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ESG & NET ZERO PREPAREDNESS – SOLUTION FOR CLIMATE CHANGE AND SUSTAINABLE GROWTH WITH SPECIAL REFERENCE TO ENERGY SECTOR

Dr Chitra Gounder¹ and Swapnil Deshpande²¹Associate Professor, N L Dalmia Institute of Management Studies and Research²CRISIL Global Research & Risk Solutions**ABSTRACT**

This paper discusses about ESG & Net Zero Preparedness with a perspective to energy sector. Given that non-financial factors are becoming part of the investment decision making process, it is imperative to understand the implication and adoption of ESG parameters in the energy sector of leading economies of the world in laying down the roadmap for ESG adoption and transition for the leading players in the energy sector. It is of vital importance for today's global asset managers as they strive to integrate ESG considerations in the investment decision-making process.

The rise of popularity of ESG has also led to 'greenwashing', which is a process of creating false impression and providing misleading information on sustainability issues. Experts believe that lack of standardized framework for reporting ESG parameters, may prompt firms and organisations to continue using a combination of various existing frameworks as per their convenience. This can create confusion in the minds of the investor community and can possibly hinder the process of implementing/adopting a robust and standardized sustainability reporting framework.

So the objective of the study is to assess the overall level of preparedness in dealing with the climate change impact and the roadmap to implement the sustainability goals in the top six economies of the world and second main objective is to study the adoption of the above frameworks for reporting purposes and to analyse the level of preparedness for energy transition of six major energy companies from different geographies on the backdrop of their respective local/domestic regulations. This will help to study ESG & Net Zero Preparedness which can provide probable Solution for Climate Change and Sustainable Financial Growth to Energy sector.

1. INTRODUCTION

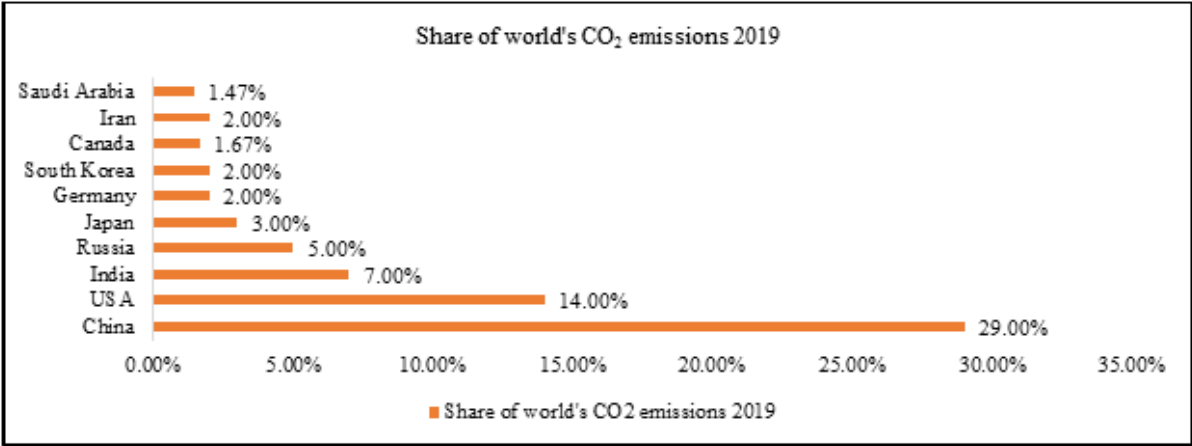
The process of integrating environmental, social, and governance aspects while making investment decisions, resulting in increasing allocation of longer-term investments in sustainable economic activities and projects, is known as sustainable finance. Investors' desire to create a positive environmental and social impact, while at the same time ensuring the economic success of their investments, has propelled the relevance and expansion of sustainable finance. At the onset ESG interests are mostly pushed by the regulators, however the investor community has gradually aligned their perspective and desire to create positive environmental, social and governance impact, along with the economic performance of investments. Eventually the assets managers and corporates alike are taking their ESG responsibilities more seriously and are proactively implementing these important concepts in the investment practices. ESG has also gathered significant interest across government bodies in many countries as they push organizations toward a more sustainable future.

Climate change is defined as uncharacteristic changes in the weather conditions. One of the best evidence of climate change is that, for last three decades the average temperature of the ocean surface is increasing at the rate of 0.1 degree Celsius in every 10 years. Also, it is predicted that in future, across the globe, heat waves will become longer and severe, while at the same time winters will become shorter and less extreme. Scientists found that the primary cause of climate change is global warming, which in turn is caused due to greenhouse effect. Greenhouse effect is defined as the trapping of infrared radiations re-emitted by the earth's surface by atmospheric gases. Five major greenhouse gases which are emitted due to human activities are carbon dioxide, methane, water vapour, nitrous oxide and chlorofluorocarbon. Before industrial revolution the average global temperature of the atmosphere was 14.2 degree Celsius which has now become 15.03 degree Celsius and any additional warming will increase the adverse weather conditions and may trigger tipping points. This prompted world community for collective global action, as climate change also pose a serious threat to the stability of the global economies and will continue to do so in the coming decades. After a lot of deliberations and discussions starting from first "Earth summit" in 1972 till 2015, the global leaders agreed to accept a legally binding treaty under the Paris climate agreement to fight climate change collectively.

The Paris agreement is a legally binding international treaty on climate change which establishes a goal of restricting the increase in the global average temperature to well below 2 degree Celsius from the pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degree Celsius. This requires economic and social transformation to face climate challenge now and moving into the future, based on best available science.

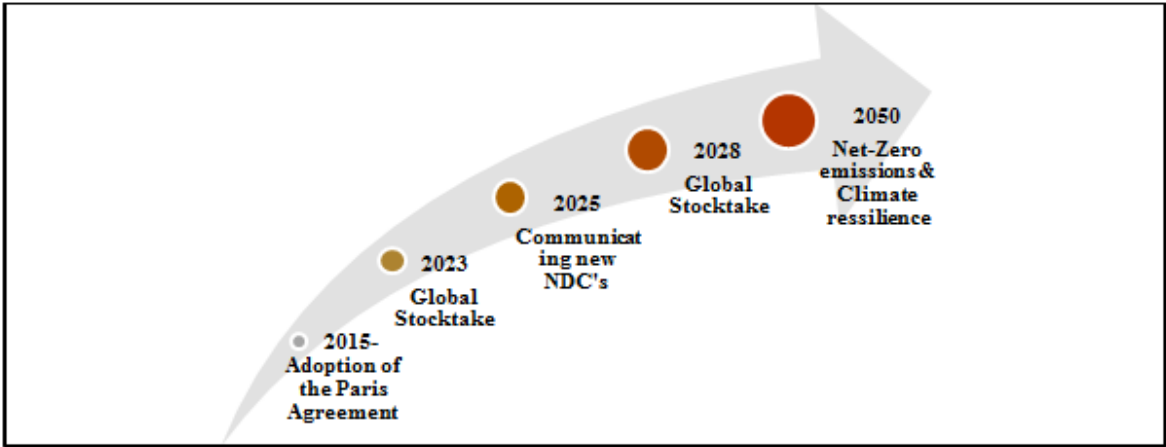
The Paris agreement works on 5-year cycle plans. Also nationally determined contributions (NDCs) are at the heart of the Paris agreement and the achievement of these long-term goals. NDCs embody efforts by each country to reduce national emissions and adapt to the impacts of climate change. The Paris agreement requires each nation to prepare, communicate and maintain their nationally determined contributions (NDCs) that they intend to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions. The Paris agreement also provides a framework for financial, technical and capacity building for those countries who need it. Starting in 2024 countries will transparently report actions taken and collective progress under the Paris agreement, which will be assessed through global stocktaking.

