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Volume 2**Issue 8(2)****July 2013**

C O N T E N T £

- | | | |
|-----|--|-----|
| 1. | Stress, Emotional Intelligence and Mental Health of Employees
Nalamotu Venkateswarlu | 1 |
| 2. | Marketing Mix - Strategies of Hospitality Services in Selected 5 Star & 3 Star Hotels
P.Venkateswarlu and A.K.Kadrekar | 11 |
| 3. | Legislations to Protect The Rights of Women and Child in India
Petikam Sailaja | 38 |
| 4. | Women Participation in Politics - A Review
Putran Laxmi | 63 |
| 5. | Discoursing the Global Terror and Racism in Tabish Khair's How to Fight Islamist Terror from The Missionary Position
Biju M.A | 70 |
| 6. | A Review on Cyber Crimes: A Baffling Problem in India
A. Guravaiah | 79 |
| 7. | Trends in Power Sector Development
K. Atchyuta Rao and K. Kiran | 86 |
| 8. | Counseling Services in Higher Education Institutions of Jammu and Kashmir : Needs and Challenges
Kavita Suri and Rewa Khajuria | 101 |
| 9. | Language Teaching: Principles, Methods and Approaches
Neetu Dabas | 118 |
| 10. | Indhiramma Scheme for Vulnerable Elders in Andhra Pradesh
T. V. Ramana | 129 |
| 11. | Terrorism : An Analysis
J.Kiran Kumar | 141 |
-

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+

+

+

12.	Is Sex Detection Test Violates The Right to Life of Foetus Y.Rajendra Prasad	153
13.	Understanding Pluralism: An Approach Sulagna Pal	166
14.	Combating Child Pornography – A Socio-Legal Perspective P. Sree Sudha	177
15.	Enhancing the Quality and Accessibility of Higher Education Through the Use of Information and Communication Technology G.Sowbhagya	203
16.	Fundamental Rights, Human Rights and Minorities in India J.K.L. Sujata	212
17.	Media’s Role in Policy Making an Indian Perspective N. Manikya Rao	219
18.	Women’s Rights to Property G.Jayalakshmi	227
19.	Prevalence of Goiter in Tribal Population of Pedabayalu Mandal of Visakhapatnam District of Andhra Pradesh Ponnada Srinivasu	237
20.	Role of Technology in Teacher Education Savitri Sharma	243
21.	Social and Financial Security Through Microfinance Adusumalli Venkateswara Rao and Bhanu Baba Saheb Saka	249
22.	Effect of Nutrition Education Programme During Pregnancy D. Jalaja Kumari and Ch. Suneetha	258
23.	Environmental Ethics in <i>Karimpala</i> Tribe Lillykutty Abraham	273
24.	Perception of Faculty on the Benefits and Risks of Internationalization of Higher Education in Ethiopia Gara Latchanna and Anteneh Wasyhun Workneh	280

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Dr. K.VICTOR BABU

Editor-in-Chief



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Editorial

A Journal like this is a critical importance because of the notable contributors whose beliefs are vital with focus, detail and depth on the topics chosen. No doubt in my mind, that these writers work long hours to provide excellence with intellectual pursuit.

This issue comprises of articles on English Language, Marketing, Women Employment, Teacher Education and Insurance Business. This 'Basic Wholeness' which is essential to a firm foundation is provided, and the readers can make use of this special knowledge in identifying, strengthening and firming up their own Vision for their progressing either in academics or working sectors or entrepreneur applications.

Availability of such an accumulated fund of knowledge in distinct by an asset in a competitive world.

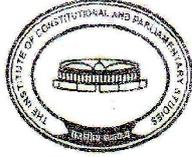
I am optimistic that this modest Volume 2, Issue 8 July 2013, would continue to stimulate, and my sincere appreciation to the cooperation of one and all associated with its production.

I end with Best Wishes.

(Dr. Victor Babu Koppula)

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18-21, विठ्ठलभाई पटेल हाऊस, राफी मार्ग, नई दिल्ली-110 001

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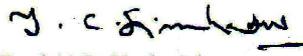
GREETINGS

To
Dr.Koppula Victor Babu
Editor-in-Chief
International Journal of Multidisciplinary Educational Research
(IJMER)
Visakhapatnam

It is indeed a wonderful opportunity for me to release Volume 2, Issue 6, May 2013 of International Journal of Multidisciplinary Educational Research (IJMER). The phenomenal contribution exhibited by the Authors is highly commendable.

The Journal by its very concept and its yearlong functioning distinctly added an intellectual flavor to the academic community. The monumental efforts of the Chief Editor Dr.Koppula Victor Babu paved the way for learning. The significant aspect of this vision is that the journal of IJMER carries information of various disciplines and in turn gives an access to readers to enrich their knowledge in the relevant as well as other areas.

I wish the journal all the success in the future years.


Prof. Y.C. Simhadri



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Hanoi, 24th May 2013

To
Dear Dr. Victor Babu Koppula
Editor-in-Chief
IJMER

We are very pleased to know you and enjoy reading the International Journal of Multidisciplinary Educational Research. We are also impressed by the massive content and divers research topics converted to big journal. Working in education field we respect any sharing idea, experience and cooperation which can be browsed in this special publishing.

We believe that progress of educational research can make us closer by common inspiration and sharing educational issues experience between our VNU-University of Education, and your beautiful journal.

We wish the Journal to get more success, high position and impact factors in the field of education and social science.

Kindest regards,

Rector of VNU-University of Education
On behalf of Research Team
Assoc. Dr. Le Kim Long



STRESS, EMOTIONAL INTELLIGENCE AND MENTAL HEALTH OF EMPLOYEES

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The technological advancement, available opportunities and competition in various fields become the source of stress, which in turn affects the individual's life. Stress is indispensable part of human life. Stress is an internal state which can be caused by physical demands on the body or by environmental and social situations which are evaluated as potentially harmful, uncontrollable or exceed our resources of coping (Lazarus & Folkman, 1984). Stress is a complex pattern of cognitive appraisals, physiological responses and behavioral tendencies that occur in responses to a perceived imbalance between situational variables and our resources needed to cope with them.

Stressors are specific kinds of eliciting stimuli or events that place strong demands on us that tax or exceed our resources. All stressors require major adaption and can have significant negative impacts on psychological and physical well being (Baum, Krantz & Gatchel, 1997). Many psychologist researchers have defined job stress only in terms of negative characteristics of the individual, organization interface, using stressors such as overload, role conflict, role ambiguity and role boundary. A boarder view includes the absence of positive characteristics such as variety, autonomy and challenge as stressors.

Individual employees have multiple roles to play in different settings i.e. family, work, profession, recreation, club, community and so on. All



these roles often make conflicting demands and expectations. Empirical research suggests that family, children, spouse, work schedule, work orientation and employment patterns produce pressure to participate extensively in the work role or family role.

Mehra and Mishra (1991) found that mental health had a moderate effect on the relationship between job satisfaction and organizational stress. Job stressors like qualitative workload and quantitative overload have been found to be predictors of mental health and risk of occurrence of depression (komaki 1994). Ramalingaswami (1990) points out that in contemporary societies, stress of different kinds have become a common source of threat to mental and physical health and well being of the people, which in turn diminishes the level of commitment in employees.

Emotional intelligence is one of the important characteristic which directly governs the human behavior and adjustment. Emotional intelligence constitutes three psychological dimensions such as emotional competency, emotional maturity and emotional sensitivity which motivate an individual to recognize truthfully, interpret honestly and handle tact fully the dynamics of human behavior. Emotional intelligence involves the ability to monitor once own and others emotions, to discriminate between these emotions and use information effectively to guide our thinking and actions. Mayer and Salovey (1993) view that emotional intelligence describes an ability, skill or capacity to perceive, access and manage the emotions of one's self, of others and groups.

Caruso & Wolf (2004) define emotional intelligence as the ability to perceive emotions, access and generate emotions so as to assist thought, understand emotion and emotional knowledge and reflectively regulate emotions so as to promote emotional and intellectual growth.



The Indian business also reflects an emotional environment. The economic, social and emotional elements of bonding in the family are carried over the workplace and may be felt from the relationship between an employer and the employee. Job dissatisfaction, burnout, stress and interpersonal conflicts with colleagues, frustration, anger and anxiety etc., are factors that affect the productivity of self, others and organizations. Recently, emotional intelligence is fast becoming the psychological mantra of organizational development. It forcefully impacts your working life in many ways. It can help employees to attain emotional power, enable them to resolve external and internal conflicts and help them to accomplish physical, mental and emotional goals and improve their mental abilities such as memory, clarity of thinking and decision making.

Emotional intelligence and emotional quotient are similar terms and are used interchangeably. In this challenging world, you require emotional intelligence to keep up with the pace of modern life and yet not feel burned out. A person with high emotional quotient will be handling a conflicting situation, in a collaborative and smooth fashion and will be able to handle stressful situations effectively. Emotional quotient would help a person to achieve personal and organizational effectiveness.

It is the factor which provides harmony and progress in the work environment. Mental health has become a major international public health concern and WHO has placed a high profile focus on the importance of mental health. In ideal conditions, a mentally healthy person characterizes mature, healthy, fully functioning, self-actualization which has been termed positive psychology. Mental health has been mentioned as the ability of a person to balance one's desires, aspirations, coping with life stress and making psychosocial adjustment. Daniel Goleman (1995) emphasizes that emotional



intelligence is the major and most important predictor of grades, promotions, relationship and health. Singh (2003) reported that emotional intelligence positively impacts individual ability to sustain both physical and mental health.

The investigator emphasizes to study the relation of stress and emotional intelligence with mental health of employees. Hence, the present study titled: "Stress, Emotional Intelligence and Mental Health of Employees" is undertaken.

Hypotheses:

1. There is negative correlation between stress and emotional intelligence of employees.
2. There is negative correlation between stress and mental health of employees.
3. There is positive correlation between emotional intelligence and mental health of employees.
4. Employees with high stress have significantly lower mental health than employees with low stress.
5. High emotional intelligence employees have significantly better mental health than low emotional intelligence employees.

Method

Sample

A sample of 240 employees is selected from various workplaces in Chennai City. The employees from all grades at Banks, Schools and Colleges, Government Offices and Private sector are considered. Age ranges from 25 to 45 years and male female ratio 1:1 is used.



Tools used:

The following standardized test are used for the study

1. Mental Stress Scale: MSS developed by Dr. M. Singh is used to measure mental stress. There are 40 statements. Reliability of the scale by split half method and by test retest method is 0.82 and 0.79 respectively. Coefficient of validity is 0.61.
2. Emotional Intelligence Scale: EIS developed by Hyde, Pethe and Dhar is used to measure emotional intelligence. There are 34 statements which cover different aspects of emotional intelligence. Reliability of the scale by split half method is 0.88. The scale has high content validity.
3. Employees Mental Health Inventory: The EMHI developed by Dr. Jagadish is used to measure the mental health of employees. There are 45 statements. Split half method of the inventory is 0.89. The inventories possess content validity and construct validity with a coefficient of correlation of 0.57.

Procedure

The investigator personally visited employees' residence or working place. They were informed about the purpose of the study. Rapport with employees was established. The three tests were administered to the employees in small group or individually. It was seen carefully whether the respondents give response to all the statements. 240 completed cases were collected keeping 1:1 male and female ratio. Scoring was done as per the manuals and scores are used for statistical analysis.



Results and discussion

The main purpose of the present investigation is to study the relation between stress, emotional intelligence and mental health of employees. For this, 240 scores of stress, emotional intelligence and mental health of employees are used to find out the correlations between them. The product moment coefficient of correlation method is used. The results and discussion are as follows.

Table – 1: Correlation between Stress, Emotional Intelligence and Mental Health of Employees.

Sl. No.	Variables	r	N	Significance level
1.	Stress and Emotional Intelligence	-0.17	240	0.01
2.	Stress and Mental Health	-0.45	240	0.01
3.	Emotional Intelligence and Mental Health	+0.29	240	0.01

Table – 1 shows that the correlation between stress and emotional intelligence of employees is -0.17 and significant at 0.01 levels. It indicates that there is significant, negative and low correlation ship between stress and emotional intelligence. Hypothesis No.1 is accepted.

It shows that low stress of employees is correlated with high emotional intelligence and high stress of employees is correlated with low emotional intelligence. The probable explanation of association between low stress and high emotional intelligence is that with high emotional intelligence, employees accurately perceive and appraise their emotional states, know how to express their feelings and can effectively regulate their daily life and manage their lives better. Emotional intelligence is significantly related to the way one copes with life circumstances. It thus may help to cope with life circumstances in effective manner and reduce stress.



Table – 1 shows that the correlation between stress and mental health is -0.45 and significant at 0.01 levels. It indicates that there is significant, negative and moderate correlation between stress and mental health. Hypothesis No. 2 is accepted.

It suggests that high stress is associated with low mental health. Similarly low stress is associated with high mental health of employees. The results are in expected direction. High stress creates many problems in physical, psychological health and at work settings, which may be negatively related to mental health.

Table – 1 shows that the correlation between emotional intelligence and mental health is +0.29 and significant at 0.01 levels. It indicates that there is significant, positive and low correlation between emotional intelligence and mental health. Hypothesis No. 3 is accepted.

It suggests that low emotional intelligence of employees is correlated with low mental health of employees. High emotional intelligence of employees is correlated with high mental health. The explanation of association between high emotional intelligence and high mental health is that emotional intelligence is important component to acknowledge and understand the feeling of self and others. It contributes to improve interpersonal relations among human beings in the family and at the work place. He is able to handle the situation effectively which may relate to better mental health.

To study the comparisons of high and low groups of stress and emotional intelligence with mental health of employees, 't' test is used. The 240mcases were distributed into high and low groups by using P_{75} and P_{25} cutting points of stress and emotional intelligence. The results and discussion are as follows.



Table – 2: Comparison between High and Low Groups of Stress and Emotional Intelligence in Terms of mental Health of Employees.

Sl. No.	Group	Variable	N	Mean	Diff. bet. Means	S. D	't' test
1.	High stress	Mental Health	60	18.00	3.67	9.83	2.09**
	Low stress		62	21.67		1.97	
2.	High EI	Mental Health	62	20.87	1.02	2.27	2.04*
	Low EI		56	19.85		3.25	

** significant at 0.01 level

*significant at 0.05 level

Table – 2 shows that the mean of mental health in case of high stress groups of employees is lower (18.00) than the mean score group of employees (21.67). The difference between the two mean scores is 3.67 and significant at 0.01 levels. It clearly indicates that high and low stress group of employees do differ significantly on mental health. Hypothesis No. 3 is accepted.

Employees with high stress have significantly lower mental health than employees with low stress. The probable explanation is that employees with high stress experience physical, psychological and professional disturbances in life. It may negatively influence on psychological well being leading to low mental health.

Table – 2 shows that the mean score of low emotional intelligence group is higher (20.87) than mean score of low emotional intelligence group of employees (19.85). The difference between the two mean scores is 1.02 and significant at 0.05 levels. It indicates that high and low emotional intelligence group of employees do differ significantly on mental health. Hypothesis No. 5 is accepted.



High emotional intelligence employees have better mental health than low emotional intelligence employees. The probable explanation may be that the employees with high emotional intelligence are able to balance between emotions and reasons. High emotional intelligence persons are more likely to recognize the source of negative feelings and have the confidence to deal with the situation effectively. This may increase general well being and happiness, thus, they have better mental health.

CONCLUSION

There is significant negative correlation between stress and emotional intelligence of employees between stress and mental health of employees. High stress employees have significantly low mental health than low stress employees. Employees with high emotional intelligence have significant better mental health than employees with low emotional intelligence.

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“MARKETING MIX” STRATEGIES OF HOSPITALITY SERVICES IN SELECTED 5 STAR & 3 STAR HOTELS

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Introduction

The purpose of business is to create and maintain satisfied and profitable customers. Customers are attracted and retained when their needs are met. The marketing concept holds that achieving the organizational goals depends on determining the needs and wants of target markets and delivering the desired satisfaction more effectively and efficiently than competitors. Almost all organizations including the hospitality have been adopting the marketing concept. The marketing process is defined as “The process of (a) analyzing marketing opportunities (b) selecting target market (c) developing marketing mix and (d) managing the marketing effort”¹. Customers are at the centre of marketing process. Through market segmentation, targeting and positioning, the organization divides the total market into smaller segments, selects segments it can best serve and focuses on serving and satisfying these segments. It then design a marketing mix to produce the response it wants in the target market.



TABLE. No. 1
 SHOWING TARGET GROUPS FOR STAR HOTELS

CRITERIA	CLASS OF HOTELS	TARGET GROUP
1. Geographical	1. Tourist Hotels/ Resorts (Located in Tourist Places)	Tourists
	2. Motels (Located on the Highway, Outskirts)	Business People/ Higher income Groups
	3. Motels (Located on the Highway, Big Towns)	Travellers
	4. Heritage Hotels (Located in Palaces)	Tourists, Leisure Class
2. Demographical	1. Star Hotels	Higher Income Groups
	2. Budget Hotels	Middle Income Groups
	3. Dormitories	Low Income Groups

MARKET SEGMENTATION AND TARGETING BY SAMPLE STAR HOTELS

In Andhra Pradesh, we find all the aforesaid classes of hotels. The hotels selected for this study are all the star hotels which fall in the category of commercial hotels. Responding to the question on target market, all the 5 star hoteliers are unanimous in saying that their target market consist of the following in the order of importance.

1. Business Travellers/ corporate people – Indian and foreign(63 percent)
2. Corporates bolding their meetings/ conferences/ functions outside their own premises (18 percent)
3. Official visitors of national and international organizations(12 percent)
4. Leisure travellers of higher income group who can afford stay at 5 star hotel (7 percent)



So, they naturally design and promote such products and services which are suitable to the affluent groups. All the 3 star hoteliers also ranked similarly their target groups but cleared that generally the mid class business and leisure groups visit them, as they cannot afford higher star hotels. Accordingly, these hotels target which groups catering to their needs and suiting their pockets. Among the 10 sample hotels, 5 hotels have branded themselves as below:

1. Taj Krishna – 5 star – Luxury Hotel.
2. ITC Kakatiya Hotel-5 star – Luxury Hotel
3. TheMarriott -Hyderabad) – 5 star – Luxury Hotel
4. Taj Residency – 5 star – Luxury Hotel
5. The Manohar-5 star – Business Hotel
6. Hotel Golkonda – 3 star – Luxury Hotel.
7. Quality Inn-5 star – Business Hotel
8. Hotel Baseera– 3star – Business Hotel
9. Kamat Lingapur– 3 star – Business Hotel.
10. The Central Court– 3 star – Business Hotel.

Hyderabad being the fast growing business centre, an it destination and a preferred venue for many major organizational conferences, the inflow of corporate / business people is on the very high and therefore all the 5 star hotels are eyeing on this market segment and competing among themselves for a larger market share by attracting this segment by augmenting their accommodation and banquet facilities.



MARKETING MIX FOR SERVICES

The marketing mix is a “mix of ingredients to create an effective marketing offer for the target market. The increased attention to the application of marketing concepts in the services sector has brought into question what the key components or elements of a marketing mix for services are, or what they should be. The traditional **4 p’s** of the marketing mix–“**Product, Price, Physical Distribution and Promotion**” are derived from a much a longer list developed from the Haward Business school in 1960’s, the original list consisted of 12 elements including plan, Branding, Personal selling, packaging, fact- finding and analysis.

Expand Marketing Mix for services including Hospitality:

Overtime the **4 p’s** were widely accepted for product marketing mix. However, the special characteristics of services posing challenges to management have led service marketers to conclude that they can use additional variables to satisfy service customers and adopt the concept of an expanded marketing mix for services. The expanded list includes 5,7 and 11 elements also. Not withstanding the divided opinion on the number, majority of the authors on marketing including great personalities like Philip Kotler Zithmal and Bitner Lovelock etc., have considered **7 p’s** the optimal mix of services. They are

- product
- price
- physical distribution
- promotion
- people



- process, and
- physical Evidence.

However as rightly observed by **Phillip Kotler**, "The issue is not whether there should be 4, 7 or **10- p's** so much as what framework is not helpful in designing marketing strategy"². Marketing mix is mixture of strategies that is used by the management to accomplish the objectives and goals. To adopt it management has to make decisions about each element in the mix and determine how people will respond to the strategies separately and in combination. All the decisions about the marketing mix strategies then become the strategic marketing plan. "A marketing mix like a football team, calls for a collaborative effort among players, each member contributing to success in a different yet important way"³. Against this background of the widely accepted optimal mix of **7 p's** for services marketing, this chapter has analyzed the strategies relating to the first **4p's** in the sample star hotels.

HOSPITALITY PRODUCTS AND SERVICES

"A product is anything that can be offered to market for attention, acquisition user or consumption that might satisfy a want or need. It includes physical objects services, places, organization, and ideas"⁴. One of the challenges in services marketing is to ensure that the product is tailored to suit the ever- changing needs of target market. "Without an understanding of the market place, knowledge about customers, and knowledge about competitors, it is very unlikely that a new product will be a success"⁵. With the passage of time it is but natural that traditional services tend to become obsolete. If the same old services are continued, business is affected adversely. Earlier, rooms in a hotel were equipped with nominal facilities. Today, Central Air- conditioning, Internet facilities,



T.V. , Refrigerator, Mini- bar etc., are found in the rooms of a number of hotels. Nevertheless, the customer wants something more. Peripheral services often became the way in which the heart of customers is won.

Product strategic planning encompasses a bundle of decisions on innovation and improvement of products and services. **Lovelock**⁶ has categorized service innovations into seven, ranging from major service innovations to style changes. Designing a service product is a complex task that requires an understanding of how the core and supplementary services should be combined, sequenced and scheduled to create an offering that meets the needs of target market segments. Although innovation is central to effective marketing, major service Innovations are relatively rare. Innovations are costly and risky. More common is the use of new technologies to deliver existing services in new ways. In mature industries, the core service can become a commodity. The search for competitive advantage often centers on improvements to the value creating supplementary services that surround this core. The hotels are therefore supposed to be more careful in choosing alternatives - development of new product vis-à-vis augmenting the existing product.

PRODUCT MIX OF SAMPLE STAR HOTELS

Hospitality industry offers many examples of product mix, product development, Branding and positioning. To meet the needs of target market, a variety of rooms, banquet facilities, food and beverages and other services are offered by a star hotel expected of its star category as also complying with the norms of the relevant star category by Department of Tourism, Government of India.



Product Mix:

A. Rooms: In broader terms, our sample star hotels offer three categories of rooms as below:

CATEGORY OF ROOMS	TARGET GROUP
1. Non - Executive Rooms	1. Individuals and Families
2. Executive Rooms	2. Business Executives / Officials
3. Suites	3. Higher Income Group including business and leisure travellers.

In each category, there are again a variety of rooms to suit the needs and capacities of different strata in each target group. Rooms differ in size, design, décor, facilities and services.

- ❖ **Non- executive Rooms:** these are intended for individuals and families who visit on personal work or holidaying. They are provided double bed and limited facilities and services.
- ❖ **Executive Rooms:** As the name implies, they are intended for business and official visitors. They are a bigger size, of different design and décor and provide additional facilities and services. These include high speed wireless internet connectivity, LCD/ Plasma TV, access to exclusive club Lounge, business centre, small meeting room / office, mini-bar, complimentary transport to air port etc.
- ❖ **Suites:** The biggest and more elegant parlour with a living rooms, Dinning room, master bedroom, Mini - Bar, more than one bath room, a small kitchen, exclusive butler, personal fax and also a private swimming pool in 5 star deluxe hotels.
- ❖ **Exclusive Rooms for Women Guests:** Gender segmentation has long been used in marketing clothing, cosmetics, magazines, education and so on. It is just beginning to be used in the hotel



industry. Hoteliers are now taking women guests into consideration in designing their hotel rooms. Exclusive rooms meant for the single lady traveller have amenities keeping in mind her requirements and special needs pertaining to bath rooms, security, safety and comfort levels.

Hotel within a Hotel: The concept of 'Towers; i.e., hotel within a hotel is also followed by a few hotels. Hotel within a hotel is a club suite/floor, with special amenities for executive guests.

Table No. 2

SHOWING BROAD CLASSIFICATION OF ROOMS IN SAMPLE STAR HOTELS

S.NO	HOTEL CATEGORY	NON-EXECUTIVE/PERSONAL ROOMS	EXECUTIVE ROOMS	SUITES	TOTAL
A	5 Star Hotels	534	638	113	1285
B	3 Star Hotels	333	195	63	591
GRAND TOTAL		867	833	176	1876

It is obvious that 5 star hotels are mostly meant for corporate / business executives and higher –ups with more than 63 percent of the rooms targeted for this segment whereas only 37percent for individuals/ families. As regards 3 star hotels, their target is middle class guests as evident from majority of the rooms (74 percent) intended for them, followed by executives (36 percent) from small and medium enterprises. Only three of the 6 sample star hotels has “Eva Floor” with exclusive rooms for women. Service in these rooms is done by all ladies team. Other hotels are providing “non-smoking rooms” to single lady travellers. Towers concept i.e., hotel within a hotel is widely applied and published by ITC Hotel Kakatiya Sheraton and Towers. “Towers” form part of the name of the hotel in six Sheraton hotels, including the one at Hyderabad. Towers club is a separate floor



specially designed for executive class to provide the finest in hospitality and personalized service in an atmosphere of gracious elegance, where everything need is provided under one roof.

A. Bar&Restaurants:While the 5 star hotels have 2 to 4 restaurants and all are multi cuisine restaurants offering Indian, Mogalai, Chinese and continental food, 3 star hotels have 1 to 3 restaurants. Only tthree of the 3 star hotels offer only vegetarian multi cuisine. In some 5 star hotels, there are exclusive restaurants for western and Indian food. Hydrabadi biryani, a specialty food liked in the region is served upto midnight in 8 of the 10 hotels. All the hotels reported round the clock service in their restaurants including coffee shop.

C. Beverages:

Excepting one 3 star hotel, all the other sample hotels have a bar with wide range of cocktails and hot drinks served. Three of the 5 star hotels have separate pubs also operated on weekends. Two of the 3 star hotels are using their bars as a pubs on weekends.

D. Banquet Facilities:

Banquet facilities refer to Banquet Halls, Board Rooms, conference halls and Function Halls. Now a days, corporates are preferring to hold their meetings/ conferences at a star hotel as hotel provides not only the meeting place but also accommodation, food and beverages to the delegates under one roof. Corporate meetings are prime sources of revenue for a hotel. Conventions generate not only the direct sales but indirect sales as well as compared to the vocation visitors. It has been estimated that the overall cost in time and money of attracting 320 to 760 individual guests is much greater than the cost of signing up on convention with a company. Banquet services being more economical and profitable the star hotels are



competing among themselves to enrich the banquet facilities from time to time. The position in sample star hotels is as follows. (Table No.3

Table No.3
 SHOWING BANBQUET FACILITIES IN SAMPLE STAR HOTELS

S.NO	NAME OF THE HOTEL	BANQUET FACILITY
01	Taj Krishna	5 Banquet Halls (30-1200 Capacity) 2 Board Rooms (08-12 Capacity) Outdoor venues available for special dinners
02	ITC Hotel Kakateya Sheraton & Towers	One large hall divisible into three (900 Capacity) 2 Board Rooms A Terrace Garden
03	Marriott Hyderabad	One Conference Hall (1300 Capacity) 12 break out meeting rooms.
04	Taj Residency	Five meeting rooms(450 Capacity) 2 Bed Rooms (8 Capacity) A Lawn Garden
05	The Manohar	3 Conference Halls(500 Capacity) 3 Board Rooms (10-15 Capacity) Roof Garden (500 Capacity)
06	Hotel Golkonda	5 Banquet Halls (300 Capacity) Green Lawns
07	Quality Inn Residency	7 Banquet Halls (950 Capacity)
08	Hotel Baseeraa	2 Conference Halls (1500Capacity) Garden (500 Capacity)
09	Kamat Lingapur Hotel	2 Banquet Halls (120 Capacity) One Board Room (8-10 Capacity) Mini Conference Room (30-50 Capacity)
10	The Central Court Hotel	One function hall(250 Capacity) One Board Room (50 Capacity) Terrace Garden (500 Capacity)

It is evident from the table that the 5 star hotels have bigger banquet capacities, accommodating 250- 1500 people at a time, where as 3 star hotels, excepting one have the banquet facilities accommodating 250- 500 people. Only one 3 star hotel has bigger banquet halls with 1750 capacity. Hotels differ in provision of services required for holding conferences and functions. Banquet halls are highly flexible in all the hotels, in that they are divisible to suit the requirements of the sponsors. Seating arrangements



are either in auditorium type or U- Shape. Size of the halls, seating arrangements and facilities provided are highly customer specific.

PRICING BY SAMPLE STAR HOTELS

Basically price information is provided through tariff cards, website and on tool free enquiries over phone. Prices are decided in terms of Indian currency and US \$. Indian currency rates are applicable to Indian Nationals and Foreign Nationals with work/Residential permit. US \$ tariff is applicable to Foreign Nationals and NRI's. A comparative study of room tariffs of our sample star hotels for the period 2003-06 reveals that prices are regularly revised once in a year in both 5 star and 3 star hotels. Each hotel has its own year for the purpose. However, there are wide differences in their rates which are attributed to the difference in size, room amenities, services, and décor of the three categories of rooms.

The relatively low priced rooms are intended for individuals and small families who visit on personal work. They range From Rs. 6000 – per day in 5 star hotels; Rs. 2500 in star hotels. As regards executive rooms intended for business executives, the major target segment for hotels they are priced ranging from Rs. 6000-20000 in 5 star hotles; Rs. 4000-12500 in the 3 star hotels. Every hotel has exclusive floors for executives and some of the hotels provide exclusive lounge for executives. Regarding suites intended for top executives and the most affluent groups they are priced very high in 5 star hotels ranging from Rs.8000-33800 excepting one hotel wherein the range is RS.6000-12500. this hotel is under renovation and therefore the rates are bound to be revised after completion. Three of the 3 star sample hotels have suites with price range of Rs.6000-25000 and fourth 3 star hotel is going in for up gradation of star category and therefore has suites prices high (Rs.53,200). The fifth 3 star hotel has no suites. The prices



of chain hotels are more than the prices of stand along hotels for the chief reason that they are guided by the central norms of the chain group.

TABLE - 4
 SHOWING ROOM TARIFFS IN SAMPLE STAR HOTELS

S. No	Name of the Hotel	Category (non executive) Rs	Category-II (Executive) Rs	Category -III (Suites) Rs
1	Taj Krishna	12,500-12,700	16,300-17,950	26,600-53,200
2	ITC Hotel Kakatiya Sheraton and Towers	11,000-12,000	14,000-15,000	16,000-40,000
3	Marriott Hyderabad	10,700-11,350	11,860	16,280-20,940
4	Taj Residency	8,000-8500	9,500-10,000	25,000-35,000
5	The Manohar	6000-7,000	8,000-9,000	10,00-12,500
6	Hotel Golokonda	6,000-7,000	8,000	12,000-25,000
7	Quality inn residency	3,300-3900	3,900-5,500	7,000-9,000
8	Hotel Basaraa	2,700-2,900	4,000-4,900	,4,800-6,5000
9	Kamat Lingapur hotel	2,500-3.000	3,000-4,000	-----
10	The central court hotel	4,200-4,800	4,600-5,200	6,400-9,900

Source: Tariff Cards of Hotels as on 31-12-2012.. Figures in brackets indicate the tariff in 2012.

TARIFF PLANS OF SAMPLE STAR HOTELS

Hotels have different tariff plans based on the complementary products and services provided to the guests. Broadly there are:

1. European plan- includes room charges only.
2. Continental plan - includes room charges and continental breakfast.
3. American plan- includes room charges, breakfast, lunch and dinner.
4. Modified American plan – includes room charges, breakfast, lunch or dinner.



The 5 star hotels provide complimentary buffet breakfast, airport drop, use of exclusive executive lounge and cocktail hour at lounge. In two of the 5 star hotels these facilities are provided only to the occupants of executive rooms and suites. In 3 star hotels only complimentary breakfast and air port drop are provided to all the guests.

Group Rates:Our sample star hotels have a rate for individual guests communicated in tariff cards websites and a group rate for groups of 10 or more. Example, delegates to a conference or a marriage party. The group rates are not published in tariff cards and / are customer specific and time specific. So they vary from group to group, the hotels reported

Seasonal Rates:

Hotels have both peak and slack seasons especially 2with regard to accommodation and banquet facilities. So they offer concessional prices for rooms and banquet halls during slack time ranging from 10 to 50 percent. They charge higher prices during peak time as a part of the strategy of yield management. For example, when the city hosts one or more big conventions at a time, hotels charge higher rates for rooms.

Price fixation and revision:As has already been reported earlier, hotels revise prices generally once in a year and they have their own year for the purpose (September to August). Prices are revised after holding a meeting by the Head of the institution (MD/ GM) with other departmental heads.

Major considerations in price revision:At the said meeting, the heads of the departments present their reports on the demand situation i.e., occupancy rates during the previous year, the rate of inflation affecting the cost of the ingredients / inputs used, the competitors prices, the customer feedback on prices, the proposals for renovation/additions and deletions likely to affect the cost, foreign exchange situation and changes in taxes, if



any. After considering the reports and after deliberations at the meeting, the Head of the Institution will try to find out a consensus on new prices of different products and services and take a final decision in the matter. In case of chain hotels / franchise hotels, the norms and guidelines of the central office / franchisor are also taken into account. In the case of banquets, the prices are fixed and revised purpose / usage wise. For example, conventions, functions and parties are priced differently. Concessional tariffs are decided by the concerned departmental head as per the guidelines in the matter and in consultation with the Head of the Institution. Hubbart formula on hotel tariffs is not at all followed by any of our sample star hotels.

Pricing of Food and Beverages: The ingredients used for food and beverages are subjected to frequent changes in prices and therefore the hoteliers also revise the menu prices accordingly, generally one in six months, following the aforesaid process.

Packaging up in pricing: Packaging up in pricing refers to contractual pricing, especially in relation to conventions and functions under which a gross amount is fixed for the event covering accommodation, food and beverages and function hall in compliance with the requirements of the sponsors. In the case of individual guests packages include complimentary buffet breakfast and also food in some hotels, welcome drink, fruit basket and airport drop. In the case of business executives, they are also provided free use of exclusive lounge and cocktail hour at the lounge.

3. PHYSICAL DISTRIBUTION

A distribution channel is a set of independent organizations involved in the process of making a product or service available to the consumer or business user. Traditionally distribution systems are used to



move tangible products from the manufacturer to the customer. In the hospitality industry, distribution systems are used to bring the customer to the product supplier – the hotel/ restaurant. In the hotel industry the distribution of services is mainly related to the transmission of information to the ultimate consumer and convincing him to approach the service provider to experience the best of the required service.

PHYSICAL DISTRIBUTION BY SAMPLE STAR HOTELS

- All the sample star hotels were established in the 80's or mind 90's and are well located, as evident from their proximity to airport and railway station. While one of the 5 star hotels is located at the exit gate of the airport, one more 5 star hotel and one 3 star hotel are located very nearer to airport and railway station. The remaining 7 sample hotels also are located with in a distance of 3-7 kms to the airport and railway station. The hoteliers also agree that location is advantageous to them.
- All our sample star hotels have linkage and rapport with the leading travel agents. They reported that they get on average 10 percent of their business from travel agents and pay normally 7 – 10 percent commission to the travel agents for accommodation they book. In case of group bookings they are allowed complimentary rooms (1 or 2). If travel agents maintain websites, they are paid a fee for inclusion of hotel particulars in their respective websites. They are supplied with all the printed promotional material by the hotels. Marketing executives will be often interacting with the leading travels, motivate and guide them as a part of their promotional drive. They are invited for special functions organized by the hotel and are treated like a corporate client.



- All our sample star hotels have internet booking facility. All the hotels provide the details of the reservation network for the hotel in and outside the country in their tariff cards and websites. Group hotels like Taj Krishna, Taj Residency, ITC Hotel Sheraton and Towers, Quality Inn Residency have centralized reservation system under which reservation can be done from any of the group hotels and also the franchisor hotels. These hotels have international sales offices also which facilitate booking, Four 5 star hotels and one 3 star hotels have toll free reservation facility. 5 star hotels reported 25-35 percent reservation through internet, while 3 star hotels reported 10-15 percent. Internet booking is on the rise.
- All our sample star hotels have reported that they take care of In-house selling by providing for menu cards, tariff cards, brochures, displays and directional signs which help the staff in in-house selling. They have also expressed satisfaction over the role of the operational staff in enlightening the visiting guest and motivating him to make use of variety of hotel products and services. The operational staff are regularly supervised in their behavior towards customers and discharge of their duties and are provided the guidance in the matter. Customer feedback is given the top most weightage in evaluating the performance of operational staff.
- While all the staff of the marketing/ sales department are actively involved in telemarketing, the front staff are only reactive to the enquiries made by prospective customers. None of the sample star hotels has telemarketing executives, exclusively for telemarketing.
- Among 5 star hotels Taj hotel have 8 Marketing Executives to personally sell of the entire Taj Group in the city. Other 5 star hotels have 2-4 marketing executives, whereas 3 star hotels have 1-4.



- Cooperative marketing is resorted to during the peak season and on special occasions only the hotels of the same category, on the request of customer.
- Dept of Tourism, Government of India is the apex body which will accord approval and award star category which in turn help market positioning of the hotel. Hotel do maintain good report with Department of Tourism at central and state levels to procure business from it, treating it as a corporate client. They get business from the department from out of package tours, fairs and exhibitions and special conventions organized by the Department of Tourism. They reported 2-5 per cent business.

PROMOTION

Modern marketing calls for more than developing the customer oriented product, pricing it attractively and making it available to the target customers. Hotels do communicate on these efforts continuously with their present and potential customers. Today there is a new view of communication as "an interactive dialogue" between the hotel and its customers that takes place during the pre-selling, selling, consuming and post-consuming stages. What is communicated should not be left to chance. Every hotel organization is inevitably cast into the double role - role of communicator and of promoter. To communicate effectively, organizations develop effective ads, design distinctive sales promotion programmes and extend public relations to improve the corporate image. A hotel's total marketing communications programme is called its promotion mix, consisting of a specific blend of advertising, sales promotion, personal selling and public relations and publicity to achieve the marketing objectives. Direct promotion is possible through advertising, sales



promotion, direct mail and personal selling, whereas indirect promotion is possible through publicity and public relations. Hereunder, all these major promotion tools are discussed with reference to hotel industry:

HOTEL ADVERTISING

- Advertising is one of the most common tools of promoting a hotel. In advertising, a hotelier is dealing with a non-personal contact with the target audience unlike sales promotion where the hotelier is aware of the identity of the target group. The purpose of advertising is indeed the same as the purpose of the communication - to inform and persuade the consumer to change, to influence his attitude towards the advertiser's products and organizations. The primary objective of hotel advertising is to increase the occupancy by creating awareness of the available facilities and specialties including the new that have been introduced for the customer. Further, advertising also helps to attack the negative remarks or impressions created by competitors or media. Advertising thus helps in improving the image of the hotel among the customers.

ADVERTISING BY SAMPLE HOTELS

- An analysis of the advertising media used by our sample hotels (Table No.V.5) and also interaction with the heads of marketing and sales department reveal the following:



1. Website: Advertising through website is the latest widely used media by the hoteliers who provide all the important information on their own website which is frequently visited by the target customers. 100 per cent of the sample hotels use this form of medium. This medium is more useful than others to the users also, as they can virtually see the types and layout of the rooms, know the various facilities offered by the hotel, the latest tariff of each room etc., just with the click of a mouse at any time and from any corner of the world.

Table No.5
 ADVERTISING MEDIA OF SAMPLE STAR HOTELS

Sl.No.	MEDIUM	FORMS	NO OF HOTELS	
				3 star
01	Printing Material	a. Tariff Cards	05	05
		b. Information Broachers	05	05
		c. News Bulletins	03	00
02	Direct Mail	a. Print Material by Mail	05	05
		b. E-mail	05	05
03	Electronic Media	a. Website	05	05
		b. TV	05	00
		c. Radio	00	00
04	News Papers	a. Local Editions	05	05
05	Books and Magazines	I. Industry Magazines:	02	00
		a. Holiday and Travel Magazines		
		b. FHRAI Magazine	03	01
		c. Hotel Directories and Tourist Guides	05	05
		d. Business Magazines	02	01
		II. Public Magazines:	03	01
		III. Others:		
a. Special Souvenirs				
b. Publications of Corporate Clients				
06	Outdoor	Hoardings	02	03



2. Direct Mailing:

Next to the website, hotels rely more on the print media in the form of tariff cards, information brochures/booklets with colour photographs also to personally canvass and to mail to the present and prospective customers. In hotel business the principal enclosure for direct mail is the hotel folder, which is the basic advertising piece of the hotel and probably receives wider distribution than any other piece of advertising used. 100 per cent of the sample hotels use this medium. Two 5 star hotels which are a part of Chain Hotels also use the News Bulletin of their Chain Group to communicate the target guests including the visiting guests.

3.E-mails: Thirdly, E. mails are sent to the present and prospective guests with all the important information, with a personal touch - - - appealing to the guest to avail of the facilities and schemes. This medium is advantageous to the hotelier as it facilitates personal appeal to suit the requirements and expectations guest wise. 100 per cent of our sample hotels use this medium also.

4. TV and Radio: TV and Radio do not seem to be popular media among the hoteliers for the obvious reason that all important corporate and professional customers and the wealthier holiday makers are not by nature large watchers of television and radio. Only two 5 star hotels have reported that their parent organization/franchiser advertise on TV for the entire group of hotels in commercial channels. Radio is not at all used for advertising.

5. News Paper: Similar is the position with regard to news papers also. Our sample hotels reported that they advertise in local edition of 2 - 3 leading new papers only on special occasions like food festivals, weekend programmes, and exhibitions organized on the campus. News paper advertisements are



more announcements and information providers rather than the image builders, the hoteliers asserted. They also ensure that these special programmes find place in “Engagements” column in all local papers.

