapatnam district are still living in kutcha houses. In overall it can be explained that 45.3 per cent of the respondents are living in pucca houses, 39.7 per cent are living in semi-pucca houses and 15 per cent are living in kutcha houses.
6) Type of the family:

In olden days number of families living combined or together in one house which are known as joint families. But at present there is no more joint families only individual or nuclear families. Once marriage takes place the couples live separately and establish their own family. In this regard the following table explain about the type of family that the respondents are living.

Table - 6

<table>
<thead>
<tr>
<th>Type of the family</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sriakulam</td>
<td></td>
</tr>
<tr>
<td>Joint</td>
<td>3 (3.0)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vizianagaram</td>
<td>6 (6.0)</td>
</tr>
<tr>
<td></td>
<td>Visakhapatnam</td>
<td>5 (5.0)</td>
</tr>
<tr>
<td></td>
<td><strong>14 (4.7)</strong></td>
<td></td>
</tr>
<tr>
<td>Nuclear</td>
<td>97 (97.0)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>94 (94.0)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>95 (95.0)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>286 (95.3)</strong></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td><strong>100 (100.0)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>100 (100.0)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>100 (100.0)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>300 (100.0)</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)

It is clear from the above table shows that more than ninety per cent of the respondents from each district i.e. Sriakulam 97 per cent, Vizianagaram 94 and Visakhapatnam 95 per cent are living in nuclear families. Whereas very few of the respondents in Sriakulam 3 per cent, Vizianagaram 6 per cent and Visakhapatnam 5 per cent are living in joint families. This can be inferred that more than ninety per cent of the women respondents are living in nuclear families (95.3 per cent) and the remaining few are living in joint families (4.7 per cent).
7) Sources of water:

Water is very necessary food in the part of life without which nobody can live. The water sources different from person to person and from place to place. Especially in rural areas most of the people depend on open wells, bore wells, tanks, streams and rivers. Hence, the source of water utilizing the sample respondents in selected districts presented in the following table.

**Table - 7**

*Sources of water that the women respondents are using for regular use*

<table>
<thead>
<tr>
<th>Sources of water</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td>Vizianagaram</td>
</tr>
<tr>
<td>Open well</td>
<td>21 (21.0)</td>
<td>31 (31.0)</td>
</tr>
<tr>
<td>Bore well</td>
<td>68 (68.0)</td>
<td>48 (48.0)</td>
</tr>
<tr>
<td>Tank</td>
<td>5 (5.0)</td>
<td>16 (16.0)</td>
</tr>
<tr>
<td>Piped water</td>
<td>6 (6.0)</td>
<td>5 (5.0)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)
According to the table it shows that a dominated group of respondents in Srikakulam 68 per cent, Vizianagaram 48 per cent and Visakhapatnam 67 per cent are depending on bore wells for drinking water. The open wells are also playing significant role in providing water supply to the people in the study area, where 21 per cent in Srikakulam district, 31 per cent in Vizianagaram district and 19 per cent in Visakhapatnam district are depending for drinking water. Still some households are depending on tanks for water and it is unfortunate to explain that very few are utilizing piped water in all the three districts. An overall analysis explains that just above sixty per cent of the respondents said that their water source is bore well, above twenty per cent said that they are utilizing open well water and less than ten per cent of the respondents said that they depend on tanks and pipes for water supply.

8) Ownership of the house:

Ownership of house indicates the status of the household living condition. The household one who live in their own house are in better living condition than who stay in rental houses. Hence, the following table shows the ownership of house status of respondents in study districts.

### Table - 8

Ownership of the house that the women respondents are living

<table>
<thead>
<tr>
<th>Ownership of the house</th>
<th>Srikakulam</th>
<th>Vizianagaram</th>
<th>Visakhapatnam</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own</td>
<td>88 (88.0)</td>
<td>83 (83.0)</td>
<td>85 (85.0)</td>
<td>256 (85.3)</td>
</tr>
<tr>
<td>Rental</td>
<td>12 (12.0)</td>
<td>17 (17.0)</td>
<td>15 (15.0)</td>
<td>44 (14.7)</td>
</tr>
<tr>
<td>Total</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
<td>300 (100.0)</td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)
It is found in the table that 88 per cent in Srikakulam district, 83 per cent in Vizianagaram district and 85 per cent in Visakhapatnam district respondents are living in their own houses, whereas 12 per cent of respondents in Srikakulam district, 17 per cent in Vizianagaram district and 15.0 per cent in Visakhapatnam district are living in rental houses. On the whole it shows that more than eighty per cent of the respondents said that they are living in their own houses and 14.7 per cent are living in rental houses.