Top 10 CO₂ emitters worldwide in 2019



Source: IEA Atlas of Energy

NDCs and the Arc of Ambition



Source: UNFCCC

LITERATURE REVIEW

S.No.	Study & Country	Measure of Corporate Sustainability	Measure of Financial Performance	Relationship
1	Jones (2005) - Australia	GRI Sustainability Reporting Index Score	Market adjusted returns; other financial ratios; and financial distress probability scores.	Mixed Results with different measures of company performance
2	Van de Velde et al. (2005) - Europe	Vigeo Sustainability Scores on - Human Resources, Environment, Customers & Suppliers, Community & Society, and	Average Monthly Returns on portfolio	Positive, but not significant

4	Moneva and Ortas (2008) Europe	Disclosures in GRI Sustainability Report	Share Price Returns	Not Significant
5	Buys et al. (2011) - South Africa	Submission of Sustainability reports to GRI	ROA, ROE, EVA and MVA	Slightly positive, but not significant
6	Dhaliwal et al. (2011) – US	KLD Ratings	Cost of Equity Capital	Negative
7	Ameer and Othman (2012) - Developed Countries	Scores on 4 Indices – Environment, Diversity, Community and Ethics	Sales revenue growth (SRG), ROA, PBT and CFO	Positive & bi-directional relationship
8	Bayoud et al. (2012) - Libya	Disclosure of Environmental, Consumer, Community Involvement, Employee Performance	ROA, Revenue, ROI	Positive
9	Eccles et al. (2012) - US	ESG disclosure scores from Asset4, Bloomberg and SAM database	Stock returns, ROA, ROE	Positive
10	N. Burhan and Rahmanti (2012) - Indonesia	GRI based Disclosure Index Score	ROA	Positive
11	Venanzi (2012) - Europe	Social ratings on community, corporate governance, customers, employees, environment, suppliers, business ethics, & controversies.	ROE, ROA, ROS.	Not Significant

Research Problem Statement

ESG perspectives in energy sector are becoming the single most important business driver in the recent times. Given that non-financial factors are becoming part of the investment decision making process, it is imperative to understand the implication and adoption of ESG parameters in the energy sector of leading economies of the world in laying down the roadmap for ESG adoption and transition for the leading players in the energy sector. It is of vital importance for today's global asset managers as they strive to integrate ESG considerations in the investment decision-making process.

RESEARCH OBJECTIVES

1. To assess the overall level of preparedness in dealing with the climate change impact and the roadmap to implement the sustainability goals in the top six economies of the world.
2. To study the adoption of the above frameworks for reporting purposes and to analyse the level of preparedness for energy transition of six major energy companies from different geographies on the backdrop of their respective local/domestic regulations.

Research Design Path Research Design: In the present of study the researcher has adopted analytical research design. Which can also be termed as formulating research studies. The research is Casual because variables such as Revenue, ESG Disclosure Score, GHG intensity per sales etc are known and research intends to understand impact of independent variables on another dependent variable.

Sources of Data: The research has used secondary data which is available from the company.

Sampling Design: The type of research and used for study is descriptive research. It includes facts, finding and enquiries of different kind. The major purpose of descriptive research is description of the state of affairs as it exists at present.

Data Collection: The secondary data were collected from annual report and Bloomberg.

Research Model

This model intends to examine the impact of ESG Risk rating of company (independent variable –ESG disclosure score, GHG intensity per sales) on the financial performance of firm (dependent variable –Revenue) one regression equation shall be tested in this model. The financial data has been obtained from company's website, audited financial statements, annual reports and Bloomberg software. Further, as in this research we

have taken 37 companies having different company size and there are three ways to know the size of the firm - total assets, total sales, and market value of equity. We can choose any one of these three measures in this research to control the size of firm because larger firms are likely to have higher profitability as they have greater resources for investing in profitable ventures.

Model 1: $\text{Revenue} = \alpha + \beta_1 \text{ESG score} + \beta_2 \text{UNGC Compliance} + \beta_3 \text{Greenhouse Gas Intensity per Sales}$

For the research purpose, following 37 companies (Annexure) from energy sector are taken from different economies. Primarily their sustainability report, annual report and Bloomberg scores are analysed to understand their status as far as Environment, Social, and Governance parameters are concerned. Criteria for the companies is as follows –

- Energy Sector
- Green House Gas intensity per sales more than 60 percentile
- ESG disclosure more than 60

Dependent and Independent Variables which are used in this study are -

Variables	Description
ESG disclosure score	The ESG Disclosure score, ranking from 0,1 to 100 , calculated by Bloomberg, indicates the amount of ESG data a company reports publicly, considering the importance relevant to different industry sectors
GHG intensity per sales	GHG emissions per sales
Net Revenue	Net income is the total amount of money an individual or business earned in each period, minus taxes, expenses, and interest.
Market Cap as proxy	The Market Cap is equal to the current share price multiplied by the number of shares outstanding.

Finding and Discussion

4.1. Nationally determined contributions and their implementation

In this section we will assess government initiatives, policies and regulations pertaining to climate change impact and implementation of sustainability goals with particular focus on **energy sector**. For this assessment, we will be covering the top 6 economies of the world – USA, China, India, UK, Canada and France.

India

Intended nationally determined contributions of India are:

1. **To reduce the emissions intensity as percentage of its GDP by 33 to 35 percent by 2030 from 2005 level.**

How to achieve?

- Adoption of efficient and cleaner technologies in thermal power generation
 - Reduce emission intensity from transportation sector and promote energy efficiency
 - Develop climate resilient infrastructure
 - Pursue zero effect, zero defect policy under make in India programme
2. **To achieve about 40 percent cumulative electric power generation installed capacity from non-fossil-fuel-based energy resources by 2030 with the help of transfer of technology and low-cost international finance, including from Green Climate Fund (GCF).**

How to achieve?

- India has a target to set up 500 GW of non-fossil-fuel-based energy capacity by the year 2030. Non-fossil fuel includes not just renewables like solar or wind, but also nuclear and hydro. Also, nuclear energy itself is

in the process of a significant ramp-up, installed nuclear power capacity is set to increase to 63 GW by the year 2032 from 7.3 GW in 2021.

- Aggressively pursue hydropower development
3. To create an additional carbon sink of 2.5 to 3 billion tonnes of CO₂ equivalent through additional forest and tree cover by 2030.

How to achieve?