6. Books and Magazines:Magazines advertising as a category includes publications such as Hoteliers Associations magazines, Business magazines, Holiday and Traveler magazines, Hotel Directories and Travel Guides and special Souvenirs. Magazines generally represent good value for the hospitality advertiser because they are bought by the people with specific interests and therefore have high sales potential. Colour advertisements in these magazines are highly eye catching with a good chance of being noticed. Magazines are expensive but ideal for long term positioning. So all the 5 star hotels advertise in selected magazines once or twice in an year. They also release their advertisements to Hotel Directories, Yellow Pages and special Souvenirs brought out by Hoteliers Associations, Travelers Associations, Corporate Clients, Tourism Department etc. Souvenir advertisements are issued more to oblige the sponsors, the hoteliers said.

7. Outdoor Advertising:Outdoor advertising, the oldest of all media, is occasionally done by star hotels through hoardings at vantage points like major X-roads, near air ports, sports stadiums and convention centres. Two of the 5 star hotels and three of the 3 star hotels have reported outdoor advertising.

Our hoteliers have only broadly indicated the average advertising outlay per year, but not the year wise details, as specified below.

TABLE - 6
ADVERTISING SHOWING BUDGET AND SAMPLE STAR HOTELS

SL.NO.	HOTEL CATEGORY	BUDGET RANGE IN Rs.
01	5 Star Hotels	7-10 lakhs
02	3 Star Hotels	3-5 Lakhs

Advertising budget is sanctioned by the Management/Board as a component of General budget.



SALES PROMOTION

“Sales Promotion is primarily designed to stimulate customers purchasing activity and dealer and sales force effectiveness in the short term through temporary incentives and displays. It is part of marketing communications, other than advertising, public relations, personal selling, and sales literature,” (The American Marketing Association). Sales promotion is considered to be a short term activity, seeking to boost sales, to ensure that the firm obtains its market share and help to launch a new product or support an ailing or modified service⁸ V Michael Hurst, opines “the object is not to sell but to fill the place with people ... promotions are for people not profit”. In contra distinction to advertising, sales promotion is aimed at generating immediate response in terms of a buying decision. For a hotel, the specific part of the business which stands to benefit i.e., room and food sales has to be clearly identified and a promotion drive which will bring about the desired increase of sales must be launched.

SALES PROMOTION BY SAMPLE HOTELS

Apart from frequent product augmentation in the form of renovation/refurbishing of rooms, halls changes in menu and add-on facilities etc., the hoteliers aim at attracting the customers by offering customer specific incentives (financial and non-financial) on a regular basis. Such initiatives considered major are illustrated below.

Incentives aimed at Customers:

- 1. Discount Offers for Regular Visitors:** The most common and major incentive to customer is concessional tariff for regular guests. Individuals and Corporates who are regular users are allowed concessional tariff



ranging from 10 - 50 per cent. Similar concessions are also offered to Group. Off season discounts are also available to loyal guests. There are wide differences among the hotels in regard to these offers. It is said that each case eligible for this favour seeing this is decided individually, based on the usage rate. All the sample hotels have been offering all the three types of discounts/concessions on tariff - regular, off season and Group. They further said this offer is considered their competitive advantage/USP, and are, therefore, not inclined to give further details in the matter.

2. Loyalty Programmes with Reward Points: The latest concept that is gaining momentum in hospitality business is the reward points system where certain points are given to the frequent visitors on the expenditure incurred by him in the hotel or a card/coupon is given on which he will be allowed discount or free stay as the case may be. The reward points can be redeemed at a future date within certain period in the same hotel or any of its affiliates/chains. For example, Marriott properties are grouped into seven categories by location and hotel type. Reward points required for free nights in each category are indicated. Marriott Hyderabad, one of our sample hotels belongs to one of the specified categories and offers this loyalty programme.

Likewise, the Taj Group also offers two reward schemes viz., "Taj Inner Circle" and "Taj Epicure Plan". Taj Inner Circle is a regular programme allowing guests to earn points whenever they stay or dine at the Taj. The Taj Epicure plan is an optional add-on dining plan to the Taj Inner Circle. Members earn epicure points for expenditure incurred on food and beverages at participating Taj restaurants in India and receive special privileges and rewards like membership. Members are entitled for free couple entry into Taj discotheques on specified days, 50 per cent weekend discounts and priority in reservation. Further, Privileges Card, Dinners Club



Card are also offered with several concessions including personal air accident insurance. Similarly, one of our sample 3 star hotels has food and beverage "Frequent Guest Reward Scheme "called Miles by Smiles". Under the scheme for every Rs.100

spent on F&B Bill, the guest will receive 15 points coupon and on accumulation of coupons of minimum 100 points, guests can redeem them for discount against their future bills with in 60 days. One point will carry Re. 1 discount.

3. Special Schemes for Special Groups:ITC Hotel Kakateya Sheraton and Towers, Hyderabad offers a weekend package scheme under which accommodation is provided for 2 nights — 3 days and 20 per cent discount on food and beverages.

Incentives aimed at Travel Agents:It is reported that travel agents are paid commission normally 7 - 10 per cent. In the case of group bookings they are also allowed complimentary benefits like complimentary room one or two. They are also supplied with all the promotional material and are often interacted by marketing executives of the hotel for guidance. Incentives aimed at staff:Targets are set for marketing/ sales force and on achieving their targets they are complemented and wide internal publicity is given about the achievers. Two 5 star hotels and three 3 star hotels reported that the achievers who have consistent record are also gifted with a small cash rewards and gifts. Sales performance of the staff is the major criteria in hiking the emoluments of the staff ranging from Rs. 5,000-10,000.

PERSONAL SELLING IN SAMPLE HOTELS

All our sample hotels have Marketing and Sales Departments manned by Executives of 3 - 4 cadres designated differently, whose job is sales



promotion involving personal selling also. They are designated Marketing Manager, Sales Manger, Accommodation Manager, Assistant Marketing Manager and Customer Relationship Manager. While all the staff of marketing department are directly and indirectly involved in sales promotion, hotels also appoint special full time staff designated Marketing Executives for personal selling. Among our 5 star hotels Taj hotels have eight marketing executives to personally sell for the entire Taj Group in the city. Other 5 star hotels have 2-4 marketing executives, whereas 3 star hotels have 1-4. The Head of the Department will be chalking out the action plans and programe schedules for executive staff to meet the identified targeted past, present and potential customers and travelers and propagate for the hotel. Marketing executives identify the target group - - organizations and individuals - -from the database of the hotel and personally approach them to present the hotel and its group in its entirety with more emphasis on the special schemes meant for them; The Head of the Department will fix targets for the executives in terms of number of guests to meet and the volume of the business expected of them. He will also convene meetings daily to review the performance of the marketing executives and provide further guidelines in the matter. Front office staff will also play a key role in the matter. Front Office Manager will also be training and guiding his staff in cross selling/in-house selling.

PUBLIC RELATIONS AND PUBLICITY BY SAMPLE HOTELS

- Neither the 5 star nor the 3 star sample hotels have Public Relations Department. While all the marketing and sales executives are trained in public relations, hotels are designating one of the staff members as Public Relations Officer/Customer Relations Manager, who is placed in charge



of advertising, public relations and publicity. Hotels have reported that they have been undertaking the following activities as a part of public relations and publicity.

- Organizing Food Exhibitions 3- 4 times in a year. 5 star hotels, especially the chain hotels, are observed organizing more frequently than others.
- Holding Press Conferences to highlight their specific achievements like financial results, proposals for expansions, introduction of new schemes, awards received etc.
- Inviting the prospective corporate clients, VIPs in Government and Non-Government organizations to experience the hospitality of the hotel free of cost for one day of their choice.
- Participation in Conferences/Conventions like Hoteliers Conference,
- Travel Congress, Prasara Bharathi Divas, Corporate Clients Functions etc.
- Gifts on New Year Day, Diwali, Birth Days, Marriages and other functions held at the hotel
- Organizing Anniversary Day and inviting VIPs and big customers.
- Publication of News Bulletins. For example, ITC Ltd., publishes ITCNews, and Taj Group publishes Taj News.



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LEGISLATIONS TO PROTECT THE RIGHTS OF WOMEN AND CHILD IN INDIA

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Right from the *vedic* times till date, we as a nation suffer from the well known vice - Gender Bias. Women and children in the contemporary world are growing up with an unprecedented exposure to sophisticated and violent kinds or imagery. They are exposed to every kind of harmful materials through radio, movies, phones and the internet. Family is foundation of civilized society. Infact, man and woman are two halves of humanity none of the two can reach its highest creative excellence without cooperation of the other. Through the ages, a woman is the mother of mankind. But the most horrendous cruelties have influenced her life. Even in the new millennium, the status of women has not improved significantly. The World today is said to be controlled by money, power and influence. Most of that is bundled up in the hands of a few. The rich rarely become victims of the law. Women constitute about one-half of the global population, but they are placed at various disadvantageous positions due to gender difference and bias. They have been the victims of violence and exploitation by the male dominated society all over the world. The concept of equality between male and female was almost unknown to us before the enactment of the Constitution of India¹. The journey has been a long, but interesting and rewarding one is learned that sexual harassment is a complex challenge, one that is often controversial and contentious. Attitudes towards sexual harassment run the gamut from discomfort, fear and concern; to disbelief and indifference. Children too in current times are being increasing exposed to sexually explicit material which is not suitable to their age.



Women's and children's issues have been a matter of great concern for a long time but these are taken seriously only in the past few decades.

The International Bill of Human Rights strengthened and emphasized on the human rights of women and children. As regards India, our Constitution provides better protection to women and children under Articles 14², 15(3)³, 16⁴, 21⁵, 21-A⁶, 24⁷, 39(A)⁸, 51-A⁹, 32¹⁰, 226¹¹ and the Preamble¹² of the Constitution. Moreover, the earlier legislations in India have protected the women and children from torture, cruelty, outrage of modesty, rape, cheating, assault, bigamy and harassment under the provisions of sections 509¹³, 498-A¹⁴, 494¹⁵, 497¹⁶, 304-B¹⁷, 305¹⁸, 354¹⁹, 375²⁰ and 376²¹ of the Indian Penal Code, 1860 for maintenance under section 125 to 128 of Code of Criminal Procedure, 1973.²²

Social Legislations to protect the Women and Child:

Government of India has enacted special legislations to protect the women and child. Some of the most useful legislations are as follows-

1. The Factories Act, 1948:

This Act provides some special provisions for women and children to regulate the conditions in manufacturing establishments (Factories) in order to protect the women and children and also provide some provisions for health and safety measures. According to this Act no child who has not completed his fourteen year shall be required or allowed to work in a factory.²³ But a child who has completed his fourteenth year or an adolescent²⁴ may be allowed to work in a factory if (a) a certificate of fitness for such work is in the custody of the manager of the factory, and (b) such child or adolescent carries, while he is at work, a token giving a reference to such certificate.²⁵ No women shall be required or allowed to work in a factory except between the hours of 6 a.m. and 7 p.m..²⁶



2. The Immoral Traffic (Prevention) Act, 1956:²⁷

This Act is enacted in pursuance of the International Convention signed at New York on the 9th day of May 1950, for the prevention of immoral traffic. The scope of the law is to cover both the sexes exploited sexually for commercial purposes and provided, *inter alia*, enhanced penalties for offences involving children and minors. The Act, lays down penalties for keeping a brothel or allowing premises to be used as a brothel; living on earning of prostitution; procuring, inducing and inducing person for the sake of prostitution; detaining a person in premises where prostitution in or in the vicinity of public places; seducing or soliciting for purpose of prostitution; and seduction of a person in custody. Besides contemplating specialized machinery for its enforcement, the Act envisages a comprehensive scheme for secure, protection and corrective treatment of prostitutes.

3. The Dowry Prohibition Act, 1961:²⁸

Main object of this Act is to prohibit the giving or taking of dowry²⁹ Section 2 of The Dowry Prohibition Act, 1961 defines “Dowry”, it means any property or valuable security given or agreed to be given either directly or indirectly-

a) By one party to a marriage to other party to the marriage; or

. This Act impose penalties for giving or taking dowry and also for demanding dowry. Any agreement for the giving to taking dowry shall be void. Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the women, and pending to such transfer, shall hold it in trust for the benefit of the women. Otherwise, he shall be punishable.³⁰ Offences under this Act are cognizable, bailable and non-compoundable³¹ and trial by the Metropolitan Magistrate or a Judicial Magistrate of the First Class.³² The



State Government may appoint as many Dowry Prohibition Officers as it thinks fit and specify the areas in respect of which they shall exercise their jurisdiction and powers under this Act.³³

4. The Maternity Benefit Act, 1961:

The Maternity Benefit Act, 1961 was enacted to regulate the employment of women in certain establishments for certain periods before and after child birth and to provide for maternity benefit and certain other benefits. The Maternity Benefit Act, 1961 is intended to achieve the object of doing social justice to women workers. Therefore the Court held in *B. Shah vs. Labour Court, Coimbatore*,³⁴ that in interpreting the provisions of this Act, the Court has to adopt the 'beneficent rule of construction', which would enable the woman worker not only to subsist but also to make up her dissipated energy, nurse her child, preserve her efficiency as a worker and maintain the level of her previous efficiency and output.

5. The Child Labour (Prohibition and Regulation) Act, 1986 :

This Act has been enacted to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments. According to this Act no child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the process set forth in Part B of the Schedule is carried on.³⁵ Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from Government. Child means a person who has not completed his fourteenth year of age. This Act regulated the conditions of work of children in employments where they are not prohibited from working.



6. The Indecent Representation of Women (Prohibition) Act, 1986:³⁶

This Act is intended to prohibit indecent representation of women³⁷ through advertisements or in publications, writings, paintings, figures or in any other matter. This Act prohibits the advertisements containing indecent representation of women.³⁸ No person shall, or cause to be published, or arrange or take part in the publication of exhibition of any advertisement which contains indecent representation of women in any form. The Act also prohibits the publication or sending by post of books, pamphlets etc., and containing indecent representation of women.³⁹

7. The Family Courts Act, 1984:⁴⁰

According to this Act, establish Family Courts where population exceeds one million.⁴¹ The main object for the establish Family Courts with a view to promoting conciliation in, and securing speedy settlement of, disputes relating to marriage and family affairs. No party to a suit or proceeding before a Family Court is entitled, as of right, to be represented by a legal practitioner provided that if the Family Court considers it necessary in the interest of justice, it may seek the assistance of legal expert as *amicus curie*.⁴²

8. The Legal Services Authorities Act, 1987 :⁴³

The Act came into operation on 9th November 1995 and that day is celebrated as legal service day throughout country. All the governmental and non-governmental institutions having concern with legal service organize different types of activities and programmes on the eve of the legal services day. The Act was passed to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok



Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. The Act strive to fulfill the aims and objectives as envisage under Article 39-A of the Constitution of India. According to section 12 of this L.S.Act, 1987 the women and child shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima facie case to prosecute or to defend. Legal services may be provided in any one or more than one of the following modes, namely:

- a) Process fees and all other charges payable or incurred in connection with any legal proceedings except court fees,
- b) Representation by a legal practitioner in a legal proceeding,
- c) Obtaining of certified copies of orders and other documents in the legal proceedings,
- d) Preparation of a paper book including printing and translation of documents, in the legal proceedings,
- e) Any other expenses which chairman of Legal Services Committee or District Authority deem fit to grant in special circumstances of a given case.

Any person desiring legal aid or advice may make an application addressed to the concern authority and the application shall be processed as early as possible and preferably within one month.

9. The National Commission for Women Act, 1990:

This Act came into force w.e.f. 31st January, 1992. The National Commission for Women under section 3 of the Act has been constituted. The main objective of the Commission is to study and monitor all matters relating to provisions of Constitutional safeguards for women and to review



existing legislations as well as suggest amendments, wherever necessary.⁴⁴ The Commission consists of a Chairperson nominated by the Union Government and five other members who have experience of law, administration, health, education, social welfare and management. A Member-Secretary is also nominated by the Central Government who is member of Civil Services of the Union or All India Services.

10. The Protection of Human Rights Act, 1993 :

This Act provides for the constitution of National Human Rights Commission, State Human Rights Commissions and Human Rights Courts for better protection of Human Rights. Human Rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants⁴⁵ and enforceable by Courts in India.⁴⁶

11. Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994:

In olden days, it was impossible to determine the sex of the baby in the womb of mother until it was delivered. As medicine advanced, new techniques were devised for preventing the genetic, chromosomal disorders of child in the womb. With these modern techniques and machinery it became possible to ascertain the sex of the child in the womb even in the early stages of pregnancy. The techniques used to diagnose the condition, and sex of the foetus is called 'Amniocentesis'. These techniques are actually used to test the amniotic fluids, blood or any tissue of a pregnant woman for the purpose of finding any genetic or metabolic disorders. This advancement of science turned to be a curse towards female child. This is an Act to provide for the prohibition of sex selection, before or after conception, and for regulation of prenatal diagnostic techniques for the



purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide; and, for matters connected therewith or incidental thereto.⁴⁷ This Act came into effect from 1st February, 1996. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 was enacted with the following objects

- (i) Prohibition of the misuse of Pre-natal Diagnostic Techniques for determination for sex of foetus, leading to female foeticide,
- (ii) Prohibition of advertisement of Pre-natal Diagnostic Techniques for detection or determination of sex,
- (iii) Permission and regulation of the use of Pre-natal Diagnostic Techniques for the purpose of detection of specific genetic abnormalities or disorders,
- (iv) Punishment for violation of the provisions of the Legislation.

The Medical Termination of Pregnancy Act, 1971 is enacted to provide for the termination of pregnancy by registered medical practitioners where its continuity would involve a risk to life or grave injury to her physical or mental health. Because in recent years health services are available everywhere and the service hospitals with qualified doctors are available to all classes of people. The Government proposed to liberalize certain existing provisions relating to termination of pregnancy to avoid loss of the mother's health, strength and sometimes life.

12. The Juvenile Justice Act, 2000:

The movement for special treatment of Juvenile offenders started towards the end of eighteenth century. Prior to this, juvenile offenders were



dealt with exactly like those of adults. They were prosecuted in criminal courts and were subjected to some penalties as adults. The guiding principles relating to the treatment of children and young delinquents are now contained in two Central Acts namely, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Prohibition of Offenders Act, 1958. The latter Act provides for release of juvenile offenders on probation. The J. J. Act, 2000 lays down a separate procedure for dealing with the neglected and uncontrollable juveniles who have been termed as 'children in need of care and protection'. A "Juvenile in conflict with law"⁴⁸ is dealt with by the Juvenile Justice Board. While the "child in need of care"⁴⁹ is to be proceeded by the Child Welfare Committee (CWC), children Home and Shelter Home to look after the interest of the child. J.J.Board may order the release of Juvenile in Conflict with law on probation⁵⁰. By the Juvenile Justice Amendment Act, 2006 of provides for the Constitution of Child Protection Unit responsible for implementation of the Act. And also provides for the establishment of Special Juvenile Police Units for handling of the Juveniles and Children under the Act and prevention of Juvenile Crimes. These police units shall be specially trained for the purpose.

10. The Commission for Protection of Child Rights Act, 2005:

In order to give effect to the policies adopted by the Government for the protection of the rights of child The Commission for Protection of Child Rights Act, 2005 was enacted⁵¹ with a view to provide for the constitution of a National Commission and State Commission for Protection of Child Rights and Children Courts for providing speedy trial of offences against children or of violation of child rights⁵².

The Commission National/State shall perform a number of functions⁵³ which includes:



- (a) examine and review the safeguards provided by or under any law for the time being in force for the child rights;
- (b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of these safeguards;
- (c) inquire into violation of child rights and recommend initiation of proceedings in such cases;
- (d) examine all factors that inhibit the enjoyment of rights of child affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- (e) look into the matters relating to children in need of special care and protection;
- (f) study treaties and other international instruments and undertake periodical review of existing policies and programmes and other activities on child rights;
- (g) undertake and promote research in the field of child rights;
- (h) spread child rights literacy among various sections of the society;
- (i) inspect any juvenile custodial home or any other place of residence or institution meant for children;
- (j) inquire into complaints and take *suo motu* notice of matters relating to deprivation and violation of child rights;
- (k) Such other functions as it may consider necessary for the promotion of child rights.



The Act also says that for the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government, may with the concurrence of the Chief Justice of the High Court, by notification, specify at least a Court in the State or specify, for each district, a Court of Session to be Children's Court to try the said offences: For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a special Public Prosecutor for the purpose of conducting cases in that court⁵⁴.

Children are not an expense, they are an investment. They shape the future of the country. It's the duty of the parents, NGO's and the Government to see the care of every child by way of protecting their rights as a need to the county.

11. The Protection of Women from Domestic Violence Act, 2005:⁵⁵

This Act proposed to enact a Law keeping in view the rights guaranteed under Article 14 15, and 21 of Constitution to provide for a remedy under the civil law which is intended to protect the women from being victims of domestic violence and to prevent the occurrences of domestic violence in the society. According to The Protection of Women from Domestic Violence Act, 2005 "Domestic Violence" means any harm, or injury to health, safety, life, limb or well-being or any other act or threatening or coercion etc., by any member of family. An aggrieved woman who is, or has been, in a domestic or family relationship in the nature of marriage, adoption or are family members can complain. Aggrieved women, who have been subjected to any act of domestic violence by the respondent, can complain to the Protection Officer, Police Officer, Service Provider or Magistrate. The Magistrate receiving the Domestic Incident Report(DIR) which is equivalent



to FIR may take up enquiry into the case which is called DVC (Domestic Violence Case). After receiving DIR issue notice to the respondent within 2 days and fix the 3rd as the date of hearing. Meanwhile, if the Magistrate deems it fit may issue *ex parte* interim orders against the respondent such orders may be passed even after the appearance of the respondent as well pending issuance of reliefs prayed for by the aggrieved women. According to this Act after receiving the domestic incident report the Magistrate try the matter speedily and the court has the power to ban publication of proceedings held *in camera*. The aggrieved women can seek protection orders,⁵⁶ residence orders,⁵⁷ monetary orders,⁵⁸ custody orders⁵⁹ and compensation orders⁶⁰. The victims may be wives, sisters and mothers or any other female relative living in the share-household in domestic relationship. The respondents are males or may also be female. All orders of the Magistrate are appealable to the Sessions Court which disposes of the appeal as though it is a criminal appeal filed under Cr.P.C. There is no revision to the Sessions Court or the High Court against the orders of the Magistrate. The orders of the Sessions Court not being appealable to the High Court and the High Court may entertain revision against the orders of the Sessions Court. The Act by itself does not punish the respondent in the domestic violence case, but if the case discloses any offences punishable under the Penal Code or any other penal law, or under the Dowry Prohibition Act. As far as this case is concerned, it runs as a civil case and in the manner the maintenance under section 125 of Cr.P.C. or in the manner in which security proceedings are held by the Magistrate under the provisions of Cr.P.C.

12. The Protection against Sexual Harassment of Women Bill, 2005:

This Bill confers upon women the right to protection against sexual harassment, and towards that end for the prevention and redressal of sexual



harassment of women. Every woman shall have a right to be free from sexual harassment and right of work in an environment free from any form of sexual harassment.

13. The Prohibition of Child Marriage Act, 2006:

After passing of this Act The Child Marriage Restraint Act, 1929 has been repealed. The object of this Act is to provide for the prohibition of solemnization of child marriages. According to this Act child means a person who, if male, has not completed twenty one years of age, and if a female, has not completed eighteen years of age. Every child marriage, whether solemnized before or after the commencement of this Act, shall be voidable at the option of the contraction party who was a child at the time of the marriage.⁶¹ Marriage of a minor child's to be void in certain circumstances.⁶² Child marriage has been annulled by a decree nullity under this Act, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.⁶³ This Act provides punishments for male adult marrying a child or for solemnizing a child marriage and for promoting or permitting solemnization of child marriage.⁶⁴ Contravention of the provisions of this Act the person shall be punished and the offence is cognizable and non-bailable.

14. The Right of Children to Free and Compulsory Education Act, 2009:

This Act provides free and compulsory education to all the children of the age of 6-14 years. Act says that every child of the age of 6-14 years have a right to free and compulsory education in a neighborhood school till completion of elementary education.⁶⁵ The child so admitted to elementary education shall be entitled to free education till completion of elementary



education even after 14 years.⁶⁶ The Appropriate Government may make necessary arrangements for providing free pre-school education like early childhood care and education for children above the age of three years to six years.⁶⁷ No capitation fee and screening procedure for admission to a child or his/her parents or guardian. Contrary to this, receives capitation fee shall be punishable with fine which may extend to ten-times the capitation fee charged and to screening procedure, shall be punishable with fine which may extend to Rs.25,000/- for the first contravention and Rs.50,000/- for each sub-sequent contraventions.⁶⁸

Any person having any grievance relating to the right of a child under this Act, may make a written complaint to the local authority having jurisdiction and the authority decide the matter within a period of three months after affording a reasonable opportunity to the parties concerned. Aggrieved by the decisions of the local authority may preferred an appeal to the State Commission for protection of child rights constituted under the Commission for Protection of Child Rights Act, 2005.⁶⁹

15. The Protection of Children from Sexual Offences Act, 2012:

This Act came into force from November 14th 2012. The Act aims at protecting children from offences of sexual assault⁷⁰, sexual harassment⁷¹ and pornography⁷² and provides for establishment of Special Courts for trial of such offences. Until now, various provisions in the Indian Penal Code were used to deal with sexual offences. However the law did not make a distinction between an adult and a child. This is the first time different sexual offences against persons below the age of 18 years have been defined and specifically provided for. The object of the Act is to provide safety, security and protection of children against sexual assault, sexual harassment and pornography. The punishments provided in the law are also stringent



and are commensurate with the gravity of the offence. The offence is considered 'aggravated' if committed by a person in a position of authority such as a public servant or member of the security forces. The criminal procedure law has been made widely applicable in dealing with cases under this Act. Any child offender has been directed to be dealt under Juvenile Justice (Care and Protection of Children) Act, 2000 that recommends rehabilitate measures other than penal actions for child offenders. Complaints under this law are to be filed before the Special Court of Session, which includes the power to impose punishment up to life imprisonment.

Personal Law Legislations:

Personal laws are applicable to the persons of particular religions and not applicable to all religions persons like general laws. Hence, Hindu laws applicable to Hindus, Muslim laws applicable to Muslims and Christian law applicable to Christians. Some of the special provisions are inserted for the protection of women in Religious Legislations, they are as follows-

1. The Hindu Marriage Act, 1955
2. The Hindu Adoption and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Succession Act, 1956
5. The Muslim Women Protection Act, 1986

Judicial Approach:

The Supreme Court of India has touched on the issue of immoral human traffic in two prominent judgments, i.e.-Vishal Jeer vs. Union of India (1990) and in Gaurav Jain vs. Union of India(1997). These judgments directed the Government if India, among other things, to prepare a 'National



Plan to Combat Trafficking and Commercial Sexual Exploitation of Women and Children'. As a result of this, a Nation Plan was drafted in 1998 which lays down measures for prevention, rescue, rehabilitation and reintegration. In the matter of *Visakha vs. The State of Rajasthan*⁷³ the Hon'ble Supreme Court laid down the definition of sexual harassment and gave its details of sexual harassment.

Society has to be controlled. Society can exist only under the shelter of the State, and the law and justice of State is a permanent and necessary condition of peace, order and civilization⁷⁴. India is a socialist State⁷⁵. According to the Supreme Court⁷⁶"The principal aim of socialism is to eliminate inequality of income and status and standard of life and to provide a decent standard of life to the working people". Democratic socialism aims to end poverty, ignorance, disease and inequality of opportunity. Socialistic concept of society should be implemented in the true spirit of the Constitution⁷⁷. The Constitution embodies a distinct philosophy and declares that India will be organized as a Social Welfare State⁷⁸.

Conclusion:

Though various Legislations are enacted for the protection of women's and children's rights various anomalies are also existed in legislations which must be amended for better protection of women's and children's rights to save the women and child. The Children are the nation's asset and future resource of manpower for the country. They constitute the core of human society. It is their development, which sustains the society. Their development with dignity is a matter of great concern throughout the world⁷⁹.

It is to be noted that the legislations or Acts alone cannot eliminate the discrimination against women and child. In order to reduce the offences



we must change the attitude and behaviour of men; and this has to start early in boyhood. Enlightened fathers, husbands and brothers are more likely to respect daughters, wife and sisters.

References

- 1 Constitution of India w.e.f.1950 Jan 26th.
- 2 Art 14 of the Indian Constitution provides that the State shall not deny to any person equally before the law or the equal protection of the laws within the territory of India.
- 3 Art 15(3) of the Indian Constitution provides that the State shall not discriminate against any citizen on the grounds only of religious, race, caste, sex, place of birth or any of them, but the State shall make special provision for women and children.
- 4 Art 16 of the Indian Constitution provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- 5 Art 21 of the Indian Constitution provides that "No person shall be deprived of his life or personal liberty except according to procedure established by law".
- 6 Art 21-A of the Indian Constitution provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- 7 Art 24 of the Indian Constitution provides that No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.



- 8 Art 39-A of the Indian Constitution provides the equal justice and free legal aid. For securing social justice the State shall not denied to any citizen by reason of economic or other disabilities.
- 9 Art 51-A(e) of Indian Constitution provides the fundamental duty to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
- 10 Art 32 of the Indian Constitution provides that the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by Part III is guaranteed.
- 11 Art 226 of the Indian Constitution provides the power of High Courts to issue writs for the enforcement of Fundamental and Constitutional Rights
- 12 The Preamble of the Indian Constitution provides that the India to become a Sovereign, Socialist, Secular, Democratic and Republic, that the State provides to secure to all citizens - Justice, Liberty, Equality and Fraternity.
- 13 Section 509 of Indian Penal Code, 1860 provides that whoever intending to insult the modesty of any women, by words, gesture or act shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.
- 14 Section 498-A of Indian Penal Code, 1860 says that whoever, being her husband or the relative of the husband of a women, subject such women to cruelty shall be punished with imprisonment for a term which may be extend to three years and shall also be liable to fine.
- 15 Section 494 of Indian Penal Code, 1860 says that whoever, marrying again during lifetime of husband or life, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.



- 16 Section 497 of Indian Penal Code, 1860 provides that whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.
- 17 Section 304-B of Indian Penal Code, 1860 provides Dowry Death. It means the death of women is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment for dowry, such death shall be called dowry death, and such husband or relative shall be deemed to have caused her death and shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.
- 18 Section 305 of Indian Penal Code, 1860 provides that if any person caused to abetment of suicide of child or insane person shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.
- 19 Section 354 of Indian Penal Code, 1860 provide that whoever assaults or uses criminal force to any women, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years and shall be liable to fine.
- 20 Section 375 of Indian Penal Code, 1860 defines Rape. It means a man has sexual intercourse with a woman against her will or without her free consent, or with or without consent sexual intercourse to a woman



under sixteen years of age or sexual intercourse with his own wife below the age fifteen years of age.

- 21 Section 376 of Indian Penal Code, 1860 provides punishment for committing an offence of rape and the convicted shall be punished with imprisonment of either description for a term which shall not be less than seven years and shall also be liable to fine. And whoever commits a rape on a women by a police officer or public servant or staff of jail, remand home or staff of hospital or against pregnant women or a woman under the age of below twelve years or gang rape than the convicted shall be punished with rigorous imprisonment for a term not be less than ten years but which may be for life and shall also be liable to fine.
- 22 Chapter IX of Cr.P.C, 1973 deals the order for maintenance of Wives, Children and Parents, under Sections 125 to 128. According to section 125 the magistrate makes an order to pay maintenance to wives, children's and parents if they are unable to maintain themselves by the person who is having sufficient means but neglects to maintain his wives, children's and parents.
- 23 Section 67 of The Factories Act, 1948
- 24 An 'adolescent' means a person who has completed his fifteenth year of age but has not completed his eighteenth year. Section 2 (b) Ibid.
- 25 Section 68 Ibid.
- 26 Section 66 Ibid.
- 27 Act No. 104 of 1956
- 28 Act No.28 of 1961
- b) By the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person,At or before or



any time after the marriage in connection with the marriage of the said parties, but does not include dower or *mehr* in the case of persons to whom the Muslim Personal Law applies.

30 Section 6 of The Dowry Prohibition Act, 1961

31 Section 8

32 Section 7

33 Section 8-B

34 AIR 1978 SC 12

35 Section 3 of The Child Labour (Prohibition and Regulation) Act, 1986

36 Act No.60 of 1986

37 Section 2 (c) of the Indecent Representation of Women (Prohibition) Act, 1986 defines the 'Indecent representation of women' as the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt to injure the public morality or morals.

38 Section 3 of The Indecent Representation of Women (Prohibition) Act, 1986

39 Section 4 Ibid

40 Act No. 66 of 1984

41 Section 3 of The Family Courts Act, 1984

42 Section 13 Ibid

43 Act No. 39 of 1987

44 Dube, Leela, Women and Kinship Vastaar Publications, New Delhi, 1997, pp.146-151.



- 45 Section 2 (f) of the Protection of Human Rights Act, 1993, International Covenants means the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted by the General Assembly of the United Nations on the 16th December, 1966.
- 46 Section 2(d) of the Protection of Human Rights Act, 1993 defines Human Rights.
- 47 Preamble of PNDT Act, 1994, Act.No.57 of 1994
- 48 Section 4, of Juvenile Justice (Care and Protection of Children) Act, 2000.
- 49 Section 2(d), of Juvenile Justice (Care and Protection of Children) Act, 2000.
- 50 Section 15(e), of Juvenile Justice (Care and Protection of Children) Act, 2000.
- 51 Act No.IV of 2006, w.e.f.20th Jan 2006.
- 52 Preamble of The Commission for Protection of Child Rights Act, 2005.
- 53 Section 13 The Commission for Protection of Child Rights Act, 2005.
- 54 Section 25, The Commission for Protection of Child Rights Act, 2005.
- 55 Act No.43 of 2005
- 56 Section 18 of The Protection Of Women From Domestic Violence Act, 2005
- 57 Section 19 Ibid
- 58 Section 20 Ibid
- 59 Section 21 Ibid
- 60 Section 22 Ibid
- 61 Section 3 of The Prohibition of Child Marriage Act, 2006.



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- 62 Section 12 Ibid
- 63 Section 6 Ibid
- 64 Sections 9, 10 and 11 Ibid
- 65 Section 3 of The Rights of Children to Free and Compulsory Education Act, 2009.
- 66 Section 4 Ibid.
- 67 Section 11 Ibid.
- 68 Section 13 Ibid.
- 69 Section 32 Ibid.
- 70 Section 7 of The Protection of Children from Sexual Offences Act, 2012 defines 'Sexual Assault" as whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration.
- 71 Section 11 of The Protection of Children from Sexual Offences Act, 2012 defines 'Sexual harassment". A person is said to commit sexual harassment upon a child when such person with sexual intent,—
- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
 - (ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
 - (iii) shows any object to a child in any form or media for pornographic purposes; or
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- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through any means; or
 - (v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act.
- 72 Section 13 of The Protection of Children from Sexual Offences Act, 2012 provides 'use of child for pornographic purposes'. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—
- (a) representation of the sexual organs of a child;
 - (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);
 - (c) the indecent or obscene representation of a child, shall be guilty of the offence of using a child for pornographic purposes.
- 73 AIR 1997 SC 3011
- 74 Salmond: Jurisprudence, (10th Edn) at p.103.
- 75 The word Socialist was added by 42nd Amendment to the Preamble in 1976. The term "socialist" has not been defined in the Constitution. It does not mean total exclusion of private enterprise and complete state ownership of material resources of the Nation.
- 76 D.S.Nakara Vs Union of India, AIR 1983 SC 130.
- 77 G.B.Pant University of Agriculture & Technology Vs State of Uttar Pradesh, (2000) 7 SCC 109.



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- 78 The concept of a welfare State is strengthened by the Directive Principles of State Policy which set out the economic, social & political goals of the Indian Constitutional system.
- 79 Awasthi, S.K., and Kataria, R.P., *Law Relation to Protection of Human Rights, Millennium ed.*, (Orient Publishing Co. New Delhi/ Allahabad, 2001) p.619.



WOMEN PARTICIPATION IN POLITICS- A REVIEW

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Women play crucial role in every facets of life. But her contribution to the society is not properly recognized and it is been neglected. Traditional societies prevented women from entering the public domain and were given a sub-ordinate position in the society (Kaila, 2005). Women enjoyed greater status during Vedic period. They were considered as 'sahadharminis' to their husbands. Literature indicates that during early Vedic period, women enjoyed an equal status with men. They were highly respected and were actively involved in discussions, and participated in public functions, religious duties, and rituals besides occupying prominent positions in social and religious gatherings. They were educated and much conversant with the environment (Desai, 1992). The position of women enormously declined during Manu's period. He made women subservient to men by claiming that, 'during childhood she should be under the control of father, in her young age under the control of husband and in the old age under the control of son. From this it is clear that since Manu's period till today, women are having inferior status in society. As for as women participation in politics is concerned, when we look back the back the history it is evident of very powerful queens like Elizabeth I, Anne and Victoria of England, Catherine the Great of Russia, Christina of Sweden, Ruzia Sultan, Jhansi Rani Lakshmi Bai, queen Shanthala , Kittore Rani Chennamma, Rani Abbakkka. But in most nations of the ancient regime, women could not play much role in public affairs including politics. The twentieth century has thus far seen more improvement in the status of women, at least in the developed nations,



than in all previous history. Most western nations including the United States of America gave women the right to vote, around the time of World War I. In the 1920s the new Soviet regime placed women in many jobs (for example bus drivers, air line pilots, even combat soldiers). They had never held before or thought of before, and in the 1950s the new Communist regime in China followed suit. In both communist systems, however, women are still very far from achieving political party (Nagendra Ambedkar and Shailaja Nagendra, 2011). The early 19th century could be called the 'age of women', and all over the world, women are the subject of discussions (Kumar and Raha, 1993).

Women Participation in Freedom Struggle

The freedom struggle saw active participation of women who fought shoulder to shoulder along with men (Women Studies and Development Centre). It was however observed that those women who joined freedom struggle were mostly the wives, daughters, or sisters of the men who were already in politics. They, thus, enjoyed social status and respect. It needs to be added that despite their dedication and complete participation in these movements, the right to franchise, which is an important indicator of women's empowerment, was not given to Indian women on a platter. The right to vote was given to them in 1939 (Singh and Sabharwal, 1998).

Gandhi was one person who played an important role in promoting participation of women in the political process. For him *Satyagrahas* which he perfected into an art, meant infinite capacity for suffering and Gandhi realised that women had it in abundance (Pamela Singh, 2007). The first woman entered to Indian politics was Muthulakshmi Reddy was nominated to the Madras Provincial Legislature in 1926 (Chattopadhyay, 1983). Pamela Singh observes that though Gandhian methodology created a favorable



climate for women participation in the freedom movement became an impeding factor later on because it was not prepared for the post-1947 phase. This was, because the Gandhian methodology never addressed the basic ideologies that propagated the issues concerning them. Thus, when India achieved independence, the women did not enter into politics in large numbers.

Women Participation in Politics after Independence

Even after five decades of independent India, the participation of women is minimum. The participation of women in the Lok Saba and the State legislatures has not crossed 10 per cent till date. In some of the legislatures, women have been totally missing (ISS, 1995). Das (1999) highlighted that, of the 87 lakh strong Delhi electorate; there are 36 lakh female voters. Of the 97 candidates in the electoral fray only seven were women.

Women's Participation in the Indian Lok Sabha

Terms of Lok Sabha	Lok Sabha	Total Seats	No. of Women Members	%
1952-57	1st	489	14	2.8
1957-62	2nd	494	18	3.6
1962-67	3rd	494	30	6.0
1967-71	4th	520	31	6.0
1972-77	5th	520	20	3.8
1977-80	6th	542	19	3.5
1980-84	7th	529	28	5.3
1984-89	8th	542	42	7.7
1989-91	9th	523	23	4.4
1991-96	10th	536	39	7.2
15.5.96- 4.12.97	11th	543	40	7.3
10.3.98- 26.4.99	12th	543	44	8.1
13.10.99- 6.2.2004	13th	545	48	8.8
2.6.2004-2007	14th	545	47	8.6

Source: Internet



From the above data it is clear that the participation of women in the politics is not even at satisfactory level, it is below 10 per cent.

Rural Women Participation in Panchayati Raj Institutions

Panchayati Raj Institutions are the grass root organizations started with the ideology of enabling people participation in the local politics. PRIs are the platform for marginalized sections of the society like women, and dalits to represent themselves in the local self government. The 73rd Constitutional Amendment provided constitutional status to the PRIs and it opened a way for the subaltern sections especially women. It is evident from the official documents that between 1957, i.e., when the Balwantrai Mehta Committee report was released, and the constitution of Ashok Meththa Committee in 1977, the proportion of women in PRIs was negligible (Shantha, 1995). Some publications also reflect the work of various committees and commissions during this period which looked at women as mere voters and tried to explain the efforts gone into creating structures for participation of rural women (Natu, 1973; Sharma, 1984). Even though reservation provision for women was given under 73rd Constitutional Amendment Act, it became difficult to mobilize enough women candidates due to lack of awareness among the people. Many women's organizations and government agencies set about mobilizing women, raising their awareness, giving them political education and encouraging them to come forward to stand as candidates when the elections were announced. In West Bengal and Bihar, the state government itself organized such awareness raising workshops. Various voluntary organizations conducted number of workshops, discussions, camps to create awareness. The government too strove to join in this effort. Attempts were made to change the content of the 'Awareness Generation Programmes", a scheme of the



Central Social Welfare Board, to include a module on Panchayati Raj (Susheela Kaushik, 1999).

Obstacles for Women participation in politics

There are various obstacles for the active participation of women in Politics. If they participate also, many a times they are the rubber stamps in the hands of male either in the hands of family members or in the hands of co members. The impediments for women participation in politics is as follows:

- Patriarchal base of Indian society do not encourage women to enter public activities.
- Women are burdened with household work; they do not get free time to think about other activity
- Lack of education and awareness among women is one of the obstacle for women participation in politics
- Lack of effective organizationS among women in grass root level. Though Self Help Groups of women are formed in the villages, they need time to train and encourage women to participate in politics at least in local politics.

Conclusion

Our country is male dominated since centuries; participation of women in public affairs was not encouraged due to the notion that women have to confine to only household related activities. Women participation in politics even as a voter was a dream to the Indian women until the franchise right was given to women. After independence few of the women took part in political affairs of the state, but the percentage is dismal. Implementation of 73rd Constitutional Amendment Act was boon to the



women which provided a platform for women to take part in the administration of the state. Though the elected women were rubber stamps in the hands of men initially, gradually women will become independent. The percentage of women participation in politics needs to be increased by way of making people conscientized as Paulo Friere says.