9) Operational land holding:

Operational land holding are important assets to determine the economic status of human being. The individuals who are having more operational land holdings treated as economically status persons. Hence, the following table shows the operational land holding position of the respondents in the study districts.

Table - 9

<table>
<thead>
<tr>
<th>Operational land holding</th>
<th>District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Srikakulam</td>
<td>Vizianagaram</td>
</tr>
<tr>
<td>Below 1 Acre</td>
<td>9 (9.0)</td>
<td>12 (12.0)</td>
</tr>
<tr>
<td>1-3 Acres</td>
<td>6 (6.0)</td>
<td>14 (14.0)</td>
</tr>
<tr>
<td>Above 3 Acres</td>
<td>3 (3.0)</td>
<td>5 (5.0)</td>
</tr>
<tr>
<td>No land</td>
<td>82 (82.0)</td>
<td>69 (69.0)</td>
</tr>
<tr>
<td>Total</td>
<td>100 (100.0)</td>
<td>100 (100.0)</td>
</tr>
</tbody>
</table>

Source: Sample data (The figures in brackets indicate percentages to totals)
According to the above table as many as a dominated group of respondents in Srikakulam 82 per cent, Vizianagaram 69 per cent and Visakhapatnam 84 per cent do not possessing operational lands, whereas between 9 to 12 per cent of respondents in the study districts are possessing less than 1 acre of land. Very few respondents in the above said districts possess above 3 acres of land-holdings. This infers that more than 80 per cent of the respondents in srikakulam and visakhapatnam, don’t have operational land holdings, and nearly 70 per cent of the respondents in vizianagaram district. It is also observed that 6 per cent of respondents in srikakulam 14 per cent of respondents in vizianagaram and 5 per cent of respondents in visakhapatnam expended that there are possessing between 1-3 acres of land.

**Conclusion:**

A dominated group of women attending DMSVK centers are in the age group of below 20 years followed by 20-30 years. This is the important age group in which most of the women search for empowerment to their livelihood. It is also found that above one-third of each group women educated up to secondary and intermediate level. Out of the total women above two-third are un-married. While more than fifty per cent of the respondents are belongs to SC/ST, less than fifty per cent of the women are OC/BC. While a dominated group of households live in pucca and semi-pucca houses, fifteen per cent of the households still live in kutchha houses, and most of them live depend on bore well and open well for water sources. Most of the women are living in their own houses and construct nuclear families. Due to their poverty levels more than three-fourth of the households do not possess land holdings.
WHETHER HOMOSEXUAL MARRIAGES SHOULD BE LEGALIZED OR NOT?

K. Chandrasekhara Rao
Research Scholar
P.G Department of Legal Studies and Research
Acharya Nagarjuna University, Guntur

INTRODUCTION

Homosexuality is one of the three main categories of sexual orientation, along with bisexuality and heterosexuality within the heterosexual-homosexual continuum. The longstanding consensus of the behavioral and social sciences and the health and mental health professions is that homosexuality is a normal and positive variation in human sexual orientation, though many religious societies, including Catholicism, Mormonism and Islam and some psychological associations, such as NARTH, teach that homosexual activity is sinful or dysfunctional.

The most common adjectives in use are lesbian for women and gay for men, though gay can refer to either men or women. The number of people who identify as gay or lesbian and the proportion of people who have same-sex sexual experiences are difficult for researchers to estimate reliably for a variety of reasons. In the modern West, according to major studies, 2% to 13% of the population are homosexual. A 2006 study suggested that 20% of the population anonymously reported some homosexual feelings, although relatively few participants in the study identified themselves as homosexual. Homosexual behavior in animals is also widely encountered.

Many gay and lesbian people are in committed same-sex relationships. These relationships are equivalent to heterosexual relationships in essential psychological respects. Homosexual
relationships and acts have been admired, as well as condemned, throughout the recorded history, depending on the form they took and the culture in which they occurred. Since the end of the 19th century, there has been a movement towards increased visibility, recognition and legal rights for homosexual people, including the rights to marriage and civil unions, adoption and parenting, employment, military service and equal access to health care.