- Implementation of Green India Mission and other afforestation programmes
- Develop 140,000 Km long tree line on both sides of national highway

POLICY FRAMEWORK

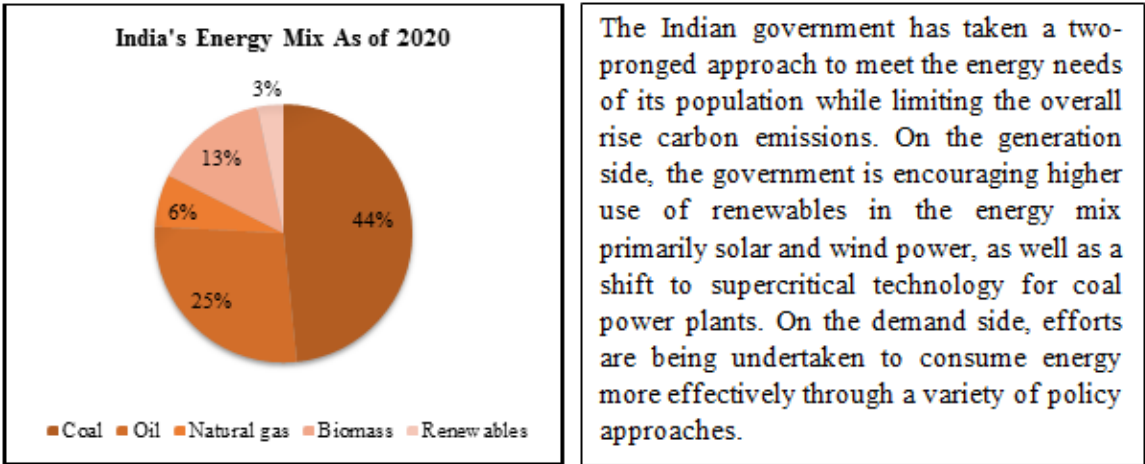
National Action Plan On Climate Change

- National Solar Mission
- National Mission on Enhanced Energy Efficiency
- National Mission on Sustainable Habitat
- National Water Mission
- National Mission for Sustainable Agriculture
- National Mission on Strategic knowledge for climate change
- National mission for sustainaning Himalayan Ecosystem
- National Mission for Green India

To tackle the climate change challenge on national level India has come up with the National Action Plan on Climate Change (NAPCC) which provides focused intervention that are required to achieve the said targets. NAPCC is implemented through eight national missions which prioritises mitigation and adaptation to combat climate change. The broad policy initiatives of the government are supplemented by actions of the State Governments, Non-governmental Organizations (NGOs), initiatives of the private sector and other stakeholders. States and Union Territories have put in place the State Action Plan on Climate Change (SAPCC) attempting to mainstream climate change concerns in their planning process.

Source: MOEFCC

Energy mix: It consists of a range of energy sources in India either renewable or non-renewable which is used in different proportions to meet its energy needs.



Source: MOEFCC

International Solar Alliance

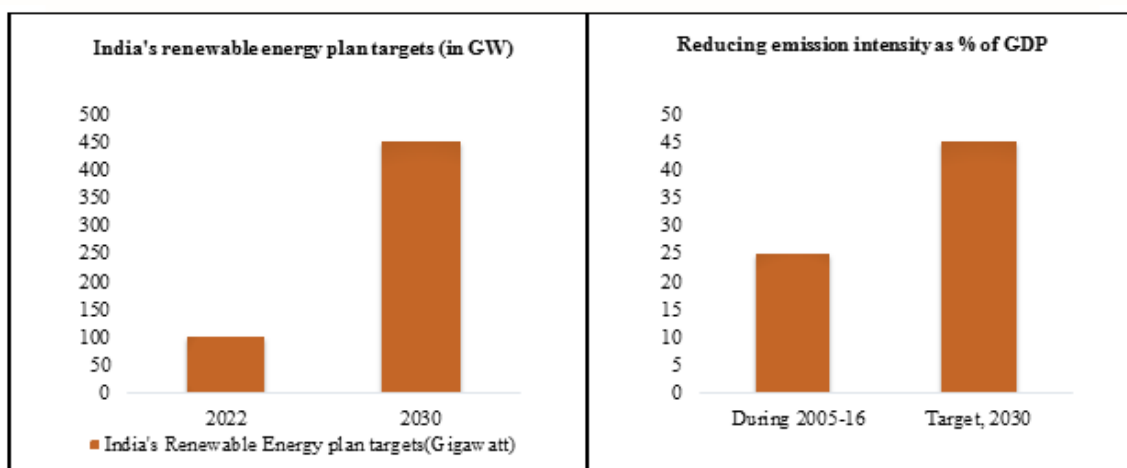
India initiated the International Solar Alliance (ISA), which is an alliance of 121 countries, most of them being sunshine countries, which lie either completely or partly between the Tropic of Cancer and the Tropic of Capricorn. The primary objective of the alliance is to work for efficient consumption of solar energy to reduce dependence on fossil fuel.

Important regulations

- From the fiscal year 2022-23, **SEBI** has made it mandatory for the top 1000 listed companies to include Business Responsibility and Sustainability Reporting (BRSR) by replacing existing Business Responsibility Report (BRR).
- India's **National Voluntary Guidelines** on Social, Environmental and Economic Responsibilities of Business were released by the Ministry of Corporate Affairs in 2011. This national framework on business responsibility set out nine principles that offer businesses an approach to inculcate responsible business conduct.
- In 2001, **India's Energy Conservation Act** legally mandated the implementation of energy efficiency measures undertaken by the Bureau of Energy Efficiency (BEE) and other state-designated agencies.
- **National Green Tribunal** – The national green tribunal (2010) is a specialised body established under the National Green Tribunal Act, 2010 to deal with matters connected to environmental preservation and the conservation of forests and other natural resources in a timely and effective manner.
- **Environmental Protection Act, 1986** - Environmental Impact Assessment (EIA) under this act is a process of evaluating the likely environmental impacts of a proposed project. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options for decision-makers. NGT ensures the strict observation of the Environment Impact Assessment process.

Critical analysis, present achievements and challenges:

According to MoEFCC, India is on track to achieve the 2030 targets for two of the quantitative targets – reduction of emission intensity and share of non-fossil-fuel-based electricity generation capacity. Also, India has achieved the targets which were set for the year 2020. The country has already achieved a reduction in the 'emission intensity to GDP' by 25 per cent by 2016 compared to the 2005 levels, as per the Centre for Science and Environment (CSE). According to the Ministry of Power, in 2021, the non-fossil fuel sources accounted for 38.5 per cent of generating capacity in India and is expected to achieve the 40 per cent target by 2023. India has installed capacity of over 150 GW of renewable energy as of November 2021 consisting of 48 GW of solar, 40 GW of wind and 45 GW of large hydro. The target is to install 500 GW by 2030, and out of 500 GW, 70-100 GW will be from hydro and 450GW from solar and wind.

Present Status of India's Climate Targets

Source: IEA Report

CHALLENGES

- As government of India is imposing stricter environmental requirements on business, for instance in the fields of energy efficiency, safety standards and efficient water use it is likely that MSME might be laggards regarding adhering to these stricter regulations given their insufficient climate resilient infrastructure and limited capability to upgrade production facilities
- Reducing emission intensity by 33-35 per cent is an unprecedented challenge which calls for significant new age technological transformation than can surmount the inevitable trade-off between environmental integrity and the urgency of rapid inclusive growth.

- Funding would be a key challenge in this case. NITI Aayog has stated that the cost of mitigation and adaptation activities for moderate low carbon development would cost around \$834 billion till 2030. National Adaptation Fund for Climate Change (NAFCC) was established in 2015 to provide funding for supporting the adaptation strategies of the states and union territories.
- India has promised additional forest cover for which availability of land would be a big challenge and there is no clear road map laid down by any national level policy as of now to achieve this.
- More stringent regulations affecting businesses can be expected in the future, especially in the fields of emission reduction and resource consumption and implementing those regulations in terms of timeline and investment would be a bigger challenge.

China

China is the most critical country in the world as far as climate change is concerned, given that the country is absolutely central to the global emissions growth due to the intensity of economic activity and growth.

Intended nationally determined contributions of China are

- Aims to have CO₂ emissions peak out before 2030 and achieve carbon neutrality before 2060, to lower CO₂ emissions per unit of GDP by over 65% from the 2005 level
- To increase the share of non-fossil fuels in primary energy mix to around 25%
- To increase the forest stock volume by around 6 billion cubic meters from the 2005 level.
- To bring its total installed capacity of wind and solar power to over 1.2 billion kilowatts by 2030.