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**DISCOURSING THE GLOBAL TERROR AND RACISM IN TABISH
KHAIR'S HOW TO FIGHT ISLAMIST TERROR FROM THE
MISSIONARY POSITION**

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We are living in a globalised world. Science and technology bring about rapid changes in our lives. One of the significant effects of globalization is the increased global mobility of people. Globetrotting for knowledge, jobs and comforts has become the rule of the day. People began to move from countries to countries due to many reasons and also for material benefits and comforts. We find large sections of immigrants from Asia and other continents in USA and other developed European countries seeking job and other amenities. People of different colour, race and religion meet together and cultural conflict is often a problem. Racial and ethnic discriminations raise problems for many in many foreign countries. Though globalisation has often been considered as instrumental in making the world as a melting pot of different cultures, religions, races etc and multiculturalism and secularism becoming global ethos we find wide spread intolerances worldwide. Although people commingle at different places, the prejudice and biases still lie deep in their hearts.

David L. Altheide says that 'we live in a global age. We inhabit in a world that has become radically interconnected, interdependent and communicated in the formations and flows of the media. This same world also spawns proliferating, often interpenetrating, 'global crises' (XIII). 9/11 and its aftermath has been crucial in creating fear and suspicion about people of other culture and other religions. Old binaries of Christian and



Muslim worlds begin to resurface in the wake of many terrorist activities. Terms like terrorism, counter terrorism, war on terrorism, Taliban and Al Qaeda have become common topics in the political discourses after 9/11. This increase in the discourse of terrorism has its impact on discriminating people on the basis of their nationality, religion and race. It has contributed to the increasing incidents of Islamophobia and people belonging to Islam have become victims of it. Radical and fanatic terrorists constitute a minority in all religions but larger sections of people belonging to the Muslim world began to be viewed as potential threat national stability and integrity. American and European policies on terrorism were stringent enough that showed grave discrimination against multiethnic immigrant communities. People from South Asia and other Muslim countries find the egalitarian principles of developed countries falter and their claims of becoming more secular and multicultural nations as fake claims. Islamophobia has often caused intercultural and inter religious conflicts and Muslim were often detained and interrogated etc.

There are many books, fictional and nonfictional, that have terrorism as their theme. Many of them were written in the aftermath of 9/11, the terrorist attacks in Madrid in 2004 and London in 2005. Some of them are *Terrorist*, the 22nd novel written by John Updike published in 2006, *Saturday* by Ian McEwan published in 2006, *The Hidden Assassins* by Robert Wilson in 2006, *Body of Lies*, an American spy thriller novel by David Ignatius in 2007, *Falling Man* by Don DeLillo in 2007, and *The Ignorance of Blood* by Robert Wilson in 2009. One of the most significant novels that poignantly attacks this discourse on terrorism is *The Reluctant Fundamentalist*, published in 2007 by Mohsin Hamid, a Pakistani writer in English. In this novel Changez Khan, a Pakistani educated and worked in America as an economic consultant, narrates his disillusionment with American ideals



and capitalist policies and becomes a fundamentalist who becomes a professor in Lahore and exhorting his pupils to be fundamentalists to protest against America. It has also been recently filmed.

Tabish khair, an Indian writer in English and author of many novels such as *The Thing About Thugs*, *Filming*, *The Bus Stopped*, has been critical of discourses on terrorism and the intolerance towards multiethnic immigrants in the developed world. Through his recent novel, *How to Fight Islamist Terror from the Missionary Position*, he attacks on popular views and attitudes of people and even educated transnational citizens towards terrorism and terrorist discourses.

The novel, *How to Fight Islamist Terror from the Missionary Position* is set in the background of the controversy over caricatures of Prophet Muhammad by Jyllands-Posten in Denmark and revolves around Ravi, Karim and the unnamed Pakistani narrator. The narrator has a PhD from Surrey and came to Arhus for full time teaching position while Ravi, an Indian is researching in history and enjoys a gypsy status. While searching for a cheap flat for rent, both the narrator and Ravi talk to Karim, the cab driver who invites them to share his apartment. The narrator is a declared atheist though he is from Pakistan while Ravi indulges in the rituals and discussions of Karim organised on every Friday. He describes Karim as an Indian Muslim with a full flowing beard, speckled with grey who believed in god and his prophets, especially the last one. The narrator is scornful of Ravi when he shows such a serious interest in religious discussion. Though Ravi shows a keen interest in such discussions he also makes some scathing remarks. "The namaaz is the gym of Islam; that's why they hate it so much in the West. It is too much competition for their fucking health business". (12) Though coming from a Muslim background the narrator too makes



his comments on Karim's religious meetings and discussions. "I grew up with politics beating down on me. Basically, it boils down to three points: the Quran is the final hand autographed word of God; the West is fucking us; the Jews are fucking us via the West". (30) To this Ravi replies, "you sound like a Danish tabloid. What do you think they are? The secret Arhus cell of Al Qaeda?" (30).

Karim worked as many shifts as he can. Often he received phone calls and he becomes disturbed and continues talking on and often he disappears for few days creating suspicion in them. However the narrator and Ravi lead a life of pleasure and they fall in love with Ms Marx and Lena respectively. The ups and downs of this life have also affected the direction of the story to make the cartoon issue controversial and changing their perceptions of each other. Karim, Ravi and the narrator often discuss religious and other matters. Karim, being a devout Muslim, is against homosexuality. He expresses it when Claus reveals his sexual orientation.

The controversial caricatures of Prophet Muhammad by Jyllands-Posten which, a Danish newspaper, intensify the general suspicion that the narrator and Ravi have over Karim. For, they start to suspect Karim who is found non communicative and disappears for few days and also about the mysterious phone calls from the mysterious woman. Once during Friday discussions Ali raises his voice and tells 'Anyone who insults the Prophet, peace be upon him, should be killed. It is every Muslim's duty!' (135) When the news of Ibrahim and Ali, being arrested, the narrator along with Ravi goes to the police and discloses everything they know about Karim. "Of course, the police knew about Karim's Friday sessions: they had interrogated Ali, Ajsa and probably a few others. But they did not know of his sudden disappearances, his years in Cairo, his need for cash, the mystery caller."



(174-175) Later Karim is arrested and two days after his detention he is released as they found him innocent. Ravi and the narrator vacate the flat and try to avoid Karim later. They find out where the mysterious calls are from and also that Karim's mysterious disappearances are to meet and console his divorced wife who suffers from Alzheimer's disease.

It's all from misunderstandings that all these troubles started and the narrator has his thesis of suspecting Karim that "There is obviously a very thin line dividing faithfulness from fanaticism" (152). The narrator suspects whether he got paranoid? Ravi mocks him and ironically states about all this controversies, discussions and issues which are celebrated in the newspapers and TV and other media that calls the act of terror as 'Islamist Axe Plot'. Ravi murmurs about how "it all had started resembling the Black plague years of European history, when the inability to find a reason for sickness and suffering had led to the wide spread burning of Jews and strangers. (175)

Khair, like Danish caricature, depicts ironically and humorously the general discourse on terrorism in the western world. The multiethnic immigrants in Denmark, though very less in number, were under threat of detention and interrogation following the Jylland-Posten Muhammad cartoon controversy. The media highlight them as the other with all their inherent leaning towards destabilising Denmark. Katarzyna Murawwska-Muthesius states "from late January well into March 2006, media outlets from all over the world whether right, left or centre, whether print, broadcast or virtual, from CNN News to Fiji Dailt Post, and from radical journals to personal blogs of various persuasions, were inundated with reports, interviews, opinions, photographs, reproductions and maps, as well as cartoons, on the subject of the Danish cartoon war'. The conflict which



came also to be known to be under a variety of other names, like the 'Muhammad cartoon controversy', the 'cartoon jihad', the 'cartoon intifada'....' (144) How well the media including print and social media celebrate and intrigue the controversy over the cartoons and alleged threats from Islamists. Terrorism threat was so popular stuff that every common man interested and various means of social and political machineries entertained them with various news reports, stories and rumours. It was as common as the narrator says that his cup of life is always half filled and longs to be filled with anything very ordinary but pleasurable as that of MS Marx who always prefers the missionary position. The Jylland-Posten, though well known for its anti immigrant stance, has become globally a symbol of the freedom of expression. Though the Danish cartoonist Kurt Vestergaard was constantly followed by Islamic fundamentalists and many of the murder attempts were foiled but the damage it has made to the Muslim world was unfathomable and irreparable.

Well, terrorism in America and other European countries changed the mindset of the people against immigrants from Asian and other developing and undeveloped countries. Among them people who emigrate from different conflict zones such as Pakistan, Afghanistan, Iraq etc are often detained as potential terrorists. Consequently European countries have formulated many stringent measures to curb immigration from other conflict zones. Denmark, though faces comparatively less influx of immigrants has also formulated anti-terrorism laws following the guidelines of European Union and also due to terrorist threats to persons and locations in connection to the cartoons depicting the Prophet. One of its significant effects is the growing instances of Islamophobia in western and developed countries. Specific instances of terrorism or violence to create fear, though caused large collateral and human loss, were detrimental in damaging the



images of entire Muslim community. Biases and prejudices against them increased and there were many instances of grave human rights violations.

Even the novel sarcastically hints at how South Asians who are westernised or who assimilated western life style and values often try to erase their diasporic identity. They try to fit into the shoes of the natives or rather trying not to belong to any religious or national identity but try to be very polite and learned and civilized. Even education cannot make people to be broad in their views as characters in this novel are highly educated yet suspect a taxi driver because of his austere religious and orthodox views and the religious life he leads.

The unnamed narrator though acknowledges himself as an atheist has his own distrust of Muslim values and beliefs yet he is always reminded of his identity as a Pakistani immigrant Muslim. Ravi too try to understand other religions and cultures and he is also reticent to talk about Karim's identity as an Islamist fundamentalist though he accompanies the narrator to the police. He is ashamed of having betrayed Karim, who provided a rather cheap shelter and allowed them to do whatever they want. They were basically south Asians still they have their own biases and prejudices over others. Stereotyping of Muslim identity in the popular media and discourse makes the narrator not be called as a Pakistani Muslim. It is the same identity that they even think that 'they came to be coloured the shade of suspicion that was being cast on all of us by the Danish tabloids'. (22)

Is it the fear of minority that causes such fear? Arjun Appadurai says "predatory identities whose social construction and mobilisation require the extinction of the other, proximate social categories, defined as threats to the very existence of some group, defined as we." (51) For their survival they require the extinction of the other. He also says the Muslim



minority among the white majority is often viewed as a threat. Here it becomes quite political to create such a divide between majority and minority and native and immigrant and many other divisions that makes the coloured, with different religious beliefs as an alien other to be excluded as they are threat to their identity and survival. One of the ways of doing it is by stereotyping the Muslims by west or perpetuating this intercultural intolerance as always been there in the western countries and also attributing unitary identity to all Muslims and unitary interpretation of their text and culture (Halliday). In the wake of growing number of research, discourse and books on terrorism, counter terrorism and Islamophobia, Tabish Khair makea an ironic and poignant critique of such terrorist discourse and Islamophobia in his book *How to Fight Islamist Terror from the Missionary Position*. Violence is often associated with sexual energy. Aggression may be considered as perversion. The allusion of the title shows as though terrorism and fighting terrorism and unnecessary discourse on terrorism are quite part of everyday life and people prefer to hear such incidents of violence very often and victimising a community and then as one of the necessary life skill they should have to fight it every day from different positions. There are instance of attack by Islamic fundamentalists but people who very religious often are suspected .Such is the power of discourse on terrorism perpetuated through various media, books and films. We become part of perpetuating all kinds of biases and prejudices against the other even though we have claims of superior culture.

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A REVIEW ON CYBER CRIMES: A BAFFLING PROBLEM IN INDIA

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Introduction

Cyberlaw is a new phenomenon having emerged much after the onset of Internet. Internet grew in a completely unplanned and unregulated manner. Even the inventors of Internet could not have really anticipated the scope and far reaching consequences of cyberspace. Internet is growing rapidly and with the population of Internet doubling roughly every 100 days, Cyberspace is becoming the new preferred environment of the world.

With the spontaneous and almost phenomenal growth of cyberspace, new and ticklish issues relating to various legal aspects of cyberspace began cropping up. The growth of Cyberspace has resulted in the development of a new and specialized branch of law called CYBERLAWS- LAWS OF THE INTERNET AND THE WORLD WIDE WEB.

There is no one exhaustive definition of the "Cyber law". However simply put, Cyber law is a term which refers to all the legal and regulatory aspects of internet and the World Wide Web. Anything concerned with or related to, or emanating from, any legal aspects or issues concerning any activity of netizens and others, in Cyberspace comes within the ambit of Cyberlaw.¹

There is apparently no distinction between cyber and conventional crime. However on a deep introspection, there exists a fine line of



demarcation between the conventional and cyber crime, which is appreciable. The demarcation lies in the involvement of the medium in cases of cyber crime. The sine qua non for cyber crime is that there should be an involvement, at any stage, of the virtual cyber medium.²

Hart in his work -"The Concept of Law" has said 'human beings are vulnerable so rule of law is required to protect them'. Applying this to the cyberspace we may say that computers are vulnerable so rule of law is required to protect and safeguard them against cyber crime.

The cyber criminals constitute of various groups/ category which include children and adolescents between the age group of 6 – 18 years, organised hackers, Professional hackers / crackers and discontented employees. The cyber crime can be committed through any electronic device.

The cybercrime may be broadly divided against three groups:

1. Against individuals

- a. Harassment via e mails
- b. Hacking
- c. Dissemination of obscene material
- d. Defamation
- e. Transmitting virus
- f. Unauthorized control over computer systems

2. Against organizations

- a. Hacking
- b. Pirating software
- c. Cyber terrorism against Government organization



3. Against society

- a. Pornography
- b. Polluting the society especially, youth through obscene and pornographic material
- c. Cyber trafficking

Holocene epoch of cybercrimes in India

India is celebrating 60 years of Independence. At this point of time it is natural for us to focus on the security of the nation. In the current Digital era where "Governance" as well as "Business" is increasingly being led, the discussion on security of the nation is not complete without a discussion of the Cyber Space in which e-Governance and e-Commerce take place.

Cyber crime is now a bigger threat to India Inc than physical crime. In a recent survey by IBM³, a greater number of companies (44%) listed cyber crime as a bigger threat to their profitability than physical crime (31%). The cost of cyber crime stems primarily from loss of revenue, loss of market capitalization, damage to the brand, and loss of customers, in that order. About 67% local Chief Information Officers (CIOs) who took part in the survey perceived cyber crime as more costly, compared to the global benchmark of 50%.

Of late, both manufacturing and service sector has undergone a rapid changes followed by a series of fundamental developments. Most noteworthy among them is the rapid development and advancement in Information Technology as well as communication system. This has changed the concept of online activities, and has been instrumental behind broadening the dissemination of financial information along with lowering



the cost of many financial activities. Information Technology and communication networking systems have revolutionized the functioning of all sectors. Even though the situation prevails, today there is a threat namely crimes through net working and communication devices. Increase in hi-tech crime "Cyber crime has been on rise, no doubt and it is fuelled in large part by an increase in software security flaws and in the number of home computers being used against their owners' wishes to distribute spam, spyware and viruses.

Bangalore India's cyber woes claim fifth spot in a worldwide ranking of countries afflicted with cybercrime, claims a report by the Security and Defense Agendas (SDA) and MacAfee. The report, "CyberSecurity", the Vexed Question of Global Rules, states that premium on Internet privacy in the country is quite low. The report also states that India is well aware that cyber affects the reputation of the country which does business with foreign investors who invest heavily in cyber security. It furthers raises a grave issue of lack of single operator to effectively control Internet, telecom and power sectors.⁴

Our attention is usually drawn on "Cyber Security" when we hear about "Cyber Crimes". Our first thought on "National Cyber Security" therefore starts on how good is our infrastructure for handling "Cyber Crimes". In the corporate sector, the focus of "Cyber Security" is more on "Information Security" and prevention of unauthorized access to the Corporate Information systems or denial of access to the systems by authorized persons. The e-Governance and e-Commerce sector as well as the Individuals who use Computers and Mobiles are also concerned about Cyber Crimes and how it affects them.



Retrospective view on infraction of Cyber Security

If we reflect on some of the recent incidents of Cyber Security breaches, we can get an idea about how the security threats arise.

An incident which was of significance was the report by a recent Symantec survey which revealed that firms in the Indian Financial services industry lost heavily in 2010 due to phishing attempts, theft of proprietary information and denial of service attacks.⁵

Another incident of importance to occur recently was the dramatic demonstration of the power of SMS/Phone spoofing through websites. In a well published TV programme, a Chartered Accountant from Ahmadabad showed how he could put through a call in the name of the home minister of the country to another minister. A third incident of significance was the fact that the web server of National Police Academy, Hyderabad was found to have been penetrated and a phishing website had been hosted there on.⁶

These incidents indicate the high levels of risks that Indian Cyber Space is encountering today. They also highlight the fact that the security professionals in the various organizations that have been attacked have failed in securing their networks and exposed the country to grave risks.

Causes to be perceived

Unfortunately, our Cyber Crime police stations have not been able to come up to the expectations of the public due to lack of awareness of the subject. Many times, the Police have refused to register cases and often made the complainant run from pillar to post to even lodge a complaint. The confusion arises since some Cyber Crime Police stations do not recognize any crime coming under IPC as Cyber Crimes even if they have been committed with the use of Cyber tools. They are under the false impression



that they exist only to take care of offences under Information technology act alone. Public are therefore losing faith in the Law enforcement's ability to protect Cyber space.

In the few cases where Cyber Crime cases have been initiated, lack of coordination between different Police stations has frustrated the investigation. In some cases when the investigation trail goes abroad, CBI is not coming forth with its own support and the investigations reach a dead trail. When Cyber Crimes are committed with mobile network, it is often difficult to convince the mobile service providers that they are responsible for assisting the Police in the investigation. Many of them do not even recognize mobile crimes as Cyber Crimes and therefore fail to appreciate their legal obligations. In the private sector, whenever crimes are reported, companies are more concerned about their own reputation than public good and they do everything within their powers not to register a complaint nor enable a proper investigation.

Conclusion

Guarding and protecting the cyber arena is the biggest and immediate challenge IT gurus are faced with. Government is also stepping up the ante, to address the growing threat of cyber crime in the country. While the Government is expected to have its own resources to take protective measures, the common man when affected would run to the Cyber Crime Police stations for relief. This realization that there is a security threat to the country's armed forces has already been recognized by many other countries. In developing countries like India, it is the need of hour for the lawyers to understand the depth of cybercrimes and thus to defend in the court of law thereby allowing corporate sectors to set up their own cyber lawyers. To accomplish this, appropriate measures have to be taken



to increase the awareness of the nature of such crimes among the novice in the field of law which can be done by distinguishing Cybercrimes as a separate entity. Hence, it is the time to fortify Cybercrimes Police stations and Cyber Courts in all districts and state capitals in the country in order to solve the baffling threat of Cyber Crimes.

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TERNDS IN POWER SECTOR DEVELOPMENT

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Introduction

The power is pre requisite to achieve growth in all segments of the economy. To meet the present needs large number of power projects is under construction to overcome the power shortages and encounter the growing energy requirements in the country. Since the formulation of Electricity Act 2003, Government of India (GoI) has been taking several initiatives and announced various regulations to strengthen the sector. Significant regulatory initiatives are made those relating to Mega and Ultra Mega Power Generation projects revised tariff regulations for existing central government projects, competitive bidding for all future power generation projects, tariff norms for renewable energy, new transmission pricing grid code, power market regulations, Re – structured Accelerated Power Development Reform Programme (APDRP2), National Electricity Fund, etc. Projected demand, XII plan capacity additions and projected investment According to 17th Electric Power Survey (2007), the energy requirement in the country is projected to grow at a CAGR of 7.5% during 12th plan period reaching from 9,68,658 Giga Watt hour (Gwh) in FY 2012 to 13,92,065 Gwh by FY2017, while peak load requirement is projected to grow from 1,57,324 MW in FY2012 to 2,23,660 MW in FY 2017 at a CAGR of 7.4%. The investment requirement of Rs. 11,35,142 crore for the power sector during the 12th Plan period, which also includes investment for



generation capacity addition of about 1,00,000 MW. (Existing capacity is 1,64,508 MW). The power sector has been meeting problems on account of inadequate conventional fuel resources. An attempt has been made in this paper to examine the power sector development in Indian economy. The study is based on the secondary data. The main objectives of this paper as follows.

OBJECTIVES:

- To examine development and reforms in power sector
- To study the status of rural electrification
- To look at mode-wise installed generation capacity
- To analyze the demand-supply gap of power
- To evaluate renewable energy status

INSTALLED CAPACITY

The installed generation capacity in the country constituted 2,01,637.03 MW, of which thermal capacity (coal, gas & diesel) is 66 percent followed by hydel capacity at 19.33 percent, renewable energy (wind, small hydro, solar, bio mass, etc) at 12.5 percent and nuclear energy at 4,560 MW. In addition to the total installed capacity as mentioned above, the captive generating capacity to the grid is 19,509 MW. The share of Central, State and private sector in the total installed capacity is 42.6percent 29percent, and 27.54percent respectively.

STATUS OF RURAL ELECTRIFICATION IN THE COUNTRY

Nearly, 537888 inhabited villages constituting 90.6% have been electrified out of a total of 593732 inhabited villages and 17161514 pump sets have been energized in the country. It is seven states namely AP, Delhi,



Goa, Haryana, Kerala, Punjab, Tamil nadu, and all UTs except Andaman Nicobar islands have achieved 100% village electrification. About 13 states namely Assam, Gujarat, Himachal Pradesh, J&K, Karnataka, MP, Chhattisgarh, Maharashtra, Manipur, Sikkim, UP, Uttaranchal and WB have achieved more than the national average of village electrification. Around 9 states namely Arunachal Pradesh, Bihar, Jharkhand, Meghalaya, Mizoram, Nagaland, Orissa, Rajasthan and Tripura are lagging behind the national average of village electrification.

COMPETITIVE PROCUREMENT OF POWER AND REFORMS IN DISTRIBUTION

As per the National Tariff Policy, the procurement of power by distribution licensees have to be made through competitive bidding. The Central and State public sector companies also are expected to compete with private sector to supply power to the distribution companies through competitive bidding. Thus, volume of power contracted through competitive base bidding is likely to increase in the medium term. Although several States have unbundled, privatization of distribution has not happened on a larger scale, although few circles in certain States are being given to private franchisees. Distribution 3 segment will continue to be dominated by State distribution companies (Discoms), which however may witness increase in number of private franchisees in the country. In the medium term, few States are showed progress in reforms by moving towards Multi – Year Tariff (MYT), Time of Day (ToD) metering and intra – state Availability Based Tariff (ABT). India aims at to provide “power to all” to achieve that promise, it will have to add as much as 1,00,000 MW of generation capacity. It will have to continue to push the process of reform and restructuring and ensure greater private sector participation in every segment.



THERMAL PROJECTS

Thermal power is to remain the major source of generation as the coal based and gas based projects presently have a competitive tariff advantage over renewable energy projects. Thermal based capacity of about 29,000 MW is under construction and about 75,000 MW coal – based capacity and 10,000 MW gas based capacities are being designed. There is continued emphasis on technology in proximity to the coal mines (pit head plants) or at coastal regions (for imported coal) in the country to leverage on economies of scale. About 60% of the thermal capacity intended with Supercritical technology, which is considered to be fuel – efficient and environment friendly technology. However, the share of thermal power as a proportion to total power generated has decreased from 71 percent to 66.3 percent in the last decade.

HYDRO / NUCLEAR / RENEWABLE ENERGY

the growing global concerns over the green house gas emissions (world wide power sector is the largest emitter (41%) of carbon dioxide) various policy / regulatory initiatives are being taken to explore hydro – power potential as also the renewable and nuclear energy addition in the country. The developments in Hydropower, Renewable energy (wind & solar) and Nuclear power are taking Under Jawaharlal Nehru National Solar Mission (JNNSM). The 50,000MW hydro projects have been already launched. The new projects already under preparation with the share of hydro has increased to 26 percent from 25.7 percent

CHALLENGES IN HYDRO POWER PROJECTS

Hydro power projects are expected to face risks on account of factors such as political and environmental protests, delay or cancellation of environmental clearances, delays in land acquisition, poor infrastructure,



tunneling delays, geological surprises, contractual and procurement issues, shortage of skilled man power, difficulties in evacuation of power, etc. Hydro power projects are also increasingly becoming prone to hydrology risks.

COAL SHORTAGES AND ENVIRONMENTAL ISSUES

Power generation companies have been procuring coal under coal linkages and Fuel Supply Agreements with Coal India Ltd, captive mine blocks and through imports. However, domestic coal based generation plants (which account for about 72% of the total coal requirement in the country) have been experiencing coal supply constraints and have lost generation due to coal shortages on account of factors such as constrained supplies by Coal India Limited (which accounts for 85% of domestic coal supplies) and lack of progress in captive coal mining. Thus the country's dependence on coal imports has been rising in the recent past.

COAL AND GAS SUPPLY CONSTRAINTS

India has Coal resources of about 267 billion tonnes of which proven reserves are about 106 billion tonnes. Recent initiatives in domestic coal sector such as competitive bidding of coal, underground mining efforts, New Coal Distribution (NCDP), revision in coal prices, fuel supply agreements with power utilities, pricing of coal based on Gross calorific Value rather than Useful Heat Value, creation of coal regulator, etc might give a fillip to the domestic coal production. Power sector consumes about 72% of the total consumption of coal in the country. Domestic consumption of coal by power sector is projected at 442 million tonnes, while the domestic availability is projected at 389 million tonnes. Thus, the domestic demand supply gap of coal for the power sector is projected to be about 53 million tonnes. The domestic coal demand supply gap for power sector is projected to increase to about 120 million tonnes in future.



GAS SUPPLY CONSTRAINTS

Plant Load factor of gas based plants has improved recently on account of enhanced gas supplies from KG basin to power sector. Based on demand supply analysis, while the domestic gas supplies are projected to increase, the country is expected to remain dependent imports to meet the growing demand by end user industries. Gas prices in the future are expected to witness an upward trend due to increase in exploration costs from difficult fields in the country as also increase in the proportion of costly imports. The overall demand for natural gas in the country is 190 mmscmd against overall suppliers of 175 mmscmd witnessing a shortage scenario to the extent of 15 mmscmd. The country's dependence on LNG imports is likely to increase in the future.

CONCERNS PERTAINING TO DISTRIBUTION

The Company losses are likely to remain a source of concern for the State sector distribution companies, thus leading to continued dependence on subsidies from the respective state governments, as also resulting in frequent hikes in retail tariffs. Financial health of State DISCOMs will continue to remain fragile with continued reliance on growing subsidies and likely shift of lucrative consumers through open access. Thirteenth Finance Commission (TFC) has in its recommendation to the GoI, Pointed out that even better performing states need a minimum of 7% increase in tariff on an annual basis (at 2007-08 subsidy levels), to bridge the gap between actual receipts and government subsidy. TFC has pointed out that requirement to hike the tariff in poorly performing state could be as high as 19% per annum which could be difficult to achieve. TFC, in its projection has pointed out that net losses of state transmission and distribution utilities are expected to rise from Rs. 68, 643 crore in FY 2011 to Rs. 1,16,089 crore



in 2014-15 if immediate steps are not taken to reform the utilities. Private discoms are likely to face risks pertaining to regulatory uncertainties and intervention by State Governments, autonomy of SLDCs, competition on account of provision of multiple licences and open access, etc.

DEMAND – SUPPLY GAP

The domestic energy requirement for the present needs around 8,30,594 million units (mkwh) while the energy generated was only 7,46,644 million units (mkwh) creating a gap of 83950 million units (mkwh). The overall energy deficit in the country was 10.1% while peak deficit stood at 12.7% with shortage of 15,157 MW. The domestic energy consumption and availability were 1,53,193 MU.

DISTRIBUTION REFORMS

It is noted that Electricity Departments have been unbundled and corporatized, and 23 SERCs have issued open access non discriminatory provision for use of transmission lines and distribution system by companies engaged in generation or users of power regulations. The power consumer Grievances Redressal Forums and Ombudsmen have been constituted in 22 states. All of them have securitized their outstanding dues towards Central Public Utilities. At national level 98% feeders and 88% of the consumer have been metered so far. 100% feeder metering have been achieved in 20 states. Separation of agriculture feeders constituted independent regulatory commissions and 23 SERCs have issued tariff orders for rationalizing tariffs. The overall distribution loss levels, while remaining high in absolute terms, have shown improvement on account of improvement in the areas of energy audit, system strengthening, rural load management, and prevention of theft. Few States have witnessed improved financial performance and cash flows on account of gains accruing from



trading in power. However, there has been a sharp rise in the subsidy dependence of distribution utilities and SEBs in many of the States.

The present installed capacity consist of coal-based plants (56 per cent), gas-based plants (10per cent), hydro-electric plants (26 per cent), nuclear plants (3 per cent) non-conventional plants (5 per cent).In terms of ownership structure, the profile consists of Central Government-owned companies/electricity boards (57 per cent) and private sector (11 per cent).Indian power sector was opened up for private power generation in 1991.Today, 100 per cent FDI is permitted in all segments of electricity industry, namely generation, transmission, distribution and trading. In the last few years, far-reaching structural changes have been introduced in the Indian electricity sector. Traditionally, planning for capacity addition has been done keeping in mind only the base load demand and no conscious effort has been made to set up capacities dedicated for meeting fluctuating and highly unpredictable peak demand during time of the day and seasons of the year.

RENEWABLE ENERGY

It is envisaged National Action Plan on Climate Change, which envisages increase in usage of green energy with an aim to minimize the carbon footprint in the country as also provide electrification through distributed generation to remote areas.

WIND ENERGY

It is not just another source of energy or electrical power. It is a nil / low carbon role in the energy mix to achieve energy security. This is other sources of renewable energy play an important role in checking climate change and global warming. The consequences of global warming and climate change in the long-run can be disastrous to planet earth. India holds the fifth position in the world after China, the U.S. Germany and Spain in global wind power capacity as at the



end of calendar year 2010 (table 1) recently 1,377 MW has been added. The cumulative capacity to 13.184 MW. Wind electricity generators of unit sizes between 225 KW and 2010mw have been deployed across the country.

RENEWABLE PURCHASE OBLIGATIONS

The target of 14,000 MW for renewable energy during Eleventh Plan period, of which only 60% capacity addition is likely to be achieved. Potential for wind power is estimated in the range of 50,000 MW to 1,00,000 MW in the country. Wind energy has been the main contributing force which has witnessed increase in level of indigenization in the manufacturing of wind generators and increasing trend towards state of the art technologies such as use of lighter and large blades in turbines, more aerodynamic design, higher towers and direct drive and variable speed gearless operation using advance power electronics.

NUCLEAR POWER

India has signed 123 agreements (Concerning peaceful uses of Nuclear Energy) with the United States in October 2008, paving the way for development of civilian nuclear energy in the country. The ban on nuclear fuel imports into the country has also been lifted by the Nuclear suppliers group thus enabling the country to procure nuclear reactors as well as nuclear fuel. The integrated 14 energy policy has envisaged a possibility of reaching a nuclear power capacity of 21000 – 29000 MW by 2020, and 48000 – 63000 MW by 2030, through a mix of indigenous Pressurized Heavy Water Reactors, Fast Breeder Reactors, and Light Water Reactors which however is contingent on availability / import of fuel / reactors through international cooperation as also on the evolving nuclear policy and issues pertaining to nuclear legal and institutional framework.



Though renewable energies are on the rise, by 2030, nearly 60 per cent of the world's electricity will still come from coal and gas, which are responsible for 40 percent of global CO₂ emissions. In India, the World Energy Outlook 2010 (WEO) forecasts that coal will continue to be the main source for electricity generation, although its share will decline from 69 per cent in 2008 to 52 per cent in 2035. While the use of technology to capture CO₂ from coal-fired plants will be of tremendous importance in the long-term, in the near-term increasing efficiency of power generation from these plants has a much bigger role to play. Forty years ago, in the early 1970s, 90 per cent of global energy production was based on fossil fuels. One way of doing this is to increase the use of renewable energy sources, which has been on the agenda for some time now. Another way is to make the use of fossil fuels carbon-free or at least as carbon-free as possible. Since coal accounts for more of current global electricity generation and emits the highest amount of CO₂ among fossil fuels, the emphasis must lie on coal power plants.

In today's world, reliable, affordable and sustainable power should be treated as a fundamental right of all the citizens. The modern energy infrastructure is changing in a big way. In the 1990, the industry had not even heard of 20 GW of solar or 15,000 MW of wind turbine in the country. Today, however, the energy infrastructure is changing in a big way. Electricity has huge leverage to enhance productivity and the standard of living of Indian people. If the country needs to attain a growth rate of 8-9 per cent per annum, reliable power is a necessity and the current situation of load shedding will continue to cost heavily.

BIOMASS RESOURCE

The potential is assessed at 500 MT/year and about 30% of the same or about 150MT/annum is estimated surplus biomass availability creating a potential of about 18,000 MW electricity generation. 143.50 MW capacity



biomass projects were installed during the year taking the cumulative biomass capacity to 997 MW from 130 projects. Improved high output technologies have been used in these projects. 14 biomass power projects of aggregate capacity of 142 MW with project configuration of 67 ata and 485 degree C have been commissioned during the year. Biomass power projects aggregating to 50 MW capacities are in different stages of implementation.

TIDAL

A programme on tidal energy has been implemented to develop and harness about 8,000 to 9,000 MW of estimated tidal energy potential for power generation. First tidal project of 3.75 MW capacity is being set up at Durgaduani Creek in Sundarbans.

A broad

SOLAR

In June 2008, National Action Plan on Climate Change was announced, which included eight major national missions: one on solar energy being the centre piece. This mission envisages a major step up in the utilization of solar energy for power generation and other purposes. Jawaharlal Nehru National Solar Mission (JNNSM) was launched by the Prime Minister in January 2010, with the objective to help reach grid parity by 2022 and help set up indigenous manufacturing capacity. The target is to set up 20,000 MW grid solar power (based on solar thermal power generating systems and solar photovoltaic technologies), 2,000 MW of Off-grid capacity including 20 million solar lighting systems and 20 million square meter solar thermal collector area by 2022. These will be implemented through NTPC VidyutVyapar Nigam (NVVN). NVVN will sell the solar power to the State utilities after bundling solar power with equivalent



capacity of thermal power. CERC has announced tariff for purchase of solar power by NVVN. The tariff for the year 2010-11 for PV was Rs. 17.91 per unit and for solar thermal power Rs.15.31 per unit. In addition, project developers for 100 MW capacity of grid (below 33 KV) connected solar projects (of 100 kW to MW capacities each) have also been selected.

CONCLUSION

It is clear from the above analysis unprecedented growth has been taken in power sector. The total installed capacity is not able to meet the demand side. The number of electrified villages considerable increased. Similarly, all the traditional industries are linked up with electricity. Due to continuous power cuts the small and tiny industries are facing heavy losses. Further, it is creating unemployment problem in the rural areas. The study also reveals that generation of non renewable power creates environmental degradation. It is very much indispensable to generate eco friendly power at affordable prices.

TABLE-1
DEVELOPMENT TRENDS IN ELECTRICITY SECTOR

YEAR	INSTALLED CAPACITY	No of Electrified Villages		Percapita Consumption (Kwh)
1950	1713	3061	0.52%	18.2
1960	4653	21754	3.66%	45.9
1970	12957	73739	12.42%	97.9
1980	28448	249799	42.07%	172.4
1990	63636	470838	79.30%	329.2
2000	105046	512153	86.26%	559.2
2010	159398	500920	84.37%	778.6

Source: Electrical survey of India



TABLE-2
 POWER SUPPLY POSITION IN INDIA

REGION	REQUIREMENT(MU)	AVAILABILITY	DEFICIT→	IN %
Northern Region	258780	237985	-20795	-8.0
Western Region	268488	232871	-35617	-13.3
Southern Region	229904	217981	-11923	-5.2
Eastern Region	94558	90526	-4032	-4.3
N-E Region	9861	8992	-869	-8.8
All India	861591	788355	-73236	-8.5

SOURCE: VARIOUS ANNUAL INDIA ENERGY REPORTS

TABLE-3
 ALL INDIA ELETRICITY CONSUMPTION SECTOR WISE

SECTOR	MWs	in%
AGRICULTURE	129051	18.16
INDUSTRY	321431	45.23
DOMESTIC	153193	21.56
COMMERCIAL	63689	8.96
Miscellaneous	29929	4.21
Railway s	13381	1.88

TABLE-4
 SECTOR-WISE GROWTH OF ELETRCITY CONSUMPTION

YEAR	DOMESTIC%	COMMERCIAL%	INDUSTRIAL%	AGRICULTURE%
1950	11.87	3.18	11.08	9.03
1960	10.14	9.50	10.40	66.96
1970	9.73	11.78	11.57	71.06
1980	9.18	7.15	5.02	13.55
1990	13.41	7.45	6.55	12.60
2000	9.8	8.28	4.43	7.52
2010	8.15	11.47	10.36	2.05

SOURCE: VARIOUS ANNUAL INDIA ENERGY REPORTS



TABLE-5
 MODE-WISE INSTALLED GENERATING CAPACITY

MODE TYPE	MW	%
COAL(1947-2011)	93918	54
HYDRO(1947-2011)	NA	22
DISEL(1947-2011)	1200	1
NUCLEAR(1974-2011)	4780	3
GAS(1969-2011)	1706	10
Total	173626	

TABLE-6
 BASIN-WISE GENERATION OF POWER

	INDUS	GANGA	CENTRAL INDIAN RIVERS	West Flowing Rivers	East Flowing Rivers	Brahmaputra
%Cap.Dev	29.31	23.64	81.37	62.92	56.22	2.70
%Cap.Under Construction	17.20	9.55	10.34	1.11	3.70	10.92
% Cap.Dev+ Under Construction	46.51	33.19	91.71	64.03	59.91	13.61

TABLE-6
 Global wind power capacity (MW)

China	42,287
U.S.	40,180
Germany	27,214
Spain	20,676
India	13,065
Italy	5,797
France	5,660
UK	5,203
Canada	4,009
Rest of the world	30,298

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COUNSELING SERVICES IN HIGHER EDUCATION INSTITUTIONS OF JAMMU AND KASHMIR: NEEDS AND CHALLENGES

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INTRODUCTION

Since independence, all the governments, both at the centre and state, have accorded top priority to education sector in India. This has not only resulted in an increase in the literacy rate but also in the opening up of massive opportunities for the students worldwide and thus taking the country towards the path of progress. In the past couple of decades, a number of colleges and universities have been opened in India which are providing education to hundreds and thousands of students. With globalization and changing times in the past couple of decades, a good number of higher educational institutions in public as well as private sectors are providing opportunities to the students in various courses and streams. However as new educational institutions are opening up in India, there is also another issue of providing accurate guidance to the students to take up the courses which are of their interests and which can provide them good employment opportunities. In this new world where many educational opportunities have been provided to the students at their doorsteps, yet one of the biggest challenges that a student still faces is making choices about his/her career. It is a tough decision on which future life of a student depends. There is an increased realization in the country that the placement



number of our students is not better and as per their qualification. There is a need to provide a platform for the students in the institution where they are studying, which can guide them about their futures and career planning. Thus in the past few years, the need of counseling services in higher education institutions has strongly been felt.

Career guidance and counseling is a process which enables individuals to acquire the skills required to make choices and decisions about their future (Jayasinghe 2001). UNESCO (2002) views career guidance and counseling as a process that connects students to resources so that they become knowledgeable about jobs and occupations. The process also assists students to be active managers of their career paths. The first Career Counseling services appeared at the turn of the 20th century. Parsons (1909) is generally acknowledged to have been the originator of Career Counseling, a process that was then called "Vocational Guidance." Herr and Cramer (1996) defined Counseling as "A largely verbal process in which a counselor and counselee are in a dynamic and collaborative relationship, focused on identifying and acting on the counselee's goals".

Career Counseling helps students to reflect on their ambitions, interests, qualifications and abilities. It also gives information about the job market and about easily accessible educational opportunities. Therefore, Career Counseling can be seen as a process that helps individuals not only make career related decisions but also effectively manage their careers over the life course and develop the emotional balance to cope with the challenges that arise as their working lives progress.

The University Grants Commission, the regulating authority for higher education institutions in India has also formulated a scheme namely "Career and Counseling Cell" to address the diverse socio-economic



challenges and geographic backgrounds of the heterogeneous population of students coming to the colleges vis-à-vis equity of access and placement opportunities through availability of appropriate institutional support information.

JAMMU AND KASHMIR: AN OVERVIEW

Jammu and Kashmir is the northernmost state of India. It is located in the Himalayan mountain ranges. It consists of three regions: Jammu, the Kashmir valley and Ladakh. Srinagar is the summer capital and Jammu is the winter capital. Jammu has become the largest city in the Jammu region with its fastest growth and developing infrastructure. It is situated on the banks of river Tawi. It is also known as the City of Temples owing to large number of historical temples located within the city.

The state has progressed well in its literacy rate. At the time of Independence, the literacy rate of Jammu and Kashmir state was only five per cent. Census 1961 put the literacy rate of the State at 11.03% which increased to 18.58% during 1971 census. In 1981, the literacy rate was recorded at 26.67% and the projection for 1991 was made at 45% as no census was carried out during latter period. During the decade 2001-2011, literacy rate increased from 55.50% to 68.74% in the State as against 64.84% to 74.04% at the national level. Although, the literacy rate of the state is well short of the rate recorded at the national level, yet figures reveal that the rate of increase in the literacy in the state is faster than at the national level. During 1961-2011, while the literacy rate in the State increased by 58 points, it recorded increase of 46 points at the national level. Category-wise also, the rate of increase in literacy percentage both among males and females is better in the State than the country.



HIGHER EDUCATION IN JAMMU AND KASHMIR

Higher education is critical for any developing economy. It equips young people with skills relevant for the labour market and the opportunity for social mobility. In J&K, the Department of Higher Education is charged with the responsibility to monitor and regulate the dissemination of Higher Education above 10+2 level in the state by extending education facilities by opening of the Colleges and Universities. To reduce the disparities based on gender, caste and region and to provide equal opportunities of higher education to the age group of 18-23 is major challenge to be overcome. In J&K, 22 Degree Colleges were already established in 2007-08 which include 14 Degree Colleges under PMRP Phase-I and 08 Degree Colleges under State Plan. In addition to this, 22 Degree Colleges were sanctioned during 2011-12 which includes 11 Degree Colleges in Educationally Backward Districts. A total of 45 Degree Colleges out of total of 95 Degree Colleges stand established in the State during the 11th Five Year Plan which signifies the importance attached to higher education by the State.