**Homosexuality - For and Against Arguments**

<table>
<thead>
<tr>
<th>Against Arguments</th>
<th>For Arguments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Homosexual Marriages Should Not Be Legalised</strong></td>
<td><strong>Homosexual Marriages Should Be Legalised</strong></td>
</tr>
<tr>
<td>1. The institution of marriage is traditionally the union between man and women.</td>
<td>1. There is no moral ground on which to support the tradition of marriage as a heterosexual institution. For e.g. slavery once existed but now abolished on humanitarian ground.</td>
</tr>
<tr>
<td>2. Institution of marriage involves procreation and rearing of children.</td>
<td>2. If it was so than there would have been attempt to prohibit unions between a sterile women and a fertile man or vice versa. Nor does legislation exist which requires a married couple to have children. It is true that homosexuals cannot procreate within their union but there are many options available which enable them to have children,</td>
</tr>
<tr>
<td>3. The traditional nuclear family comprises of eight primary relations (Husband,</td>
<td>including adoption and artificial insemination.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3. The traditional view of family as consisting of a mother, father and children is no longer representative of today's society.</td>
<td></td>
</tr>
<tr>
<td>4. The absence of sexual complementarity in these union creates obstacles in the normal development of children who are placed in the care of such parents. They would be deprived of the experience of either fatherhood or motherhood. Also this is gravely immoral and in open contradiction to the principle, recognized by the United Nation Convention on the rights of children, that the best interest of the children as the weaker and more vulnerable party are to be of paramount consideration in every case.</td>
<td></td>
</tr>
<tr>
<td>4. Scientific studies and psychologists are of the opinion that the love and commitment of the parents make difference not the gender. The children raised by homosexual partners are just as good as those of straight couples.</td>
<td></td>
</tr>
<tr>
<td>5. Marriage is a sacred institution. The homosexual inclination is however objectively disordered' and homosexual partners are 'sins gravely contrary to chastity'.</td>
<td></td>
</tr>
<tr>
<td>5. Religion is not an obstacle. Many sects of Buddhism celebrate gay relationship freely. Instances of homosexuality are available in all major religious mythology.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6.</td>
<td>Same sex marriages is an untried experiment.</td>
</tr>
<tr>
<td></td>
<td>6. Homosexual marriages is not an untried experiment. In Denmark since 1989 homosexuality is legally permitted. The result of the experiment suggests that homosexual marriages has actually been civilizing and strengthening, not just the institution of marriage but the society as a whole. So perhaps we should accept the fact that someone else has already done the experiment and accept the result as positive.</td>
</tr>
<tr>
<td>7.</td>
<td>Same sex marriages would start us down a slippery slope towards legalised incest, bestial marriages, polygamy and all kinds of other horrible consequences.</td>
</tr>
<tr>
<td></td>
<td>7. If the argument were true than it would have already happened in countries where legalised gay marriages already exists.</td>
</tr>
<tr>
<td>8.</td>
<td>Gay marriages would mean forcing businesses to provide benefits to homosexual on the same basis as heterosexual sex couples.</td>
</tr>
<tr>
<td></td>
<td>8. There is no contradiction to the argument as all are equal and have equal fundamental rights.</td>
</tr>
<tr>
<td>9.</td>
<td>Homosexual marriages are unnatural. Hence Sodomy law needs to be more strict.</td>
</tr>
<tr>
<td></td>
<td>9. Homosexuality is natural. There is substantial agreement amongst researchers that sexual orientation is due to genetic factor</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>and is determined by age five or six.</td>
<td></td>
</tr>
<tr>
<td>10. Homosexual marriages are the outcome of today complex individualized post modern industrial utilitarian society</td>
<td>10. Instances of homosexuality can be seen even in ancient, medival and modern India. Its not the development of post modern society.</td>
</tr>
<tr>
<td>11. No rights exists that can compel a state to recognise any relationship contrary to the definition of traditional marriages.</td>
<td>11. Denial of legal recognition infringes the rights of citizens.</td>
</tr>
<tr>
<td>12. Decriminalised homosexual marriages will lead to an increase in homosexuality and this in turn will undermine the whole institution of marriage and family.</td>
<td>12. Sexual orientation is due to genetic factor and it is unlikely that an increase in the incidence of homosexuality will occur as a consequence of decriminalisation.</td>
</tr>
<tr>
<td>13. Societal attitude is that people oppose it, hate it, even fear it. That is people arent comfortable with the idea of homosexual marriages.</td>
<td>13. Homosexual marriages have the potential to reject hierarchial concept of gender. They challenge patriarchy and the male supremacy derived from it and are consequently punished for not participating fully in daily maintenance of women oppression.</td>
</tr>
<tr>
<td>14. Heterosexuality has the</td>
<td>14. Laws regulating and/or</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
advantage of slowing the speed of sexuality transmitted disease.

penalising homosexual activity impede public health programs as it drive underground many people at risk.

15. The human species will be in danger of dying out if homosexuality is legalized due to lack of reproductive power in homosexuals.

15. Infact gays are giving big favour by not bringing more hungary mouth into this excessive overpopulated world. At the same time the continuity of species can never be in danger due to sexual minority which represent not even 10% of the total world population.