Policy Framework

China leads the world in the production of renewables like solar and wind power, while at the same time China also leads in the coal consumption, which makes it critically important that the country should have a proper roadmap and strategy to achieve carbon neutrality. In 2013, China issued its **National Strategy for Climate Change Adaptation** and set out goals for reducing vulnerability, strengthening monitoring, and raising public awareness. The strategy lays out clear guidelines and principles for climate change adaptation and proposes some specific adaptation goals to be achieved by 2020. Recently China's Ministry of Ecology and Environment replaced it with the **National Strategy on Climate Adaptation 2035**. The Outline of the **13th Five-Year Plan** for the national economic and social development of China unveiled in 2016 included "reducing energy consumption per unit of GDP by 15% and CO₂ emissions per unit of GDP by 18%" as a binding target. In 2016, the comprehensive work plan for controlling greenhouse gas emissions during the 13th Five-Year Plan Period issued by the State Council defined the objectives, tasks, requirements, and sector-specific responsibilities for energy conservation, emission reduction and greenhouse gas emission control. Relevant plans were then prepared by key sectors of energy use and carbon emissions and provincial governments to set and implement targets and tasks on climate change. The outline of China's **14th Five-Year Plan** for national economic and social development and long-range objectives for 2035 issued in 2021 also set "reducing energy consumption per unit of GDP by 13.5% and CO₂ emissions per unit of GDP by 18%" as a binding target. Both the plans dedicated a chapter to tasks for combating climate change. Coal-fired power plant capacity in China today is roughly 1,040 GW and the 14th Five-Year Plan target for the same will be one of the most closely watched indicators to access the Chinese government's level of commitment in adhering to the climate change goals. China is also structuring a **"1+N" policy** for CO₂ emission peak and carbon neutrality, so as to provide strong support for achieving CO₂ emission peak before 2030 and carbon neutrality before 2060 as scheduled.

Chinese national carbon trading scheme - The Chinese national carbon trading scheme is an intensity-based trading system for carbon dioxide emissions by China, which started operating in 2021. This emission trading scheme (ETS) creates a carbon market where emitters can buy and sell emission credits. Through this scheme, China can limit emissions, but allow economic freedom for emitters to reduce emissions or purchase emission allowances from other emitters.

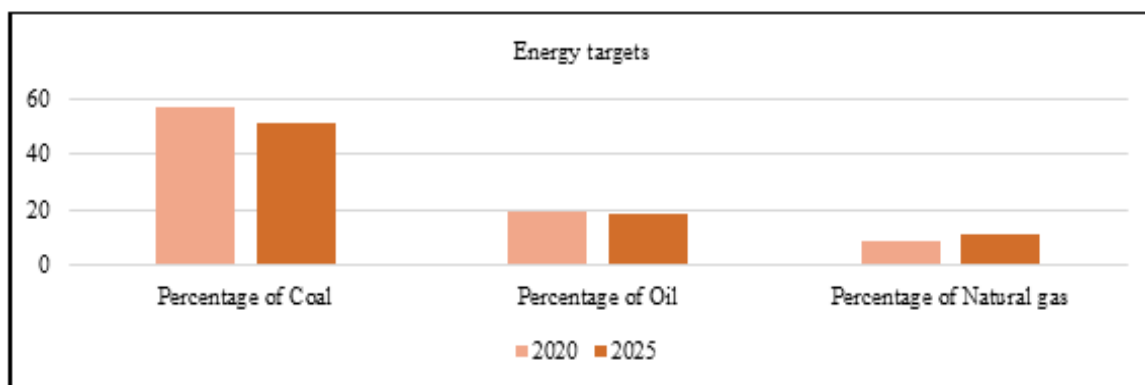
Critical analysis, present achievements and challenges:

Target type	13th FYP (2016–2020)	Actual achievement by 2020	14th FYP (2021–2025)	Original 2030 NDC targets	Updated 2030 targets
Carbon intensity	18% decrease from 2015	18.8%	18% decrease from 2020	60%–65% decrease from 2005	At least 65% decrease from 2005
Energy intensity	15% decrease from 2015	13.7%	13.5% decrease from 2020	-	-
Non fossil share of primary energy consumption	15%	15.9%	20%	20%	25%
Hydropower	350 gigawatts	370.16 gigawatts	-	-	-
Wind power	200 gigawatts	281.53 gigawatts	-	-	1,200 gigawatts (wind and solar)
Solar power	150 gigawatts	253.43 gigawatts	-	-	1,200 gigawatts (wind and solar)
Nuclear power	58 gigawatts	49.89 gigawatts	70 gigawatts	-	

Source: National Energy Administration

Transition to clean energy

The following chart shows the target the country has set for coal, oil and natural gas to be in terms of percentage of total energy mix for the year 2025. This indicates that China's dependence on coal and oil is not going to reduce in near term as the country plans to reach emissions peak by 2030.

China's Energy Targets

Source: China energy and chemical industry development report

Challenges

- China's carbon intensity in 2019 was 51.9% of that in 2005, a decrease of about 48.1% from 2005. It outperformed the 2020 goal of cutting CO₂ emissions per unit of GDP by 40–45% from the 2005 level and achieved a cumulative reduction of about 5.7 billion tons in CO₂ emissions. This reversed the fast growth trend of CO₂ emissions to some extent and made a strong contribution to the cause of 'global response to climate change'.
- China is rich in coal reserves but relatively poor in oil or natural gas reserves. The country is currently at a critical phase of transformational growth through continuation of industrialization and urbanization. Hence,

energy demand will keep rising in the near term, while at the same time, it is unlikely that the fundamentally coal-dominated energy mix will change in the short term. China, however, needs to halt any new coal power project so as to adhere to the target that they have pledged.

- It is not clear whether the carbon neutrality goal of China is consistent with the 1.5-degree pathway, and such rapid reduction would be unprecedented and costly.
- China has yet to clarify the assumptions behind its carbon neutrality goal, including if it covers all greenhouse gases and if it includes the use of “negative emissions” technologies or not.
- China Securities Regulatory Commission (CSRC) in 2021 has released revised guidelines on format of annual reports which includes incorporation of ESG disclosures in the annual report, though it is still voluntary.
- Low-carbon entrepreneurial development and appropriate training will be the bigger challenge for Chinese start-ups, particularly for those in the fossil fuel industry.

USA

The United States is the world’s second-largest producer and consumer of energy and also second largest emitter of GHG’s. This creates significant opportunities to mitigate greenhouse gas emissions.

Intended nationally determined contributions of USA are:

The US is setting an economy-wide target of reducing its net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030.