Table 1: Spread of government colleges (district-wise) in Jammu and Kashmir

JAMMU			KASHMIR			LADAKH		
S.No	District	No. of Colleges	S.No	District	No. of Colleges	S.No	District	No. of Colleges
01	Jammu	12	11	Srinagar	08	21	Leh	02
02	Kathua	07	12	Baramulla	08	22	Kargil	02
03	Udhampur	03	13	Anantnag	07			
04	Rajouri	06	14	Budgam	05			
05	Poonch	03	15	Pulwama	04			
06	Doda	04	16	Kupwara	05			
07	Reasi	03	17	Ganderbal	02			
08	Kishtwar	03	18	Kulgam	03			
09	Ramban	03	19	Shopian	01			
10	Samba	01	20	Bandipora	03			
	Total	45		Total	46		Total	04



The Jammu and Kashmir government established its own Education Board in 1970. Education in the state is divided into Primary, Middle, High, Higher Secondary, College and University level. Jammu and Kashmir follows the 10+2 pattern for education of children. This is handled by Jammu and Kashmir State Board of School Education (JKBOSE). Various Private schools too are recognized by the Board to impart education to students. Board examinations are conducted for students in class VIII, X and XII. In addition there are various Kendriya Vidyalayas (run by the Government of India) and Army Schools that also impart secondary school education. These schools and some private schools follow the Central Board of Secondary Education pattern. While it is important to provide career counseling services to the students in higher education, it is equally important to guide the students immediately after 10+2 as it is a feeder to higher education.

OBJECTIVES OF THE STUDY

The objectives of the present study were:

- a) To understand career counseling needs of the students in a state like Jammu and Kashmir in which education sector has been badly hit by the 24-year long protracted conflict and is now on a path to recovery.
- b) To find out the needs and requirements of Career Counseling services for a student at both the college and university level.
- c) To understand the challenges in organizing Career Development Programmes.
- d) To suggest measures for strengthening career counseling at 10+2 and higher education levels.



METHODOLOGY

The research is based on both primary as well as secondary sources. The primary sources have been the teachers and principals of various colleges in the higher education department of J&K government besides University of Jammu etc. A detailed questionnaire was used for primary sources who were contacted for the present study and information was gathered through interviews which was the major tool of data collection. Data was also gathered from the office of Directorate of School Education. Besides, the secondary sources including various government documents, reports, books, research papers in journals, magazines and periodicals have been consulted thoroughly for the present study.

RESULTS AND DISCUSSION

It emerged from this study that in higher education, there are very less or no career counseling centres/cells in Jammu and Kashmir. This coupled with the lack of resources which has compromised the quality of the career guidance and counseling services that the students received. There was very less or almost nil career counseling support for students in their life and studying situations which could help them improve the general framework conditions of the higher education environment, thereby contributing to providing equal opportunities while studying. It was also revealed that there was need for counseling services in Jammu and Kashmir for following reasons:-

a) Conflict

Jammu and Kashmir State has been facing the conflict situation from the last so many years. With this situation, education system of the state is affected. Students in the militancy hit areas are the worst suffers as



schools and colleges were destroyed. In this situation, teachers too were not interested to serve because of fear and terror. Young students are also being misguided because of lack of knowledge. Counseling in these areas is the need of the hour to create awareness among students about their future and career.

b) Social and economic development

In J&K, the economy is poor and backward which can be attributed to various factors. The climate of armed militancy in Kashmir during the past two decades has been a major factor. Low productivity in agriculture and allied sectors has impeded employment and income generation. Poor industrial infrastructure along with the economy in [J&K](#) is characterized by great or less degree of non-utilization or underutilizing of manpower on one hand and un-exploitation of natural resources on the other hand. The need of counseling is of paramount importance for promoting the well-being of the children. Effective Counseling improves the self-image of young people and facilitates achievement in life tasks. Counseling can empower girls and boys to participate fully in the economic and social development of the nation. Students are willing to choose new emerging professions. They show interest to go for higher education for gaining knowledge and exposure which will help them choosing right career at the right time.

c) Social change

Economic and social changes have, over the years, changed the ways in which we manage our lives. Thus, the lessons learnt at the past cannot effectively deal with the challenges of modern times. One has to learn the ways to cope with the modern society for which counseling is required to fill the gaps. J&K state is going through the process of modernization. People



are adopting new lifestyles. Food habits are changing too. Their mind sets are changing with proper counseling which leads to social change.

d) Skill development

Effective counseling, especially in institutions of learning has now become important. Boys and girls, young men and women, need to be guided in the relationships between health and the environment, employability skills, knowledge, and attitudes that lead to success and failure in life. Counseling in institutions of higher education can orient the students about their careers and enhance the employability skills of the students.

In rural areas of J&K state, students are really lacking these skills. They even are not aware of the educational and employment opportunities/schemes provided by the government for their betterment. Thus, counseling services in these areas must fulfill the expectation of the people.

e) Inner satisfaction

The students face many difficulties and problems which may be expressed in the following ways: withdrawal, unhappiness, annoyance, anger, inability to meet needs, lack of knowledge, partial or total failure, inability to realize aspirations, anxiety and hyperactivity. School/college administration can organize such programmes where students get the chance to channelize their energy in a right way. Counselors can provide assistance for such organization.

f) Adolescents

Young boys and girls are a large segment of the population. It, therefore, makes strategic sense to target them through guidance and counseling. Counseling is important at this stage, because this is when boys and girls develop positive sexual attitudes and practices. It is when students



begin to understand who they are, and how they can contribute to healthy relationships. They start to develop attitudes of respect toward members of the opposite sex, and see how each community member can contribute to development. Career counseling assists students choosing various educational and Vocational opportunities rightfully. While visiting various higher secondary schools in peripheral areas of Jammu city, the researchers found that most of the students chose their subjects/careers incidentally and no proper procedure had been adopted for that. The reasons might vary. Some students were influenced by their parents, others by their elder brothers or sisters and mostly by the peer group. There was a dire need for helping those students by career counselors to choose their career in a proper way.

g) Job market

Audrey Collin (1998) in his study found that to address the implications for career of today's changes in the job market, counselors need appropriate concepts, theories and methodologies. Students might no longer be well placed to help. The paper suggested that to respond to the challenges, students of all kinds needed to engage in dialogue as they examined their assumptions and conceptualizations, and developed new research approaches. Students must be engaged with these changes as researchers were exploring new qualitative methods. Career Counselors study of ever changing job market and can act as a liaison for the deserving candidates.

h) Education and counseling of girls

Disparities in gender, social and cultural practices, beliefs and perceptions are widespread in almost every society. Unless there are systematic interventions to remove the gender gaps in education, half of



the human resources in most countries will be underutilized. Socio-cultural beliefs and practices in schools/colleges often discourage girls from learning and subsequently lower their aspirations. The provision of effective counseling can help to improve the self-image of not only girls but also boys and broaden their educational and occupational ambitions.

CHALLENGES OF CAREER DEVELOPMENT PROGRAMMES

There are many challenges in organizing career development programmes both at the school and college levels. Some of these are:

a) Unrealistic expectations

When such programmes are organized by the schools, there is an unrealistic expectation by the students and staff of the schools which is a major problem. These programmes always raise expectations of participants. They often see providing job as their major outcome from such programs and, if there is no job, they become disappointed and frustrated. Organizers of such programmes need to keep the general as well as specific objective in mind so that to some extent the expectations of the participants would be fulfilled.

b) Lack of realistic career opportunity information

Lack of realistic career opportunity information is also a major challenge. One negative side effect of many career programs is that students engaged in self-assessment, goal-setting and career planning while overlooking the realities and constraints of the jobs. Supervisors need to provide students with information on personal and professional qualities required for any job. It should provide information on eligibility condition, job profile and working environment for any job.



c) Challenge for employment seekers

“We’re a society that knows how to apply for a job. The challenge for employment seekers today is to become proficient at finding work. That’s a much more complicated process than applying for a job.”

This is the reality facing by students who are graduating from various institutes and people who are losing their jobs. The vast majority of them have no idea about how to become proficient at finding work. It creates a huge opportunity for career counselors. But it also creates a challenge for them because many of them have spent their careers in traditional jobs and never have to become proficient at finding work.

d) No support from parents

The parenting support which is lacking in most of the cases should have been part and parcel of a general counseling relationship. They also need to be helped refining parenting skills which include developing a support network, improving self-organizing and stress management. Areas of self-care and lifestyle factors are also looked at.

e) Training of counselors

Researchers found that teaching such skills is a real challenge for administrators, faculty, teachers and career counselors; because most of them have no experience looking for work in educational institutions. All of them are responsible for preparing their students for a workplace that they themselves can not relate to and to see how best to address this lack of experience.

f) Up gradation of skill development programmes

Career counseling has never been a high priority within our education system, at either the secondary or post-secondary level. Further,



in times of budget restraint, it is often found on the list of items eligible for cutbacks. As a result, the services of resource persons who are experts in this field are hardly available which lowers the quality of such programmes. This needs to be upgraded for the benefit of students.

g) Lifelong access to career counseling

The changing career context provides new challenges to career counseling. Several authors agree that lifelong access to career counseling becomes a necessity (Arnold, 1997; Santos & Ferreira, 1998; Watts, 1996). Career counseling has mainly been concentrated around the transition from full-time education to employment (Watts, 1996). Since careers become more often based on a long series of interactive decisions made throughout lives, neutral (employer-independent) career counseling might be needed at all these decision points.

h) Development of career management skills

One key challenge for this changing service is to move from helping students decide on a job or a course, to the broader development of career management skills. It means building career education into the curriculum and linking it to students' overall development. A number of countries have integrated it into subjects. However, career education remains concentrated around the end of compulsory schooling.

I) Availability of career counseling throughout adulthood

Another challenge is to make career counseling more widely available throughout adulthood. Such provision is still underdeveloped and used mainly by unemployed people accessing public employment services. Thus creation of career services is capable of serving all adults remains a daunting task. Web-based services may help with supply, but these can not fully substitute for tailored help to individuals.



CONCLUSION AND RECOMMENDATIONS

Many of the challenges that career counseling faces in the 21st century are related to meeting the needs of individuals following more diverse and flexible career patterns. It seems that careers are becoming different from the past, but we should not exaggerate the changes that are taking place. The challenge for secondary school career counselors and counselors in colleges and universities is to show their students how to succeed in the workplace with a different set of tools and strategies than has been used in the past. All educational institutions must continually upgrade their training, teaching and skill-development processes to better enable their members and graduates to acquire the necessary ever-changing skills needed for success in today's workplace.

In Jammu, not much attention had been given to students' Educational and Career Counseling in the past. This remained as a low priority for two evident reasons: firstly, there was lack of awareness amongst the teachers, students and parents about the significance of career counseling and secondly the scarcity of resources didn't permit schools and policymakers to consider it as a priority. With increasing literacy rates and availability of more choices of educational Institutions as well as careers, people's interest in understanding the role of educational and career counseling in shaping students future is also increasing.

The state has achieved a remarkable success in the field of education in the country. Yet, it is felt that the placement number of our students is not better and as per their qualification. It is always helpful to take the help of Career Counselors. The real aim of formal education in the modern context is also to make the students ready for jobs or self reliance in addition to their physical, mental and spiritual development. There is a need to



provide a platform for the students in the institution where they are studying.

To provide ample opportunities to the students for upgrading their skills, there should be a "Career Guidance, Counseling and Placement Cell" in every college in the state of Jammu and Kashmir. There should be a platform in every college to address the problems of the students for providing guidance about the career and counseling from time to time.

The "Career Guidance, Counseling and Placement Cell" shall be responsible to take stock of activities to be undertaken or proposed to be undertaken by the sub-committees in a phased manner from time to time. Before the starting of the admissions in the college, the Cell should provide pre-admission coaching/guidance & counseling to all the admission seekers to provide them their expert inputs regarding the choice of subjects/subject combinations keeping the interest of the students in view. Various sub-committees can be constituted under this Cell under which college teachers can provide Guidance and counseling to the students from time to time.

Higher education institutions have the responsibility of introduction of mentoring systems, in which students are supported by their faculty with tasks varying from faculty based, course counseling, Central Student Counseling & Advisory Service, Information Service Desk, Faculty-based Course Counseling, Distance Learning Centres, Careers Guidance & Qualification for Lifelong Learning, Counseling & Advisory Services for Students with Disabilities and Chronic Illnesses, Social Advisory Service, Vocational Guidance for Secondary School Graduates and Students\Higher Education Team, exam administration, course organization, production of course guides and internet content and others.



Counseling can be provided to the students in the following areas:

1. Pre-Admission Guidance & Counseling

Counseling and guidance must be given at pre-admission level for the 1st year students. There must be a Pre-Counseling and Guidance Committee at College level as per the availability of staff in which all stream faculty members may be included.

2. Self Assessment of students and raising the level of inherent capability

Counseling and guidance must be given to the students in the beginning so as to bring forth their inherent capabilities through various measures viz. tutorials, organizing competitions, group discussion, interactive sessions, e-learning, library usage etc.

3. Development of Communication Skills and Soft Skills

Programmes should be organized to enhance the Soft Skills of the students besides improving the Communication Skills of the students through various measures. The students should be made confident to face any interviews/Group Discussions & other such challenges.

4. Guidance/Awareness about opportunities for Higher Education/Competitive Exams and Jobs

The students should be given awareness about the prospects of higher education in their future. They may be made aware about the job opportunities available in their stream/subject in the market/industry. The students may be made aware about usage of library, e-learning, use of website, e-journals etc. Due consideration may be given to the fact that all students are made aware of different competitive exams after the degrees to shape their future course of action.



Career Counselors should be made available to assist students at any stage of their career. Career Counselors do not tell which career is best for the students; however, they may help them to become able to make a suitable career decision. They need to assist people to explore, pursue and attain their career goals and facilitate the career planning process by discussing and determining the interests, values, skills, potentialities and overall personality of the student. The counseling services related to higher education are regarded as pre-emptive, resource-oriented support and attach to the individual abilities and possibilities of the students. Moreover, the counseling services also have an economic value. They help to prevent study dropouts or prolongation of the time spent studying, which helps to reduce the costs of higher education degrees. Thus, Educational and Career Counseling has become important for students, parents and teachers. In the days and years to come, counseling will become more important in all phases of studying in the future and the demand for counseling is expected to rise.

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LANGUAGE TEACHING: PRINCIPLES, METHODS AND APPROACHES

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Introduction

Language is one of the unique tenure of men. It is language which makes a man good or bad. Language distinguishes a man from an animal. It is the language which occupies the heart of others. With the same language he can loose his dignity and degrade himself in the society. A speaker who has a good command over language can attract a good number of audiences. Ben Jonson says, "Language most shows a man, speak that may see thee." Language is one of the most important and characteristic forms of human behaviour. Language differences may have consequences, because concepts in one language may be understood differently in another language. In India there are variety of languages and religions. Ever religion has its own phonetics sounds. Therefore, English is used as 'linga-franqa' in India. Also, the importance of English as an International language is increasing hurriedly in the nation. Hence, the teaching methods and the approach towards English language are most important in teaching-learning process. To understand the importance of language, it is necessary to understand the various methods and approaches of teaching English.

Linguistic Principles:-

- a) Language is learnt
- b) Language is unique



- c) Language is a system
- d) Language is a skill subject
- e) Language is for communication
- f) Language is ever changing
- g) Language is a system of symbols

Methods of English Language Teaching:

“A method determines what and how much is taught, the order in which it is taught, how the meaning and form are conveyed and what is done to make the use of the language unconscious.” The method of teaching is very important during the process of teaching-learning. Selection of good method proceeds to the success of teacher and student.

1. Translation Method.
2. Direct Method.
3. Audio- lingual Method
4. Bilingual method

1) Translation Method:

It is also known as the grammar-translation method. Translation method means teaching the target language by translating it in to mother tongue may be in Hindi or Panjabi. The main purpose of the method is that the foreign language can be best taught or learnt through translation.

Main features of Translation Method

- 1) It is very successful in present day classrooms.
- 2) It is very reliable for giving the students practice of reading with understanding.



- 3) The method is less time consuming.
- 4) Teaching of a foreign language through translation is easy, quick and economical.
- 5) The fundamental principle of proceeding from known to unknown is followed throughout.
- 6) The knowing of rules helps the learners to avoid any type of mistakes.
- 7) It stresses on Reading. It does not give much importance to teaching oral-aural skills like listening and speaking.
- 8) The learners are able to learn many items of English by comparison with mother tongue. That makes learning more clear and firm.

Grammar translation method is still popular amongst teachers. It is easy to follow and hence can be used by any teacher who is not good in spoken English.

2) Direct Method

It is a method of teaching a foreign language especially a modern language through conversation, discussion and reading.

Principles of Direct Method

- a) Direct association between thought and words
- b) Oral practice
- c) Functional Grammar
- d) Inhibition of Mother Tongue
- e) Sentence as the unit of speech
- f) Limited Vocabulary



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- g) It makes teaching of English easy and pleasant

3) Audio-lingual Method:

This method is also known as 'Army-Method' as it is developed during Second World War, when the American Army personnel were taught foreign language, using this method.

- 1) Students were army persons and they were selected carefully.
- 2) Students are high motivation.
- 3) Teachers are advised to deliver small classes.
- 4) Teacher must be expert in foreign language.
- 5) Command over the mother tongue of students and the foreign language, is important for the concerned teacher.
- 6) Multiple teaching aids are used.
- 7) Teaching of spoken language more efficiently.
- 8) The culture of mother tongue and foreign language should be taught in the form of comparison.

The Main features of Audio-lingual Method

- a) Impressions and memorization
- b) Controlled conversational practice at the initial stage.
- c) Mother-tongue is used for explaining structural peculiarities.
- d) Inductive teaching of grammar and using model sentences.
- e) Use of lectures, adaptation and conference.

4) The Bilingual Method:

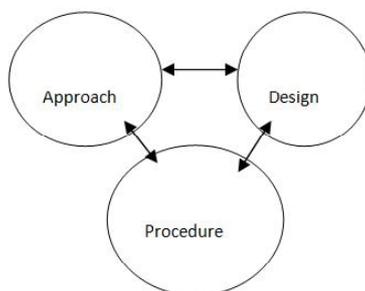
Bilingual method means a method where two language i.e. the mother tongue and the target language are used. The method is based on the similarities and differences which exist between the two languages.

Main features of Bilingual Method

- a) It helps in giving proper training for different skills.
- b) It helps in developing fluency in spoken language.
- c) Meaning and concepts are clearer.
- d) Judicious use of mother tongue helps in teaching English better.

Approaches of English Language Teaching

Approach is not method of teaching. It is only an Approach which quickens the process of learning a language. 'A method tells us a way to teach, while an Approach prescribes what to teach.' Approach, Design and Procedures are the main aspects of any language teaching.



There are main three approaches in Teaching English.

1) Structural Approach:

It is based on a belief that in the learning a foreign language, mastery of structure is more important than the acquisition of vocabulary. The different arrangements in one accepted style or the other is called a structure.



Approaching English on the basis of selected structures is called Structural Approach. In it the emphasizes one the acquisition of different skills. In it the use of mother tongue is allowed at the initial stages and that too for explaining a situation when some sentences pattern is to be practised.

Principles of Structural Approach

- 1) Importance of speech
- 2) Formation of language habits
- 3) Pupil's activity
- 4) Mastery of structures
- 5) Teaching one item of language at a time
- 6) Meaningful situations

Main Features of Structural Approach

- a) Based on scientific technique
- b) To lay the foundation of English.
- c) To correlate the grammar and composition with the reading lesson
- d) To teach the four fundamental skills
- e) Emphasis on the formal grammar.

2) Communicative Approach:

The chief function of language teaching is communication. Efficiency in language is basis for effective communication. A person has some thing in mind and he wants to communicate to others. It is possible if he knows spoken language. Verbal communication is possible when both the parties- the giver and the receiver are physically present near each other.



The Main Features of Communicative Approach

The main features of approach are as below:

- 1) Giving meaning is the most important aspect.
- 2) Dialogues are based on communication skills.
- 3) These are normally understood not to be memorized.
- 4) Giving concepts of context are very basic.
- 5) Language learning is learning to speak and follows.
- 6) Effective skills in speech to be the aim of a child.
- 7) Drilling may be used but with care and caution.
- 8) Pronunciation should be easy to understand.
- 9) Device according to age and interest are welcome.
- 10) Mother tongue may be used where necessary.
- 11) Translation also can be done, if needed and useful.
- 12) Competence in speech means ability to use language.
- 13) Fluent, correct language is the first aim, accuracy too.
- 14) The content, function, meaning determine sequence.
- 15) Interest, motivation etc depends on ideas and works.

Communicative language teaching is the best considered approach that reflects a communicative view of language and language learning and that can be used to support wide varieties of classroom procedure.

The Main Principles of Communicative Approach

- 1) Learner learns a language through using it to communicate.



2) Authentic and meaningful communication should be the goal of classroom activities.

3) Fluency is an important dimension of communication.

4) Communication involves the integration of different language skills.

5) Learning is a process of creative construction and involves trial and error.

3) Situation Approach: This approach tries to create real circumstances. This basically tries to teach English as the child learns his own mother-tongue. The main viewpoints of mother-tongue learning are:

1) Every items of mother-tongue is to be learnt in real situation.

2) Whatever the child understands and expresses is connected with his own life.

3) The situation in which the child learns the mother-tongue is repeated again and again.

From these points of view, it can be said that English can be taught as secondary language, through the links between new words and real situations. The problem is to generate real circumstances in the classroom. This is a practical problem, not a theoretical one. The situation approach simply tries to get to the bottom of this practical problem. It indicates how a teacher should generate real circumstances in the classroom.

Main Characteristics:

The main characteristics of this approach are as below:

1) The teacher initiates new words suddenly in the class.

2) Many opportunities are presented to learners to correlate the meaning of new words with related situation.



- 3) Proper situations are created through appropriate materials.
- 4) Constant repetition is stressed.
- 5) Several examples are used in a short period.
- 6) The teacher puts a lot of questions about the created situation and he answers them.
- 7) The other important thing is revision.
- 8) The Teacher is continuous in its action.
- 9) Teacher gives continuous statements about his activities, asks questions and answers himself.

The situational approach is very important in the teaching. Teacher must have reading innovation, be fast to see, where there is comprehension and where there is need for review. He must himself be confident in the language, he is teaching. The situational approach gives stress on learning through hearing. It tracks the principle of variety and cleanness. It helps the student in learning Second Language.

Conclusion: Language is the only way to describe your inner ways. Learning to teach a foreign language is a lifetime commitment. In India there are variety of languages and religions. Ever religion has its own phonetics sounds. The importance of English as an International language is increasing hurriedly in the nation. Hence, the teaching methods and the approach towards English language are most important in teaching-learning process. With the help of above said methods, principles and approaches one can increased the impression and smoothness of the language. If these methods and approaches are to be used by the teacher then he can easily change the level of its class. Without this language teaching is not an easy task.



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INDHIRAMMA SCHEME FOR VULNERABLE ELDERERS IN ANDHRA PRADESH

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1. Introduction

Social protection deals with both absolute deprivation and risk and vulnerabilities. It deals not only with social risks like sickness, old age, unemployment and social exclusion but also with programs that secure income for poor. Elders are vulnerable in Indian society. Many of the old people like father of mother or other abandoned persons (dependents) are suffering with lack of minimum bread to main their physic until living on the earth. In the recent, we are watching and reading news papers regarding this vulnerable group. Care takers slacking their ethics instade of serving the old parents while they married even though our puranaas says "*Matru Devobhava (Mother is deity) and Pitru Devobhava (father is god)*". With the present rapid decline in the total fertility rate (TFR), the problem is soon going to get far worse. The TFR is defined as the average number of children born per woman during her lifetime. In the Indian context, falling TFR means fewer people in the family to provide financial support for the elderly. Government has been providing financial security to the aged as directed by the Article 41 of Indian constitution under direct principles to the State. In 2007, Government of India (GoI) has taken Act to protect old parents by their children and direction to the State to establish old age homes etc.

2. Objectives and Methodology

Keeping the above social and economic phenomenon of the old people in mind, the present study is conducted with to evaluate the level



of dependents in the country and implementation of old age pension in the state of Andhra Pradesh and to find out the impact of the scheme in poverty alleviation and on the life style of the beneficiaries. To justify the study objectives, a few success stories have been taken.

A **case study** was conducted to find out the impact of the IOAP Scheme in 5 villages namely, Kottam, Kotturu, Timmaraju peta and Sangavaka (tribal village) of Kotanandduru mandal, East Godavari District, Andhra Pradesh. Regarding, 100 respondents whose age was at above 65 years and exclusively the disable persons are selected discussion was made to get information. The following are originated from the study.

3. Elderly dependent population

Table 1 illustrates the problem through data from the NSS. It is observed that about 52.66 percent of the elders are not having financial support in the country. Across the states, highest were located in Jammu & Kashmir recorded by 67.64 percent and lowest by kerala with 36.39 percent. They were 49.24 percent in Andhra Pradesh. It shows that a majority of elderly males have no financial support, although the proportion varies between urban and rural areas.



Table 1 Elderly without financial support in India (percentages)

State	Rural male	Rural female	Urban male	Urban female
Andhra Pradesh	49.24	15.82	57.00	26.16
Assam	47.95	13.58	56.28	29.81
Bihar	59.64	18.66	49.79	19.86
Chhattisgarh	57.02	28.55	58.74	23.32
Gujarat	49.93	12.98	52.47	12.54
Haryana	37.70	12.67	49.34	20.58
Himachal Pradesh	59.76	21.49	72.35	31.13
Jammu & Kashmir	67.64	11.38	63.12	11.74
Jharkhand	56.26	18.66	50.29	15.20
Karnataka	54.19	15.74	55.41	14.28
Kerala	36.39	11.72	47.26	20.52
Madhya Pradesh	59.83	17.58	65.44	21.33
Maharashtra	49.29	18.97	50.49	19.21
Orissa	46.96	10.21	51.4	10.22
Punjab	46.85	10.26	52.08	13.17
Rajasthan	47.63	9.47	55.38	12.87
Tamil Nadu	48.66	19.30	54.3	19.30
Uttar Pradesh	61.82	15.03	61.41	15.26
Uttaranchal	67.42	36.03	82.69	21.87
West Bengal	48.71	9.81	67.21	19.30
All India	52.66	15.49	56.51	18.34

Source: Prasad, S. 2011.

4. Direct Cash Payment Scheme for the Elders

Social insurance in India has been and continues to be a piecemeal affair. Depending on children during old age has been the norm in India for millennia. However, the Indian Government, at both the national and the state levels, has long been preoccupied with financial support for the elderly. Item No. 9 of the State List and item 20,23 and 24 of Concurrent List relates to old age pension, social security and social insurance and economic and social planning and Article 41 of Indian Constitution deals with the State's role in providing social security to the aged. One external strong voice with considerable power in policy-making has been the World Bank.



The most important government direct cash payment scheme introduced for elderly low-income people is the non-contributory and means-tested National Old Age Pension Scheme (NOAPS), a centrally sponsored scheme launched by the Government in 1995. There are two components to the programme. Originally, assistance under the NOAPS was available to those (a) whose age was at least 65 years or higher; and (b) whose income was below the poverty line. At present, the Gol has been sanctioning Rs 200 per month

6. Mohinigiri committee

Government of India has appointed a committee under the chairmanship of Dr.V. Mohinigiri to submit report on the conditions of the old and to give suggest providing welfare of them. The committee was recommended to provide social pension at Rs 1000 per month against the Rs 200. However, many states are giving more that Rs 200. For example, Delhi giving Rs 1200, Tamilnadu and Goa providing Rs 1000 and so on (table 2)

Table 2. Pension Rates in selected states

S. No	Name of the state	Pension (Rs)
1	Delhi	1200
2	Tamilnadu	1000
3	Goa	1000
4	Haryana	800
5	Rajasthan	750
6	Jharkhand	400
7	Andha Pradesh	200
8	Centre contribution	200

Source: Eenadu Daily News paper, 23rd April, 2013

7. Indhiramma Old Age Pension Scheme in Andhra Pradesh

Andhra Pradesh is India's fifth largest state spreading over an area of 2,76,754 sq. kms. The state has a major link between the north and south



of India. For administrative purpose the state has been divided into 23 districts. On the basis of geographical position, Andhra Pradesh can be divided into three distinct regions like Coastal Andhra, Telangana and Rayalaseema. The Government of AP has implemented a number of programmes (including GoI) to eradicate poverty since 1970. Some of the poverty alleviation programmes in rural areas are SGSY, MGNREGS, IGNOAPS, free mid day meals to primary-school children, supplementary nutrition programmes for pregnant mothers and pre-school children from poor households.

The Government of Andhra Pradesh implements four pension schemes (Widow Pension, Disabled Pension, Weavers Pension and old age pension) for the poor people. Before 2006 these pension schemes are implemented by the different departments. In 2006 the Government of Andhra Pradesh decided to bring the disbursement of all pensions under one umbrella by transferring the widow pensions from Social Welfare Department and disabled pensions from Disabled Welfare Department to the Rural Development Department. The amount of pension was Rs. 75/- per month till 2005-06. From the year 2005-06, it was increased Rs. 100/- per month and from 2006-07, the amount of pension has been increased from Rs. 100/- to Rs. 200/- per month for all the pensions under old age, weavers, widows and disabled.

NOAPS is re-named as Indhiramma Old Age Pension Scheme (IOAPS). The scheme has been implemented as a part of National Social Assistance Programme. The scheme provided pensions only to destitute belonging to Below Poverty Line (BPL) households and the age pensioners, both male and female, who are 65 years of age or above.



In Andhra Pradesh only Centre share is released to the beneficiaries and there is no state share. The beneficiaries got only Rs.200/- as old age pension in every month.

8. Beneficiaries of Indhiramma in Andhra Pradesh

In Andhra Pradesh as per the census 2001, the total population is 76.21 million out of the 38.53 million people are male and 37.68 million people are female, which means out of the total population 50.56 percent are male and 49.44 percent are female. The sex ratio of the state is 978. Regarding the beneficiaries of the IOAPS, out of the total 919230 beneficiaries 47.18 percent (433727) of beneficiaries are male and 52.82 percent (485503) are female. It is observed that more than fifty two percent of the beneficiaries of IOAPS in Andhra Pradesh are female (table-3).

At present, as on 1st Mar 2013, the total Pensions is estimated 76,08,808 whereas 42,89,616 are Old Age Pensions.

An unwavering level of financial Sanctions and disbursement in this regard is taken place among the districts of the state. The total sanction and utilization of funds was Rs 11184.00 lakhs in 2006-07 and 2007-08. Meanwhile it was Rs 22061.521 lakhs in 2008-09 and 2009-10 (table 4). In 2013, Budget Released to the Districts by Rs 213778.919 Lakhs and on 1st Mar 2013 Amount Disbursed by Rs 17769.69 Lakhs



Table -3. District Level Physical Achievement under IOAPS Scheme (in nos.)

Sl.No	Name of the District	Beneficiaries	
		Male	Female
1.	Srikakulam	23230	18232
2.	Vizianagaram	22154	19604
3.	Visakapatnam	19287	22583
4.	East Godavari	28467	25931
5.	West Godavari	20349	26267
6.	Krishna	18368	21473
7.	Guntur	19618	29764
8.	Prakasam	24035	26077
9.	Nellore	20801	20657
10.	Chittoor	19760	19021
11.	Cudapah	19568	26013
12.	Ananthapur	24786	29494
13.	Kurnool	13323	20444
14.	Mahaboob Nagar	21519	25748
15.	Ranga Reddy	19514	20062
16.	Hyderabad	3856	8842
17.	Medak	16029	19129
18.	Nizamabad	11977	18322
19.	Adilabad	12301	17529
20.	Karimnagar	16637	24042
21.	Warangal	20529	16583
22.	Khammam	20524	17437
23.	Nalgonda	17095	12249
Total		433727	485503

Source: Office of the Chief Executive Officer, SREP-SHG Wing, Govt. of AP, 2012



Table 4. District Level Financial Targets & Achievement under IOAP Scheme
(Amount in lakhs)

Sl. No	Name of the District	2006-07		2007-08		2008-09		2009-10	
		Sanctioned	Utilized	Sanctioned	Utilized	Sanctioned	Utilized	Sanctioned	Utilized
1.	Srikakulam	504.456	504.456	708.886	708.886	995.088	995.088	995.088	995.088
2.	Vizianagaram	508.056	508.056	713.945	713.945	1002.190	1002.190	1002.190	1002.19
3.	Visakapatnam	509.424	509.424	715.867	715.867	1004.888	1004.888	1004.888	1004.88
4.	East Godavari	661.848	661.848	930.061	930.061	1305.559	1305.559	1305.559	1305.55
5.	West Godavari	567.168	567.168	797.012	797.012	1118.794	1118.794	1118.794	1118.79
6.	Krishna	484.728	484.728	681.163	681.163	956.173	956.173	956.173	956.173
7.	Guntur	600.816	600.816	844.296	844.296	1185.168	1185.168	1185.168	1185.16
8.	Prakasam	609.696	609.696	856.774	856.774	1202.684	1202.684	1202.684	1202.68
9.	Nellore	504.408	504.408	708.819	708.819	994.993	994.993	994.993	994.993
10.	Chittoor	471.840	471.840	663.052	663.052	930.750	930.750	930.750	930.750
11.	Cudapah	554.568	554.568	779.306	779.306	1093.939	1093.939	1093.939	1093.93
12.	Ananthapur	660.408	660.408	928.037	928.037	1302.719	1302.719	1302.719	1302.71
13.	Kurnool	410.832	410.832	577.321	577.321	810.406	810.406	810.406	810.406
14.	Mahaboob	575.088	575.088	808.142	808.142	1134.417	1134.417	1134.417	1134.41
15.	Ranga Reddy	481.512	481.512	676.644	676.644	949.829	949.829	949.829	949.829
16.	Hyderabad	154.488	154.488	217.094	217.094	304.742	304.742	304.742	304.742
17.	Medak	427.752	427.752	601.098	601.098	843.782	843.782	843.782	843.782
18.	Nizamabad	368.640	368.640	518.031	518.031	727.178	727.178	727.178	727.178
19.	Adilabad	362.928	362.928	510.004	510.004	715.911	715.911	715.911	715.911
20.	Karimnagar	494.928	494.928	695.497	695.497	976.293	976.293	976.293	976.293
21.	Warangal	451.536	451.536	634.520	634.520	890.698	890.698	890.698	890.698
22.	Khammam	461.856	461.856	649.022	649.022	911.056	911.056	911.056	911.056
23.	Nalgonda	357.024	357.024	501.707	501.707	704.264	704.264	704.264	704.264
	Total	11184.00	11184.0	15716.30	15716.3	22061.52	22061.5	22061.5	22061.5

Source: Office of the Chief Executive Officer, SREP-SHG Wing, Govt. of AP



9. Earning Status of the Members

It is reported that, out of the 100 members only 6 percent of the members are earning members and 2 percent is in the category of not earning member. About 92 percent of the members are not responded

Longevity of beneficiaries

Around 50 percent of beneficiaries reported that they have received the pension for more than three years and more than 92 percent received the pension amount by cash. Some of the beneficiaries under the scheme have received the pension amount at a distance of below 3 km and all of them reported that they themselves have received the payment. The pension disbursement at some extent is irregular. More than 99 percent of the beneficiaries reported that the pension is received in every month.

10. Utilization of Last Pension Amount

Out of the 100 surveyed beneficiaries, 40 per cent of the beneficiaries have utilized 31-40 of their amount from pension for purchasing food items. And out of them, 11-20 percent was utilized for the purchase of cloths by 40 percent. 35 percent were spent at 11 to 20 per cent of income on Medicine. Cent percent of respondents were spent up to 10 per cent for Relatives. Meanwhile, 90 per cent were given amount for their grand son/daughter at 11 to 20 per cent up to 10 percent of amount by 90 percent of the respondents was used to clear the borrowings (Table 5).

Table 5. Utilization of last pension Amount

S.No	Pension utilization level (percent)	Percentage of respondents					
		Food	Cloth	Medicine	for Relatives	Given to grand children	Cleared Borrowings
1	Upto 10	0.0	24.0	20.0	100.0	10.0	90.0
2	11 to 20	20.0	40.0	35.0	0.0	90.0	10.0
3	21 to 30	20.0	16.0	30.0	0.0	0.0	0.0
4	31 to 40	40.0	20.0	5.0	0.0	0.0	0.0
5	Above 40	10.0	0.0	10.0	0.0	0.0	0.0
6	Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Field survey



11. Success Stories -Impact of the Scheme

i. Indhiramma scheme changed life

Appayamma, 68 years of old widow is living in Kottam village along with his son's family. She is unable to do work. But, her in-law was forced to feed the cattle in the grazing land. She was lack of food for number of days. Later, she was come to conclusion to commit suicide. Fortunately, the village president (Tolem Rajulu) enrolled her name for old age pension and Anthyodaya (Annapurna scheme providing 30 kilos of rice at Rs 1 rupee per kilo) Scheme. Currently she has been getting 30 Kilos of Rice and Rs 200 of old age pension per month. The researcher observed a pleasant of joy in her face. She said that she had never ever expected this to happen even in her dreams.

ii. IOAP Scheme gift' for people under poverty line

Kanakamma, papaya and pandavulu and many more people of old aged group belongs to Kottam pachayat who have been suffering with food problems are now availing the food every month under IOAP Scheme. They were also enjoying the fruits of the scheme through getting food security. All are feeling happier because they cannot afford to have such conditions. Interestingly, some are selling rice getting under Annapoorna Scheme and the money is spending for various purposes.

iii. Satisfactory level of the Scheme

A variety of response is found concerning the Satisfaction of the Scheme. Out of the total beneficiaries, 84 percent of them are satisfied with the scheme, 14 percent of the beneficiaries are not satisfied and 2 percent did not respond to the issue due to some administrative ambiguities like improper etc.



Meanwhile, out of the total beneficiaries 84 per cent were reported that the scheme have a positive impact on their life, 14 per cent were perceived that a moderate impact and 2 per cent were not able to assess the impact on their life.

12. Conclusions

The Indian constitution rightly directed to the state to provide social security to all the disabled. As such, old age pension scheme is prominent among them. The state of Andhra Pradesh has followed the NOAPS, renamed as Indhiramma old age pension scheme. All the beneficiaries are felt that the scheme is changed their lives and enjoying better life. They have been meeting minimum needs like food, cloth, medicine etc. Majority of the beneficiaries are stayed with their son or daughter, so one portion of the amount also used for the educational purpose of the grand children. Majority is more than 70 years of age and they need urgent medical support. Hence major portion of the amount is used for medicine. One of the major advantages of the scheme is that the beneficiaries can purchase the medicine without depending on others. They are not helpless people but are happiness people.

13. Suggestions

The following suggestions can improve the life style of the elders.

Greater part of the beneficiaries spent a large portion of their pension amount for medicine. It is better to include them under comprehensive Rajiv health insurance scheme of the state. It is better to arrange free medical check up for the IGNOAPS beneficiaries in the nearest PHC. It is better to include all the elders in Annapurna or Anthyothaya AnnaYojana. More awareness on the scheme through SHGs, Neighborhoods groups, Gram sabha and MGNREGA work site



may be conducted. The platform of Gram Sabha for the awareness generation may be used. Schools may be another medium which can be used for awareness building. Children can pass over the information to their respective parents and grandparents. A stipulated time or date in a month should be maintained to release pension. The government tries to link the scheme with public distribution system which is providing 9 types of food items for Rs 185 rupees. The state should enhance at least Rs 500 as providing by the Central government because this scheme has been uplifting the lifestyle of the vulnerable elders.

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TERRORISM : AN ANALYSIS

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Terrorism today has become a deterministic entity shaping the destiny of individual and society. Terrorism and war on terror have become the part of the everyday vocabulary of the contemporary folk. Between terrorism and war on terror the civilian population passes through a nightmarish life. The present study is an attempt to contribute to the growing literature on the post 9/11 world scenario, treating terrorism as a social reality, a global problem and a complex phenomenon. The study focuses on the plight of individuals in the contemporary world scenario.

This paper attempts to analyze the political and social background which brought about such a terror shrieking world. Encyclopaedia Britannica defines terrorism as "the systematic use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective". *Encyclopaedia Britannica* (vol 7) Terrorism has been practiced by political organizations with both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police. Terrorist acts are committed for various reasons. Some terrorist groups support a particular political philosophy. Other terrorist organizations represent ethnic groups seeking liberation from governments in power. Dictators use violence to frighten or eliminate their opponents. Most terrorist groups have a small number of members. They believe the threat or use of violence to



create fear is the best way to gain publicity and support for their causes. Generally, terrorists attack people who oppose their cause or objects that symbolize such opposition. Common victims of terrorist kidnappings and assassinations include diplomats, business executives, political leaders, judges, and police. Terrorists also attack churches, synagogues and other places of worship, oil refineries, and government offices. At other times, terrorist simply choose any target certain to attract newspapers or TV coverage. Some terrorists hijack aeroplanes or seize public buildings. Then they hold the passengers or occupants hostage and make demands to further their cause. They often threaten to kill the hostages if their demands are not met. Bombing make up about half of all terrorist acts. Terrorism may cross national boundaries. A quarrel in one nation may cause terrorist attacks in several other countries. Most terrorist groups fail to achieve their long-range political goal. Governments fight terrorism by refusing to accept terrorist demands and by increasing security at airports and other likely targets.

A historical glance may be made into the background and circumstances that brought about such a terror struck world here. Colonialism and imperialism play a vital role in any discussion regarding terrorism. Several western thinkers and writers argue in support of the 'war on terror' to create a new world order- a kind of recolonization.

Paul Johnson, the American historian argues that "the answer to terrorism is colonialism" (*Wall Street Journal* Nov 2003). He writes that Americans can't resist fighting against the countries that promote terrorism. "Nothing can replace war. When Bush remarks that, the war is in the long run, he might not have looked into the political responsibility on these countries. We can't deny the historical fact that the war against pirates in



nineteenth century was an important factor in the expansion of colonialism. In the near future, let's expect new colonies which were terrorist countries hitherto." (*Wall Street Journal* Nov 2003). From these words it is clear that capitalism and imperialism are closely related to colonialism. The liberal marketing in the globalization is to be kept in mind at this instance.