16. The principle of respect, non discrimination and the people autonomy to support legal recognition of homosexual unions of the individual is not reasonable to invoke. It is something quite different to hold that activities which do not represents a significant or positive contribution to the development of the human in society can receive specific and categorical legal recognition by the State.

16. Section 377 of IPC violates the right to life and personal liberty, the right to equality and the right to freedom guaranteed to all citizens as Fundamental Rights under Chapter III of Indian Constitution

17. Sodomy was illegal and was until very recently.

17. In countries where homosexuality is legalised sodomy law is repeled and has been
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>Homosexuality is a disease. The Indian Psychiatric Society also acknowledges that homosexuality is a kind of mental illness.</td>
</tr>
<tr>
<td>18.</td>
<td>The American Psychiatric Association has removed homosexuality from its list of mental illnesses in 1973 and the World Health Organization did the same in 1981.</td>
</tr>
<tr>
<td>19.</td>
<td>Decriminalization may be a step towards removing some of the stigma associated with homosexuality and may have positive repercussions on relationship between homosexual and their families.</td>
</tr>
<tr>
<td>19.</td>
<td>Criminalisation reinforces negative Societal attitude regarding homosexuality which in turn results in greater discrimination and thus impact adversely on the self esteem of many homosexuals which often leads to deception and friction within families.</td>
</tr>
<tr>
<td>20.</td>
<td>Prominent yoga Guru, Baba Ramdev opined that Homosexual is a bad conduct, which is against to the nature and albeit, it can be eradicated by practising yoga.</td>
</tr>
<tr>
<td>20.</td>
<td>Beyond any skepticism that Section 377 of the IPC, 1860 is an hurdle to the personal liberty, bestowed by the articles 14, 15 and 21 of the COI.</td>
</tr>
<tr>
<td>21.</td>
<td>The prominent religions such as Hindu, Muslim and Christianity are against to the Homosexuality.</td>
</tr>
<tr>
<td>21.</td>
<td>Before incorporating Section 377 in the IPC, 1860, it was not deemed to be a crime. Therefore basing on it, no problems will be occurred after incorporation also.</td>
</tr>
</tbody>
</table>
22. Transmission of HIV and AIDS due to homosexuality is the first and foremost argument against gay marriages.

22. IPC, 1860 was mainly based on Vatsyanas Kamasuthra. Nowhere in that reference book, it was mentioned against comments in respect of the sexual activities of LGBT’s.

23. Transmission of HIV and AIDS due to homosexuality is the first and foremost argument against gay marriages.

23. How far it is genuine to be penalized for 10 years imprisonment if the LGBTs are involved in sexual activities with manual consent? Why this type of indiscrimination only towards LGBTs. How far it is justified.

24. It was strongly argued that due to mingling of both Male and Female only the family in the society will be developed but not by Male and Male or Female and Female. If this unnatural practice will be permitted, sarrogation, adoptions for the sake of money will be unnecessarily developed besides crimes.

24. There are quite a good number of instances in the epics regarding LGBTs. In valmiki Ramayana, when Hanuman intruded in Srilanka, it was witnessed that the females who were kissed by Ravana are being kissed by other females subsequently. Similar instance can be witnessed in padmapuranam, wherein a king going to death, bestowed a Devine drug to his two wives. After his death, they engulfed the drug and as a result of the same, they gave birth a child sans bones and brain presumed that the flesh and blood
will be derived from the mother and bones and brain will be derived from the father.

There prevailed a famous folk tale in Tamilnadu and according to which due to attain flying colors in Kurukshetra, they wished to offer Aravan S/o Arjun as Bali. But Arvan put a condition that after getting marriage empathi only, he will be ready for ball. Since there is no other alternative, Sri Krishna himself become as female and married Arvan and satisfied his desire. After that only Arvan was scarified himself for ball.

<table>
<thead>
<tr>
<th>25. Countries hesitating the gay marriages: In Russia, there is no legal validity for gay marriages. Similar situation also prevailed in African countries. In Iran, awarding death penalty to those who indulges in homosexuality. Thus by and large 79 countries across the world, that homosexuality is deemed to be a crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>25. Countries which are being accepting the sexual activities of LGBTs: Argentina in the year 2010 accepted the gay marriages. Like-wise England, wales, Denmark, Bragil, France and New Zealand countries accepted the gay marriages. In the year 2012, Dr. Joyce Hilda Banda, president of Malavi country has declared that Homosexuality is not a crime. Similarly the president of USA, Barak Obama has declared that Gay marriages are accepted. Some</td>
</tr>
</tbody>
</table>
SUGGESTIONS

1. In its delivery of verdict in the case of Naz Foundation V. Government of NCT of Delhi, the Supreme Court itself suggested that “not withstanding this verdict, the competent legislature shall be free to consider the desirability and propriety of deleting Section 377 of the Indian Penal code from the statute book”. Therefore it is the bounden duty of the parliament, which is the representative of the people of India to make amendments to the Section 377 of the IPC, 1860 by reckoning articles 14, 15 and 21 of the Constitution of India. Therefore the Government of India through the parliament shall either amend or delete the British colonial relic of Section 377 of the IPC, 1860.