United States Historic Emissions and Projected Emissions Under 2030 Target

Year	Target
2020	17% below 2005 levels
2025	26-28% below 2005 levels
2030	50-52% below 2005 levels
2050	Net-Zero

Source: NDC

POLICY FRAMEWORK

- **American Clean Energy and Security Act of 2009**, have established an economy-wide cap-and-trade system to reduce GHG emissions.
- The SEC would require the publication of climate-related financial statement metrics and related disclosures in a note attached to the registered entity’s audited financial statements. This data would be based on reporting frameworks such as the **Task Force on Climate-Related Financial Disclosures (TCFD)** and the Greenhouse Gas Protocol.
- The United States will decarbonize the energy sector, including by cutting energy waste; shifting to carbon pollution-free electricity; electrifying and driving efficiency in vehicles, buildings, and parts of industry; and scaling up new energy sources and carriers such as carbon-free hydrogen.
- The United States has set a goal to reach 100 percent carbon pollution-free electricity by 2035, which could be achieved through multiple cost-effective technology and investment pathways, each resulting in meaningful emissions reductions in this decade. Eliminating greenhouse gases from the electricity sector will also reduce air and water pollution, improving public health while supporting good jobs, building modern infrastructure.
- Policies that contribute to emissions reduction pathways, consistent with the NDC, include incentives and standards to reduce pollution. Many executive orders have been released to this effect. The federal government will work with state, local, and tribal governments to support the rapid deployment of carbon pollution-free electricity generating resources, transmission, and energy storage. To leverage the carbon pollution-free energy potential of power plants, they are being retrofitted with carbon capture mechanism, while ensuring those facilities meet robust and rigorous standards for worker, public and environmental safety.

- The United States has committed to support research, development, demonstration, commercialization, and deployment of software and hardware to support carbon pollution-free, resilient, reliable, and affordable clean energy sources.

Critical analysis, present achievements and challenges:

- Based on preliminary estimates, the United States is expected to have met and surpassed its 2020 target of net economy-wide emissions reductions, in the range of 17 percent below 2005 levels, and is broadly on track to achieve 26-28 percent emissions reductions from 2005 levels in 2025. The 2030 target represents increased ambition made possible in part through advances in technology and resultant market responses.
- According to Prof. Roger Karapin, who is professor of political science at Hunter college specialising in environmental policy USA has comparatively weak climate change policy as compared to Western European countries, as it doesn't have any legally binding targets at federal level, it has no carbon pricing through emission trading and no carbon tax, it has no binding renewable energy targets.
- Suspension of alignment to Paris climate policy by the Trump administration weakened the regulations in motor vehicles. Also, clean energy was not at all used in power plants and in oil and gas industry during that period. The Trump administration also delayed the methane landfill regulations. Also, the social cost of carbon was reduced from \$45 to \$7 per ton.
- The USA until 2010 mostly considered voluntary or indirect federal approaches, however, since then the United States in each of its policy initiatives have considered sector-by-sector emissions reduction pathways.

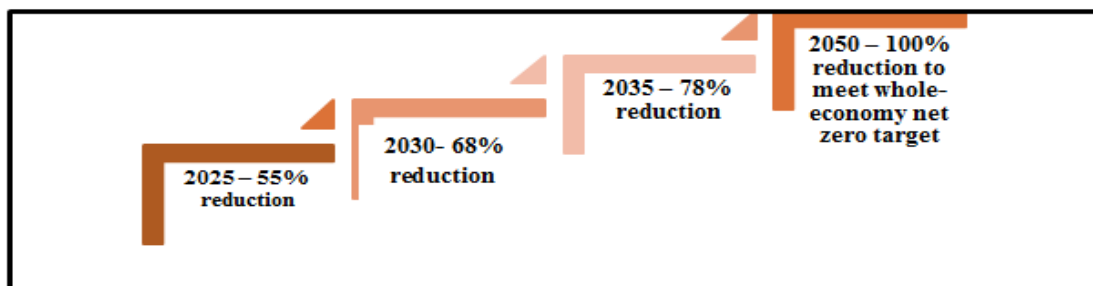
UK

The UK was the first major economy in the world to create a legally binding target to bring greenhouse gas emissions to net zero by 2050. This target was set considering the latest scientific evidence and was recommended by the Climate Change Committee (CCC), the UK's independent climate advisory body.

Intended nationally determined contributions of UK are:

As per the NDC, the UK commits to reducing economy-wide greenhouse gas emissions by at least 68% by 2030, compared to the 1990 levels.

Indicative emissions reductions to meet UK carbon budgets and NDC



Source : NDC

Policy Framework:

- **Ten Point Plan for a Green Industrial Revolution:**

Sector	Plan Implication
Offshore wind	40 GW by 2030
Hydrogen	5 GW of low carbon production by 2030
Nuclear	Investment of 385 million euro
Jet Zero & Maritime	Clean maritime demonstration programme
Electric Vehicles	Ban on sales of petrol and diesel cars in 2030
Public Transport	4000 new zero emission buses
Homes & Buildings	Investment in heat pump installation
Nature	Green recovery challenge fund
Carbon Capture	Create 4 industrial clusters to remove CO2 by 2030
Innovation & Finance	Investment of 1 billion euro in net zero innovation portfolio

Source: Government of UK

- **UK Emissions Trading Scheme:** The UK ETS, a ‘cap and trade’ scheme, is a market-based pricing mechanism to incentivise and control the reduction of emissions in a cost-effective way. A cap is set on the total amount of certain greenhouse gases that can be emitted by the sectors covered by the scheme over a given period. This scheme demonstrates the UK’s commitment to utilize carbon pricing as an effective tool that will help fulfil the country’s climate change objectives. An emissions trading system (ETS) is aligned to long-term climate targets and are key levers in the UK’s industrial decarbonisation strategy on the pathway to achieving net zero emissions.
- The **Climate Change Act** sets the world's first legally binding long-term emissions target, with a supporting framework to deliver it. It has been the model for climate legislation in many other countries. The Climate Change Act requires that carbon budgets are set on the path to the long-term target and policies are developed to meet the carbon budgets and the long-term target. The act requires governments to set legally binding carbon budgets. Each budget provides a five-year cap on total greenhouse emissions in order to meet the UK’s emission reduction commitments.
- In 2021, the UK government has officially ended support for the fossil fuel energy sector overseas. Also, it published its first annual report in TCFD format.
- Green Finance Strategy is launched by the UK government to have a comprehensive approach to greening financial systems and mobilising finance for clean and resilient growth of the UK firms.
- The UK has taken a lead role in the development and deployment of some of the key low-carbon technologies which is evident from the fact that UK is becoming the largest market for offshore wind in the world, driving down costs through deployment.
- Effective governmental efforts to “green” the energy sector can be seen in the **North Sea Transition Deal** between the UK government and the offshore oil and gas industry. The deal seeks to decarbonise North Sea oil and gas production by encouraging private investment into new and emerging technologies, including hydrogen production, offshore wind and carbon capture usage and storage. Notably, the deal incorporates the government’s new emissions reduction targets to facilitate the UK’s net zero ambitions.
- Carbon budget till the year 2037 is recommended by the climate change committee and accepted by the UK government. This will ensure steady flow of funds for the adaptation strategies.
- Increasing the share of renewable energy is also one of the strategies that UK will follow to meet its binding net zero target by 2050. In 2022, the government published a UK Energy Security Strategy which is aimed at expanding renewable energy, it has a new commitment on nuclear energy - 24GW by 2050. Presently in the year 2020, 42% of electricity is generated from the non-renewables and 41% from the fossil fuels. However, experts believe that to achieve the net zero 100% electricity should be generated from the renewables.

Critical analysis, present achievements and challenges:

- Since 1990 the UK has reduced greenhouse gas emissions by 44%, while growing economy by over 78%. This strategy sets out the Government’s long-term plan to end the UK’s domestic contribution to man-made climate change by 2050. Also, experts believe that UK has long proven that tackling climate change and delivering economic growth can go hand in hand.

Different progress rates for sectors

Sector	% Of UK emissions (2019)	Expected reduction by 2035 from 1990
Power	11%	80-85%
Fuel Supply and Hydrogen	5%	53-60%
Industry	15%	63-76%
Heat & Buildings	17%	47-62%
Transport	32%	47-59%

Source: Government of UK

- Transport is now the largest source of UK’s GHG emissions (23% of the total) and saw emissions rise from 2013 to 2017, and there is no significant reduction in emissions since then as well.