Martin Wolf, the economic columnist in *The Need for a New Imperialism* (July 2004) suggested to the British government that Prime Minister Tony Blair should take the contemporary situations as an opportunity to modify the world order. Quoting the British diplomat Robert Cooper, Wolf says, "Countries like Afghanistan are dangerously intolerable to the civilized nations, and hence a defensive imperialism is the need of the hour." *Australian* (July 10 2003)

Max Boot is another thinker who asked for the colonization of the "failed states". In the journal *Australian* (Oct 15 2002,) he argues that countries like Afghanistan are "failed states" and they need improvement through American colonization. These three political philosophers argue that, the answer to terrorism is colonialism.

The idea that imperialism had served civilizations by clearing inferior races of the earth found widespread expression in nineteenth century European thought, from natural science to anthropology and politics.

Herbert Spencer wrote in *Social Statistics* (1850), "The forces which are working out the great scheme of perfect happiness, taking no account of incidental suffering, exterminate such sections of mankind as stand in their way." This is a train of thought Charles Lyell had pursued twenty years earlier in *Principles of Geology*: "if the most significant and diminutive of species...have each slaughtered their thousands, why should not we, the lords of creations do the same?" His student Charles Darwin confirmed in



The Descend of Man that "at some future period not very distant as measured in centuries, the civilized races of man will almost certainly exterminate and replace throughout the world the savage races ". Sven Ludquist comments in his *Survey of European Thought on Genocide*: "After Darwin, it became accepted to shrug your shoulders at genocide. If you were upset, you are just showing your lack of education." In another of his books titled *A History of Bombing*, Sven Ludquist writes that bombing originated as a method of war considered fit for use only against uncivilized adversaries. From all the above mentioned arguments it can be seen that colonialism and imperialism have been carried out to "civilize" the "failed states". This civilizing process in its tougher aspects becomes colonialism.

Frantz Fanon in his *Wretched of the Earth* writes "The colonized man liberates himself in and through violence." Similarly Biju V Nair in his book *Terrorism, Adhipathya Rashtriyavum Mathabheekarathayum* argues that terrorism is "a cross current against colonialism" (4). So we see that terrorism and colonialism go on as action and reaction.

In his book *When Victims Becomes Killers*, the political activist Mahmood Mamdani writes that the debate on terrorism revolves around two poles, the cultural and political. Culture talk seeks the explanation for a deed in the culture of the doer. In contrast the political talk tends to explain the deed as a response to issues of a political context of unaddressed grievances. Imperialism wins only when the colonized location is conquered culturally and politically. Cultural imperialism is not merely colonialism but a longer project. It aims to create a strong bond between the native culture of the colonized and the aims of colonialism. Such an ever lasting project brings about an abiding result for the colonial masters.



Such a project got destroyed with the Cold War which lasted for around four decades. It posed a threat to the bond mentioned above. Both the parties argued that their culture is the supreme one and it is to be globally accepted. With the fall of the Soviet Union the western colonialism ventured further into the construction of a globally unified culture. This aim is served by the agenda of globalization in the liberal market. The various community and cultures on the earth are taken out of its variety and declared as part of one unique global culture. Variety has been ignored and even blanket terms like "Islamism" have been constructed to present a counter culture against this global culture.

"Islamism" has become a political term with wide currency in the western countries. "Islamism" has been presented as a unique and unified movement lacking variety. An average western citizen can't see its multi faces in accordance with the different cultures and nations. Imperialism identified Islam with only Arab Muslims and neglected the population of the biggest Muslim country, Indonesia and Muslims in India from the umbrella of Islam. They don't try to recognize that the Muslims in these two countries do not come under Arab Muslim sects. The west often neglects the fact that each Muslim group in each country has its own culture and even religious observances. The diversity of Islam has been neglected by the western imperialism.

Though the term focused on Arab Muslim later it connoted fundamentalism and fanaticism for the west. The fact that Arab Muslims are only one among the various sects has been neglected. Thus the political myth of the hundred crores of Muslim population being a totality and posing a threat against the modern civilization was constructed. The Arabian oil being an inevitable factor in the world economics such a myth was a political



weapon for the interests of the colonialism. It got sharpened over one and a half centuries. In 1996, Samuel Huntington presented the aim of western colonialism in his *Clash of Civilizations* he states that "Islam is the only civilization which has put the survival of the West in doubt, and it has done that at least twice." (Huntington: 209)

Huntington argues that the trends of global conflict after the end of the Cold War are increasingly appearing at these civilizational divisions. Wars such as those following the break up of Yugoslavia, in Chechnya, and between India and Pakistan were cited as evidence of inter-civilizational conflict. He argues that the Islamic civilization has experienced a massive population explosion which is fueling instability both on the borders of Islam and in its interior, where fundamentalist movements are becoming increasingly popular. Manifestations of what he terms the "Islamic Resurgence" include the 1979 Iranian revolution and the first Gulf war. Perhaps the most controversial statement Huntington made in the Foreign Affairs article was that "Islam has bloody borders". Huntington sees Islamic civilization as a potential ally to china, both having more revisionist goals and sharing common conflicts with other civilizations, especially the west. Specifically he identifies common Chinese and Islamic interests in the areas of weapon proliferation, human rights and democracy that conflict with those of the west, and feels that these are areas in which the two civilizations will cooperate. Russia, Japan and India are what Huntington calls "awing civilizations" and may favour either side. Russia for example, clashes with many Muslim ethnic groups on its southern boarder such as Chechnya but cooperates with Iran in order to avoid further Muslim orthodox violence in southern Russia and in an attempt to continue the flow oil. Huntington argues that a "Sino-Islamic connection" is emerging in which China will



cooperate more closely with Iran, Pakistan, and other states to argue its international position.

He states that civilizational conflicts are “particularly prevalent between Muslims and non Muslims”, identifying the bloody borders” between Islamic and no Islamic civilizations. This conflict dates back as far as the initial thrust of Islam into Europe, its eventual expulsion in the Spanish recon quest, the attacks of the ottoman Turks on Eastern Europe and Vienna, and the European imperial division of the Islamic nations in the 1800 and 1900s. He writes:

The initial Arab-Islamic sweep outward from the early seventh to the mid eighth century established Muslim rule in North Africa, Ilberia, the Middle East, Persia, and Northern India. For two centuries or so the lines of division between Islam and Christianity stabilized. Then in the late eleventh century, Christians reasserted control of the western Mediterranean, conquered Sicily, and captured Toledo. In 1095 Christendom launched the Crusades and for a century or a half Christian potentates attempted, with decreasing success, to establish Christian rule in the Holy Land and adjoining areas in the Near East, losing Acre, their last foothold there, in 1291. Meanwhile the Ottoman Turks had appeared on the scene. They first weakened Byzantium and then conquered much of the Balkans as well as North Africa, captured Constantinople in 1453, and besieged Vienna in 1529. “For almost a thousand years,” Bernad Lewis observes, “from the first Moorish landing in Spain to the second Turkish siege of Vienna, Europe was



under constant threat from Islam." Islam is the only civilization which has put the survival of the West in doubt, and it has done that at least twice. (Huntington: 209)

Huntington's book was translated to many world languages, and turned to be a standard reference book for political thinkers as well as diplomats. The book underlines a new world order. This new order is defined as being based on culture and not on political and organizational grounds. Huntington implies that the westerns cultural centered Washington comes in conflict with the Islamic culture. The book does not define or describes civilizations. He neglected the fact that it was among Muslim countries that war broke out in the recent years and the difficulty in unify Islamic cultures has been totally ignored. But the book got universal acclaimed as a book on world civilizations.

The question why Islam only becomes the target of the west is answered in the book *Covering Islam* by Edward Said:

...modern Occidental reactions to Islam have been dominated by a radically simplified type of thinking that may still be called Orientalist. Insofar as Islam has always been seen as belonging to the Orient, it's particular fate within the general structure of Orientalism has been to be looked at first of all as if it were one monolithic thing and then with a very special hostility and fear. .. so far as the West is concerned, Islam represents not only a formidable competitor but also a late coming challenge to Christianity. From most of the Middle Ages and during the early part of Renaissance in Europe, Islam was believed a demonic



religion of apostasy blasphemy and obscurity. It did seem to matter that Muslims considered Muhammed a prophet and not a god; what mattered to Christians was that Muhammed was false prophet a sower of discord, sensualist, a hypocrite, an agent of the devil. Nor was this view of Muhammed strictly a doctrinal one. Real events in the real world made of Islam a considerable political force. For hundreds of years Islamic armies and navies threatened Europe, destroyed its out posts, colonized its domains. It was as if a younger, more virile and energetic version of Christianity had arisen in the East, equipped itself with the learning of ancient Greeks, invigorated with a simple, fearless, and warlike deed, and set about destroying Christianity. Even when the world of Islam entered a period of decline and Europe a period of ascendancy, fear of Mohammedanism' persisted. Closer to Europe than any of the other non Christian religion, the Islamic world by its very adjacency evoked memories of its encroachments on Europe, and always, of its latent power again and again to disturb the West. Other great civilizations of the East-India and China among them could be thought of as defeated and distanced and hence not a constant worry. Only Islam seemed never to have submitted completely to the West; and when, after the dramatic oil-price rises of the early 1970s the Muslim world seemed once more on the verge of repeating its early conquests, the whole West seemed to shudder. The on set of 'Islamic terrorism' in the 1980s and 1990s has deepened and intensified the shock (Fanon: 67)



It is in such a backdrop that 9/11 took place and its widely agreed that the world has entered into a new age, an age that saw a series of blasts and attacks all over the world. This stifling atmosphere brought about the notion of the 'war on terror' which upset human rights and freedom.

Any state has its own measure to oppress violence and any anti state endeavour from the part of the citizens. The State has been broadly defined as "the organized political community forming the part of a country and controlled by one government", by the Oxford Advanced Learner's Dictionary (509) (seventh edition). In the Indian context the State comprises of Executive, Legislature and Judiciary. These three organs of state form the basic structure of the political system under which the people are to be governed. This structure works directed by the guidelines of the constitution. The constitution of a country may be described as the foundational law which ordains the fundamentals of its polity and on the alter of which all other laws and executive acts of the state are to be tested for their validity and legitimacy. Every constitution is based on the social political ethos and faith aspirations of the people.

We can show our concern over the global phenomenon of some people getting blanketly condemned and labelled as terrorists in a generalized manner merely because of their Muslim identities. Harsh Mander writes in "Terrorism and State":

Millions of men and women, merely because they happen to be born to Muslim homes-believers and non-believers, students working people, home-makers and the aged, the wealthy and the impoverished- are all, with each blast, dragged into the dock of the hearts and minds of people of other religious persuasions. Here they are charged with the



guilt of solidarity if not active complicity for the horrible crimes that the overwhelming majority of them intensely abhor. They find their eyes lowered, their spirit crushed, for heinous offences which they oppose no less than their neighbours. (*The Hindu*, 21 September 2008).

He mentioned the danger involved in the response of the State to terror attacks holding the entire Muslim community guilty unless they can prove their innocence. He cites the report of one Peoples Tribunal organized by the Anhad and Human Rights' Law Network from August 22 to 24, 2008 in Hyderabad.

Similarly, the tribunal, comprising respected retired judges, human rights activists, lawyers, academics and journalists, confirmed that "a large number of innocent young Muslims have been and are being victimized by the police on the charge of being involved in various terrorist acts across the country. This is particularly so in Maharashtra, Gujarat, Madhya Pradesh, Andhra Pradesh and Rajasthan, though not limited to these States". It concluded that "this victimization and demonization of Muslims in the guise of investigation of terror offences, is having a very serious psychological impact on the minds of not only the families of the victims but also other members of the community. It is leading to a very strong sense of insecurity and alienation..." (21 September, 2008). Nowadays we see how Muslim community has been looked upon by the global public.

All citizens have a duty to respect and protect the sanity and unity of our society. No one shall gain from degrading a society into a theatre of anarchy where every man's hand is on his neighbour's throat. Religious and political activities undertaken in the public domain need to pay heed to promoting harmony and mutual trust. At the same time, preserving the



health of a society should not be understood as the mere avoidance of offensive acts or words. Justice and equality are basic to the sanity and stability of a society.

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IS SEX DETECTION TEST VIOLATES THE RIGHT TO LIFE OF FOETUS

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Introduction

Female Foeticide is one of the worst forms of violence against women where a women is denied her most basic and fundamental right "The right to life". Female foeticide is a grave social problem and a social evil. As a result of the sex selective abortions the ratio of girls to boys in India has shown a "shocking decline" in the last decade. A grave situation has emerged in states like Punjab, Haryana, Delhi, Himachal Pradesh and Gujarat, where the ratio drastically declined to even fewer than 800girls for every 1000 boys. The cause of female foeticide is that girls are considered to be liabilities while boys are presumed to be assets for the family. The biggest problem of the daughter is tradition of dowry. The parent of poor and middle class families who feel that they can't afford the cost of their daughter(including dowry) prefer to have recourse to sex tests and if female foetus is detected, an abortion is preferred. The girl child in India is treated right from her birth as an additional burden, an extra mouth to feed and another man's property According to the Indian medical association, five million female foetuses are aborted every year.

Large numbers of women in the rural areas in the backward district of Srikakulam, Andhra Pradesh is indulging in female foeticide and with the convenience of diognastic centers were resorting to scanning and medical termination of pregnancies when they come to know that they



were giving birth to a second girl baby. The sources revealed. Padma, a girl living in Pondur mandal, Srikakulam district says that the discrimination towards girls continue in the villages and it is evident in the kind of celebration they make when a woman gives a birth to boy child. The occasion is celebrated as festival among relations and close circles in the villages in the villages during cradle ceremony. When the girl baby is born, she is placed in a cradle and removed immediately and no celebration is made in the house. The girls were discriminated at the dining table and boys are given preferential treatment when it comes to providing nutritious food and buying cloths. Social discrimination against woman and a preference for sons have been promoted. According to the decennial Indian census, the sex ratio in the 0-6 age group in India went from 104 males per100 females in 1981, to 105.8 in1991, to 107.8 in 2001, to 109.4 in 2011. If the subtle sex discrimination goes unhindered and unchecked, the boys and girls ratio will be further widened as already a gap exists.

HISTORY OF PREVENTIVE MEASURES

1976-Government passed a partial ban on sex determination tests

- 1982- Private Clinics offering sex determination tests came to the limelight, groups from civil society protested against the same.
- 1985-Formation of the Forum Against Sex Determination and Sex Pre-selection
- 1988-Passing of an Act in Maharashtra which was similar to PCPNDT Act.

After a lot of public discussion and deliberation, the Indian government enacted a legislation in 1994 entitled the "Pre-Natal Diagnostic



Techniques (PNDT) Act'' to regulate and prevent the misuse of technologies for sex determination, which came into force in 1996.

In February 2000, two NGOs CEHAT, MASUM and Sabu George, an individual activist filed a public interest litigation (PIL) in the Supreme Court. The PIL sought to accomplish the following objectives-

1. *To activate the central and state governments for rigorous implementation of the central legislation, and*
2. *To interpret the legislation and/or to demand amendments to ensure that the techniques that use pre-conception or during-conception sex selection are also brought under the purview of the Act.*

The aftermath of the implementation of the passing of the Act was not encouraging, and so the Act was amended in 2003, to keep pace with scientific advancement and to plug the loopholes and its scope was further expanded with the prohibition of a whole range of activities that could facilitate deliberate sex selection.¹

International Legal Regimes on the Subject

India is a signatory to the Convention on Elimination of Discrimination Against Women (CEDAW). Articles 1, 2, 3 and 5(a) provide for elimination of discrimination.²² Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.



Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

Indian Constitutional Provisions

Most importantly, sex selection is a breach of human rights as far as women are concerned. The selective elimination of women even before birth is a breach of their right to equality and existence. Articles 14, 15(1) and (3) of the Indian Constitution also aim at achieving the objective of equality.³³

Article 14. Equality before law:-

Right to Life guaranteed under Article 21⁴ does not mean merely right to live after being born but the right to be born also. When boys are allowed to be born and girls are not allowed to be born, it is a blatant violation of equality under Article 14, for under what moral, ethical or legal standards is the birth of a boy to be treated more equal than the birth of a girl? The constitutional validity of the Act was challenged on several grounds in several cases but the Act was held to be constitutional.

It was held that the right to personal liberty cannot expand by any stretch of imagination, to liberty to prohibit coming into existence of a female foetus or male foetus which shall be for the nature to decide. To claim a right to determine the existence of such foetus or possibility of such foetus



coming into existence, is claiming a right which may never exist. Right to bring into existence a life in future with a choice to determine the sex of that life cannot be a right.⁵

The contention that the Act violated Article 19(1) (g) which provides for freedom to practice any profession, or to carry on any occupation, trade or business was struck down. It was held that it cannot be said that a person has been deprived of his right to carry on his profession, as he is bound to conduct his profession in accordance with the provisions of the PCPNDT Act. Any consequences arising out of the alleged violations of the said statute would not amount to violation of the fundamental rights under Article 19(1) (g) of the Constitution.⁶

Similarly yet in another case it was held that the Medical Termination of Pregnancy Act which legalizes abortions could not be equated with the PCPNDT Act and PCPNDT Act is not violative of Article 14 on that ground. It was held that a prospective mother who does not want to bear a child of a particular sex cannot be equated with a mother who wants to terminate the pregnancy not because of the sex of the foetus of the child but because of other circumstances laid down under the MTP Act. To treat her anguish about having a daughter as injury to mental health is to encourage sex selection which is not permissible. Therefore, by process of comparative study, the provisions of the Act cannot be called discriminatory and violative of Article 14.⁷

Right to life of foetus

Our constitution provides for the Right to live with dignity under article 21. Sex detection tests violate this right. In India right to life is guaranteed to every person under the constitution of India. The concept of personhood complicates the position of legal status of foetus. In a recent



land mark judgement the Bombay High court upheld an amendment to the PNDT Act banning sex selection treatment. The court pronounced that pre-natal sex determination would be as good as female foeticide. Pre-conception sex determination violated a woman's right to live and was against the constitution. There is desperate need for the courts to come clear on this vital issue and recognize the rights of the foetus.

There are a number of statutes that indirectly provide protection to the life of foetus .The Indian penal code under various provisions makes causing miscarriage as an offence.⁸ ***The Bhandu Mukti Morcha v. Union of India***.⁹ the honorable Supreme Court held that "it is fundamental right of every one in this country assured under Article 21 to live with dignity—it must include the tender age children to develop in a healthy manner. The Code of Criminal procedure under section 416 mandates that the High court shall order as to execution of capital sentences on a pregnant woman be postponed or it may commute the sentence to imprisonment for life; thereby indirectly recognizing the right to life of foetus. Properly laws also recognize that an unborn can enjoy certain interests in property.¹⁰ In the light of above discussion, it is agreed that foetus should enjoy the right to life. The foetus should be recognized as a separate entity enjoying distinct legal right and is not a part of another. The concept of personhood is a myth and mere creation of law this legal fiction must not come in the way of conferring right to the foetus. Failure to recognize the rights on the foetus would amount to discrimination thereby violating the right to equality enshrined in Article 14 of Indian constitution.

Though the law relating to female foeticide has been recently made more stringent, but it is not proved to be effective. Although the legislation is aimed at achieving high aspirations, it suffers still from lacunas and the



most important is the implementation of law. Ashish Bose has commented "the law which bans prenatal sex selection tests is totally ineffective."¹¹ The key provision of this law is the prohibition on the disclosure of the sex of the foetus. But the information of the sex of the foetus takes place behind the doors. Often the information is communicated orally; hence it is difficult to obtain evidence. The Act is therefore extremely difficult to implement. Since educated people are parties to the practice and it is difficult to bring the perpetrators to book as "More involved are the prospective mother, family and doctors it is important to bring in fear against the sex determination. To bring in fear, the enforcement authorities shall have to be very strict.

Pre- natal sex selection and the law

In 1971, India liberalized its abortion law by enacting The Medical Termination of Pregnancy Act. The Act has modified the strict provisions of the code by permitting abortion in a number of situations. The Act envisages that the termination of pregnancy involves risk to life of pregnant woman or risk of grave injury to her physical or mental health. The Act permits termination of unwanted pregnancy of a married woman on the ground that a contraceptive device failed.¹² Nevertheless, the irony is that though the rules made under the Act provided for it licensing. Monitoring and regulation of hospitals and clinics engaged in conducting sex determination tests and abortions. Yet thousands of sex selective abortions continued to take place in India. The pre- natal diagnostic techniques (Regulation and prevention of misuse) Act, 1994 permits the use of pre-natal diagnostic techniques for the exclusive purpose of detection of specific genetic abnormalities and disorders¹³ and lays a prohibition on the use of these techniques for the purpose of determining the sex of foetus.¹⁴ Section



6 of The pre- natal diagnostic techniques (Regulation and prevention of misuse) Act, 1994

The Act prohibits disclosure of the sex of the foetus. The Act specifically prohibits advertisements relating to pre-natal determination of sex. It may be pointed out that as adequate records are not maintained by the clinics it is difficult to identify the purpose for which an ultra- sound test has been conducted. The absence of such record affects the enquiry. Although the Act has been on the statute book since 1994, it remained largely ineffective in checking the proliferation of ultra-sounds machines and mobile clinics clandestinely offering sex-selection services throughout the country.

Based on the Supreme court order and central supervisory Board recommendations, the parliament passed the Pre-conception and Prenatal Diagnostic techniques (prohibition of sex selection) Act 2003. The title of this Act in its original form was 'the Pre-natal Diagnostics technique Act 1994, but the same has been named in the present form so as to give a wider scope and greater effect in the protection of female folk. Recently various developed techniques of sex selection at the time of conception itself, like Erickson method(x and y chromosome separation) and pre implementation genetic diagnosis (PGD) have been brought under the ambit of law. The Act mandates compulsory registration of all diagnostic laboratories under amended section 4 of the Act. All genetic counseling centers, genetic laboratories, genetic clinics and ultrasound clinics would now section 4 of the Act. mandates compulsory registration in the present form so as to give a wider scope have to maintain the records of all the tests conducted by them. The person conducting ultrasonography on a pregnant woman shall keep complete record thereof in the clinic in such a manner as may be



prescribed. Section 23 of the Act provides that the name of registered medical practitioner shall be reported by the appropriate authority to the state medical council concerned for taking necessary action including suspension of the registration if the charges are framed by the court and till the case is disposed off and on conviction for removal of his name from the register of the counsel for a period of five years for the first offence and permanently for the subsequent offence .A new section 16 A has been inserted in the Act which provides for the setting up of state level supervisory bodies to monitor the implementation of the Act. There is already the central supervisory board in operation at the central level. It is submitted that the law dealing with sex selection and its prohibition is very comprehensive and provides various procedures, authorities and other provisions to that effect. So the nexus between doctors and parents has to be checked by the crack of whip of the law to curb female foeticide. String action should be taken not only against erring doctors who are violating the Act but also against the patients as well as staff of the organization where the female foeticide is being done.

Conclusion

People both in rural as well as in urban areas have to be made aware about the need of a female child in the social milieu as that of son. A progressive legislation alone can't solve social problems. The people must be aware of the progressive legislation which has certain deterrent facts. Many women are compelled to undergo tests and seek abortion on acceptable as well as unacceptable grounds under compulsion. A new spirit has to be imbibed propagating that female child is not a curse. It is not liability, it is not a drain on economy and not an instrument through which dowry has to be given. A feeling has to be nurtured that she is the daughter,



she is the mother and she is life partner. Foeticide can't be controlled unless the equation changes and families begin to value their daughters more than they do at present. It does not take much to kill an infant daughter even without the aid of technology, if she is unwanted. Among all the factors, which need attention, education is most important. In parts of south Asia where education and employment opportunities for women are relatively high, the female to male ratio is considerable to that the developed countries. For instance in Srilanka the sex ratio is 102 women per 100 men and in India state of Kerala 104 women per 100 men. This reflects towards the deep rooted manifold, short and long term effects of education on the psyche and life pattern of people.

The real challenge is to figure out ways in which in a realization of the value of daughters can be enhanced on the eyes of their own families. All those who have a stake in it, apart from the government authorities, like women's groups, health groups, non governmental organizations, the academicians, the media and most importantly the medical professional have to play their part to see that the provisions of the concerned legislations are implemented and strengthened by amendments of the Act. Unless social action is supplemented with prompt implementation of regulations under the law meant to stop female foeticide, such practices will continue to flourish. It is indeed time to energize efforts to put gender equality at the top of development agenda and contribute in whatever way we can to give opportunities to girl children to bloom and shine. Union Minister of State for human resource development D. Purandeswari expressed¹⁵ anguish at the tardy implementation of laws to check the increasing trend of identifying sex of foetus. Not many cases were being registered under the Pre-conception and Pre-natal Diagnostic Techniques (prohibition of sex selection) Act 2003, which banned the identification of the foetus. Not



more than 500 cases were registered and action was taken just in 30 clinics in the recent past she observed.⁸ she said there was need for data on effectively taking the real problems of abortion and disorientation against girl child. She stated that as solution to these problems, the girl child should be educated. Promoting gender balanced society involves targeting behavioral changes in turn involves a long term community based intervention, awareness programmes, programmes to promote right to life of foetus, addressing myths related to sons and daughters and concerned efforts to change the mindset of people. Sensitization of medical practitioners, enforcing a system of ethics in the medical profession and monitoring of medical services available to people is an urgent need to protect the life of foetus.

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- 1 India Go. Annual Report on Implementation of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act. New Delhi : PNDT Division, Ministry of Health and Family Welfare, Government of India, 2005
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;



- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women. Article 3. States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Article 5. States Parties shall take all appropriate measures:
 - (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.-

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.

4 Article 21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law

5 Vinod Soni Vs. Union of India, 2005 Cri LJ 3408 (Bom)



- 6 Dr. Kalpesh J. Patel v State of Gujarat, Gujarat High Court Special Civil Application No. 6625 of 2011 with Special Civil Application No. 7234 of 2011
- 7 Vijay Sharma Vs. Union of India and Anr, AIR 2008 Bom 29
- 8 Section 312 to 318 Indian Penal Code deals with the offences relating to miscarriage or injurious to the unborn child of exposure to the infants.
- 9 A.I.R 1984, SC, 802.
- 10 Section 13 of the Transfer of property Act, 1882.
- 11 Ashish bose 'Fighting Female Foeticide', *economic and political weekly*, September 8th 2010 p 3429.
- 12 Section 3 of the The pre- natal diagnostic techniques (Regulation and prevention of misuse) Act, 1994
- 13 Section 4 of The pre- natal diagnostic techniques (Regulation and prevention of misuse) Act, 1994
- 15 Deccan chronicle 12th, November, 2009.



UNDERSTANDING PLURALISM: AN APPROACH

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What Pluralism means?

The concept of pluralism is nothing new to anybody. The thing which changes with time is the way in which the people living in a particular time interpret "plurality". What seems to be remarkable is: the circulation of the concept of pluralism in the form of a theory.¹ Thus one needs to understand the sharp distinction between the plurality existing around us and the theorizing of the same which falls within the scope of "pluralism" in the form of a subject.

The key to such kind of an appeal is: the possibility of co-existence of more than one enlightening answer to a unique question. This open ended approach lies within the core of pluralism and seems to challenge the traditional, unique value setting (truth-value) criterion of the past.² Immanuel Kant had introduced the duo of scheme-content, with the distinction he had made between categories of the mind and intuitions of experience.³ These conceptual schemes explain the existence of universal, hence over arching unchanging knowledge.⁴ The given material world was available for all, but different individuals possessing conceptual schemes of their own conceptualized and understood it in their own way.

On the other hand, relativism may be understood as an attempt to take into account different perspectives about the same thing while



establishing the relationship between the viewer and the given world.⁵⁵
Dictionary of Philosophy, entry on “relativism”

Now the question is: are pluralism and relativism one and the same thing? Before proceeding any further with this question, I would like to introduce the meaning of the term “relativism” more clearly over here.

Relativism can be simply understood as being dependent on the perspective of viewer. Thus **relativism** was an indirect outcome of the scheme-content dualistic model.⁶ Maria Baghramian attempted to prepare a space for conceptual pluralism without bringing in relativism into it.⁷ Baghramian opines that it is simply unavoidable to miss the plurality existing within the conceptual framework of the world.⁸

Aaron Z. Zimmerman defines the concept of relativism in the following way. To quote a few words from Z. Zimmerman:

“A genuine relativist would instead assert that it is true for some societies that, say, polygamy is morally permissible but that this proposition is false for us, and since it is false for us, we are surely justified in denouncing polygamous practices”⁹

What I understand from the lines quoted above is that a relativist is a person whose decisions are governed by the norms or principles which are a part and parcel of the particular culture (region or religion) to which the one belongs. Hence, any proposition asserted, cannot be having an unique truth value assertion from part of individuals named, say, ‘x’ and ‘y’, when ‘x’ and ‘y’ belongs to two different cultures (thus following different traditions, norms, ethical principles etc.).

Z. Zimmerman further points out a loophole in Baghramian’s understanding of the concept of relativism as displayed within her book *Relativism*¹⁰, that an ethics of tolerance can be visualized there, where by



one tolerates the stand point of the rest, it in no way displays relativism.¹¹ Zimmerman further points out that Baghramian has mixed up relativism with the contextually determined judgments which are necessarily determined by the respective context.¹² As pointed out above, relativism is not merely governed by contexts, the decision taken by 'x', who belongs to a respective culture, justifies every decision taken by 'x' if and only if x's culture sanctions the same. Thus, the ethical values imbibed within 'x', by means of his culture has a prominent role to play in all his judgments.

Whereas pluralism, on the other hand, can yield more than one unique answer to a particular question, in spite of being context independent, all these answers are independently true.¹³ Baghramian says that the most exasperated manifestation of different conceptual schemes takes place when one encounters different (often unfamiliar) ways of conceptualizing the same, old experience.¹⁴

Therefore, from the discussion so far, the following observation can be made:

Pluralism and relativism are two entirely different things. A particular proposition can be both true and false when the judgment is taken by two different person 'x' and 'y' when 'x' and 'y' belong to two different cultures respectively. As I have already mentioned at the beginning of the paper, that Baghramian's aim within her paper, "*Why Conceptual Schemes?*" had been to establish a space for pluralism where there is no intervention of relativism there.

Berlin, on the other hand opines that there cannot be any existing pluralistic model which can be implemented in understanding the universe. To quote some of Berlin's words as per reformulated by Baghramian and Attracta Ingram:



*"Berlin argues that this type of incommensurability does not preclude the possibility of members of culture being able by **the force of imaginative insight** to understand the values, the ideals, the forms of life of another culture or society, even those remote in time or space. They may find these values unacceptable, but if they open their minds sufficiently they can grasp how one can be a full human being, with whom one could communicate, and at the same time live in the light of values widely different from one's own, but which nevertheless one can see to be values, ends of life, by the realization of which men could be fulfilled."*¹⁵

According to Berlin, the problem of incommensurability between members of diverse cultures, simply vanishes as one applies the imaginative part of oneself to understand others. In effect, there will be no problem of pluralism between two individuals belonging to two different cultures (hence having their unique conceptions) in grasping each other's life style, values intellectually. Therefore, there is no requirement of plurality of conceptual schemes. Now, the question is, whether the solution given by Berlin in solving the problem of pluralism is a satisfactory solution one or not. I do not think by applying the imaginative capacity which an individual possesses one can understand the phenomenal world with all its diversities. The reason been, that a particular culture can only interact or talk to another culture, by means of which only universalism can get established, not pluralism. By universalism, here I intend to convey, any particular feature which has been established, say, within the domain of ethics, which can be used as a standard in the decision making procedure.

Immanuel Kant is considered to be the first person to bring forth the unique way of understanding the universe with all its diversities. In other words, it can be said that Kant had been the first of the lot to articulate the existing plurality within the universe. On the other hand, Baghramian



opines that a pluralistic framework can and only work within a societal structure where certain norms are functionally put into practice; then only peace and harmony will be maintained there.¹⁶

What I feel about this particular outlook of Baghramian is that, if all individuals work under a respective third party supervision (who is more powerful in some way than the rest) then in that case there will be prevalence of tolerance and nothing beyond that. Is then tolerance equivalent to pluralism?

Philosophy behind pluralism:

William James was bothered by a deep philosophical question. To quote a few words from Baghramian (where she has reformulated the question encountered by William James):

"How exactly do concepts enable us to grasp any truths at all?"¹⁷

According to James, the world which is given to us can only be a subject of our glimpse, it cannot be grasped by us.¹⁸ In other words, the given world cannot be mentally captured by the mind of the viewer.

There are two main features of William James's conception of pluralism as pointed out by Baghramian:

Baghramian further says that the more fundamental issue related with pluralism is the methodology which one should use in understanding the colliding conceptual schemes. James has put forward a number of tools, which one can utilize in handling the multiplicity of conceptual schemes: instrumentalism, scheme-relativity of all.¹⁹ Although, as pointed out by Baghramian, that conceptual scheme pluralism is not favored by many within the current scenario. Donald Davidson is one of them who rejects conceptual scheme pluralism.²⁰



Davidson mainly finds the mediation of the schemes, acting as a third party between the mind and the world, problematic. Hence, the desired Davidsonian model should be based on direct communication between the mind and the world, without any interference (Hence it should be like this: The observer perceives material object 'x' (in this world) and this observation directly causes the thought within the mind of the observer.).²¹ The crux of the second Davidsonian argument against the scheme-content dualism is that the scheme-content dualism is nothing more than the restatement of the third dogma of empiricism.²² To quote some of Marie Mc Ginn's words: *"The third dogma of empiricism is the dogma between the given and the interpretation of the given or the conceptual scheme."*²³

Baghramian supports the scheme-content dualistic model. She forwards some arguments to defend her thesis:

Firstly, if we believe that the external world has no impact on our minds then it will probably occur within one's mind that all the ideas present there have no other external origin. I can reformulate what it means when it is said that one is caught up into the trap of idealism: it simply describes a state where one gets entangled into the trap of idealism realizes that there exists nothing else other than his own mind and the thoughts generated by the same.²⁴

Secondly, all the erroneous believes would be unaccountable, if the role of mediation played by the conceptual schemes remains ignored.²⁵

Hence, accountability for both true and the false conceptions seem to be a strong reason why one should abide by the plurality of conceptual scheme thesis. Even, Davidson agrees with Baghramian over this point that the problem of accounting for the different kinds of mental conception remains neglected when one does not consider the scheme-content dualistic



model.²⁶ I agree with Baghramian on this point that the scheme-content dualistic model is necessary due to the reasons specified by her. Although, the aim of Bahamians' paper, establishing pluralism seems to be a bit too over ambitious (I will be dealing with this particular point shortly, in the concluding section of this work.).

Baghramians' understanding of pluralism where in all kinds of conceptions can be fitted into can be compared with Later Wittgensteinian notion of language games.

To quote some of Wittgenstein's words:

*"The language-games are rather set up as objects of comparison which are meant to throw light on the facts of our language by way not only of similarities, but also of dissimilarities"*²⁷

From the lines quoted above the similarity of thoughts between Baghramian and later Wittgenstein can be easily detected. The variety of conceptual schemes which Baghramian coins for is somewhat identical with Mc Dowell's innocent version of SC dualism.²⁸

To quote some of Mc Dowell's words: *"Conceptual schemes or perspectives need not be one side of the exploded dualism of scheme and world. Thus innocently conceived, schemes or perspectives can be seen as embodied in languages or cultural traditions."*²⁹

Something which strikes the chord over here is the role played by the variety of cultural traditions. It seems that the different cultural traditions act as a substratum in holding upon the diverse conceptual schemes. This plurality of conceptual schemes meshed with the cultural traditions gets itself in contact with the content of the world, without any sort of intervening mediation.³⁰ Baghramian, Maria, "On the Plurality of Conceptual



Schemes”, 2000, pp. 57, *Pluralism: The philosophy and politics of Diversity*, ed. Baghramian and Ingram, Routledge

But, it seems like Baghramian, has mixed up the concept of pluralism with relativism, which seems to be problematic. (Since, she has put stress on the role played by the context where the individual belongs.)³¹

Conclusion

In any case there seems to be a hierarchy of importance set. The mind holds a higher position in some way due to its ability of articulating thoughts. It is true that the plurality of conceptual scheme-content model constructed by Baghramian has an essence of relativism, and can be portrayed as the couple of many and one. The path shown by Baghramian leads one to a state where there is diversity of viewpoints evidently detected, based on mutual tolerance. Hence, the sole aim of Baghramian for establishing the scheme-content dualism, and in turn to establish a thesis on plurality does not seem to get fulfilled by the end of the paper. Tolerance should not be the acting force within the pluralistic model because as soon as tolerance comes into the play the beauty of pluralism seems to fade away altogether. Thus, the proposed model by Baghramian has a place for universalism, since, without that the inter cultural interaction will be hindered. Thus, the real world is directly experienced by viewer by means of the conceptual schemes which one possesses. These conceptual schemes been based on the preferential interests of the concerned individual. The problem of pluralism is opened up by Baghramian but it has not been rightly placed by her as per decided at the onslaught of the paper.



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COMBATING CHILD PORNOGRAPHY – A SOCIO-LEGAL PERSPECTIVE

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“Eroticism is beautiful, sensuous, liberating, joyful, and religious. But pornography is the dark expression of that. It comes about when guilt, blame, secrecy, and judgment, overshadow the sensual experience.”

-Deepak Chopra

Introduction

The expanding reach of computers and the internet has made it easier for people to keep in touch across long distances and collaborate for purposes related to business, education and culture among others. However, the means that enable the free flow of information across borders also give rise to a worryingly high incidence of irresponsible behaviours like child pornography. The Government of India's recent National Study on Child Abuse, indicating a high prevalence of sexual abuse, along with the fact that, India was placed 4th among internet users worldwide. Issues of online exploitation such as cyber bullying, sexual victimization, child pornography etc., are a wide-spread problem today.¹ The regulation of pornography on the internet has posed a serious challenge to governments and legislatures primarily on account of the nature of the medium. The easy availability, even to children, of pornographic material in digital form including video clips, its rapid transmission across the world wide web, and the absence of effective filters to screen out objectionable material from being accessed are



factors that compound the challenge.² A routine practice is the morphing of the images of well-known persons into pornographic content. Such practices are a blatant invasion of privacy as well as an attack on an individual's dignity. However, there are inherent difficulties in using criminal laws to clamp down on them. In theory, statutory provisions dealing with 'obscenity', 'defamation', 'cheating' and 'copyright infringement' are appropriate for proceeding against the perpetrators. Nevertheless, there are several hurdles in identifying the perpetrators in the first place.

Criminal laws usually operate over a defined territorial jurisdiction but the content of websites can be created and uploaded anywhere in the world. Even when the source of offensive material is located, the police face several practical difficulties in proceeding against perpetrators located in foreign jurisdictions. Even with respect to perpetrators in a local jurisdiction, there are problems on account of the structure of the flow of information over the internet. End-users can post content through fake identities and proxy server locations to misguide the investigating agencies. At this juncture the aim of this article is to discuss effects of child pornography, second part deals with challenges faced by law and enforcement agencies in controlling Internet and Child Pornography, third part of addresses on the question 'Why Child Pornography is a Pressing Concern for India, and next part of will throws some light on Regulation of Child Pornography and fifth part exclusively deals with International efforts in combating child pornography, six part focuses on relevant Indian legal regimes on child pornography and next part is about composition and functioning of Cyber Regulations Appellate Tribunal and last part deals with Indian Judiciary's response in addressing the menace of Child Pornography and finally ends with a conclusion.



1. Effects of Child Pornography

Effects on the Children Portrayed

The vast majority of children who appear in child pornography have not been abducted or physically forced to participate. In most cases they know the producer it may even be their father and are manipulated into taking part by more subtle means. Nevertheless, to be the subject of child pornography can have devastating physical, social, and psychological effects on children.³ The children portrayed in child pornography are first victimized when their abuse is perpetrated and recorded. They are further victimized each time that record is accessed. In one study, ⁴100 victims of child pornography were interviewed about the effects of their exploitation at the time it occurred and in later years. Referring to when the abuse was taking place, victims described the physical pain (e.g., around the genitals), accompanying somatic symptoms (such as headaches, loss of appetite, and sleeplessness), and feelings of psychological distress (emotional isolation, anxiety, and fear). However, most also felt a pressure to cooperate with the offender and not to disclose the offense, both out of loyalty to the offender and a sense of shame about their own behaviour. Only five cases were ultimately reported to authorities. In later years, the victims reported that initial feelings of shame and anxiety did not fade but intensified to feelings of deep despair, worthlessness, and hopelessness. Their experience had provided them with a distorted model of sexuality, and many had particular difficulties in establishing and maintaining healthy emotional and sexual relationships.

Effects on Users

The effects of pornography on users have been extensively researched but results are contentious.⁵ There are at least five possible relationships between pornography use and the sexual abuse of children:



- Pornography use is an expression of existing sexual interests. An individual who sexually abuses children seeks out child pornography as part of his/her pattern of sexual gratification. The offender's sexual interests cause his/her pornography use rather than the other way around.⁶
- Pornography is used to prime the individual to offend. An individual deliberately views child pornography immediately prior to offending. Pornography is used in the short term to sexually stimulate the offender in preparation for offending.
- Pornography has a corrosive effect. An individual becomes increasingly interested in child pornography, is attracted to images of increasing severity, and becomes desensitized to the harm victim's experience. Use of pornography in the long term may also increase the risk that the person will sexually abuse a child.
- Pornography has a cathartic effect. Viewing child pornography is the sole outlet for an individual's sexual attraction to children. Pornography use may substitute for, or even help the individual resist, engaging in hands-on offending.
- Pornography is a by-product of paedophilia. Pornography is created in the process of carrying out sexual abuse or is used to groom potential victims and prepare them for abuse.
- Pornography is incidental to the abuse suffered by the victim.
- In all likelihood, the effects of child pornography vary among users, and all of the above relationships may apply depending upon the individual in question.