2. LGBT people are also human beings like other citizens. They have also born from their parents like others. Born like LGBT is not their sin. Due to the defect of chromosomes, infirmity cum debility and other heredity cum genetical problems, they have born like that. It is not their fault. If other than LGBT people are entitled to enjoy the fundamental rights and the privileges of Directive principles of State policy, why can’t the LGBT community also entitled to enjoy the same fundamental rights and privileges that are provided by the Constitution of India. To enjoy the same is their birth right. Nobody can preclude in enjoying the same being citizens of India. Therefore the Government of India through the Parliament shall either amend the present statute or annual the same by reckoning the principles of natural justice and law of the land.
3. Due to physical and mental infirmity, the physically challenged people are entitled to get reservations in the Schools and Colleges besides even in getting the Government Jobs and other employments. Like-wise the LGBT people are also suffering from their physical infirmity for centuries together. Then why can’t the LGBT people are also entitled to enjoy such type of reservations in prosecuting their studies and thereafter getting the Government Jobs and other employments. Therefore, the Government of India shall be amend the statute in such a manner, that the LGBT people shall also enjoy the same benefits in all walks of their lives so as to treat them also like other human beings.

4. Since the SC, ST and other aboriginal people have been suffered from quite a good number of problems such as social, cultural, Educational and political besides deprived from the same since centuries together, after attaining the Independency, the Government of India has been provided and providing a myriad privileges through the Constitution and other statutes in the above fields. Like-wise the LGBT people have been also suffering from the same problems besides social struggles and other mental agonies, indiscrimination and look down upon as untouchables from centuries together. Therefore it shall be recognized by the Government of India and shall be provided the same privileges as had entitled and enjoying by the above cited people by making suitable amendments to the statutes by the parliament of India. The same shall be on par with the above cited downtrodden people by reckoning the principles of natural justice besides socialistic pattern of society that is all are equal before law sans any discrimination.

5. Due to the deforestation and lack of food, the wild animals are off and on intruded in the nearby villages and causing damage and havoc to the crops and other properties of the people for the sake of
their survival. Like-wise though the LGBT people are willing to work, nobody is ready to bestow employment to them in the society. Since there is no other alternative, they are habituated for begging and indulging in prostitution to eke out their livelihood for survival. Due to that fact only, they are thronging on the people at bus stations, railway stations, Streets and during the time of journeys also. Due to precluding them in doing the work, they are forcefully habituated for begging and prostitution. We are experiencing in our daily life this type of pathetic episodes and scenarios. Therefore the Government shall implement such type of policies and programmes statutorily to bestow employment to the LGBT people in order to eke out their livelihood sans become parasites on others.

6. The LGBT people are being indiscriminating, humiliating and harassing by the people of the society. They are being treated as untouchables. Due to that, the LGBT people are suffering from mental agony and cultivating gludge against the society. They are being suffering from the atrocities caused by some sections of the people. In the recent past, the commercial capital, Kochi in Kerala has witnessed a rare battle between the police and members of the Sexual Minorities Front (SMF). The police lodged cases against them due to criminal activities such as prostitution and robbery. On the other hand Sheetahal Shyam, Secretary of the SMF alleged that “those accusing us of begging and prostitution should know that there are not many options for transgender’s (TGs) to make a living here. Give us education and work, and we will not end up on the roads for prostitution”. This is the pathetic predicament of the TGs at present in the society. (Source: The Hindu, South Column P.No.8 dt.29.05.2016.). Therefore the Government shall implement such type of statutes and draconian laws and punish the people, who have been committing the atrocities against the LGBT people besides rigorous imprisonments.
7. The Government shall establish separate rehabilitation centres and implement certain reforms for the well being of the LGBT people.

8. Likewise, the Government shall establish hospitals and educational institutes separately if necessary for the wellbeing of the LGBT people so that make them to enjoy the benefits and privileges of the same on par with other human beings.

9. Besides the above, the mindset of the people shall also be changed and they should be sympathized towards the LGBT people and treat them as their siblings and fellow human beings and the people of the society should not be treat them as untouchables and not keep them aloof.