- **Impact on Corporate** – Sectors where energy efficiency is crucial, like electrical utilities, Britain's Energy Company Obligation (ECO) scheme requires large energy firms to boost the efficiency of homes and buildings. Also in Britain, it is mandatory for corporates to pay a Climate Change Levy per unit of energy consumption. Energy-intensive users can opt out of CCLs, if they adhere to Climate Change Agreement (These are the voluntary agreements laid down by the UK government to reduce energy use and carbon dioxide emissions) to boost their efficiency. Costs of technologies that are required to be incorporated in the businesses to achieve net-zero emissions is expected to be very high, also raising funds to acquire such technology would be a bigger challenge.
- As decarbonisation efforts strengthen, internationally there will be an expanding global market for low-carbon goods, services and related knowledge. There is scope for the UK firms to capture some of this opportunity, as it can create many job opportunities, provided there is availability of the required skill set in the available talent pool.
- In 2024, the UK will launch its second climate change policy to ensure the timely adherence.

Canada

Intended nationally determined contributions of Canada are:

Canada's updated NDC is to reduce emissions by 40-45% below 2005 levels by 2030, Canada is committed to reducing its emissions to net-zero by 2050.

Policy Framework

- In 2016, Canada adopted the Pan-Canadian Framework on **Clean Growth and Climate Change** (PCF) which is Canada's first national climate change plan to reduce GHG emissions, accelerate clean economic growth, and build resilience to a changing climate. In 2020, "**A Healthy Environment and a Healthy Economy**", Canada's **strengthened climate plan** (SCP) was launched which includes federal policies, programs and investments to accelerate emissions reductions and build a stronger, cleaner, more resilient and inclusive economy. Five pillars of SCP are as follows –
 - Embracing power of nature
 - Affordable places by cutting energy waste
 - Clean, affordable transportation and power
 - Building Canada's clean industrial advantage
 - Pricing carbon pollution
- Canada's oil and gas sector is a major contributor to GHG emissions, accounting for an estimated 25% of all emissions in Canada and will need to be addressed as part of its overall emissions reduction policies. Canada announced in October 2021 its commitment to join the **Global Methane Pledge**, which aims to reduce global methane emissions by 30% below 2020 levels by 2030. Methane accounts for 13% of Canada's reported GHG emissions. The majority of these emissions come from the oil and gas sector (37%).
- **The Canadian Net-Zero Emissions Accountability Act**, which received Royal Assent in 2021, codified the Government of Canada's commitment for the country to achieve net-zero GHG emissions by 2050. This legislation requires the Government of Canada to set national emissions reduction targets at five-year intervals for 2030, 2035, 2040, and 2045, and to develop emission reduction plans for each target as well as explain how each plan would contribute to reaching net-zero in 2050.
- In 2018 Government enacted **Greenhouse Gas Pollution Pricing Act** which has two parts:
 1. The fuel charge, which started at \$20/tonne in 2019 and will increase over time to \$50/tonne in 2022; also, after release of 'Healthy Environment and Healthy Economy' experts believe that carbon pricing will continue to increase exponentially going forward and is expected to reach up to \$170/tonne by 2030 which will be very significant.
 2. The output-based pricing (OBP) system, which requires facilities to pay a carbon price if their emissions exceed 50,000 tonnes or more of CO₂.
- Many provinces have come up with their own legislation and policies to address the climate change related issues, for e.g., British Columbia's province-wide carbon tax, first implemented in 2008, is set at \$45/tonne on fossil fuels burned.

Critical analysis, present achievements and challenges:

- Canada's greenhouse gas emissions are not declining since last decade which raises apprehensions about its policies of adaptation and mitigation.
- Canada is the only G7 country where emissions have continued to rise since the Paris agreement in 2015. Also, Canada is the only G7 country whose emissions are still dramatically higher than emissions levels in 1990.
- Canadian climate plans continue to neglect Canada's largest and fastest growing source of emissions i.e., oil and gas production.
- According to collaborative report from Auditors General of Canada 7 out of 12 provinces did not have an overall target for reducing greenhouse gas emissions by 2020 and only two provinces were on track to meet current domestic reductions target.
- Canada has co-founded **Powering Past Coal Alliance** to phase out the coal-fired power by 2030 which is a step in right direction.
- Auditors also found that there was limited coordination of policies within the governments.
- Maple Leaf Foods became the world's first major carbon neutral food company and is the only food company in Canada to adopt science-based emissions reduction targets that are aligned with the goals of the Paris agreement on climate change.
- In 2022 in its budget the government outlined its plan to require federally regulated financial institutions to begin reporting on climate-related financial risks in accordance with **the Task Force on Climate-related Financial Disclosures** (TCFD) framework. Experts believe that mandatory ESG reporting will begin in Canada from the year 2024.

EUROPEAN UNION (EU)

Intended nationally determined contributions of the EU are:

The EU and its Member States, acting jointly, are committed to a binding target of a net domestic reduction of at least 55% in greenhouse gas emissions by 2030 compared to 1990 (without contribution from international credits). In addition, the EU's objective is to become the first climate-neutral continent by 2050.

Policy Framework:

- Environmental planning and monitoring mechanisms are set out as regulation for the **Governance of the Energy Union and Climate Action and the European Climate Law**. This includes following three things
 - Mapping out the speed of emission reductions till 2050 to give predictability to all stakeholders including businesses and citizens.
 - Developing a robust system to monitor and report on the progress made towards this goal.
 - Ensuring a cost-efficient and socially fair green transition.
- The law also establishes a **European Scientific Advisory Board on Climate Change** which will provide independent scientific advice and reporting on EU climate measures to ensure the adherence to the intended goals.
- EU released new climate proposal, Fit for 55 package which is plan to reduce greenhouse gas emissions by 55% by 2030.
 - GHG emission reduction of 40% compared to 1990 which is binding via ETS.
 - Increase of renewable energy use of total 27% of energy consumption up from 22% in 2020 which is binding at EU level.
 - Increase energy efficiency to 27% compared to 20% in 2020 which is binding at EU level
- In its overall assessment the package has been valued by experts as a positive step in difficult times. The most important fact about this package is that it acknowledges the differences among EU member States.
- One of the substantial challenges which was identified for the EU was the fact that the transition to low carbon economy will imply much higher costs for poorer EU member states than for more developed and richer ones. Effort sharing mechanisms therefore need to be a substantial element of the EU proposal, further clarification is required on this front.