3. Challenges in Controlling Internet Child Pornography

Internet child pornography presents some unique challenges for law enforcement agencies. These challenges include:

The structure of the Internet

The structure of the Internet makes control of child pornography very difficult. The Internet is a decentralized system with no single controlling agency or storage facility. Because it is a network of networks, even if one pathway is blocked, many alternative pathways can be taken to reach the same destination.⁷ Similarly, if one website or newsgroup is closed down, there are many others that can instantaneously take its place. The decentralized nature of the Internet, and resultant difficulties in restricting the distribution of child pornography, is exemplified by P2P networks involving direct connections among computers without the need for a central server. It has been argued that the Internet is the ultimate democratic entity and is essentially ungovernable.

The uncertainties of jurisdiction

The Internet is an international communication tool that crosses jurisdictional boundaries. Not only is cooperation among law enforcement agencies necessary to track offenders across jurisdictions, it is required to coordinate resources and avoid duplication of effort. Parallel operations run from different jurisdictions may unknowingly target the same organization or offender. Equally problematic is the issue of who is responsible for investigating child pornography on the Internet when there is no clue as to where the images originate. There is a potential for pornography crimes to go un-investigated because they do not fall within a particular law enforcement jurisdiction.



The lack of regulation

The Internet, by its nature, is difficult to regulate, but many jurisdictions are reluctant to introduce laws that might help control Internet use. There are debates about the appropriate weight to give to the community's protection on the one hand, and to freedom of speech and commercial interests on the other. There is also legal ambiguity about whether Internet Service Providers (ISPs) should be liable for the material they carry (as are television stations) or merely regarded as the conduits for that material (similar to the mail service). The end result is that ISPs' legal obligations with respect to Internet child pornography are often unclear, and, for the most part, the emphasis has been on self-regulation.

The differences in legislation

To the extent that there have been attempts to regulate the Internet, control efforts are hampered by cross-jurisdictional differences in laws and levels of permissiveness regarding child pornography. For example, in the United States a child is defined as someone under 18; in Australia the age is 16, in India it is 18. Moreover, countries vary in their commitment to enforce laws and act against offenders, either for cultural reasons or because of corruption.

The expertise of offenders

As the typology of Internet offending behaviour suggests, offenders vary in the degree to which they employ elaborate security measures to avoid detection. There is a core of veteran offenders, some of whom have been active in paedophile newsgroups for more than 20 years, who possess high levels of technological expertise. Paedophile bulletin boards often contain technical advice from old hands to new comers. It has been argued that many Internet sting operations succeed only in catching inexperienced, low-level offenders.



The sophistication and adaptation of Internet technology

The expertise of offenders is enhanced by the rapid advances in Internet technology. In addition to P2P networks, recent developments include re-mailers (servers that strip the sender's identity from e-mail) and file encryption (a method of hiding or scrambling data). A technological race has developed between Internet pornographers and law enforcement agencies.

The volume of Internet activity

The sheer amount of traffic in child pornography makes the task of tracking down every person who visits a child pornography site impossible. Many offenders realize that realistically their chances of being caught are quite remote. Similarly, while perhaps worthwhile activities, catching peripheral offenders or disrupting individual networks may have little overall impact on the scale of the problem.

4. Why child pornography is a pressing concern for India?

India is a home over 375 million children, comprising nearly 40% of its population. Unfortunately it also has the largest number of sexually abused children in the world. A national study on child abuse covering 13 states in India and a sample size of 12,446 children commissioned by Ministry of Women and Child Development,⁸ Government of India revealed that over a half the surveyed children (53%) were sexually abused. Forms of sexual abuse included photographing of child nude and exposing a child to pornographic materials through still and video images, and they are accessed via internet and mobile phones. Child Pornography is a pressing concern within India because of internet and availability of 3G in mobile phones. Paedophiles can easily access these materials from virtual spaces of chat rooms, e-mail and web sites. The internet has enabled massive



expansion in materials available and made access relatively easy and inexpensive. These technologies also facilitate organized sexual abuse and violence against children by networks of commercial buyers, sex tourists, paedophiles and traffickers. It is linked with several actors across borders and direct links with tourism. The place of production of pornography products, abuse of children for the product and the consumption of product can be three different countries.

Children get tricked/coerced into engaging in sexual acts for production of pornography. Images will be made in the process of sexually exploiting a child without their knowledge. These images are then sold for a price or traded as voluntary exchange. Those who consume or possess pornographic depictions of children tend to continue to exploit these children resulting in a vicious circle.

5. How to Regulate the Menace of Child Pornography?

The regulation of pornography on the internet has posed a serious challenge to governments and legislatures primarily on account of the nature of the medium. The easy availability, even to children, of pornographic material in digital form including video clips, its rapid transmission across the world wide web, and the absence of effective filters to screen out objectionable material from being accessed are factors that compound the challenge. It is said that "controlling pornography on the internet is problematic because we may not know from whom or from where the material originates, how many people are receiving the information, or if the material is crossing international boundaries."⁹ It is acknowledged that "the main concern of the legislators and parents in relation to the internet is child pornography, rather than other forms of sexually explicit content. This has been the case ever since paedophiles¹⁰ started to use the internet



for circulating pornographic materials related to children.”¹¹ Akdeniz points out that although in some countries there are arguments against proscription of pornography based on freedom of speech concerns, “there is general consensus that the line should be drawn with child pornography.”¹² International community is working for the complete eradication of this menace. The following section explains its effort towards this problem.

6. International Efforts in Combating Child Pornography:

- Convention on the Rights of the Child¹³
- World Congress Against the Commercial Sexual Exploitation of Children, Stockholm, 1996
- International Conference on Combating Child Pornography on the Internet, Vienna, 1999
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (adopted 2000, entered into force 2002)
- Directive 2000/31/EC of 8 June 2000 (“e-commerce directive”)¹⁴
- Council of Europe Convention on Cyber crime¹⁵(adopted in 2001, entered into force in 2004)
- Council Framework Decision on combating the sexual exploitation of children and child pornography,” adopted in December 2003
- World Congress III Declaration Rio Janeiro 2008¹⁶

The World Congress III¹⁷ - The Rio Janeiro Declaration 2008:

Its aim is to address the increasing problem of sexual exploitation of children and adolescents. This includes trafficking of children for sexual purposes, violations of children on the internet and child pornography,



sexual exploitation in schools and of child domestic labourers. New partnerships will be built, for example with religious leaders and parliamentarians, and the private sector.

- Criminalize the intentional production, distribution, receipt and possession of child pornography, including, virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.



- Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- Make technologies easily available, affordable and usable for parents and other caregivers, including assisting with the use of filters to block inappropriate and harmful images of children.

By taking inspiration from above Laws Indian government has enacted Information Technology Act to tackle the problem of child pornography, which is discussed in detail in the following section.

7. Legal Framework in India:

The issue of child pornography received scant attention in the Indian legal system until recently. The Indian Penal Code 1860,¹⁸ Indian Post Office Act 1898, and Indecent Representation of Women (Prohibition) Act 1986



have been applied to prosecute offenders for offences related to use of obscene materials. But these legislations are limited to visual representations, leaving out audio materials and simulated images which are covered under the International law. In 2000, the Information Technology Act came into force (amended in 2009) which transmitting obscene materials in electronic form punishable but failed to specifically mention child pornography.

Provisions of Information Technology Act relevant to child pornography:

In the year 2009 the Information Technology (Amendment) Act 2008 came into force and incorporated Section 67B which prohibits¹⁹ and punishes offender from publishing, transmitting materials depicting child pornography.²⁰ This amendment takes into consideration the international child protection standards set forth in Convention on Rights of the Child and its Optional Protocol on the Sale of the Children, child prostitution and child pornography.

By reading Section 67B one can expect that it will have a huge positive impact, primarily because India does not have a special legislation to tackle child pornography. To that extent, the new IT law is path-breaking. Legal experts note that while the amendments don't make it illegal to view adult porn, they do make watching child porn an offence (the law would apply to "whoever creates text or digital images, collects, seeks, browses, downloads" child porn). Furthermore it addresses computer related crimes against children.

Under the Information Technology Act, 2000 intermediary was defined as any person, who on behalf of another person, receives, stores or transmits that message or provides any service with respect to that message. However, the Information Technology Amendment Act 2008 has clarified the definition "Intermediary" by specifically including the telecom services



providers, network providers, internet service providers, web-hosting service providers in the definition of intermediaries thereby removing any doubts. Furthermore, search engines, online payment sites, online-auction sites, online market places and cyber cafés are also included in the definition of the intermediary. This draconian approach led to the amendment of the Information Technology Act 2000. Under the Information Technology (Amendment Act) 2008, Section 79 has been modified to the effect that an intermediary shall not be liable for any third party information data or communication link made available or hosted by him. This is however subject to following conditions:

- the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted;
- the intermediary does not initiate the transmission or select the receiver of the transmission and select or modify the information contained in the transmission;
- the intermediary observes due diligence while discharging his duties.

As a result of this provision, social networking sites like Facebook, Twitter, Orkut etc. would be immune from liability as long as they satisfy the conditions provided under the section. Similarly, Internet Service Providers (ISP), blogging sites, etc. would also be exempt from liability.

However, an intermediary would lose the immunity, if the intermediary has conspired or abetted or aided or induced whether by threats or promise or otherwise in the commission of the unlawful act. Section 79 under IT Amendment Act, is purported to be a *safe harbour provision* modelled on the EU Directive 2000/31.²¹ Further EU introduced a multilateral convention on Cyber Crimes for addressing cyber crimes.²²



However, Information Technology Amendment Act 2008 left a lot to be desired. Both EU²³ and USA provides²⁴ specific exclusion to internet service providers under the respective legislations.

It is interesting to note that even auction sites, search engines and cyber café s fall within definition of intermediaries. There is no parallel legislation in the world which provides immunity to such a wide range of intermediaries. Nevertheless, Information Technology Amendment Act 2008 makes a genuine effort to provide immunity to the intermediaries but has failed to achieve its objective due to lose drafting of few provisions. Indian Legislators need to plug in these gaps and provide indispensable immunity to the ISPs to enable them to operate in India without any fear and inhibitions.

Another important legislation towards combating child pornography is *Goa Children's Act 2003*, applicable to state of Goa. It was the first Act in the country which recognizes that tourism is contributor to child exploitation. This Act punishes any form of soliciting, publishing or providing of children to any adult or even other children for purposes of commercial exploitation. This includes hosting web sites, taking suggestive or obscene photographs, providing materials, soliciting customers, guiding tourists and other clients , appointing touts, using agents , or any other form which may lead to abuse of child.

Government of India recently established Cyber Regulations Appellate Tribunal (CRAT) to tackle information technology based crimes; following section will throw some light on this.

8. Cyber Regulations Appellate Tribunal (CRAT):

The tribunal has been established²⁵ under the amended Information Technology Act. It provides²⁶ for appointment of an adjudicating officer



not below the rank of a Director to the Government of India. Every adjudicating officer shall have the powers of a civil court, which are conferred on the Cyber Appellate Tribunal ²⁷ provides for penalty for damage to computer, computer system etc: penalty for failure to furnish information return; residuary penalty and publishing information which is obscene in electronic form etc. It comprises members from technological and judicial expert's aims to resolve IT related disputes. The significance of this tribunal is that those who serve on the tribunal need to be familiar with the latest developments in the field of Information Technology (IT) while also being alert to policy concerns and the need to ensure the free flow of information in society. Democratic values such as 'freedom of speech and expression', 'freedom of association' and the 'freedom to pursue an occupation, business, profession or trade' need to be protected in the online domain as well. There are of course many other legal questions that have arisen in respect of communications and transactions conducted through computers.

9. Indian Judiciary's response towards child pornography:

Freddy Peats Vs India²⁸ is the first case created public awareness on child abuse and child pornography. Freddy Peats a foreigner of unknown origin, was convicted in India for sexually abusing children, prostituting boys under the guise of running of a shelter and in possession of 2035 child pornographic photos, 135 strips of negatives as well as medication and narcotic substances. This was the first conviction for running an organized paedophilia racket in India. This case should have alerted the existence of an organized system but it was dismissed by officials and the tourism industry as an aberration. Subsequently many such cases on child abuse



have been unearthed, many of them with direct links to tourism, and however the record of conviction of these cases have been abysmal.

After this it is worth discussion about the Bombay High Court decision in ***Janhit Manch and Others vs. Union of India***.²⁹ This is one of the earliest cases in India on the regulation of internet pornography. In this case Bombay High Court, rejected a Public Interest Litigation filed by NGO, Janhit Manch and lawyer, Sandeep Jalan. The petition sought a blanket ban on pornographic websites.³⁰ The NGO had argued that websites displaying sexually explicit content had an adverse influence, leading youth on a delinquent path.

The Bombay High Court in 2001 acting on the letter constituted an expert committee to inquire into the matter and tender a report. The report while confirming that a large number of pornographic websites did exist, disapproved of the proposal for site blocking without any objective guidelines. The Committee in its report stated, that "... *site blocking without any objective guidelines would amount to a conferment of un canalized power. The Internet is a new medium and, while it brings its own set of issue and problems, equally is not necessarily amenable to restrictions applied to earlier technologies and media. Inherent in the new age of the Internet is an expanded freedom, flexibility and malleability. To strike at these is to strike at the very foundation of the medium*"

Rejecting the petition, the Division Bench stated that there cannot be a blanket ban since there are divergent views on what constitutes morally degrading content. The Bench added that its higher obligation was to protect the freedom of free speech. The Bench in its judgment noted, "If such an exercise is done, then an aggrieved party, depending on the sensibilities of



persons whose views may differ on what is morally degrading or prurient, will be sitting in judgment even before a competent court decides the issue”.

However, the Bench held that the Information Technology Act already covers punishment for obscene websites and any aggrieved party may file a complaint against it. Last year, amendments were made to the IT Act that stripped the Government of the power to ban pornographic websites on grounds of obscenity. Only the court has the authority to ban a website on grounds of obscenity.

Further the High Court categorically rejected the suggestion that the Court should exercise its powers and direct state authorities to actively investigate and block pornographic websites. The court mindful of the competing interests of free speech and “public order and morality” held that: *“courts in such matters are the guardians of the freedom of free speech, and more so a constitutional court should not embark on an exercise to direct State Authorities to monitor websites. If such an exercise is done, then a party aggrieved depending on the sensibilities of persons whose views may differ on what is morally degrading or prurient will be sitting in judgment, even before the aggrieved person can lead his evidence and a competent court decides the issue. The Legislature having enacted the law, the aggrieved person may file a complaint.”*

From the above decision it appears that even though courts have substituted the interest of promoting electronic commerce with that of online free speech, there is consistency in the approach with regard to giving a high deference to internet content and the dismissal of “blanket bans” and “site blocking”. Such measures are frowned upon, moreover, with the regulations for site blocking in force; it appears that a firm procedure will be followed before banning a website or an entire domain.



Avinash Bajaj vs. State (N.C.T) Delhi³¹ Avinish Bajaj, CEO of Baazee.com, an online auction website, was arrested for distributing cyber pornography. The charges stemmed from the fact that someone had sold copies of a pornographic CD through the Baazee.com website.

After hearing the court granted bail to Mr. Bajaj subject to furnishing two sureties of Rs. 1 lakh each also ordered Mr. Bajaj to surrender his passport and not to leave India without the permission of the High Court and ordered Mr. Bajaj to participate and assist in the investigation.

Besides this Interpol's work shop indicated that there seems to be a growing trend of child pornography material linked to India, but that the issue does not seem to be on the radar of enforcement officials in the country. Developments regarding child pornography came under scanner specifically when in November 2009 for the first time a case was registered against an offender under the Section 67B of the Information Technology Act 2008. Regarding facts of the case *Wilhelmus Wijdeveld* (56) a Dutch national was arrested on 7th November 2009 by the cyber crime wing of the police, after being alerted by the Interpol that he was uploading pornographic material of children. On 10th February he was released on bail as the Central Crime Branch (CCB) failed to file the required charge sheet against him within 60 days from the date of his arrest.

After this on 8th May 2010 an ***Indian Army Officer***³² Lt. Col. Jagmohan Balbir Singh was arrested for charge of uploading sexually explicit images and clips of children on child pornography websites by the Cyber Cell of the Crime Branch police of Mumbai. Joint Commissioner of Police (Crime) Himanshu Roy told reporters that "We had information from international agencies of the possibility of a child pornography suspect in India and in Mumbai. Our Cyber Cell started the investigation and arrested



him [Lt. Col Singh] after due verification. On questioning, he admitted to having committed the offence. He has been doing it for a few years. The more serious offence is uploading pornographic images and clips of children on some well-known child pornographic sites," he said. It was the German police who first spotted the activity from Mumbai on a server located in the United States. They sent a report to the Interpol, which in turn forwarded it to the CBI Delhi, and subsequently to the Mumbai Crime Branch.

The Cyber Cell tracked the server activity to the Internet Protocol (IP) address of Lt. Col Singh. The police picked up Lt. Col. Singh from his residence at Colaba, where the officer lives with his family. They also seized two hard disks of 80 GB each. The officials said they have found a lot of incriminating evidence like hundreds of photos and clips were found, the images [recovered] are of Indian as well as foreign children. Their ages range from three to 10.

Besides this Government of India, Ministry of Tourism is also serious in combating child pornography. Recently it issued guidelines, and they are discussed in the following section.

10. Ministry of Tourism, Government of India's response towards combating child pornography:

Child pornography in tourism is an organized and serious crime and is growing. It demands committed and concentrated action. Governments, international bodies and tourism industry must approach this with a sense of urgency and outrage. They must play proactive, decisive and demonstrated roles in protection of children and promise that tourism will be ethical, humane and non exploitative. Capacity building of police, government departments, immigration, airport authority, and hotel and



travel industry, NGOs to address³³ child pornography and child abuse issues are critical.

To tackle the menace of child pornography Government of India recently issued some guidelines³⁴ and a code of conduct to prevent the sexual exploitation of children by guests. By implementing these guidelines the tourism ministry wants all hotels and cyber cafes should keep an eye on what people watch on the Internet but also deny them access to child pornography content on websites and television.

Conclusion:

Children are every Nation's greatest human resources and in measuring each country's social progress the wellbeing of its children (i. e that they are healthy, educated, safe, and happy and have access to life opportunities) will be taken into consideration. Further this article argues the fact that placing too many restrictions on the Internet could be counter-productive and there is a fine line between protecting the interests of children with the interests of the world and too much restriction may prove fatal to the e-commerce. Child pornography is a great menace requires a holistic, multi-sectoral approach to address the complex dimension of the problem. It is a problem that violates the rights and dignity of the victims and therefore requires essentially a child rights perspective while working on its eradication. Merely enacting legislation will not be enough unless this is followed by strict enforcement of the law with accountability defined. In the fight against child pornography government organizations, non-governmental organizations, civil society, pressure groups, international bodies, all have to play a pivotal role. While giving judgments on sensitive issues like child pornography ³⁵the Judiciary should take into consideration of democratic values such as 'freedom of speech and expression', 'freedom



of association' and the 'freedom to pursue an occupation, business, profession or trade' needs to be protected in the online domain as well.

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- 10 Adults engaged in sexual crimes against children.
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- 13 Article 2 (c) states Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
- 14 (b) 'child pornography' shall mean pornographic material that visually depicts or represents:
 - (i) a real child involved or engaged in sexually explicit conduct, including lascivious exhibition of the genitals or the pubic area of a child;
 - (ii) a real person appearing to be a child involved or engaged in the conduct mentioned in (i); or
 - (iii) realistic images of a non-existent child involved or engaged in the conduct mentioned in (i);
- 15 "child pornography" shall include pornographic material that visually depicts:
 - Ø a minor engaged in sexually explicit conduct;
 - Ø a person appearing to be a minor engaged in sexually explicit conduct
 - Ø realistic images representing a minor engaged in sexually explicit conduct.
- 16 Its aim is prevention of 'trafficking of children for sexual purposes, violations of children on the internet and child pornography, sexual exploitation in schools and of child domestic labourers.



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- 17 http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf, accessed on 8-2-2013
 - 18 Section 292 of IPC does not per se deals with obscenity online, Sec. 293 Sale, etc., of obscene objects to young person – Whosoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene objects as is referred to in the last preceding section, or offers or attempts so to do shall be punished on first conviction with imprisonment of wither description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of second or subsequent conviction, with imprisonment of either description for a term which may extended to seven years, and also with fine which may extended to five thousand rupees.
 - 19 Section 67B reads: Whoever,-
 - “(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or
 - (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
 - (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or
 - (d) facilitates abusing children online or
 - (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with a fine which may extend to ten
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lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees."

- 20 Swati Desh Pandya on "Browsing Child porn will Land you in Jail", http://articles.timesofindia.indiatimes.com/2009-02-16/india/28032470_1_cyber-terrorism-child-pornography-section-67b, accessed on 3-8-2013
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- 23 Action Plan on Promoting Safer Use of the Internet, Decision No. 276/1999/EC the European Parliament and the Council of EU on 25 January 1999, adopting a Multi annual community Action Plan on promoting safer use of the Internet by combating illegal and harmful content on global networks. (Last visited on 3/9/2013) <<http://www2.echo.lu/iap/decision/en.html>>. The Action Plan distinguishes four main activities:- Creating a safe environment, in particular by setting up a European network of hotlines and encouraging self-regulation and codes of conduct;- Developing filtering and rating systems, by demonstrating their benefits and facilitating international agreements on rating systems;- Encouraging full-scale awareness actions;- Support actions, such as assessing legal implications, co-ordination with similar international activities and evaluating the impact of Community measures.



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- 24 The Child Pornography Prevention Act 1996 defines child pornography quite broadly. It defines child pornography as any visual depiction of a minor; any person under 18 years old, which is produced by any means, of sexually explicit acts or conducts where:
- Ø its production involved the use of a minor engaging in sexually conduct, or; such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
 - Ø such visual depiction has been created, adapted or modified to appear that an 'identifiable minor' is engaging in sexually explicit conduct; or
 - Ø it is advertised, distributed, promoted or presented in such a manner as to convey the impression that it is a visual depiction of a minor engaging in sexually explicit conduct.
- 25 Information Technology Act 2008, Section 48
- 26 Information Technology Act 2008, Section 46
- 27 Ibid 20
- 28 Sessions Case No.24 of 1992
- 29 PIL No. 155/ 2009, Bombay High Court
- 30 See *Protecting Minors from Unsuitable Internet Material*, available at [http:// www.bombaybar.com/cyberreport/cover.html](http://www.bombaybar.com/cyberreport/cover.html), last visited 8-2-2013.

A letter from Jayesh Thakkar and Sunil Thacker to the Chief Justice of the Bombay High Court complaining about the proliferation of pornographic sites on the Internet was treated as a suo motu Writ Petition. The Division Bench of the High Court, presided over by the Chief Justice, passed an order appointing a Committee to suggest and recommend ways, measures, and means to protect/shield minors from access to pornographic and obscene material on the



Internet. See id. The Committee comprehensively rejected the proposal for site blocking as being technically and legally unsound. The Committee's recommendations included requiring that minors be restricted to using machines in the common open space of Cyber Cafes and requiring that these machines be fitted with software filters providing for the maintenance of Internet Protocol address.

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ENHANCING THE QUALITY AND ACCESSIBILITY OF HIGHER EDUCATION THROUGH THE USE OF INFORMATION AND COMMUNICATION TECHNOLOGY

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ICT in Education

Information and communication technology plays a greater role in the delivery of education. It helps make education provision reaching out to more targets groups beyond the classrooms as well as to help improve educational quality. A great deal of the value of ICT in education lies in its capacity to stimulate innovation and creativity in all areas of pedagogy and management. The availability of modern technology allows as new way and opportunities of managing educational processes and the ability to access and analyze voluminous data and information quickly and efficiently enables better decision-making.

ICT can help deliver learning programs not only for schools but also for adult and occupational/professional education and training. ICT can also promote continuing education or life-long learning for out-of-school children, youth and adults alike in literacy, technical/vocational education, special education and professional development programs.

Learning is found to be increasingly taking place in an informal and media-based environment, especially through the Internet. Thus, expectation of the role of teacher as facilitator of learning becomes more explicit. Ability and competency of teachers in teaching profession is adhering to a new paradigm with tremendous change in pedagogy of



teacher and also learner's learning materials along with the new and alternative delivery approaches.

Many higher education institutions (HEIs) are using ICT to develop course materials, deliver and share the course content, lectures and presentations; facilitate communication among lecturers and students; conduct research; and provide administrative and management services. However, information on how ICT has been, and can be, used to enhance the design, delivery and management of higher education programmes in the Asia-Pacific region is not readily available

Education is the driving force of economic and social development in any country considering this, it is necessary to find ways to make education of good quality, accessible and affordable to all, using the latest technology available.

The last two decades have witnessed a revolution caused by the rapid development of Information and Communication Technology (ICT). ICT has changed the dynamics of various industries as well as influenced the way people interact and work in the society. Internet usage in home and workplace has grown exponentially. ICT has the potential to remove the barriers that are causing the problems of low rate of education in any country. It can be used as a tool to overcome the issues of cost, less number of teachers, and poor quality of education as well as to overcome time and distance barriers.

India has a billion-plus population and a high proportion of the young and hence it has a large formal education system. The demand for education in developing countries like India has skyrocketed as education is still regarded as an important bridge of social, economic and political mobility.



The challenges before the education system in India can be said to be of the following nature:

Access to education- There exist infrastructure, socio- economic, linguistic and physical barriers in India for people who wish to access education.

Quality of education- This includes infrastructure, teacher and the processes quality.

Resources allocated- Central and State Governments reserve about 3.5% of GDP for education as compared to the 6% that has been aimed.

ICT can be used as a tool in the process of education in the following ways:

Informative tool: It provides vast amount of data in various formats such as audio, video, documents.

Situating tool: It creates situations, which the student experiences in real life. Thus, simulation and virtual reality is possible.

Constructive tool: To manipulate the data and generate analysis.

Communicative tool: It can be used to remove communication barriers such as that of space and time

The following mediums are used for the delivery and for conducting the education process:

Voice – Instructional audio tools that include interactive technologies as well as the passive ones.

Video - Instructional video tools that include still images, prerecorded moving images, and real-time moving images combined with audio conferencing.



Print – instructional print formats that include textbooks, study guides, workbooks and case studies.

ICTs also allow for the creation of digital resources like digital libraries where the students, teachers and professionals can access research material and course material from any place at any time. Such facilities allow the networking of academics and researchers and hence sharing of scholarly material. This avoids duplication of work .Use of ICT in education develops higher order skills such as collaborating across time and place and solving complex real world problems. It improves the perception and understanding of the world of the student. Thus, ICT can be used to prepare the workforce for the information society and the new global economy.

E learning has the following advantages:

- ✓ Eliminating time barriers in education for learners as well as teachers
- ✓ Eliminating geographical barriers as learners can log on from any place
- ✓ Asynchronous interaction is made possible leading to thoughtful and creative interaction
- ✓ Enhanced group collaboration made possible via ICT
- ✓ New educational approaches can be used.
- ✓ It can provide speedy dissemination of education to target disadvantaged groups
- ✓ It offers the combination of education while balancing family and work life
- ✓ It enhances the international dimension of educational services



- ✓ It allows for just in time and just enough education for employees in organizations
- ✓ It can also be used for non-formal education like health campaigns and literacy campaigns

E learning allows higher participation and greater interaction. It challenges the concept that face-to-face traditional education is superior to it. The web and the Internet is the core ICTs to spread education through e-learning. The components include e-portfolios, cyber infrastructures, digital libraries and online learning object repositories. All the above components create a digital identity of the student and connect all the stakeholders in the education. It also facilitates inter disciplinary research.

Benefits of ICT in education to the main stakeholders.

Student

- ✓ Increased access,
- ✓ Flexibility of content and delivery,
- ✓ Combination of work and education,
- ✓ Learner-centered approach,
- ✓ Higher quality of education and new ways of interaction.

Employers

- ✓ High quality, cost effective professional development in the workplace,
- ✓ Upgrading of employee skills, increased productivity,
- ✓ Development of a new learning culture,
- ✓ Sharing of costs and of training time with the employees,



- ✓ Increased portability of training.

Governments

- ✓ Increase the capacity and cost effectiveness of education and training systems,
- ✓ To reach target groups with limited access to conventional education and training,
- ✓ To support and enhance the quality and relevance of existing educational structures,
- ✓ To ensure the connection of educational institutions and curricula to the emerging networks and information resources,
- ✓ To promote innovation and opportunities for lifelong learning

Potential drawbacks of using ICT in education

Although ICT offers a whole lot of benefits there are some risks of using ICT in education which have to be mitigated through proper mechanisms. They are:

1. It may create a digital divide within class as students who are more familiar with ICT will reap more benefits and learn faster than those who are not as technology savvy.
2. It may shift the attention from the primary goal of the learning process to developing ICT skills, which is the secondary goal.
3. It can affect the bonding process between the teacher and the student as ICT becomes a communication tool rather than face to face conversation and thus the transactional distance is increased.



4. Also since not all teachers are experts with ICT they may be lax in updating the course content online which can slow down the learning among students.
5. The potential of plagiarism is high as student can copy information rather than learning and developing their own skills.
6. There is a need for training all stakeholders in ICT.
7. The cost of hardware and software can be very high.

Summary and conclusions

Changes in the curriculum do support fundamental economic and social transformation in the society. Such transformations require new kinds of skills, capabilities and attitudes, which can be developed by integrating ICT in education. The overall literature suggests that successful ICT integration depends on many factors. National policies as well as school policies and actions taken have a deep impact on the same. Similarly, there needs to be an ICT plan, support and training to all the stakeholders involved in the integration. There needs to be shared vision among the various stakeholders and a collaborative approach should be adopted. Care should be taken to influence the attitudes and beliefs of all the stakeholders.

ICT can affect the delivery of education and enable wider access to the same. In addition, it will increase flexibility so that learners can access the education regardless of time and geographical barriers. It can influence the way students are taught and how they learn. It would enable development of collaborative skills as well as knowledge creation skills. This in turn would better prepare the learners for lifelong learning as well as to join the industry. It can improve the quality of learning and thus contribute to the economy.



Similarly wider availability of best practices and best course material in education, which can be shared by means of ICT, can foster better teaching. However there exist some risks and drawbacks with introducing ICT in education which have to be mitigated. Successful implementation of ICT to lead change is more about influencing and empowering teachers and supporting them in their engagement with students in learning rather than acquiring computer skills and obtaining software and equipment. Also proper controls and licensing should be ensured so that accountability, quality assurance, accreditation and consumer protection are taken care of. ICT enabled education will ultimately lead to the democratization of education.

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FUNDAMENTAL RIGHTS, HUMAN RIGHTS AND MINORITIES IN INDIA

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The policy of globalization, privatization and liberalization has made an immense impact on the lives of Indians, education is not an exception. At present the education imparted by the State run Institutions and the Private run Institutions including minority Educational Institutions *via* each other in terms of equality, standard, cost and excellence in one aspect and the Government control and regulation of the private Educational instructions and minority Educational Institutions in another aspect. It is always challenged by the private managements including minority Educational Institutions as it hinders the growth of those Institutions, regarding running the Institutions and appointing staff and managing the Institutions, the Private Institutions especially the minority run Institutions demand the decontrol and deregulation. On the other hand, the Government in the name of public interest wants control on those Private Institutions in one-way or other. Reservations to minorities is also a contemporary issue which should also be scientifically addressed. An attempt is made in this paper to understand minority problems in contemporary India including the enforcement of Human Rights to them.

FUNDAMENTAL RIGHTS, HUMAN RIGHTS AND MINORITIES IN INDIA

The division of the country on the basis of religion and the declaration of an Islamic State in Pakistan were the results of long



treacherous British rule. Loot, murder, plunder and wholesale destruction of opposite community at the time of partition of our nation were the scars on the body politic of India at the dawn of Independence.

Even though the separate State was formed for Muslims, a considerable section of Muslims remained in India. There were Indian Christians, Anglo-Indians and some Europeans who opt India as their homeland. The framers of the Indian Constitution were keenly aware of the fact that these religious Minorities should have to be assured "liberty of thought, belief, faith and worship".

The preamble of the Constitution embodied in a solemn form of all the ideals and aspirations for which the country struggled during the British regime. It declares that Indian Constitution is a Sovereign, Socialist, Secular, Democratic Republic and guarantees, Justice, Liberty, Equality, Fraternity and Integrity. Regarding the secular character of the Indian Republic, various detail provisions in the Constitution were designed to give concrete form and action.

India is a mosaic of different religions of the world. There are eight major religious communities: Hindus form and majority. The rest are Minorities. Muslims (11.8%), Christians (2.6%), Sikhs (2%), Buddhists (0.7%), Jains (0.5%), and Jews (0.1%). Its linguistic diversity is reflected in 18 major languages which are recognized in VIII Schedule of the Constitution. Besides the religious and linguistic Minorities, there are different cultural, tribal and untouchable groups in the country. However, the Indian Government had been denying that the term "ethnic minority" applies to Indian society¹.

NEED TO PROTECT THE INTEREST OF MUSLIM MINORITIES

Many studies have been conducted on the plight of Minorities especially dealing with the questions of their security, Educational



backwardness, religious and cultural rights, representation in political bodies, opportunities for employment and economic development among the various Minorities, the plight of Muslims is very deplorable as far as their representation in Parliament/State Assemblies and Government jobs is concerned.

ROLE OF JUDICIARY IN PROTECTING AND PROMOTING MINORITIES INTEREST IN SECULAR INDIA

The question for consideration in *Islamic Academy of Education v. State of Karnataka*², is whether minority and Non-Minority Educational Institutions stand on the same footing and have the same rights.

As per Justice **S.B. Sinha** in this case, the whole object of conferring the right on Minorities under Article 30 is to ensure that there will be equality between the majority and minority. If the Minorities do not have such special protection, they will be denied equality. In other words, the essence of Article 30(1) is to ensure equal treatment between the majority and the minority institution. No one type or category of institution should be disfavored or, for that matter receive more favorable treatment than another. Laws of the land, including rules and regulations, must apply equally to the majority Institutions as well as to the minority Institutions. The minority Institutions must be allowed to do what the Non-Minority Institutions are permitted to do.

According to Justice **S.B. Sinha**, Article 30(1) of the Constitution does not confer an absolute right. The exercise of such right is subject to permissible State regulations with an eye on preventing maladministration. Broadly stated, there are "permissible regulations and impermissible regulations".



SECULARISM VIS-À-VIS RIGHT TO MINORITIES UNDER ARTICLE 30(1)

As for the majority, in *Islamic Academy of Education case*³, Minority Institutions are as much subject to regulatory measures as Non-Minority Institutions. Hence, rights of Minorities and Non-Minorities are equal. However, the special right given under Article 30 does give them certain advantages in matters of establishing and administering their Educational Institutions. Further Minority Educational Institutions have preferential rights to admit students of their own community/language. No such rights exist so far as Non-Minority Educational Institutions are concerned.

Here it is also important to understand the judgment of Justice **Ruma Pal** in *TMA pai's* case. Justice **Rumapal's** Judgment represents an adequate response to the increasing worldwide affirmation of the collective rights of identity based groups, which cannot be subjected to the general right of the individual to non-discrimination. Her faulting of the idea of balancing of competing rights under Article 30(1) and 29(2) that the learned Judgment in the *St. Stephen's College* case visualized is in tune with international developments. So it is her difference with the present majority Judgment who seem to accept the principle of balancing of rights⁴.

Justice **Ruma Pal's** observation that having regard to the structure of the Constitution and its approach to "secularism" the observations in *St. Stephen's* case are clearly not in keeping with "secularism" as provided under the Indian Constitution. The Constitution as it stands does not proceed on the "melting pot" theory. The Indian Constitution rather represents a "salad bowl" where there is homogeneity without an obliteration of identity or a fine bouquet containing varieties of excellent flowers.



Given the huge diversity of groups in India, their complexity and the almost unlimited range of Socio-Economic inequality, examining the nature of group membership in India and asserting the kinds of opportunities offered by each to its members remains. One of the most difficult and challenging tasks that political or for that matter legal sociology faces. As **Acton** rightly said that the one prevailing evil of democracy is the tyranny of majority and the test of liberty in a democracy is the security of Minorities. **Dworkin** also acknowledges that the protection of Minorities is central to any theory of Justice.

During the past two decades, Muslims initiative for self-improvement in education has been fettered by the unreasonable restriction of 50 percent. The political and intellectual classes and jurists, including those who are actively promoting Dalit causes need to pay attention to developing comprehensive policy measure under Articles 15(4), 19(1)(g) and 29(1) and 30(1) to enable the backward Muslim minority to get modernized and pluralized on a fast track by allowing it to preferentially admit its own students on the basis of relative merit (provided the threshold condition is fulfilled), admitting a sprinkling of other community students including those from SC and ST, enlightened national interest requires such a policy. The same may be applied in the case of other educationally backward sections of Dalit Christians, though not Christians as a whole. Any inclusive policy aimed at protecting minority rights per se along with promoting pluralism and social justice would require making the benefits of affirmative action available to all Dalits irrespective of faith, community affiliation including Christians and Muslims of Dalit origin, at least in educational institutions. It must however be considered that the apprehensions of the minorities about the State's role is based on their long and bitter experience often with unsympathetic political dispensation and unhelpful, even hostile



bureaucracy. Sachar Committee recommended reservations to Muslims at national level. The Andhra Pradesh Government provided five percent reservation to Muslims in educational institutions but the judiciary struck down the reservations on the basis of non scientific approach. The Constitution should be suitably amended to introduce affirmative action programmes for those minorities who are socially and educationally backward.

Mahatma Gandhi, once said, “A civilization can be judged by the way it treats its Minorities”. If the Indian Government and various State Governments act on the policy foundations of our Civilization, which has accommodated diverse religious, cultural, and linguistic Minorities, the minority rights will be well safeguarded. The Civil Society which is emerged as ‘V’ Estate has to play an important role to accommodate different interests in a plural society after the State receding back from its responsibility (diminishing State) in the back ground of globalization, privatization and liberalization.

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MEDIA'S ROLE IN POLICY MAKING AN INDIAN PERSPECTIVE

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Introduction:

Policymaking is a political process which is affected by various social and economic factors (Hofferbert, 1974; Mazamanian & Sabatier, 1989) and media systems play an integral role in shaping the social context in which policies are developed. The media acts as a powerful political actor, with its interests strongly tied to the status quo and that of other corporate policy actors, instead of the general public. Journalists and editors shape policy agendas by actively filtering issues, so that reporting conforms to their dominant news values - selecting what issues are covered and which sources are used (Sahr, 1993, p. 155). Even if the media can set the actual policy agenda in some circumstances, this does not necessarily mean that they influence policy. Political rhetoric may appear to signal media impact, but if it does little more than pay lip service to media coverage, effecting only minor policy outcomes, then to what degree has the media really affected the policymaking process?

Mortensen and Serritzlew examined local media influence on policy outcomes in Denmark, and demonstrated that media coverage actually has "limited consequences for actual policy decisions" even when "policy agenda and political discussions are affected by the media" (2004, p. 16). Reiterating this point they concluded that "the media are important for understanding the political agenda and the framing of decisions about



special [or sensational] issues, but 'normal' politics and the broader policy priorities [or governmental issues] are largely unaffected" (Mortensen and Serritzlew, 2004, p. 17). This partly confirmed the results of Soroka's (2002) study which suggested, that media influence is strongest with 'sensational issues', and weakest in 'governmental issues', which are predominantly policy-driven. Likewise, Protess *et al.* (1987) demonstrated that when a policy issue is 'nonrecurring' in terms of media coverage (a sensational issue), media power to influence public opinion (but not necessarily policy outcomes) is greater than with 'recurring' policy coverage (which are more synonymous with governmental issues).

Many studies have concluded that the media has a pivotal role in shaping government's foreign policymaking processes through a phenomena referred to as the CNN effect (reviewed by Gilboa, 2005). This effect does not refer to the sole influence of CNN on policymaking, but rather on the power of global media networks to determine political processes through selective coverage of certain issues. This is particularly important, as most of the public rely on the media for access to foreign policy information (Brown and Vincent, 1995).

Media's Role in India:

Manmohan Singh was perhaps the first Indian Prime Minister to clearly articulate the rising influence of media in the making of Indian foreign policy. Given the political dominance of the Congress Party and a high degree of consensus among mainstream political parties, the media had, at best, a marginal role to play. Given the high degree of freedom that Indian media enjoys, foreign Governments have, from time to time, tried to win friends and influence opinion in the media. The Indian Government also seeks to do this. However, its approach is to "win" over the media to



its point of view, rather than be influenced by any independent thinking within the media. The media is viewed as an instrument for promoting the Government's view point, not as the "Fourth Estate" whose "independent" voice must be heard! During the Cold War period, the Governments of the day were fairly successful in securing broad media support for their policy making. When Comprehensive Test Ban Treaty (CTBT) got linked to Nuclear Non-Proliferation Treaty (NPT) renewal and India felt it was being discriminated against on the question of its nuclear status, the view gained ground that India should not sign CTBT. A major debate took place in the columns of Indian newspapers in which the Times of India editorially called for India rejecting CTBT in the form in which it was then being proposed. This finally became the official Indian position. With the decline of large pan-Indian national political parties and the emergence of fractured coalitions, difference between political parties on national policy issues is bound to grow. With such diversity of opinion in the political arena, the national media can secure for itself an influential autonomous role provided it is able to articulate a national policy that will find wide public acceptability and will stand the test of professional scrutiny.

As pointed out by Sen (1981, 1984), Dreze and Sen (1989, 1995) and Ram (1991) India is distinguished from the bulk of other low income countries in having a relatively free and active press. The states of India have always been prone to a number of shocks which threaten livelihoods which include droughts, floods, earthquakes and cyclones. For a large part of its history the states in India have limited success in dealing with these crises and the failure to do so often resulted in death of millions (Sen, 1981: Dreze and Sen, 1989). In India the development of policies to deal with natural calamities is closely intertwined with famine prevention. In 1943, the great Bengal famine struck and the relief systems failed to prevent this



crisis. The seminal analysis of this famine pointed to how political factors led to the famine codes being deliberately ignored. The lack of democratic political institutions and of a free and independent press has also been identified as factors which explain why relief measures were not triggered (Sen, 1981, Ram, 1991). Following Independence there were two key developments which helped to remedy these deficiencies in the calamity relief system. The introduction of a democratic system of government and the holding of state and central elections meant that the government was more accountable to its citizenry. Relatedly, development and extension of a free and independent press helped to ensure that government was responsive to shocks such as droughts and floods.