10. In this regard, the Non-Governmental organizations (NGOs), Philanthropic institutions and charitable trusts shall also be come forward to assist and uplift the LGBT community and see that the LGBT people can stand upon their own legs sans depending upon others. They shall establish certain training centers to reform them. They shall establish and implement such type of institutions, plans, programmes and policies so as to develop them also educationally, culturally and socially besides other fields on par with other human beings.

11. By reckoning Corporate Social Responsibility(CSR), the Corporate Bigwigs, MNCs, Business Tycoons and Financial Wizards shall allocate funds from their Net Profits and implement certain programmes and establish certain reforms centers so as to uplift the downtrodden LGBT community on par with others with the milk of human kindness. The Government shall also encourage this type of charitable acts as rendered by the said companies and exempt from Income Tax against the funds meant for the LGBT people.
12. The Government shall establish Health Centers and hospitals preferably for LGBT people, who are suffering from HIV, AIDS and other chronic and communicable deceases. They shall be educated and enlightened for the cause and effects of such deadly deceases so as to prevent the same.

13. In the good olden days, the kings and the Zamindars have nourished and encouraged the LGBT people by way of performing dances during the course of certain auspicious functions by treating the same as augur well for them. Therefore the elite community in the society shall invite and provide the LGBT people to perform their programmes in such type of auspicious functions so as to eke out their livelihood sans become parasites. Further the elite people bestow an opportunity to display their innate talents during the course of rituals, anniversaries and other ancestral celebrations.

14. Quite a good number of countries across the world such as USA, Greece, Hungary, Ireland and Austria etc have legalized the Homosexuality and the countries such as Netherland, Belgium, Canada, Spain and South Africa have recognized the same -sex marriages. The state of Massachusetts in USA recognized the same-sex unions. Countries like Australian, UK and Sweden etc are offering some rights and responsibilities as civil unions. Therefore by reckoning the changing global scenario, though it become high time, the rights and responsibilities shall be recognized by the Government and enact necessary statutory provisions and implement such type of policies and programmes for the wellbeing of the homosexuals on par with others besides all are equal before law sans any discrimination by way of gender and sex etc.

15. There was no moral ground on which to support the tradition of marriage as a heterosexual institution by reckoning the instance that slavery is once existed but now abolished on humanitarian
ground. Therefore the same will be squarely applies in respect of homosexual marriages.

16. The Apex court in Khushboo case has recognized and upheld the cohabitation between the un-married couples. By reckoning the same, why can’t it applies in case of homosexuals in leading cohabitation and marriages sans bestowing impediments to others in the society.

17. At present, the traditional view of family consisting mother, father and children is no longer representative of today’s society. In fact though homosexuals cannot procreate within their union but there are many options available which enable them to have children by way of adoption and artificial insemination. Therefore the Government should be encouraged homosexuals in this regard.

18. Myriad scientific studies and psychologists come to a conclusion and opined that the love and commitment of the parents make difference but not the gender. Therefore the children raised by homosexual partners are squarely as good as those of straight couples. Therefore it can be encouraged in this regard also by the Government and the people of the society.

19. It is not true and correct that religion is an obstacle. Many sects of Buddhism celebrates gay relationship freely. Myriad instances of homosexuality are available in all major religious mythology. Therefore the people, who criticizing the homosexuality can be changed their mindset in this regard by reckoning the ground reality.

20. It shall be nota bane that the experiment of homosexual marriages at Denmark since 1989, where legally permitted which resulted civilizing and strengthening not just the institution of marriage but the society as a whole. Therefore it is whole heartedly suggested
that homosexual marriage can be permitted by and large beyond any skepticism.

21. Homosexuality is not a new one and it is natural. Myriad instances can be witnessed even in ancient medieval and modern world. Quite a good number of researches and analytical studies divulged that sexual orientation is due to genetic factor and is determined by age 5 or 6. Therefore denial of legal recognition infringes the fundamental rights of the citizens. Therefore it is suggested to encourage the homosexual marriages sans impediments by reckoning the fact that all are equal before the law.

22. In fact, gays are bestowing a great favour by not bringing more Hungary mouth into this excessive over populated world. At the same time, the continuity of species can never be in danger due to sexual minority, which represent not even 10% of the world’s population. In view of this aspect also, it can be suggested that the homosexual marriages shall be encouraged and recognized.

23. Studies unveils that the America psychiatric Association has already removed homosexuality from its list of mental illness in 1973 and the World Health Organization (WHO) did the same in 1981. Further in the countries where homosexuality is legalized sodomy law has been repealed the same as obsolete by reckoning the rapid social dynamics. Therefore By reckoning the global view by and large, it can be suggested that the homosexual marriages shall be legalized.