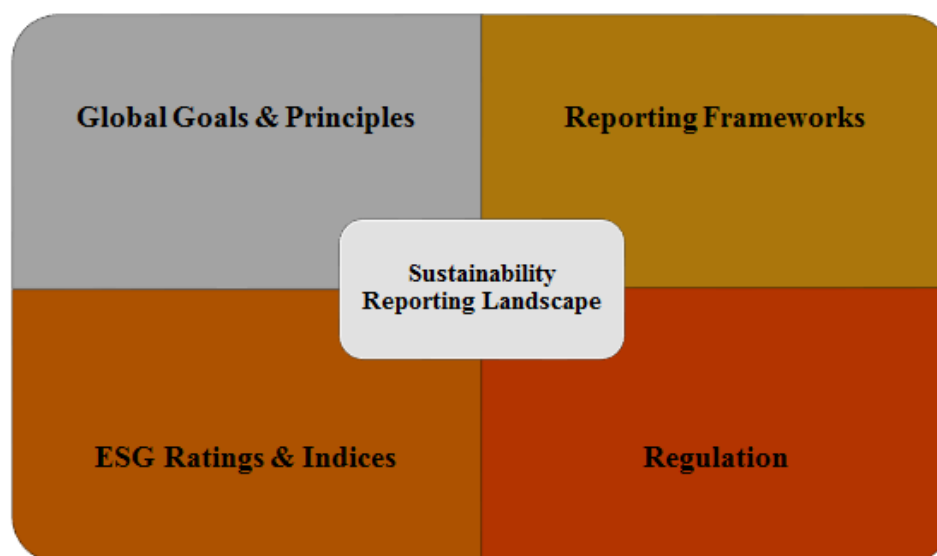
- The **European Green Deal** is a package of policy initiatives, which aims to set the EU on the path to a **green transition**, with the ultimate goal of reaching climate neutrality by 2050.
- EU solar energy strategy aims to bring over 320 GW of solar photovoltaic by 2025 (more than double compared to 2020) and almost 600 GW by 2030.

Critical analysis, present achievements and challenges:

- The most controversial aspect of this new 2030 Framework is that unlike in the previous 2020 package, the new EU targets will not be translated into national binding targets through EU legislation.
- A lack of strong EU policies is allowing member states to pursue policies that fragment the internal energy market. The lack of binding national targets carries the risk that national efforts will not add up to the EU aggregate commitments.
- The European Environment Agency (EEA) report ‘**Trends and Projections in Europe 2021**’ stated that the EU achieved all three of its 2020 climate and energy targets of reducing greenhouse gas emissions by 20% compared to 1990 levels, increasing the share of renewable energy use to 20%, and improving energy efficiency by 20%.
- Economic sectors including electricity production and heavy industry, under the EU Emissions Trading System (ETS), have delivered much stronger emissions cuts than the effort-sharing sectors, including transport, buildings, and agriculture.
- **Clean, affordable and secure energy** – As 75% of EU greenhouse gas emissions come from energy use and its production, the decarbonisation of the energy sector is a crucial step towards a climate-neutral EU. In 2020, renewable energy represented 22.1 % of energy consumed in the EU, around 2 percentage points above the 2020 target of 20%. According to World Economic Forum \$3.8 trillion of investment in solar and wind projects and \$1.5 trillion for hydrogen fuel will be required to free EU from fossil fuel.

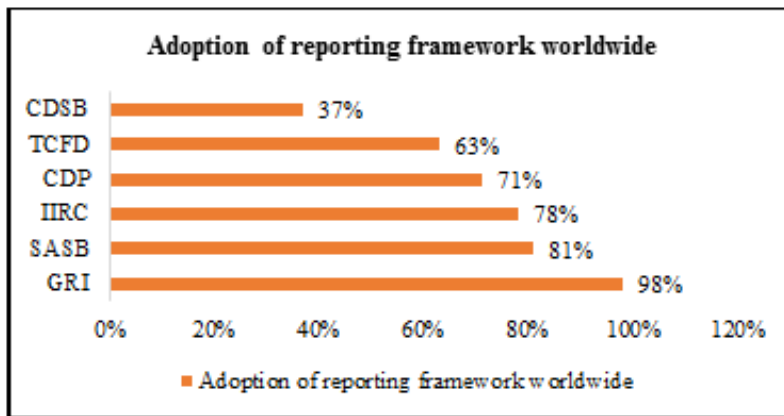
4.2. Understanding ESG Reporting Frameworks

Sustainable development according to **Brundtland Report “Our Common Future”** is “Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs”. Sustainability reporting is becoming more prevalent and is driven by growing recognition that sustainability related issues can materially affect the company’s performance, demands from various stakeholder groups for increased level of transparency and disclosures, and the need for companies to appropriately address the issues pertaining to sustainable development. In this section we will understand and compare **GRI, SACB and TCFD** frameworks with respect to adoption and practice.



If we consider the overall landscape of sustainability reporting, there are four primary factors that play important roles – i) Global goals and Principles, ii) Reporting Frameworks, iii) ESG Ratings and Indices and iv) Regulations. Each one of these factors are crucial, as they play specific roles in shaping the corporate sustainability landscape. In this section more focus is given on the existing reporting frameworks that shapes the Environmental, Social and Governance disclosures of the companies.

Reporting Frameworks and Comparison



The ESG Guidance document provided by the 65 stock exchanges for listed companies reports that the GRI framework is the most used worldwide (98%), followed by SASB, IIRC, CDP, TCFD etc.

Source: Sustainable stock Exchange Initiative

Comparison of different frameworks:

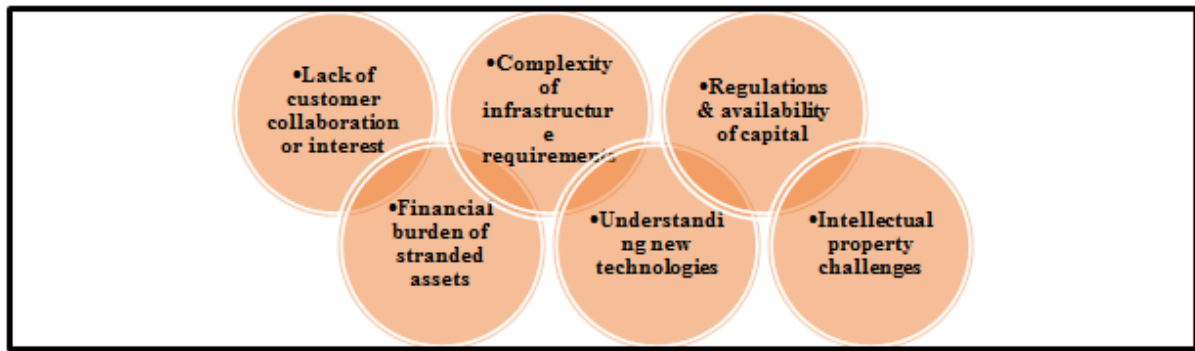
Many independent organisations and NGO's have come up with different reporting frameworks, each with their own reporting requirements, audience and focus with respect to stakeholders.

Frameworks	Description	Audience	Report Focus	ESG Focus
GRI	Set of standards used by companies	All stakeholders	How business impacts society	Environmental Social Governance
SASB	Industry specific standards	Investors	How ESG issues impacts business	Environmental Social Governance
TCFD	Disclosing impact of climate risk on businesses	Investors & financial stakeholders	How climate impacts business	Environment Governance
CDP	Environmental disclosure through Questionnaire	All stakeholders	How business impacts society	Environment Governance
IIRC	Integrated reporting resulting in productive capital allocation	All stakeholders	How ESG issues impacts business	Environmental Social Governance

4.3. ESG Transition Preparedness in Energy Sector

In this section we will understand ESG standings of some key companies in the energy sector i.e., how these companies prefer to report on the performance in ESG parameters. A detailed analysis done on 6 companies of energy sector from 6 different geographical locations. Their sustainability reports can provide context for business decision-making and clarity for the stakeholders. Like many companies in other sectors, oil and gas companies are increasingly confronted on their need to address ESG imperatives in their businesses. In this regard, the oil and gas companies specifically face a challenging balancing act. As they need to invest heavily in new sustainable fields, while their traditional revenue sources and margins face pressure from environmental challenges. Some large businesses have already embarked on the transition process of forming entities wholly focused on renewable energy, shifting focus from conventional energy sources. Despite all the talks about the energy transition, net zero economic goals and the overall importance of ESG, energy companies would not lose sight of the fact that it is unlikely that there will be a marked decline in global energy demand as global population continues to grow and the resultant economic development follows through. Fossil fuels still represent 80% of current global energy consumption, and the market for them exceeds \$6 trillion (based on current annual consumption and prices). Even in 2021, the use of fossil fuel continued to expand faster than the rate at which renewable energy could be deployed to replace their usage. This poses serious irreversible threat to environment. Also lack of a proper ESG strategy will ultimately affect a company's access to public, and private capital increasingly. Below are some important challenges that energy companies face while making this much needed energy transition.