Tragically, November 26, 2008 was Indian television's biggest story. The terrorist attacks on Mumbai, a 72-hour siege on India's financial capital left 179 people dead and a nation terrorised. Newsrooms did not stop beaming and India did not sleep. From the first pictures of the captured Pakistani terrorist Ajmal Kasab, to the final dossier of evidence that was sent to Pakistan - all the pieces of the jigsaw were put together by the media.

One cannot forget the influence of media in Indo – US nuclear deal. It was three years in the making, and when it was finally concluded in October 2008 it became infamous as the "prime time deal"¹⁸⁴ ; which forced the government of the day to go through a trust vote and even exposed the Indian Parliament to the "cash-for-votes" scandal. It is perhaps the best example of a foreign policy decision which was technical to the core when initiated, but became a strategic pay off that was misunderstood due to mismanagement of information and ended murkily with a high degree of politicisation. An Indian student had been stabbed in Australia and we had treated it as a routine crime report. Within an hour the call was taken



to make it the biggest story of the day with "racism" as an angle. The target was to assess the contribution of Indian students to Australia's education industry, get reactions from concerned Indian parents who had children studying down under, and eliciting a response from the MEA and forced government to implement necessary policies ensuring the safety of India students down under.

Scholars have often written about the "centrality and intractability" of the unresolved border dispute in the cautious yet tense Sino-Indian relations.²²³ The media's role in this relationship has been that of a "critical observer", asking the hard questions, interpreting and analyzing government action and trying to read between the lines. India formalized its strategic co-operation with China in 2005. The thaw in the ties was conspicuous - Beijing recognised Sikkim as an Indian state and welcomed India as an Observer at the Shanghai Cooperation Organisation. In November 2006, just a week before Chinese President Hu Jintao's visit to New Delhi, the Chinese Ambassador to India created a diplomatic furore by reiterating Beijing's claims on Arunachal Pradesh. It is argued that "for journalists' news is intrinsically episodic", on the other hand for policymakers, "such fragmentation is not good policy."

In case of humanitarian crisis that find Indian nationals abroad in trouble. In most of these cases, as the events unfold, the media becomes the primary source of information, since it is technologically more sophisticated than the government sourced channels. Public sentiment is high since it involves Indian citizens and hence media coverage acts as an accelerant, demanding quick decisions from a government that is mostly, caught unaware. As television whipped up debates ad nauseam, the print media explored a new avenue for media's agency with the "Aman ki Asha



campaign" a joint peace initiative by the Times of India-(TOI) the country's most powerful media empire ; and the Jang group- Pakistan's most influential Urdu newspaper. The joint statement reads: "it is one of history's ironies that a people who share so much, refuse to acknowledge their similarities and focus so avidly on their differences. We believe it is time to restore the equilibrium. Public opinion is far too potent a force to be left in the hands of narrow vested interests."Shruti Pandalai (2013).

Conclusion:

Founded on the principles of freedom of speech and private ownership, the media has been widely regarded as the 'Forth Estate' of government holding the Parliament, Judiciary and the Executive (or Crown) accountable within the democratic process. Media matter not just at the beginning but throughout the policy process, and second, that media's involvement in the policy process poses some real diŭculties. In short, the complexities of policymaking are likely not well-served by well-known tendencies in media coverage. That media matter to policymaking seems beyond a doubt. Whether their contribution tends to be positive on balance is, however, up for discussion. (Soroka, Lawlor, Farnsworth, Young (n.d)).

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WOMEN'S RIGHTS TO PROPERTY

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The constitution confers on the individual certain basic rights enforceable against the state, it can perhaps best describe as a document which, while upholding and rights guaranteed against the State.

The Indian Constitution provides mechanism to achieve socioeconomic justice. The Constitution and various legislative measures have abolished in equality and atrocities against women continue to suffer injustice. The Supreme Court of India has been constantly showing concern for wome's Human Rights. In the domain of women's rights, a womans's legal, economic, social and cultural rights have been protected by judiciary in general and Supreme Court o India in particular. Even the Fundamental Duties contained in part IV-A of the Constitutionals also enshrine the principle of dignity of women..

The Hindu Succession Act on to force 17th June 1956 is one in the series of enactment purporting to change the personal law of the Hindus that had been originally promulgated by the seers of old.The fact that the ancient law ancient law which had governing the now for centuries had remained almost unimpaired except for a few customs here and there which had madeinroad.

The present enactment is the changing the ancient law the Hindus for a more equitable, consistent and coherent system of jurisprudence. The



changes effected by this statute in the personal law of the Hindus are far-reaching and Fundamental.

The Hindu Succession Act confers upon females full rights of inheritance and sweeps away the traditional limitations on her power of disposition which were regarded under the Hindu laws as inherent in her estate. Before the enactment of section 14 the properties in the possession of women were either absolute properties with which they could deal in any manner they liked or properties in which they held what was called a limited estate, a peculiar kind of property.

Property:-all kinds of property movable and immovable and whenever acquired by the female save for the limitation incorporated in section 14 (2) The nature of the property in the hands of the female Hindu has no particular relevance in construing section.14(1) *Kesharbai V State of Maharashtra*, A.I.R 1981 Bom.115. All legal rights of a person except his personal right

Which constitute is status or personal condition will come under the scope of property. (Salmond on jurisprudence, 8th edn., page 443). There are three things 1) There must be property 2) There must be a Hindu woman and 3) That property must be possessed by her at the time the Act came into force.

Right to acquire property in certain cases. This is a right pre-emption (Tarak Das Ghosh Sunil Kumar Ghosh. A.I.R. 1980 CAL. 53. s. Sub-section)

1) provides that where after the commencement of this Act an interest in any immovable property of an intercaste or in any business carried on by him or her, where solely or in conjunction with others. In India The property rights of women under the Hindu law four stages of property. Pre period



1937, 1937-1950, 1957-2005, and post period 2005. In theory, in the ancient times, the woman could hold property but in practice, in comparison to men's holding, her right to dispose of the property was qualified, the latter considered by the patriarchal set up as necessary, lest she became too-independent and neglect her marital duties and the management of household affairs. This was the situation prior to 1937 when there was no codified law. The Hindu Women's Right to Property Act, 1937 was one of the most important enactments that brought about changes to give better rights to women. The said Act was the outcome of discontent expressed by a sizeable section of society against the unsatisfactory affairs of the women's rights to property. Even the said Act did not give an absolute right to women. Under the said Act a widow was entitled to a limited interest over the property of her husband – what was to be termed as Hindu widow's estate. The Act was amended in 1938 to exclude the widow from any interest in agricultural land.

The Hindu Succession Act, 1956 introduced many reforms and it abolished completely the essential principle that runs through the estate inherited by a female heir, that she takes only a limited estate. The Supreme Court put a lot of controversy at rest by holding that the woman becomes the absolute owner under Section-14 of the Hindu Succession Act, 1956. The object of Section 14 is two-fold(1) to remove the disability of a female to acquire and hold property as an absolute owner and (2) to convert the right of woman in any estate held by her as a limited owner into an absolute owner. The Act came into force. Any property acquired under the 1937 Act held in capacity of a limited owner was now converted to her absolute estate. The Hindu Succession Act, 1956 abrogates all the rules of the law of succession hitherto applicable to Hindu the personal law and gave woman greater property rights. The daughters were also granted property rights



in their father's estate. Under Section 8 of the Hindu Succession Act, 1956 the property of a male Hindu dying intestate (that is, without leaving any testamentary instrument like will, settlement etc.) shall devolve on his son, daughter, widow, mother, son of a predeceased son, daughter of a predeceased son, son of a predeceased daughter, daughter of a predeceased daughter, widow of a predeceased son, son of a predeceased son of a predeceased son, daughter of a predeceased son of a predeceased son, widow of a predeceased son of a predeceased son. Thus female heirs were granted property rights in the estate of the deceased male Hindu.

However Section-6 of the Act clearly states that in the case of joint family property, known as coparcenary property, the interest of a male Hindu, on his death, would devolve by survivorship upon the surviving members of the coparcenary and not in accordance with the above said provision. Coparcenary consists of grandfather, father, son and son's son. However, if the deceased had left him surviving a female relative (daughter, widow, mother, daughter of a predeceased son, widow of a predeceased son, daughter of a predeceased son of a predeceased son, widow of a predeceased son of a predeceased son) the interest of the deceased in the coparcener shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Under Section 23 of the Hindu Succession Act, 1956, where a Hindu intestate has left surviving him or her both male and female heirs and his or her property includes a dwelling house, wholly occupied by members of his or her family, the right of any such female heir to claim partition of the dwelling house shall not arise until the male heirs choose to divide their respective share.



Hindu Succession (Amendment) Act, 2005 was enacted and the said Act came into force on 9th September, 2005 and it gives the following rights to daughters In a Joint Hindu family the daughter of a coparcener:

- (a) by birth become a coparcener in her own right in the same manner as the son
- (b) have the same rights in the coparcenary property as she would have had if she had been a son.
- (c) be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu coparcener shall be deemed to include a reference to a daughter of a coparcener:

Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2005, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and

- (a) the daughter is allotted the same share as is allotted to a son;
- (b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and
- (c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be., The above mentioned provision under Section 23 of the Hindu Succession Act, 1956 relating to right of residence in



dwelling houses has been omitted under the Hindu Succession (Amendment) Act, 2005.

Thus gender discrimination has been removed to a larger extent by the 2005 Act. Now, daughters can claim equal right in the self-acquired/ separate property and also coparcenary property left by their father.

The property rights of women under the Hindu law. There are four stages of property pre period 1937, 1937-1950, 1957-2005, and post period 2005 . In theory, in the ancient times, the woman could hold property but in practice, in comparison to men's holding, her right to dispose of the property was qualified, the latter considered by the patriarchal set up as necessary, lest she became too-independent and neglect her marital duties and the management of household affairs. This was the situation prior to 1937 when there was no codified law. The Hindu women's Right to Property Act, 1937 was one of the most important enactments that brought about changes to give better rights to women. The said Act was the outcome of discontent expressed by a sizeable section of society against the unsatisfactory affairs of the women's rights to property. Even the said Act did not give an absolute right to women. Under the said Act a widow was entitled to a limited interest over the property of her husband – what was to be termed as Hindu widow's estate. The Act was amended in 1938 to exclude the widow from any Interest in agricultural land.

The Hindu Succession Act, 1956 introduced many reforms and it abolished completely the Essential principle that runs through the estate inherited by a female heir, that she takes only a Limited estate. The Supreme Court put a lot of controversy at rest by holding that the woman becomes the absolute owner under Section-14 of the Hindu Succession Act, 1956. The object Of Section 14 is two-fold (1) to remove the disability of a female



to acquire and hold property as an absolute owner and (2) to convert the right of woman in any estate held by her as a limited owner into an absolute owner

The Act came into force. Any property acquired under the 1937 Act held in capacity of a limited owner was now converted to her absolute estate. The Hindu Succession Act, 1956 abrogates all the rules of the law of succession hitherto applicable to Hindu the personal law and gave woman greater property rights. The daughters were also granted property rights in their father's estate.

Under Section 8 of the Hindu Succession Act, 1956 the property of a male Hindu dying intestate (that is, without leaving any testamentary instrument like will, settlement etc.) shall devolve on his son, daughter, widow, mother, son of a predeceased son, daughter of a predeceased son, son of a predeceased daughter, daughter of a predeceased daughter, widow of a predeceased son, son of a predeceased son of a predeceased son, daughter of a predeceased son of a predeceased son, widow of a predeceased son of a predeceased son. Thus female heirs were granted property rights in the estate of the deceased male Hindu.

However Section-6 of the Act clearly states that in the case of joint family property, known as coparcenaries property, the interest of a male Hindu, on his death, would devolve by survivorship upon the surviving members of the coparcenary and not in accordance with the above said provision. Coparcenary consists of grandfather, father, son and son's son. However, if the deceased had left him surviving a female relative (daughter, widow, mother, daughter of a predeceased son, widow of a predeceased son, daughter of a predeceased son of a predeceased son, widow of a predeceased son of a predeceased son) the interest of the deceased in the



coparcener shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Under Section 23 of the Hindu Succession Act, 1956, where a Hindu intestate has left surviving him or her both male and female heirs and his or her property includes a dwelling house, wholly occupied by members of his or her family, the right of any such female heir to claim partition of the dwelling house shall not arise until the male heirs choose to divide their respective share.

Hindu Succession (Amendment) Act, 2005 was enacted and the said Act came into force on 9th September, 2005 and it gives the following rights to daughters:

In a Joint Hindu family the daughter of a coparcener:

- (a) By birth become a coparcener in her own right in the same manner as the son
- (b) Have the same rights in the coparcenary property as she would have had if she had been a son.
- (c) Be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu coparcener shall be deemed to include a reference to a daughter of a coparcener:

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The coparcenary property shall be deemed to have been divided as if a partition had taken place and

- a) The daughter is allotted the same share as is allotted to a son;



- b) The share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and
- c) The share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

The above mentioned provision under Section 23 of the Hindu Succession Act, 1956 relating to right of residence in dwelling houses has been omitted under the Hindu Succession (Amendment) Act, 2005. Thus gender discrimination has been removed to a larger extent by the 2005 Act. Now, daughters can claim equal right in the self acquired/separate property and also coparcenary property left by their father.

News: There no recent result for your search quarry Below is a sample for the type results you will get. New result for property of women recent rights cases.

Governments to make marriage laws more women friendly enhance property on Indian express Marriage laws will now become more friendly with the Government today approving a slew of measures including for sufficient compensation for the wife and children from husband's immovable property in case of a divorce. Now, there is no distinction between son and daughter in so far as the property rights in equal copasenary share property are concerned. However this benefit is not available to daughter married prior to or to a partition, which had been effected before the commencement of Hindu Succession (Karnataka



Amendment) Act 1990. This is to avoid unnecessary litigation, which may spoil cordial relations.

Women Stated India has witnessed gender inequality from its early history due to its socio-economic and religious practice that resulted in wide gap between the position of men and women in the society. We need to argument our efforts for women's right enhance their progress. It is our social and economic Constitutional responsibility to ensure their prepress by providing them with equal right and opportunities

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**PREVALENCE OF GOITER IN TRIBAL POPULATION OF
PEDABAYALU MANDAL OF VISAKHAPATNAM DISTRICT OF
ANDHRA PRADESH**

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INTRODUCTION

The hill tract mandals of Visakhapatnam are inhabited by 22 different tribal communities (in Andhra Pradesh total tribal Communities are 35). These tribal people are at low levels of technology ekeing their livelihoods from their immediate environment. For a very few things they depend on out-side their environment. Items like Kerosene, tobacco, dry-fish, etc., can be quoted as examples. They produce their own-food by means of agricultural (slach and burn horticulture) in the vallays and low laying wills or hill-ranges. They collect food items like leaves, fruits, nuts, roots, tubers etc from the neighbour forest region. Often they hunt animals like rabbits, deers, wild goat, wild-bear etc. they are found of fish, which they fish in nearby water bodies (tanks, river, stream).

The deficiency of iodine together with food habits seem to be root cause for goiter. In the present study area the food habits and the food intake is more or less common among the tribal populations, where they depend on local resources.

At present the tribal populations in 11 mandals of Visakhapatnam district accounts for 503874 (Male 251084 Female 252790. It is learned from



few reports both by the Government and academia, the goiter is one of the public health disorders, prevalent among the tribal populations.

The studies related to goiter among several populations have indicated that the inadequate supply of thyroid hormone in the food-intake. Therefore the deficiency of iodine is the root cases, which maintain the well being ness of thyroid hormone.

MATERIAL AND METHODS

The present work on aspects of deficiency diseases of tribal people living in the hilly areas of Eastern Ghats lie in the vicinity of Visakhapatnam district. In the present study survey has been conducted to know the prevalence of goiter in Pedabayalu mandal. Total 56 villages were covered out of 42 villages, in 42 villages people suffering with goiter and the sex wise, age wise data was recorded, and same has been presented in the following results.

RESULTS AND DISCUSSION

In the present study survey has been conducted in 56 villages of Pedabayalu Mandal of Visakhapatnam district to identify the goiter disease in the tribal population village wise sample data including sex wise, and age wise was noticed (Table no. 1 and 2).

Bulliyya *et al.* (2005) noticed that girls had significantly higher prevalence of goiter than boys of Kondh primitive tribal community in Orissa. But Mahin Hashemipour *et al* (2007) stated that goiter prevalence was not statistically different between boys and girls. In the present study also, it has been noticed that goiter is more in women population than men in Pedabayalu Mandal of Visakhapatnam. Rao and Tuhina Vijay (2003) estimated the goiter prevalence as 11.67% among tribals in Purnia district



of Bihar. In the present study it was 5%. Panday and Anand (1995) estimated that 270 million people at risk of iodine deficiency disorders in India. Chandra et al. (1997) stated that iodine deficiency disorders continue to be prevalent in north east India. Kapil *et al* (1998) noticed iodine deficiency in district Kinnar, Himachal Pradesh. Sohal et. al (1999) observed the prevalence of goiter as 15% in the district solan of Himachal Pradesh. Chandra *et al* (2006) reported goiter prevalence and state of iodine nutrition in Sundarban delta of north 24 parganas in West Bengal.

In the present study also it was noticed that the prevalence of goiter was due to iodine deficiency as the tribal population in the villages of Pedabayalu mandal having very low usage or consumption of iodine in their diet.

But Terra Ziporyn (1985) observed that in many areas of the world- even a few in the United States, endemic goiter remains a major public health problems. And on research in one state indicates, iodine deficiency may not always be a pre requisite for goiter.

According to the WHO (2008) report that 750 million people still suffer from this goiter health problem in the world. And global goiter prevalence is 15.8% (WHO 2009). The continuous consumption of cabbage, Beans, and cerals, etc., are also causing goiter disease. In the present study also it has been noticed that the tribal population of Pedabayalu are consuming excess cabbage, soyabeans etc., which are available seasonally. In the present study the analysis against the earlier studies clearly indicates the following observations in the tables.



TABLE 1 - GOITER IN DIFFERENT VILLAGES OF PEDABAYALU MANDAL

S.No.	Name of the Village	Population			Sample			Goiter		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
1	Adugulaput	158	201	359	33	20	53	1	2	3
2	Aradagudem	84	92	176	22	22	44	-	2	2
3	Aradakota	507	223	730	72	80	152	1	13	14
4	Barangi banda	40	41	81	13	10	23	-	-	-
5	Bayalu Veedhi	80	80	160	32	25	57	-	1	1
6	Bisai Puttu	11	12	23	8	8	16	-	-	-
7	Boddaputtu	88	105	193	20	26	46	-	2	2
8	Bongaram	61	158	119	20	18	38	-	3	3
9	Burudagunta	43	38	81	12	17	29	-	-	-
10	Chekkarai	87	97	180	46	25	71	1	5	6
11	Chitraiput	88	87	175	29	20	49	-	2	2
12	Chuttumetta	155	177	332	34	36	70	-	3	3
13	Dabbagaru	19	23	42	9	9	18	-	-	-
14	Gadulaput	11	20	31	8	7	15	-	-	-
15	Gamparai	316	347	663	79	79	158	2	3	5
16	Goddiput	113	116	229	30	24	54	-	2	2
17	Gomangi	330	403	733	90	86	176	1	7	8
18	Jadiguda	9	13	22	8	8	16	-	-	-
19	Kadabangi	20	20	40	11	8	19	-	1	1
20	Karigonda	248	296	544	64	65	129	1	3	4
21	Kincholda	182	194	376	41	40	81	-	3	3
22	Kinchuru	108	112	220	28	30	58	-	1	1
23	Kittukonda	57	64	121	16	18	34	-	-	-
24	Koravangi	120	140	260	26	26	52	-	3	3
25	Kothaputtu	42	31	73	17	28	45	-	2	2
26	Kuda Singi	72	83	155	19	20	39	-	2	2
27	Lakeputtu	79	78	157	27	35	62	-	2	2
28	Laxmi puram	102	102	204	42	31	73	2	2	4
29	Linge	141	155	296	40	32	72	-	6	6
30	Luvva Singi	116	148	264	28	21	49	-	2	2
31	Maggam Veedhi	76	79	155	20	20	40	-	-	-
32	Mandibha	22	19	41	9	9	18	-	-	-
33	Mandikota	22	26	48	15	14	29	-	4	4
34	Merakachintha	55	163	318	38	29	67	1	3	4
35	Munthamamidi	25	25	50	8	12	20	-	1	1
36	Musidi Puttu	55	54	109	20	23	43	-	-	-
37	Pangalam	75	80	155	17	21	38	-	2	2
38	Panneda	66	75	141	19	19	38	-	1	1
39	Parreda	136	165	301	30	28	58	-	3	3
40	Pedabayalu	1353	917	2270	208	210	418	1	11	12
41	Pedakodapalli	435	472	907	112	104	216	1	10	11
42	Pcdaputtu	84	94	178	26	22	48	2	4	6
43	Peddagondi	49	60	109	15	16	31	1	-	1
44	Poi Palli	100	129	229	22	36	58	-	2	2
45	Puligondi	35	40	75	18	6	24	1	1	2
46	Pulusumamidi	47	44	91	23	25	48	-	1	1
47	Rogulapeta	265	235	500	51	54	105	3	6	9
48	Rondlam Puttu	44	59	103	16	18	34	-	-	2
49	Salibulu	25	30	55	10	7	17	2	-	2
50	Sampangiputtu	83	83	166	19	18	37	-	1	1
51	Sapparlamamidi	16	12	28	7	7	14	-	-	-
52	Seekari	293	336	629	69	63	132	-	6	6
53	Thamarba	66	71	137	35	32	67	-	1	1
54	Thurangula	27	25	52	23	15	38	-	-	-
55	Tirangi	12	20	32	8	6	14	-	-	-
56	Y.Bondapalli	195	242	437	54	54	108	1	7	8
	Total	7148	7211	14355	1816	1742	3558	22	138	160

Table – 2 AGE INTERVALS

Gender	15-25	26-35	36-45	46-55	56-65	Total
F	68	37	24	6	3	138
M	6	6	4	6	0	22
Total	74	43	28	12	3	160



Fig 1: Female Goiter, Kincholda (Village) Pedabayalu (Mandal) Visakhapatnam A.P.



Fig.2: Male Goiter, Rogulupeta (village) Pedabayalu (Mandal) Visakhapatnam.A.P.

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ROLE OF TECHNOLOGY IN TEACHER EDUCATION

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Globalization, Liberalization and privatization are driving higher education to undergo vast changes in respect of objectives, contents and methods. The world is entering into an information age, and development in communication, information and technology are opening up new and cost effective approaches to the teaching learning process.

The student of 21st century have very high learning expectations as they are interested more in getting innovation and meaningful experiences from various agencies which are catering to the educational needs. For teaching such student's teachers have to be very effective methodology, content and information so they can teach and satisfy their students. To prepare such teachers with the necessary skills and pedagogies so that they can make them to adopt 'according to further environment'.

Technology is capable and provided a lot of tools and methods by which our teacher educators can make teaching –learning process interesting easy, time saving, cost effective, student centered and everlasting for the students. As the conventional teaching has some limited feature like it usually follow chalk and talk method, teacher centered approach, examination Centre, stress on possible/rote learning utilizes non-interactive teaching aids, provides single role learning, utilizes non interactive teaching aids, provides single sense stimulation and overall presenting an isolated working environment for students.



Modern Educational Philosophy

According to recent developments as shown by Research studies on its report that there is a shift in role of teachers well as students are:

Change in Teachers Role

A shift from	A shift to
1. Knowledge transmitter, primary sources of information, content expert and sources of all answer	Learning facilitator, collaborator, coach, mentor, knowledge navigator and co-learner
2. Teacher controls and directs all aspects of learning	Teacher gives students more options and responsibilities for their own learning.

Change in Students Roles

1. Passive recipient of information	Active participant in the learning process
2. Reproducing knowledge	Producing and sharing knowledge, participating at times as expert
3. Learning as a solitary activity	Learning collaboratively with others

It is clearly indicates that teachers are now facilitators, collaborators, coach, co-learning as compared to earlier role of transmitter, expert, solution provider controller etc. Similarly, students are active recipient, experts and collaborative learning as compared to previous role of passive receiver and reproducer of knowledge which receive from their teachers.

Need to be done

1. Overcome the limitations of convention methods of teaching.
2. Enrich the teaching learning process by adopting multimedia approach.
3. Develop innovative methods of teaching and evaluation.
4. Develop interactive classroom learning environment.
5. Provide learner centred education.



6. Develop on effective system for curriculum delivery.
7. Ensure professional development of in-service teachers.
8. Ensure proper-training of pre-service teachers.

These are some areas which one has to look for the various possibilities and finalize the best suitable remedy by exploring and experimenting for achieving the excellence in education practices.

Technology can help teacher educators in the following:

1. Providing motivation and increasing performance of their trainees.
2. Teachers have a tendency for life long learning.
3. Use of innovative teaching method of improve their efficiency and effectiveness.
4. Their own professional development.
5. Increasing the level of interaction through different tools in teaching process.
6. Preparing the product of the future through their utilities.
7. Providing abundance of information available for them.

Teacher trainees are helped by Technology integrating in the following:

1. Practice and re-practice of teaching
2. Their skill development
3. Enhancing learning ability through active involvement in teaching learning.



-
4. Making them effective teachers of the future.
 5. Their capacity building, collaborations and networking etc.

Technology tools used in Education

1. Multimedia computer and laptops
2. Television
3. Digital Audio and Video
4. Internet and Intranet
5. E-mail
6. Electronic Board
7. Video Conferencing
8. E-books and Digital Library
9. EDUSAT
10. M Learning

Scope of Technology in Teacher Training

1. Technology tools are helpful in completing full micro teaching cycle i.e. planning teaching feedback and repeating these steps after immediate feedback.
2. ICT can be use in preparation, presentation and evaluation step during teaching practice.
3. It is helpful in documentation, record generation and storage, analysis, evidence etc. during teaching practice.
4. It improves overall teacher effectiveness through latest techniques and innovative methods.



Classroom interaction may be improved or shifted towards involvement, cooperation, coordination, togetherness etc. for better effective and meaningful teaching learning environments.

Necessary teaching skills of preparation, development and use of audio-visual aids for promoting their efficiency in actual classroom.

Success of Teaching in Teacher Training

UNESCO has shown in its guidelines that for proper implementation of ICT's in teacher education, the following indicators may be helpful in the success of the efforts made for promoting ICT into the teaching learning process.

1. Shared vision	There is proactive leadership and administrative support from the entire system.
2. Access	Educators have access to current technologies, software and telecommunications networks.
Skilled Educators	Educators are skilled in the use of technology for learning.
Professional Development	Educators have consistent access to professional development in support of technology use in teaching and learning.
Technical Assistance	Educators have technical assistance for maintaining and using the technology.
Content standards and curriculum resources	Educators are knowledge in their subject matter and current in the content standards and teaching methodologies in their discipline.
Student-Centered Teaching	Teaching in all settings encompasses student centred approaches to learning.
Assessment	There is continuous assessment of the effectiveness of technology for learning.
Community Support	The community
Support policies	School, college and university policies, financing and rewards structures are in place to support technology in learning.

Conclusion

The last words in this paper the use of technology at various level and different setting shows how rapidly various information and communication technology has being adopted as a catalyst to enhance learning, technology has become the enable of education in the 21st century



and has opened up new vistas in the field of educational research training. Therefore in view of the above, it is proposed that for quality enhancement there should be implementation of ICT, more course duration, flexible curriculum emphasis on quality and method of teaching. These efforts will improve the quality of teacher educators and will help in bring out a positive change in today's existing scenario.

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SOCIAL AND FINANCIAL SECURITY THROUGH MICROFINANCE

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“ A high rate of growth would have little meaning to the poor unless there is a visible implement in their living and working conditions”.

P.Chidambaram, Ex- Minister of Finance, Govt. of India

I - Introduction

Poor must have access to social and financial security. While the country is experiencing faster economic growth in its Gross Domestic Product (GDP), a major concern is the balanced growth to bridge the gap between the rich and poor. According to Reserve Bank of India, over forty per cent of Indians do not even have bank accounts. It is in this context that one needs to appreciate the role played by microfinance institutions in collaboration with government, Non Governmental Organisations in poverty alleviation, employment generation, improvement of health and nutritional status, empowerment of women and their human development. There are number of microfinance programmes have been operating in India since 1993 and in this regard a number of researchers have done studies on the working of microfinance institutions and showed that positive as well as negative finding in reducing poverty in India. Hence, there is a need for evaluating of existing microfinance programme by independent research.



The Problem:

For decades, Microfinance has been playing an extensive and far-reaching role for poor people in the less developed countries (Bentual Mawa-2008). A survey of India's leading 15 Microfinance Institutions which was conducted during the year 2005-'06 shows that industry's strength in both size and growth. In fact, five of the top 20 fastest growing Microfinance Institutions in 2005 belong to Indian. Indian microfinance defines the forward lines of integrating with local financial markets. Within Asia and around the globe, Indian Microfinance Institutions are more leveraged than institutions in any other sector. Compared to other markets in South Asia, the importance of local financial institutions is readily apparent. Indian Microfinance Institutions deprived of shareholder capital or legal access to public deposits, have funded growth through commercial loans from local banks and development finance institutions. Tapping local financial markets leaves the sector well poised to continue its rapid growth. Loans to Indian Microfinance Institutions fulfill more than priority sector lending requirements; they also fulfill the need for returns. Leading Microfinance Institutions offer slim, but positive margins. Hardly the high returns presented in recent media coverage, leading institutions averaged just less than one per cent return on assets. In contemporary development economics, people's participation is the central theme for poverty reduction initiatives. This paradigm shift calls for considerable efforts to mobilize human energies and building up community based economic leadership at grass roots. In this context, Self Help Group methodology has been found very effective to realize the goal of comprehensive empowerment of low-income households. In the present study an attempt has been made to focus on the earlier studies concerning microfinance institutions in the light of how and how much those institutions



are securing social and financial security for the people especially belong to Self Help Groups and suggest suitable methodological and policy recommendations. For this purpose, the data have been collected from various secondary sources such as journals, books and research reports of the study concern. Study is presented in the three broad sections. The following section discussed the results of the study. Major conclusions and policy implications are presented in the last section. It is hoped that this study is very useful for researchers and policy makers for further research and development in this area.

II - RESULTS AND DISCUSSIONS

Experimentation with microfinance and Self Help Groups has shown positive signs gaining satisfaction of all concerned. Andhra Pradesh has the largest formation of Self Help Groups in the country. The State has also been in the forefront under Self Help Groups -Bank Linkage Programme by effecting linkage for large number groups. Both, Governmental and Non-Governmental Agencies have played an active role providing synergy in group formation and bank linkage. Large number of researchers, namely, Otero, M. and Rhyne, E.(1994), Kim Kyung-Hwan (1995), Phelps, P.(1995), Churchill, C.F. (1996), Puhazhendi V and K J S Satyasai (2000), Lapenu C, Zeller M (2001), Pallavi Chavan and R Ramakumar (2002), Meyer (2002), Patrick H (2004), Ramakrishna. R., (2005), Franseas Sinha (2005), Blaine S, Hind T (2006), Fernandez, P, Aloysius (2007), Bentul Mawa (2008), etc., in their studies have systematically analysed the problems and prospects of microfinance and self help groups.

(a). On Material and Methodological issues:

Majority of the researchers in their studies on microfinance and its impact on socio economic life of the households have used common



variables such as adoption of small family norm, towards loan repayment, Better health care, Better clothing, Better education for the children, participation in social functions, Purchase of household durables and purchase of house site, awareness about developmental programmes of the various levels of the governments, sanitation, child labour, Access to markets, Bargaining power, Self confidence, Self employment potential, Marketing and communication skills, Decision making, Age at marriage, Nutritional status, Banking habits and Better awareness of health. There is a need to take more economic variables for analysing the financial security of the beneficiary. However, a limited number of studies are undertaken those variables and explored in very technical manner in this regard. Further, in order to estimate levels of living and poverty, the researchers tried to estimate poverty by using different methods. The planning Commission takes into consideration the monthly per capita expenditure norm to estimate the poverty. Having wide methodological differences in the methodology used for fixing the norm to identify the poverty line, all the estimates showed that the incidence of poverty is on a decline in India. A limited number of researchers, (Ramakrishna. R., 2005 and others) in their studies have been used the well established indexes and ratios such as the Head Count Ratio, The Poverty Gap Ratio, and Modified Sen's Index of Poverty in estimating the magnitude of poverty among the members of self help groups. Majority of the researchers in this area have used simple averages and percentages to analyse the data and confined to limited region and limited activities of self help groups. Here, the need is to extend the scope of the studies in considering more activities and large regions.

(b). On Empirical Results:

The empirical results of the studies have been done by Ramakrishna. R., (2005) and others show that the incidence of poverty is less in the Self



Help Group households compared to Non-Self Help Group households. A lower poverty Gap Ratio was found in the Self Help Group households compared to the Non-Self Help Groups households. The Modified Sen's Index of poverty indicated that the distribution of the poor is closer to the poverty line in both the groups of households. To sum up, according to all the three measures of poverty, Self Help Group households are in a better position than the Non-Self Help Group households.

III - CONCLUSIONS AND POLICY IMPLICATIONS

The review of results of various studies shows that there is a positive sign regarding the socio-economic and nutritional status of the members of Self Help Groups. The variables such as Adoption of small family norm, Nutritious food for the family, Purchase of household durables, towards loan repayment Better health care, Better clothing, Better education for the children Social functions, Purchase of household durables and purchase of house site, Access to information about Govt. programmes, sanitation, child labour, Access to markets, Bargaining power, Self confidence, Self employment potential, Marketing and communication skills, Decision making, Age at marriage, Nutritional status, Banking habits and Better awareness of health show significant positive impact on the members of Self Help Groups than the members of Non- Self Help Groups. Majority of the studies have found that the Self Help Groups experiment has reduced the intensity of poverty among sample households. It is further observed that as compared to Non Self Help Group households, those who covered under Self Help Group are far better off in respect of economic empowerment and nutritional development. The growth of Self Help Groups in the country demonstrates the willingness of the poor to pay for the credit and other financial services rendered by Non Governmental Organisation's and credit



institutions without depending on any kind of subsidy from the Government agency. In a market-oriented economy, this is a healthy attitude. There is an apprehension that the launching of various Government programmes, under which the Self Help Groups are to be promoted as well as subsidized by District Rural Development Agencies, may hamper the development of micro-credit system as it promotes a subsidy culture, which goes against the philosophy of micro-credit. Though, there are many positive signs in micro-financing and standard of living of the poor but is not free from criticism by some of the researchers who confirmed microfinance was successful in Bangladesh but a failure in India (A. Ramachandra Aryasri-2012 and others). Basing on this analysis, the following suggestions and policy implications are made for the betterment of microfinance and its development among all sections of households who are obligatory for economic development.

- (i) Creating more awareness on microfinance among the beneficiaries is the need of the hour.
- (ii) RBI should take full control of regulatory issue of micro-financing and reduce interest rates as low as possible.
- (iii) Researchers should take more economic variables to analyse financial security obtained by beneficiaries through microfinance.
- (iv) Media should report positively on the issue pertaining to microfinance.
- (v) Agencies should talk and listen to the beneficiaries and observed that mobile phones can be used to establish transparency in financial dealings.



- (vi) Research on this area should be re-evaluated from time to time and
- (vii) The experiences of both the beneficiaries and agencies of micro-financing elsewhere should be documented.

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EFFECT OF NUTRITION EDUCATION PROGRAMME DURING PREGNANCY

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INTRODUCTION

Poor maternal nutrition and the resulting low birth weight (LBW) infants remain the single most important cause of infant morbidity and mortality in the world and reduction in the rate of LBW has been named by WHO as one of the global indicators of progress (Gopalan, 1999). In majority of LBW infants the seed of death is sown much before they are born which increases the risk of perinatal, neonatal mortality and growth retardation and chronic diseases as adults (Rabkins *et al.*, 1990).

Maternal nutrition plays a fundamental role in optimizing pregnancy outcome and unlike other factors, such as heredity or pre-existing conditions; the nutritional status is amenable to change. Research relating to pregnancy outcome has documented the critical need of nutrition education (NE) for optimal pregnancy outcome (Widga and Lewis, 1999; Ramachandran, 1993). Hence, the present study was undertaken with following objectives in mind: (a) To study the nutritional status and dietary practices prevalent amongst the pregnant women belonging to low socio-economic status (SES). (b) To outline and implement NE and counseling for pregnant women (completed 5-7th month of gestation). (c) To assess the effect of counseling pregnant women (completed 8th/9th month of gestation), in terms of maternal nutritional status.



MATERIALS AND METHODS

Baseline Design: The study was conducted in Kandukuru and Sigaraya konda of district Prakasam, Andhra Pradesh. A core sample of 100 pregnant women belonging to low-SES and in varied periods of gestation ranging from completing their 5th month to completing their 9th month of gestation was selected purposively through domiciliary visits. Detailed information was gathered on subject's background, obstetric history, work status, dietary intake and other food practices and beliefs, anthropometry and hemoglobin status using a pretested interview schedule. Dietary intake of the subjects was assessed by 24-hour recall and food frequency and amount questionnaire (FFAQ) (Thimayamma *et al.*, 2003) Weight and height of the subjects were measured by standard techniques using Krups bathroom scale (0.5 Kg sensitivity) and non-stretchable measuring tape (0.1 cm sensitivity), respectively. Hemoglobin estimation was done by cyanmethemoglobin method using filter paper technique (.International Nutritional Anemia Consultative Group, 1985).

Intervention Design: Lacune were identified during the baseline survey and based on these, simple NE messages were designed. The messages covered the 6 key areas identified: (1) increasing quantity of food (eating 1 or 2 additional meals, increasing the amount of food consumed and adding a teaspoon of oil to prepared food); (2) improving the quality of food (consuming cereal pulse combination, incorporating greens in staples, consuming fermented foods, consuming yellow fruits and vegetable, adding lemon to food for better iron absorption and consuming milk products like buttermilk and curd); (3) promoting consumption of iron-folic acid (IFA) tablets (consume one IFA tablet regularly from 4th month onwards, side effects subside after sometime, collect IFA tablets from anganwadi workers



(AWWs) or auxiliary nurse midwife (ANM)); (4) rest during pregnancy (rest for at least 2-3 hours during the day, do not do heavy strenuous manual work in the last trimester of pregnancy); (5) Injection tetanus toxoid (TT) immunization and antenatal checkups (ANC) (getting 2 TT injections immunization completed at an interval of one month from ANM or doctor, undergoing periodic health check-ups for weight gain, blood pressure and anemia) and (6) use of iodized salt (using iodized salt in all food preparations).

At baseline, to study the changes occurring with the advancement of pregnancy, data was categorized as '*middle gestation*' (completed 5th-7th month of gestation) and '*late gestation*' group (completed 8th/9th month of gestation). No statistically significant difference was found between the 2 groups in relation to socio demographic profile, obstetric history and other general characteristics. Thereafter, nutrition education (NE) was imparted to 50 pregnant women in the middle gestation group over a period of 2.5-4 months. This formed the NE group and the late-gestation group without any intervention was referred to as non-NE group for comparisons. Since, limited time was available for the study; the control group (non-NE) could not be studied parallel to the intervention group (NE). Channels used for the intervention were individual counseling, weekly home visits and group meetings. The individualized counseling sessions ranged from about 30-40 minutes at the start of intervention, where the subjects were asked to follow certain behaviors based on the lacunas identified at baseline. This was followed by weekly home visits to reinforce the messages, listen to subjects' problem and check the compliance which included checking the IFA tablet strips and cross checking with family members if the subject was following the emphasized behaviors. The counseling sessions at the mid-intervention lasted to about 20-30 minutes where the messages were again reinforced



based on subjects' 24hour dietary recall, FFAQ and weight gain. Finally, towards the end of the intervention, the sessions lasted to about 15-20 minutes for further reinforcement. Monthly weighing of the subjects proved to be a motivating factor and helped to reinforce the messages. Whenever possible, the family members especially the husband and the mother-in-law of the subject were also encouraged to take extra care of the subject. Nine group meetings were planned, with one meeting in each of the 9 anganwadi centers (AWCs) of the village, but only 6 meetings could be conducted due to poor subjects' response and coordination from some of the AWWs.

Once the subjects of the intervention group reached late gestation, their post-NE assessment of the practices adopted, dietary intake, weight gain and hemoglobin estimation was carried out and birth weight (BW) was recorded within 48 hours after the delivery. However, due to certain limitations of available facilities in the field, the recording of BW could not be very accurate and standardized; hence that data is not being presented in the article.

Data Treatment: The statistical analysis was performed using SPSS/PC (version 10.0) package. The dietary intake was computed using Indian food composition tables (Gopalan *et al.*, 1990). Student's t-test and chi-square were used for inter and intra group comparisons of nutrient intake, anthropometric measurements and hemoglobin levels. A value of $p < 0.05$ was considered statistically significant.

RESULTS

Baseline Information

Subjects' Profile: The mean age of the pregnant women was 24.46 ± 4.1 years, with 82% subjects being between 20-29 years of age. About 27% of



the subjects were primipare and other 47% with a parity of 1 or 2. More than half (57%) of the subjects were illiterate with few (19%) husbands being illiterate. Most (95%) subjects were housewives with husbands working as laborers, rickshaw pullers, tempo driver, shop keeper, factory worker, fruit and vegetable seller etc. With meager resources and an average family size of 5.2, the average per capita income was Rs. 699.5.

Anthropometry: The mean heights of the subjects was 154.33 ± 3.95 cm and 153.47 ± 4.11 cm, respectively for middle and late gestation groups with their respective mean weights being 49.36 ± 7.49 kg and 52.75 ± 6.67 kg. The corresponding mean values of weights for heights according to gestational age were 90.34 ± 13.55 % and 91.65 ± 10.55 % of the reference values (Magbitang, 1988).

Anemia: The prevalence of anemia (Hb < 11g/dL) was found to be high in the study sample being 96.3 %. The mean hemoglobin levels of the subjects in the middle and late gestation group were 8.84 ± 1.12 g/dL and 7.85 ± 1.58 g/dL, respectively. The percentage of subjects with severe anemia (Hb < 7.0 g/dL) were 6.4% in the middle gestation and 34.3% in the late gestation group, thus giving the picture that anemia worsens with advancement of pregnancy.