24. Beyond any skepticism that section 377 of the IPC, 1860 violates the right to life and personal liberty, the right to equality and the right to freedom guaranteed to all the citizens as fundamental rights under articles 14, 15, 21 and Chapter III of the Constitution of Indai, the said section shall be annulled in the interest of the gay community and thereby legalize the gay marriages.
25. Myriad analytical studies, researches and empirical observations divulged that criminalization re-enforces negative social attitude regarding homosexuality which in turn results in greater discrimination and there by impact adversely on the self-esteem of many homosexuals which often leads to deception, mental agony, stress and friction with in the families. Thus it can be suggested that homosexuality can be permitted and legalized the homosexual’s marriages so as to mitigate the above cited problems that are being encountered in the society by reckoning that all are equal before law to lead a peaceful life and liberty sans impediments.

CONCLUSION

Thus there is much heated debate is going on across the world in respect of the legality of homosexuality. India is the longest democratic country in the world. Therefore it is the bounden duty of the Government to bestow liberty and equality to the citizens of the country. In this connection it is not an out of place to mention here about AH.Maslows need of hierarchy. According to him, the people of the society will give much importance to the primary needs such as Food, Cloth, Shelter and Sex. After having satisfied these basic needs only, he will shift to the next phase of the needs in the pyramid such as self actualization and esteemed needs in the society. Now a days the LGBT community is suffering from both physical and mental agony in understanding their own problems and not in a position to express the same patently and latently and suffering a lot of stress besides humiliation in the society and consequently committing suicides. Like a coin having both sides, there is some reasonability and genuinity in both for and against arguments in respect of Homosexuality. If it will be encouraged and accepted the homosexuality, there is every possibility to occur atrocities against children, sexual harassment on all sections of the people, pervading and disseminating of deadly diseases
of HIV and AIDS. Section 377 of the IPC, 1860 strictly prohibiting the homosexuality and awarding a draconian punishments to those who are committing atrocities against the children sans their will and wish. Thus it gives a great legal shelter to the victims and innocents thus beyond any skepticism, it is a great reasonably good provision. Albeit in the day to day fast changing LPG scenario, there should be amendments to the provisions of the IPC preferably to the Section 377 of the IPC, 1860. Therefore the Apex court shall take a reasonable decision by reckoning all the merits and demerits and deliver its verdict which will be useful to the larger public interest and well being.

In view of the facts and circumstances as cited supra, It can be positively extrapolated that an erudite, euphoric and eulogisable landmark judgement will be pronounced by the August Apex Court and recorded an indelible mark which lies in the annals of its historical judgements perpetually and perennially besides showcases a role model to the entire world for the well being of the homosexuals as all are equal before law in order to lead a peaceful and dignified life. Therefore by extrapolating the ensuing landmark judgement of the Apex Court, before going to epilogue, it is an apt to quote here the buzz words of Githa.

Sloka: Yad yad acarati srethas tat tad evetaro janah

Sa yat pramanam kurute lokas tad anwartate

- Bhagavath Githa.

Epitome: Whatever action is performed by a great man, common men follow in his footsteps. And whatever standards he sets by exemplary acts, all the world pursues.
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ABSTRACT

The fundamental factor of development is Education in every sense. To achieve a sustainable economic development a country should have substantial human capital involvement. The understanding of people and world become so fruitful when there is educational human resources. It improves the quality of their lives and leads to broad social benefits to individuals and society. The productivity of the country rises when the people are more and more educated. And this will lead to entrepreneurship and technological advances. For a sound and secured economic and social progress the role played by education is very crucial. The main purpose of this paper is to give an idea about the role of education in economic development, the effect of education on technology, and family structure. The role of technology comes in economic development because the advancements in technology aids in reaching education to the un reached and then it leads to the development aspects.

Keywords: Development, Human Resources, Productivity, Entrepreneurship, Economic and Social Progress.

INTRODUCTION:

Education provides a foundation for every aspect of development either social or economical. It provides all the required resources. For economic efficiency and social consistency the role of education is inevitable. A country made competitive through education and it is marked by the technological advancements. It is said that a nation which does not educate its women cannot progress. So the women should be empowered by education without any doubts. Education in
every sense is one of the fundamental factors of development. No country can achieve sustainable economic development without substantial investment in human capital. Education enriches people’s understanding of themselves and world. It improves the quality of their lives and leads to broad social benefits to individuals and society. Education raises people’s productivity and creativity and promotes entrepreneurship and technological advances. In addition it plays a very crucial role in securing economic and social progress and improving income distribution.

THE IMPORTANCE OF EDUCATION IN ECONOMIC DEVELOPMENT:

Without considerable investment in human capital no country has achieved constant economic development. Basic education, research, training, learning – by – doing and aptitude building are the various forms of human capital resources. If one cannot use education in the competitive and open markets these will not be any impact on the growth of the country. The larger and more competitive these markets are, the greater are the prospects for using education and skills (Robert, 1998). Unequal education tends to have a negative impact on per capita income in most countries. So there should be a balance between the education provided for all the classes and the needed.

For proper functioning of the democracy in a country, require and educated citizen base. When the more people are educated, they can better understand the issues and concerns of a country and they can elect the leaders who are able to lead their society in a better way. In many ways education is required in democratic countries for self-preservation and advancement as a whole.

The specific effect upon economic development of a nation is not an easy task. The cumulative can be quantified and can also be qualitatively measured when the whole system is taken into
consideration. An educated public generates significant value on many levels. Individuals benefit by increased earnings and standards of living, businesses gain by being able to increase productivity, and society gains by having a stronger level of civil involvement and contribution (Grossman, 1989).

WHAT SORT OF EDUCATION?

The study mentioned by Mankiw, Romer & Weil (1992) defined the role of education by the proportion of the workforce with secondary education. This is obviously only one of a number of possible indicators and there have to be concerns that other equally plausible indicators might have delivered less satisfactory results. The role of different types of education is explored by Wolff & Gittleman (1993). They estimated regression equations which explained growth in output per capita on the basis of the share of GDP invested, the initial level of GDP per capita and groups of six possible indicators of educational standing. These were enrolment rates in each of primary, secondary and tertiary education and attainment rates, i.e. the fraction of the workforce with each of these types of education at a date close to the start date from which economic growth was measured.

EDUCATION AND FAMILY STRUCTURE:

Education may be the single most important personal determinant of a person’s health and life expectancy. To understand this, everybody have to go back to the family, because it is families that are concerned about their children and try, with whatever resources they have, to promote their children’s education and values. Families are the major promoters of values in any free society and even in not-so-free societies. Families make a variety of decisions. One is whether to have many children or to have fewer children. Also some try to do more for each child. As countries develop, the trend shifts very strongly toward the latter. Every nation that has developed has done that, some
in remarkably short periods of time. More educated men and women tend to invest more in their own health and the health of their children.

Education of the poor helps improve their food intake not only by raising their incomes and spending on food but also by inducing them to make better, healthier, Choices. All the studies from different nations indicate that educated persons tend to consume a healthier diet even when the total amount spent on food is held constant. Of course, the relation between education and better health and life expectancy involves causation in both directions, for greater health and lower mortality also induce larger investments in education and other human capital since rates of return on these investments are greater when the expected amount of working time is greater.

EDUCATION AND TECHNOLOGY:

Education means many things beyond just teaching a students to read, write, and manipulate numbers. Computers, the Internet, and advanced electronic devices are becoming essential in everyday life and have changed the way information is gathered. How this new technology is utilized in the curriculum and managed by teachers will have an important role to play in widening the resource and knowledge base for all students. Technology affects the way teachers teach and students learn. To make the best use of information technology (IT), schools need a workable plan to fully integrate it into all aspects of the curriculum so students are taught how, why, and when to use technology to further enhance their learning. The usefulness of IT in the classroom, as with any learning tool, depends on the innovation and imagination of the teacher. It is imperative, though, that the implementation of IT into a school is carefully planned. The current information explosion makes it essential that IT be used extensively within the classroom so children known how to use IT appropriately and effectively (Ager, 2000).
Teachers must, therefore, be fully informed about what kinds of IT are available and whether or not they are appropriate for classroom use. School boards and teachers must therefore ensure that all staff has a clear plan about what they want their students to achieve through IT. The appropriate incorporation of IT into the classroom will broaden the minds and skills of students, allowing them to be better prepared for further technological advances.

**EDUCATION AND INEFFICIENCY:**

The model put forward by Nelson & Phelps (1966) (see section 7) suggests that education, or rather the lack of it, is important as an explanation of why countries might fail to use the best-practice technology. The situation they describe is one where there is a single technological frontier on which efficient economies can perform. Those without adequate education are doomed to produce inefficiently, in the interior of the produc-

**CONCLUSION:**

No Economic Development is possible without good education. A balanced education system promotes not only economic development, but productivity, and generates individual income per capita. Its influence is noticeable at the micro level of an individual family. Education is indispensable to the individual development in turn leads to the economic development. The understanding of people and world become so fruitful when there is educated human resources. It improves the quality of their lives and leads to broad social benefits to individuals and society. The productivity of the country rises when the people are more and more educated. Thus education plays a vital role in the overall development of a country in very minute aspect.
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