Food Intake: Food habits of the subjects were simple with 2 main-meals a day pattern. There were wide variations in the consumption of different foodstuffs by the subjects and no alteration in food habits during pregnancy was seen. No significant difference was found in mean intake of foods and nutrients of subjects with advancement of pregnancy (Fig 1). The mean percentage of recommendations for almost all the foodstuffs was much below the recommended guidelines (ICMR, 1998) (Fig 1). Only cereals and sugar met on an average 40-50 % of the recommendations; intake of potato,



fat and milk was 30-40% of recommendations. Pulse and other vegetables intake was poor being only about 20% of the recommended intake. Green leafy vegetables (GLVs) and fruit intake was even less than 10% and 20% of the desired levels, respectively. The daily mean calorie and protein intake was about 835-924 kcal and 25-28 g, respectively, with both meeting only about 40% the RDA. Similarly, the intake of other nutrients was also grossly inadequate.

Analysis of FFAQ revealed that wheat was the staple and rice was eaten only occasionally. In majority of subjects (70%), the consumption of pulses was only once a week or once fortnightly. Most (90%) reported consuming GLVs and fruits only once or twice a week due to economic constraints. About 64% of the subjects were non-vegetarian, but due to economic crunch the frequency of consumption was only 1-2 times/month. Palm oil was uniformly consumed both towns. Food especially eaten by the subjects during pregnancy were reported to be milk, egg, *ghee*, '*moongdal*', water and coconut and those avoided during pregnancy were tea, egg, meat, pulses, cauliflower, brinjal and jackfruit.

Other Practices: In the study population, majority of subjects, with 82% subjects in the middle gestation and 84% subjects in the late gestation group were using iodized salt. The mean resting hours during the day reported by the subjects were 1.51 ± 0.58 hours and that during the night were 7.51 ± 0.94 hours.

Changes Brought About by Education Intervention

Dietary Intake: There was a significant increase in the amount of almost all the food groups consumed in the post-NE as compared to non-NE and pre-NE group. In case of cereals and pulses increase was more in the amount consumed than the frequency and a similar trend was seen in the intake of



other foodstuffs (Table 1). Similar significant increase was also seen in case of all the nutrients (Table 2). However, this improvement could not reach the level of nutritional adequacy except for fat, vitamin A and vitamin C intake. During the intervention it was observed that in many cases subject's husband and mother-in law played important role in motivating them and keeping a check on the emphasized behaviors.

Anthropometry: The mean % reference weight for height according to gestational age during pregnancy (subjects completed 8th/9th month of gestation) improved slightly to 92.65 % in post-NE as compared to 91.65% in non-NE group, but this difference could not reach the level of significance. The weight gain per week in the post-NE group varied between 0.23 Kg to 0.57 Kg with an average of 0.40 Kg.

Anemia: The mean hemoglobin level in the intervention group at post-NE was 9.65 g/dL, which was significantly higher ($p < 0.001$) than non-NE (7.85 g/dL) and pre-NE (8.84 g/dL) group. No subject was found severely anemic (Hb < 7.0 g/dL) in the post-NE group as compared to 6.4% at pre-NE and 37.1% in non-NE group. A regular shift in the severity of anemia was observed with intervention (Table 3), thus showing the impact of intervention.

Other practices: Success was also achieved in motivating people to use iodized salt as all the subjects in the intervention group were using iodized salt for cooking, against 82% and 84% subjects in pre and non-NE group, respectively. The percentage of women getting their TT injection immunization completed by the end of pregnancy was very high (97.9%) in the post-NE group than the non-NE group (72%). The compliance to IFA tablets was found to be much better after educational intervention. At post-NE, 35% subjects had consumed 100 or more tablets in the intervention



group, whereas there was no such subject in the non-NE group. Table 4 gives the percent distribution of subjects in the post and non-NE groups according to the number of IFA tablets consumed. Improvement was observed in ANC visits with 59% subjects in the intervention group going for at least one ANC visit against 30% in non-NE group. The percentage of subjects being registered at the AWC by 8th or 9th month of pregnancy in the post-NE group was 96% against 34% only in the non-NE group, suggesting the impact of the NE imparted, though, not much improvement could be observed in the rest pattern of the subjects after the intervention.

DISCUSSION

Baseline: In the study population, the mean daily intake of almost all the foodstuffs and nutrients fell short of the recommendations and no significant difference was found in the mean intake of food and nutrients of subjects between the middle and late gestation groups, suggesting no increase in the food intake with advancement of pregnancy. Similar results revealing inadequate dietary intake have been reported in a study done on rural pregnant women working in stone quarry (Kashyap, 1993). NNMB also reported the average intake of pregnant women for all the foodstuffs to be below the recommended levels (NNMB, 1999). Consistent with the findings of the present study, a similar mean caloric intake of about 40% of recommended dietary allowances (RDA) has been reported (Kashyap, 1993). Deficits in energy intake of pregnant women were also reported in other studies (Rao *et al.*, 2001; Pallavi *et al.*, 2002).

In the present study, the mean height of the pregnant women was 153.9 cm, which was higher as compared to national estimates (NFHS-2, 1998-99), but was similar to a study done on low-SES urban pregnant women in Delhi, which reported the mean height to be 154.3 cm (Gulati,



1999). There was a slight improvement in the % reference weight for height according to gestational age of the pregnant women (completed 8th/9th month of gestation) from 91.65% in the non-NE to 92.65% in post-NE group, but the difference was not significant. This can be attributed to the fact that since the intervention occurred for varying period and only in the third trimester, which is known to be the fetal period, the fetus rather than the mother herself, enjoyed the benefits of improved nutrition more. Thus, suggesting that longer period of intervention say from early pregnancy would be more beneficial. The prevalence of anemia was high (96.3%) in the study population and it worsened with advancement of pregnancy. Some other studies have also reported the prevalence of anemia to be high (70-100%) in pregnant women (Gulati, 1999; Vijayalakshmi and Mercy, 1994).

Impact of Intervention: In the present study, NE, in the form of simple, easy to follow messages with constant reinforcement, has shown to bring about an improvement in the dietary intake of the subjects. Some other studies have also reported significant improvements in dietary intake of pregnant women as a result of individualized nutrition counseling during the third trimester (Kafatos *et al.*,1989). NE imparted also played a role in increasing the intake of foodstuffs, as subjects were also observed practicing emphasized behaviors at post-NE. Though improvements were observed in food and nutrients intake after intervention but still the dietary intake in relation to recommended guidelines was sub-optimal, this could be achieved if intervention is started in earlier gestation and is for a long period. Though, the increase in the intake of roots and tubers, GLVs and fruits could partly be attributed to the seasonal differences during the study period as better availability and cheaper costs of fruits and vegetables coincided with the



post-NE survey. But, since the awareness was built up through intervention, the subjects consumed these foods.

In the study, counselling, motivation and periodic reinforcements to take the iron supplements daily and regularly resulting in improved compliance to iron supplements, combined with the improvements in the dietary intake especially the GLVs consumption, resulted in improved mean hemoglobin levels of the subjects in the intervention group as compared to control group. Some other studies have also shown that regular daily supplementation of iron and folate to pregnant women can significantly contribute to reduction in anemia prevalence (Gopalan, 2003; Agarwal *et al.*, 1991). In the present study, the average weight gain per week in the post-NE group was found to be 0.40 Kg, which was higher than that reported by other Indian studies (Paul and Vijayalakshmi, 2002), thus showing the positive effect of intervention.

CONCLUSION

Simple NE messages using holistic approach of targeting all the major determinants such as the improved food intake within the socio-economic constraints, iron supplements, TT injection immunization, use of iodized salt and ANC, with periodic reinforcements and motivation, even if imparted primarily in the third trimester of pregnancy, but in a sustained manner, can be effective and can bring about improvements in the nutritional status of underprivileged pregnant women. Husbands and the mother-in laws also proved as important change agents.

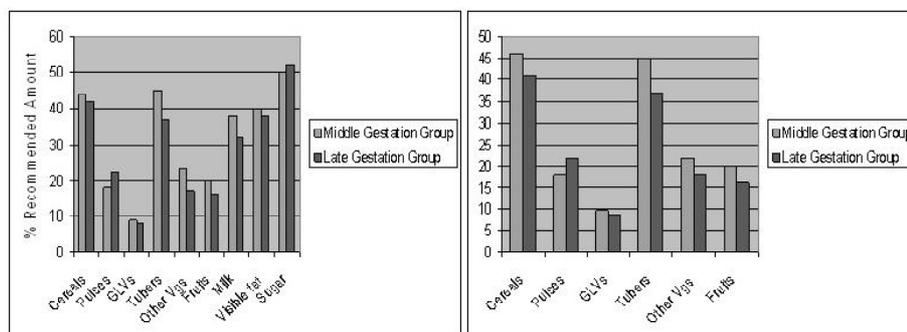


Fig 1. Mean percentage of recommendations met by the study population for different food stuffs and nutrition (Middle gestation: n=50; Late gestation: n=50)

Table 1: Mean (SD) Daily Intake (g) of Foodstuffs of the Subjects in the Intervention Group at Pre, Post-NE and in the Non-NE group.

Food class (g)	Intervention group		Non-NE group (n=50)	P1	P2
	Pre-NE (n=50)	Post-NE (n=46)			
Cereals	133.40 (44.39)	201.26 (36.12)	122.90 (54.24)	<0.001	<0.001
Pulses	10.36 (14.67)	20.43 (23.77)	13.82 (16.87)	<0.05	NS
Roots & Tubers	44.00 (41.35)	73.80 (58.42)	36.30 (42.04)	<0.05	<0.001
GLVs	13.90 (33.55)	49.34 (58.30)	12.90 (30.97)	<0.001	<0.001
Other vegetables	22.60 (31.15)	17.39 (28.47)	17.20 (27.03)	NS	NS
Fruits	39.50 (62.05)	123.15 (88.24)	31.20 (65.67)	<0.001	<0.001
Milk	187.10 (210.78)	378.80 (244.74)	163.70 (174.10)	<0.001	<0.001
Visible Fat	12.06 (6.33)	17.82 (6.98)	11.07 (6.58)	<0.001	<0.001
Sugar	9.85 (5.54)	13.64 (6.90)	10.26 (6.73)	NS	<0.05
Meats	4.0 (19.79)	10.86 (36.38)	2.00 (9.89)	NS	NS

¹p-value between pre and post-NE group ²p-value between non-NE and post-NE group NS-Not Significant



Table 2: Mean (SD) Daily Intake of Nutrients of the Subjects in the Intervention Group at Pre, Post-NE and Non-NE Group.

Nutrients	Intervention group		Non-NE group (N=50)	P1	P2
	Pre-NE (n=50)	Post-NE (n=46)			
Energy (Kcal)	924.69 (344.06)	1521.28 (303.45)	835.14 (324.45)	<0.00 ¹	<0.001
Protein (g)	27.88 (12.24)	48.05 (11.08)	25.00 (10.60)	<0.00 ¹	<0.001
Calcium (mg)	486.84 (431.22)	956.21 (434.72)	381.96 (301.65)	<0.00 ¹	<0.001
Iron (mg)	8.59 (3.80)	16.35 (5.22)	7.98 (3.97)	<0.00 ¹	<0.001
Vitamin C (mg)	23.84 (16.14)	219.38 (178.05)	23.50 (44.77)	<0.00 ¹	<0.001
Vitamin A (RE)	282.57 (378.87)	728.68 (568.01)	238.39 (330.86)	<0.00 ¹	<0.001

¹p-value between pre and post-NE group²p-value between non-NE and post-NE group

Table 3: Percent Distribution of Subjects According to the Hemoglobin Levels

Hb Levels (gm/dl)	Non-NE (n=35)	Pre-NE (n=47)	Post-NE (n=41)
> 11.0	5.7	2.1	12.2
9.01-11.0	25.7	48.9	58.5
7.01-9.00	31.4	42.6	29.2
5.00-7.01	34.2	6.4	0
>5.0	29.0	0	0

Table 4: Percent Distribution of Subjects in the Post and Non-NE Group According to the Number of IFA Tablets Consumed

No. of IFA tablets consumed	Percentage of subjects consuming IFA tablets	
	Non-NE (n=50)	Post-NE (n=46)
0	46.0	2.1
≤20	22.0	6.5
30	16.0	8.6
40	16.0	2.1
50	-	6.5
60	-	8.6
70	-	10.8
80	-	6.5
90	-	13.0
≥100	-	34.7



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ENVIRONMENTAL ETHICS IN *KARIMPALA* TRIBE

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Introduction

In his seminal work, *Respect for Nature: A theory of Environmental Ethics*, the American philosopher, Paul Taylor, (1986) defines environmental ethics as an ethics that is concerned with the moral relation between the human and the non-human/natural world. The central thesis of his ethical principle is that man is governed by obligation and responsibility to the earth, the environment, plants, and the biotic species that inhabit it. Adhering to the metaphysics of Cartesian dualism, which is responsible for the ontological dichotomy between man and nature, man gained prominence as centre of the universe in Western philosophy. The selfish exploitative mentality of man is responsible for the despoliation of nature and the acceleration of ecological calamities. As Heidegger rightly puts it, "a major portion of the environment in which modern Westerners live, today, is the product of human fabrication...it is all there to be taken, to be manipulated, to be used and consumed...." (Beckman, 2000). However, while the Westerners are consciously working towards a sustainable environment, the Easterners need conscious efforts reverting to the indigenous life style that characterized the Indian spiritual and cultural ethos, to restore ecological balance and sustainability.

The present paper explores the environmental ethics that characterized the life of the *Karimpalas*, the aboriginals who lived in close



proximity to nature. The *Karimpalas* in Thaliparamba Taluk of Kannur District of Kerala lived in harmonious affinity with nature. There is a symbiotic relation between these tribals and Nature. Rooted in their understanding of the interrelatedness, interconnectedness and their affiliation for the biotic, abiotic and the non-human, these indigenous people owe a sense of respect and responsibility towards nature.

Stewardship among *Karimpalas*

The ethic of interrelatedness or interconnectedness of man and nature believed in and lived by the *Karimpalas* can be observed in all the aspects of their lives. They revered Mother Earth; respected each being for its intrinsic worth. They are aware that they are caretakers of land and its resources. *Karimpalas* are true stewards of nature, for according to Eric Katz, "the steward exercises care for an entity that is in its power. The steward does not abuse or exploit the entity in its care." (Katz, 2001, pp. 84-85) The *Karimpalas* took utmost care of the earth. They practiced shifting cultivation. Once the land is cultivated and the crops harvested, they leave the land fallow for seven to twelve years (Jose, 1994). Due to the shifting cultivation, the land remained fertile. While preparing the land for *Punam* (mountainous forest) cultivation, they clear only the under wood and never fell the big trees or level the ground. The dried branches and grass are put to fire only during the night when the temperature is cool, in order not to trigger the wildfire. The ash that remains on the land keeps it fertile. Once the seed is sown, forty to fifty people keep covering the seed using an implement called *Parika*, or 'to scratch' (Jose, 1994). *Karimpalas* literally scratch the earth using this small spade. They never dig deep for two reasons: if the earth were stirred, it would easily lead to soil erosion from the mountainside. Secondly, while digging deep, the fertile topsoil is replaced



by the less fertile soil below. This is testimony to the fact that the *Karimpalas* knew the pulse of the land and the 'scientific' way of cultivation.

Karimpalas believe in the sanctity of land (Jose, 1994). For them, land is not only a means of production or a possession but also part of the total environment in which they carry on their life. Being a nomadic tribe, they moved freely from one place to another in order to cultivate. Wherever they remain, it becomes their home and they tend that place with gentle and genuine care.

Symbiotic relationship manifested in agricultural rituals

Karimpalas provide their land with sustenance by means of practices and ceremonies. Starting from deciding the place to cultivate until the consumption of harvested products, they perform rituals, which are symbolic expressions of their symbiotic relationship and a sense of gratitude towards the life giver and sustainer- the Mother Earth. They carry out all the activities in the process of cultivation with due respect and awe (Jose, 1994). For instance, once the elders assess the suitability of land for cultivation, the first thing they do is to worship Mother Earth. The person who is to cultivate the land performs a rite called *Pothukothal* or cutting the branch (1994). They erect a pole on a small piece of land specially prepared. The top of this pole is split into two and two rice panicles are placed there. The pole and the split symbolize the male and female reproductive organs respectively and the two panicles, sperm and egg. Fertility of humans and the land is integrated and celebrated in this ritual. This custom manifests the symbiotic relation between the *Karimpalas* and nature. The land is conceived as provider of fertility and abundance. Interrelatedness can be observed in their agricultural festivals, which incorporate celebration of transition and merging of different cycles of time, process of cultivation,



thanksgiving after the harvest, etc. (1994). *Kaveri Sankramam* (union of seasons) is observed to commemorate the changeover from monsoon to spring. *Thulapathu* (the tenth day of *Tulam*, i.e. the third month according to Malayalam Lunar calendar) is a thanksgiving ceremony in the interim between the completion of harvest and before planting new paddy (1994).

Animism as foundation for respect for nature

It is from their belief in animism that their expertise and ecological knowledge originate and as a corollary, the *Karimpalas* live in an environmentally responsible way. Animists believe that every part of the environment, living and non-living, has consciousness or spirit. Therefore, all beings deserve reverence. *Karimpalas* believe in animism (Jose, 1994). Animism lays the foundation of their respect for nature. They approach every entity with great reverence and awe. They have certain sacred sites in nature. *Kotta* and *Kavu* (1994) are the pivots around which their entire life moves. '*Kotta*' is the dwelling of the hill gods. It is situated on the summit of the mountain. No one is permitted to climb there. It is a taboo. '*Kavu*' is a sacred place kept apart, in the middle of a dense forest. '*Kavu*' is believed to be the abode of female gods. These sacred sites are also hubs of biodiversity. Assuming responsibility for a sacred site involves being responsible for maintaining the power of the site, tending it, through observance of proper ceremonies (Whitt, Roberts, Norman, & Grieves, 2001). *Karimpalas* preserve these sacred sites by observing certain ceremonies and rituals. They worship rivers, mountains, trees, etc too. Because of the sacredness attributed, these places and objects of nature remain as centres of biodiversity.

Women as custodians of nature

Earth is a nurturing mother to the *Karimpalas*. Women play the key role in their community not only in their environmental practices but also in their



social life. They follow matriarchy and their daughters become heirs (Jose, 1994). The lofty status that women held, reflect the attitude of *Karimpalas* to nature. As Vandana Shiva argues, women and nature are associated not in passivity but in creativity and in the maintenance of life (Brinker, 2011). *Karimpala* women took care of the environment. Women managed their household activities and the agricultural work while men went for hunting and fishing. They had all the resources sufficient for their survival. There was no discrimination as male or female. The “environment” is the place where they live, and it encompasses everything that affects their lives. (2011). Thus, *Karimpala* women actively and responsibly lived an environmentally respectful way of life.

Attitude of Respect for Nature

Respect for the inherent worth of beings and acknowledgement of their interconnectedness was rooted in all the practices and observances of *Karimpalas* (Jose, 1994). Their sustainable and environmentally respectful way of life is a proof of it. They use herbs for medicine; bamboo and other wood to make artefacts etc. All this is done in a sustainable way. The dependency of *Karimpalas* on forests, fisheries and wildlife resources for their livelihood is a reciprocal relation. They are grateful to nature for what they receive and return it by caring for it most respectfully. All their rituals and celebrations reveal their awe-inspiring respect for land and its produce. The entire activities of *Punam* Cultivation are carried out in communion with nature, the ancestors, and the people of their tribe.

One of their oral songs recorded by Jose (1994) in his doctoral thesis, which is sung at the time of sowing the seed, serves as a moral lesson to protect nature: *Kunhikkannan* or *Keekiri Mala Ponam Kannan* wants to clear the forest and cultivate on the ‘Crab Mountain’. However, the elders strictly



forbid him. Kunhikkannan, being a rebel goes against the exhortations of the elders and advances with the procedures of cultivation. At each step of the cultivation, the elders entreat him not to go ahead. Nevertheless, he does not pay heed. At the end, the monstrous crab bites him and he dies without being able to relish the paddy that he cultivated painstakingly. This song is a reservoir of moral lessons to the younger generations to protect nature. It is a call to protect the forests and mountains, which are the source of water and grazing ground for animals. Forests and mountains are the bed of biodiversity. The lines that represent the disobedience of Kannan are repeated frequently in the song to remind us of the impending disaster that a similar stubborn attitude might result in. It reminds the younger generation that agriculture is not a joke but a way of life, which needs to be sanctified through strict adherence to natural laws, customs and traditions.

Unfortunately, the technological invasions and the immigrants have pushed the *Karimpalas* to the interior pockets. Left with no other option, the *Karimpalas* settled in Taliparamba Taluk of Kannur district of Kerala had to retreat to unproductive areas. Removed from the reciprocal relationship with nature they are now being denigrated from the status of protectors and guardians of nature to mere 'human beings'. They leave the legacy of a life of communion with nature and sustainable way of life.

Conclusion

The life of *Karimpalas* is a clarion call for us to change the egocentric attitude of modern man and adopt an eco-centric way of life respecting the objects of nature and the whole cosmos for their inherent worth. The path of sustainable and environmentally responsible method of living, paved by the *Karimpalas* is open before us. Which alternative should we opt for: learn from these aboriginals and adopt a sustainable way of life or wait for nature



to teach us harsh lessons while deliberately heading towards annihilation of the whole cosmos?

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PERCEPTION OF FACULTY ON THE BENEFITS AND RISKS OF INTERNATIONALIZATION OF HIGHER EDUCATION IN ETHIOPIA

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Introduction

Higher Education (HE) plays crucial role in national development processes through producing well qualified and skilled human power for the economic and industrial sectors and promoting quality of life. HE is also an arena for the development and transformation of knowledge and technology through research and community service activities. Unlike the primary and secondary education, HE is, thus, a cross-national/global agenda (Altbach, 2002).

Globalization is a theme which is at the centre of debate by education policymakers, scholars, professionals and practitioners worldwide. It is a concept that provokes intense debate and examination. The discussion, in terms of the nature, causes, elements, consequences and implications of globalization is prolific, rather controversial and very important. In order to acknowledge, but not oversimplify, the complex topic of globalization, parameters need to be established to frame the discussion.

According to Altbach (2004), globalization is described as “the flow of technology, economy, knowledge, people, values and ideas ... across borders. Globalization affects each country in a different way due to each nation’s individual history, traditions, cultures, resources and priorities’.



Globalization is a multifaceted process with economic, social, political and cultural implications for higher education (Altbach, 2004).

It poses new challenges at a time when nation-states are no longer the sole providers of higher education and the academic community no longer holds the monopoly on decision-making in education. Such challenges not only address issues of access, equity, funding and quality but also those of national sovereignty, cultural diversity, poverty and sustainable development.

The potential impact of globalization on higher education provides both opportunities and challenges, depending on the priorities, policies, resources, strengths and weaknesses of countries. Universities are responding to globalisation by enhancing the international dimension of teaching and research, having international staff and students, and facilitating the international experience of their students and staff abroad, a process often known as internationalisation.

Knight (1993) describes internationalization of higher education as the process of integrating an international/intercultural dimension into the teaching, research and service functions of the institution. This definition however carries several key aspects which include: the idea of internalization being a dynamic process and not a set of isolated activities, integration or infusion that contributes to the sustainability of the international dimension and the primary and universal functions of an institution of higher education, namely, teaching, research and service to society. Damtew and Knight (2008) attempts to include in the definition any systematic sustained efforts aimed at making higher education responsive to the requirements and challenges related to the globalization of societies, economy and labor markets. Universities have drawn their



approach to internationalisation in alignment with their vision, goals or strategic plans and made explicit statements about their international focus.

1. Statement of the Problem

The Ethiopian Higher Education system like HES of most developing countries is at a critical situation. Though HE was introduced some 60 years ago, it is highly associated with poor quality, lack of relevance, in-equity and inaccessibility. Besides the entire dimensions of HE both at national and institutional levels were entirely less functional (Teshome, 2007).

Particularly with-in the existing country situation and development aspiration, poverty alleviation in Ethiopia requires sustained economic growth, good governance, and political stability in order to be effective. Growth derives from skilled human resources and national productivity increases leading to greater country competitiveness in the regional and global economy. Productivity gains are generated by national innovation systems in which tertiary education institutions play a fundamental role. These institutions determine levels of capability within the country's pool of higher level managerial, scientific and technical expertise; the effectiveness with which global knowledge is accessed and applied in the solution of local development problems; and the standards of quality within lower levels of education. Therefore, if poverty is to be reduced, Ethiopia's tertiary institutions will have to improve their performance and expand their service delivery. Specifically, they must operate more effectively under severe resource constraints and orient themselves to demands of the knowledge economy and to the growing emphasis on national capacity development. Clearly, higher education development will not by itself lead to poverty reduction. But in combination with strategic development of the economy and labour force, it can contribute to job creation and higher



productivity; thereby expand resources and opportunities for the poor (MOE, 2010).

Convinced of these very phenomena, the Ethiopian government in a support from World Bank has launched Higher Education Reform Project in the Education Sector Development Program (ESDP) since June 2002 (MOE, 2010). Thus, the following seven dimensions of HES are identified and given due considerations to cope up with the problems of the system and challenges of globalization (Teshome, 2007).

These are:

- i. Policies and Strategies
- ii. Governance, Leadership, and Management
- iii. Access and Equity
- iv. Quality and Relevance
- v. Research and Community Services
- vi. Institutional Efficiency
- vii. Resource Generation and Mobilization

Accordingly, since then to address each dimension, action plan documents were developed, projects were designed and implementation effort have been undergoing in order to realize the intended objectives of the proposed reforms in the HES respectively. Among the various efforts and as one of alternative strategy, internationalization of higher education may potentially serve as a strategic means to achieve the goals of Ethiopian higher education. Faculty members are remain a critical factor in the successful initiation and implementation of the internationalization



strategies in the higher education system. Thus, it is imperative to examine the faculties' perception towards benefits and risks of internationalization which is a potential indicator effort for successful adoption and integration of international dimension of higher education as a response toward the impacts of globalization on higher education of Ethiopia. To this end, the following basic questions are forwarded to frame the study.

Basic Questions:

- How significant do faculties' perceive the benefit of internationalizing higher education in Ethiopia?
- How significant do faculties' perceive threat/risk of internationalization of higher education in Ethiopia?

2. Objective of the Study

The study is intended to:

- Identify facilities' perception on the major benefits of internationalizing higher education in Ethiopia.
- Explore those aspects of internationalization of higher education that faculty's perceive as threat/risk to Ethiopian context.

3. Significances of the study

The outcome of the study is expected to be of ultimate importance to higher education policy makers, stakeholders, faculty members, practitioners, students, university officials, researchers, donors, alumni among others in:

- Inform the underlying opportunities of internationalizing higher education in Ethiopia.



- Indicate the potential threats and risks that might challenge the Ethiopian higher education system because of internationalization of higher education.
- Shows faculties overall understanding and tendencies toward internationalization of higher education in Ethiopia.
- Initiate cross-dialogue among officials of higher education and share experiences,

4. Research Methodology

A descriptive survey research method is employed to identify the currently existing faculty members' perception on the benefit and risks of internationalization of higher education in Ethiopia.

A sample of 210 Faculty members working at Top, Middle and Lower level of university management positions are drawn from the five universities. The five universities are purposively selected out of the 33 universities currently operating in the country due to their long years of establishment and the provision of academic programs at degree, master and doctoral levels..

A Questionnaire is used to collect the relevant data from the sample respondents. In order to analyse the data, descriptive statistical tools of frequency, mean, standard deviation and t-test are used.

5. Review of Literature

5.1. Internationalization - An evolving concept

Knight (1997) describes internationalization of higher education as a dynamic process, continuously shaped and reshaped by the international context in which it occurs. As this context changes, so do the purpose,



goals, meanings, and strategies of internationalization. Over the past half century, the world has changed dramatically as a result of the demise of colonial hegemonies, the end of the Cold War, the rise of new economic powers, and new regional alliances (Altbach, 2004).

Globalisation is now the most important contextual factor shaping the internationalization of higher education. Globalisation is characterized by interdependence among nations and manifested in the economic, political, social, cultural, and knowledge spheres. Central to globalization are the increased mobility of goods, services, and people and the accelerating use of information and communication technologies to bridge time and space in unprecedented ways and at continually decreasing costs.

Globalization gives an international dimension to all aspects of our lives, communities, and professions. In higher education, it has led to intensified mobility of ideas, students and academic staff and to expanded possibilities for collaboration and global dissemination of knowledge. It has also introduced new aims, activities and actors engaged in internationalization (Damtew and Knight, 2008).

Institutions, countries and regions in different parts of the world and at different times pursue a variety of goals and participate in diverse ways in the higher education internationalization process. Examples, such as Africa under colonial rule, where access to higher education meant travelling abroad to attend one of the universities of the colonial power, or more recently the Bologna Process, which is radically changing the higher education landscape in Europe through internationally coordinated reforms, illustrate how internationalization fulfils different purposes and brings different rewards and challenge (Damtew and Knight: 2008).



The goals of internationalization are continuously evolving, ranging from educating global citizens, building capacity for research, to generating income from international student tuition fees and the quest to enhance institutional prestige. New forms of internationalization such as branch campuses abroad, distance learning programs with a global reach, international educational hubs and networks now complement traditional initiatives such as student and staff mobility, curriculum change and international institutional linkages for teaching and research. New institutional players, in particular new private sector providers, have entered the scene (Knight, 2007).

Although the risk of brain drain remains a serious concern in some parts of the world, some countries are using international student mobility to expand their higher education capacity and capabilities (Altbach, 2007). Governments and institutions are creating formal links with academic talent with their own Diasporas to promote brain circulation. And although uneven global flows of talent will remain an issue of consequence, in the long run, some of its worst impacts can be attenuated as a wider array of nations develop capacity and opportunity at home. Higher education internationalization can play a major role in developing such capacities and opportunities broadly throughout the world.

In short, internationalization today is remarkably different from what it was in the first half of the 20th century, in the 1960s or 1980s. A widening of drivers of higher education internationalization has had the effect of making internationalization more of an institutional imperative. The balancing of multiple intended outcomes while preserving essential institutional core values and missions is both a challenge and an opportunity. Internationalization is taking place in a radically new, complex,



differentiated, and globalized context. The resulting changes in goals, activities, and actors have led to a re-examination of terminology, conceptual frameworks and previous understandings and, more importantly, to an increased but healthy questioning of internationalization's values, purposes, goals and means (De Wit, 2012).

5.2. The changing nature of internationalization in the context of globalization

Irrespective of contextual differences within and between countries, nearly all higher education institutions worldwide are engaged in international activities and are seeking to expand them. Engaging with the world is now considered part of the very definition of quality in education and research.

The many enduring academic benefits of internationalization are widely recognized as fundamental. The most noteworthy include, among many others (OECD:2002):

- Improved quality of teaching and learning as well as research.
- Deeper engagement with national, regional, and global issues and stakeholders.
- Better preparation of students as national and global citizens and as productive members of the workforce.
- Access for students to programs that are unavailable or scarce in their home countries.
- Enhanced opportunities for faculty improvement and, through mobility, decreased risk of academic 'inbreeding'.



- Possibility to participate in international networks to conduct research on pressing issues at home and abroad and benefit from the expertise and perspectives of researchers from many parts of the world.
- Opportunity to situate institutional performance within the context of international good practice.
- Improved institutional policy-making, governance, student services, outreach, and quality assurance through sharing of experiences across national borders.

At the same time, the new world of higher education is characterized by competition for prestige, talent and resources on both national and global scales. National and international rankings are driving some universities to prioritize policies and practices that help them rise in the rankings. At many institutions, internationalization is now part of a strategy to enhance prestige, global competitiveness and revenue. As higher education has in some respects become a global 'industry', so has internationalization of higher education become, in some quarters, a competition in which commercial and other interests sometimes overshadow higher education's fundamental academic mission and values. Competition is in danger of displacing collaboration as the foundation for internationalization.

5.3. Possible adverse consequences of internationalization

As internationalization of higher education evolves and grows in importance, a number of potentially adverse consequences of the process have begun to appear. These include particular risks for some institutions, uneven benefits, and asymmetrical power relations. Frequently noted are the following concerns (OECD: 2002):



- The prevalence of English, though driven by the advantages of having a common medium of communication, has the potential to diminish the diversity of languages studied or used to deliver higher education. The widespread use of English may thus lead to cultural homogenization and finding solutions for these adverse impacts, even though recognized, is difficult.
- Global competition may diminish the diversity of institutional models of what constitutes quality higher education. The pursuit of a single model of excellence embodied in the notion of a “world-class university,” usually narrowly defined as excellence in research, may result in the concentration of scarce national resources in a few or a single institution to the detriment of a diverse national system of higher education institutions, fit for diverse national purposes. This risk is potentially present everywhere, but is particularly acute for developing countries.
- Brain drain may continue or even accelerate, undermining the capacity of developing countries and their institutions to retain the talent needed for their prosperity, cultural advancement, and social well-being.
- Large-scale international student recruitment, at times using questionable and even unethical practices, may cause a variety of problems, such as brain drain. Also, the presence of large numbers of international students may result in misconceptions about decreased opportunities for domestic students or inadvertently feed prejudice about foreigners. This can overshadow the highly positive intellectual and intercultural benefits that international students bring to the classroom, campus, and communities in which they study and live.
- The growth of transnational programs and creation of branch campuses raises a number of questions including how these enhance the



educational capacity of host nations over the long-term, and how able they are to deliver on the promise of an education comparable to that delivered by the sponsoring institution in its home country. A foreign educational presence, with its perceived prestige, has the potential to disadvantage local higher education institutions striving to respond to national needs. Some host nations experience difficulty regulating the presence, activity and quality of foreign programs.

- As the pursuit of institutional reputation, stimulated by rankings, gains in importance among the goals of internationalization, the selection of international partners may be driven more by the desire to gain prestige by association than by actual interest in cooperation. Such a trend carries the risk of exclusion for many important and high quality institutions from international partnerships.
- The asymmetry of relations between institutions, based on access to resources for the development and implementation of internationalization strategies, can lead to the pursuit of goals that advantage the better –resourced institutions and can result in unevenly shared benefits.

In noting these adverse consequences, the inherent value of internationalization of higher education is not being called into question. On the contrary, the goal of raising awareness of these potential risks among the institutions of higher education is to ensure that action is taken to avoid them.

6. Data Analysis and Interpretation

This part of the study treats analysis and interpretation of data obtained from the 210 respondents in the five sample universities.



7.1. Characteristics of the Respondents

Table 1. Respondents by Universities

		Frequency	Percent	
1.	Name of the Sample University	AAU	40	19.0
		ASTU	43	20.5
		HU	40	19.0
		HwU	46	21.9
		MU	41	19.5
		Total	210	100.0

Of all the 420 respondents, 19% are drawn from AAU, 20.5% from ASTU, 19% from HU, 21.9% from HwU and 19.5% from Mekele University. The proportions of the respondents are almost the same. This will enable to get comparable suggestions and also arrive at valid conclusions.

Table 2. Academic Rank of the respondent

		Frequency	Percent	
2.	Academic Rank of the respondent	Lecturer	124	59.0
		Assist Professor	44	21.0
		Associate Prof	37	17.6
		Professor	5	2.4
		Total	210	100.0

In terms of the academic rank of the respondents, as it can be seen above, 59% of the are Lecturer, 21% are Assistant Professor, 17.6% are Associate Professor and only 2.4% are Professor. This implies that career development in Ethiopia higher education system is too slow and not satisfying. The majority of staff are not motivated and do not up hold high morale in their job that can be witnessed from the length of work experience of the sample respondents.

Table 3. Academic Qualification of the Respondents

		Frequency	Percent	
3.	Academic Qualification	Masters	145	69.0
		PhD	65	31.0
		Total	210	100.0



In terms of the academic qualification of the respondents, while 69% of them are masters degree holders the remaining 31% are found to be PhD holders. The mix of masters to PhD is 2:1 in ratio. This implies that the HR at Ethiopian Universities is mostly occupied by master degree holders and less number of PhD holders there for requires intervention strategy to upgrade the academic qualification levels of the faculty members so that it contributes to the enhancement of the quality if education of higher education of the country.

Table 4. Managerial Position of the Respondents

			Frequency	Percent
4.	Current Management Position of Respondents	Top Level Management	28	13.3
		Middle Level Management	57	27.1
		Lower Level Position	125	59.5
		Total	210	100.0

With regards to the management position of the respondents, 13.3% of them are from the top management level of the sample universities, 27.1% are from the middle level management position and the majority of 59.5% of them are from the lower level. In line with the pyramidal structure of hierarchy of the university the study has proportionally included all types of faculty members that actively engage in the efforts and practices of internationalizing higher education system from higher officials like presidents, Vice presidents and directors, from the middle level like Deans and department heads and from the lower level program coordinators and senior faculty members at the departments.



7.2. Analysis of Perceived Benefits and Risks of Internationalization

Table 5. Respondents' Perceived Level of Opportunities of Internationalization of Higher Education

Perceived Level of Opportunities	N	Mean
• Greater diversity of education programs and qualifications	210	3.96
• Greater international cooperation and solidarity	210	3.95
• Strengthen research and knowledge production	210	3.91
• Innovation in curriculum, teaching and research	210	3.86
• Improved academic quality	210	3.79
• More internationally oriented students and staff	210	3.59
• Brain gain	210	3.41
• Foster 'national and international citizenship'	210	3.32
• Increased revenue generation	210	3.27
Perceived Level of Opportunities over All Mean	210	3.68

Keys: *1.0-1.45=VL, 1.5-2.45=L, 2.5-3.45=M, 3.5-4.45=H, 4.45-5.0=VH

As it can be seen from table above, the overall perceived level of the benefits of internationalizing higher education in Ethiopia is rated high ($x=3.68$). In a relative term, this value indicates that respondents regard a better contribution of international dimensions of higher education in benefiting the individuals, institutions, system and society as a whole.

In a more closer observation, the areas of contribution of internationalizing higher education have been rated with apriority order ranging from a Greater diversity of education programs of highest perceived value ($X=3.96$) to ncreased revenue generation a moderate perceived value ($x=3.27$).

Issues that count program, curriculum, research, international cooperation and quality improvement and ultimately academic issues are perceived to be of high contribution to Ethiopians engagement in internationalizing its higher education.

In other case, brain gain, fostering of national and international citizenship, and last but not least increased revenue generation dimensions



of internationalization of higher education in Ethiopia were rated moderate with mean value of 3.44, 3.32 and 3.27 respectively.

Table 6. Respondents' perceived Level of risks of Internationalization of Higher Education

Perceived Level Of Risks	N	Mean
• Brain Drain	210	3.50
• Commodification and commercialization of education	210	3.35
• Increase in foreign 'degree mills'	210	3.30
• De-nationalization	210	3.28
• Loss of cultural identity	210	3.23
• Homogenization of curriculum	210	3.12
• Overuse of English	210	3.10
• Elitism	210	2.90
• Jeopardize quality	210	2.55
Perceived Level of over All RISK	210	3.15

Keys: *1.0 -1.45=VL, 1.5-2.45=L, 2.5-3.45=M, 3.5-4.45=II, 4.45-5.0=VII

As can be seen in the above table 6, the overall perceived risk of internationalization of higher education to Ethiopia is found to be moderate (X=3.15). A further look however, discerns that the top threat of internationalization is suggested to be brain drain (X=3.50). The remaining issues that are accounted to be of moderate and less significant (X=3.35 - 3.10) include commodification and commercialization of education, increase of foreign degree mills that deteriorate the quality of education of the country, de-nationalization, loss of cultural identity, homogenization of the curriculum and overuse of English.

7. Conclusion and Recommendations

It is found out that the majority of faculty respondents indicated the five potential benefits of internationalization of higher education to Ethiopian in terms of order of importance to be Greater diversity of education programs and qualifications, Greater international cooperation and



solidarity, Strengthen research and knowledge production, Innovation in curriculum, teaching and research and Improved academic quality. It is also indicated that Brain Drain, Commodification and commercialization of education, Increase in foreign 'degree mills', De-nationalization and Loss of cultural identity are five perceived major risks of internationalization of higher education to Ethiopia.

The benefits of internationalization are clear. In pursuing internationalization, however, it is incumbent on institutions of higher education everywhere to make every effort to avoid or at least mitigate its potential adverse consequences.

The prevailing context for higher education internationalization described in this document requires all institutions to revisit and affirm internationalization's underlying values, principles and goals, including but not limited to: intercultural learning; inter-institutional cooperation; mutual benefit; solidarity; mutual respect; and fair partnership. Internationalization also requires an active, concerted effort to ensure that institutional practices and programs successfully balance academic, financial, prestige and other goals. It requires institutions everywhere to act as responsible global citizens, committed to help shape a global system of higher education that values academic integrity, quality, equitable access, and reciprocity.

In designing and implementing their internationalization strategies, Ethiopian higher education institutions are called upon to embrace and implement the following values and principles:



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- Commitment to promote academic freedom, institutional autonomy, and social responsibility.
 - Pursuit of socially responsible practices locally and internationally, such as equity in access and success, and non-discrimination.
 - Adherence to accepted standards of scientific integrity and research ethics.
 - Placement of academic goals such as student learning, the advancement of research, engagement with the community, and addressing global problems at the centre of their internationalization efforts.
 - Pursuit of the internationalization of the curriculum as well as extra curricula activities so that non-mobile students, still the overwhelming majority, can also benefit from internationalization and gain the global competences they will need.
 - Engagement in the unprecedented opportunity to create international communities of research, learning, and practice to solve pressing global problems.
 - Affirmation of reciprocal benefit, respect, and fairness as the basis for partnership.
 - Treatment of international students and scholars ethically and respectfully in all aspects of their relationship with the institution.
 - Pursuit of innovative forms of collaboration that address resource differences and enhance human and institutional capacity across nations.
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- Safeguarding and promotion of cultural and linguistic diversity and respecting local concerns and practices when working outside one's own nation.
- Continuous assessment of the impacts – intended and unintended, positive and negative – of internationalization activities on other institutions.
- Responding to new internationalization challenges through international dialogue that combines consideration of fundamental values with the search for practical solutions to facilitate interaction between higher education institutions across borders and cultures while respecting and promoting diversity.

These values are neither slogans nor vague abstractions. They should be applied in very concrete ways to institutional policy and practice. As institutions develop their internationalization strategies, they should be clear and transparent about why they are undertaking a particular initiative, how it relates to their academic mission and values, and what mechanisms can be put in place to avoid possible negative consequences. Open discussion, within and across institutions and associations and with governments, should keep fundamental academic goals and principles in the foreground, in the context of rapid change, complex realities, and ever-mounting pressures of competition and limited resources.



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