Challenges faced by the Energy Sector

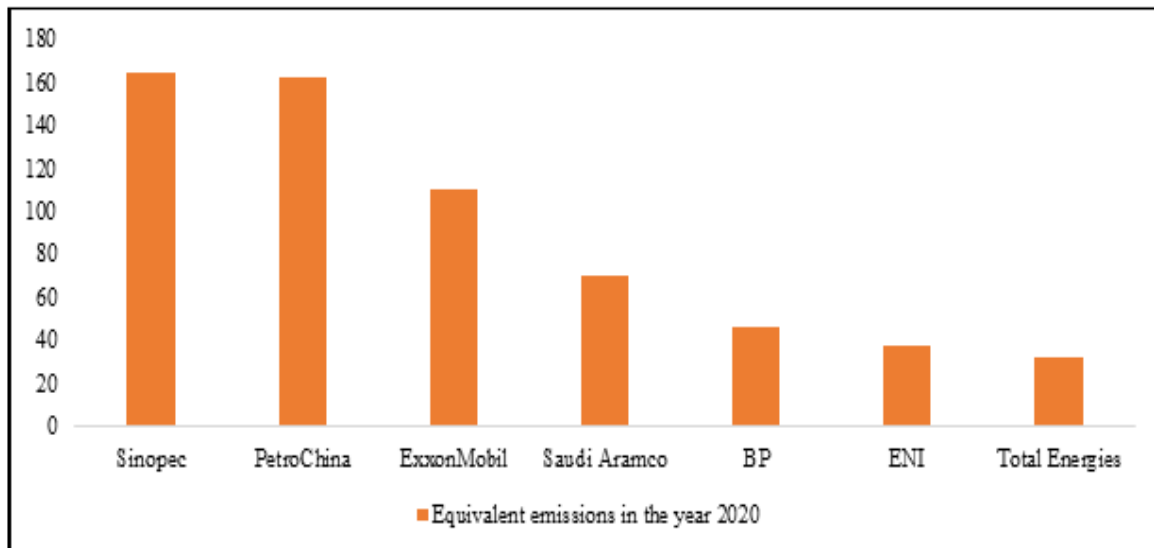


For the purpose of research, the following 6 companies from oil and gas industry are chosen from 6 different economies. Primarily their sustainability report, annual report and Blomberg scores are analysed to understand the status of their ESG disclosure and preparedness for energy transition.

- ONGC
- Exxon Mobil Corporation
- China Petroleum & Chemical Corporation
- BP (British Petroleum Company)
- Suncor Energy
- Total Energies SE

The carbon dioxide equivalent emissions of top oil and gas companies is given below, in which Chinese company Sinopec Corporation is seen having highest the emission levels followed by PetroChina and Exxon Mobil.

CO₂ equivalent emissions in the year 2020 (In million tons)



Source: IEA Report

ONGC - India

In FY-2020 ONGC presented its first ESG report and 11th sustainability report

ONGC has developed its own materiality matrix where the key issues have been categorised into 'high', 'Medium', and 'Low' as per their importance to stakeholders and to the whole ONGC Group. Based on materiality assessment 17 issues were identified, which were considered to be of material importance to ONGC and its stakeholders. Out of which 5 were identified as 'high' material issues, 6 as 'medium' and another 6 as 'low' material issues.

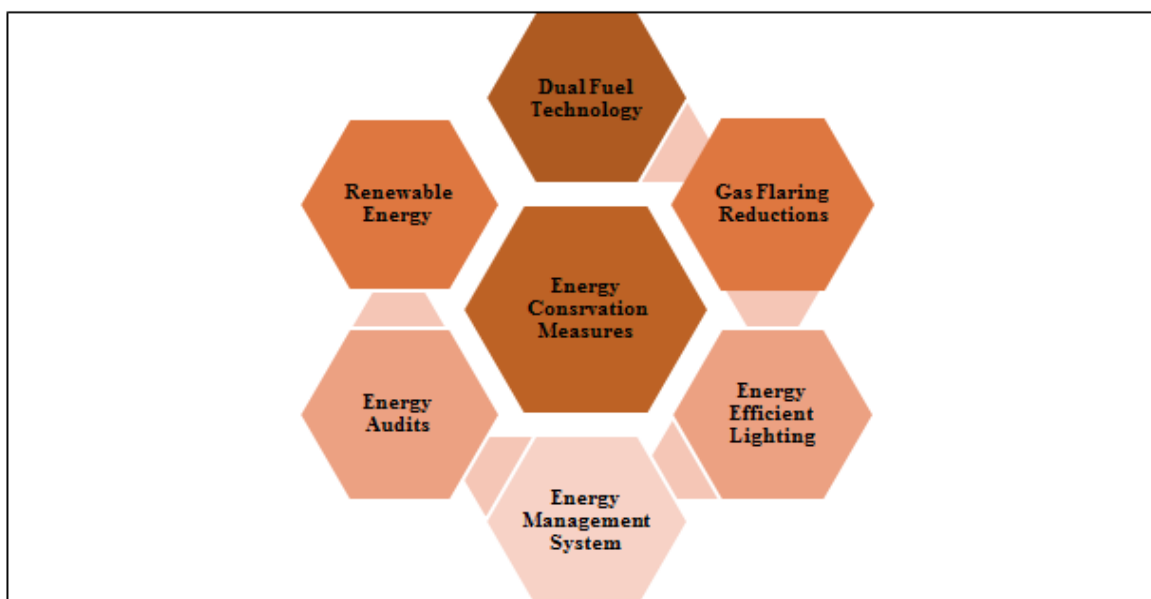
Material issue	Low	Medium	High
Environmental	<ul style="list-style-type: none"> Air emissions Biodiversity ecosystem and conservation 	<ul style="list-style-type: none"> Waste management 	<ul style="list-style-type: none"> Water management Climate change Energy efficiency
Social	<ul style="list-style-type: none"> Labour relations 	<ul style="list-style-type: none"> Community engagement Workforce competency Human rights 	<ul style="list-style-type: none"> Health, safety and security
Economic	<ul style="list-style-type: none"> Customer satisfaction Research and development 	<ul style="list-style-type: none"> Economic performance 	
Governance	<ul style="list-style-type: none"> Product and service quality 	<ul style="list-style-type: none"> Legal regulations, fines and penalties 	<ul style="list-style-type: none"> Ethics and transparency

Source: Sustainability Report

Environment

In FY20, ONGC has registered 15 **Climate Development Mechanism** projects with the UNFCCC, and another 3 projects are under process for registration as new CDM projects with estimated emission reduction potential of about 2.1 million certified emission reductions (CER) every year. ONGC uses renewable energy with the total installed capacity of solar projects at 25 MW and by FY20 another 25 MW of solar projects are under implementation at various work centres. ONGC has developed ONGC energy centre (OEC) which is engaged in various research-based activities to develop alternatives to harness renewable energy. OEC has developed thermo-chemical water splitting for potentially large-scale generation of hydrogen in clean and green manner.

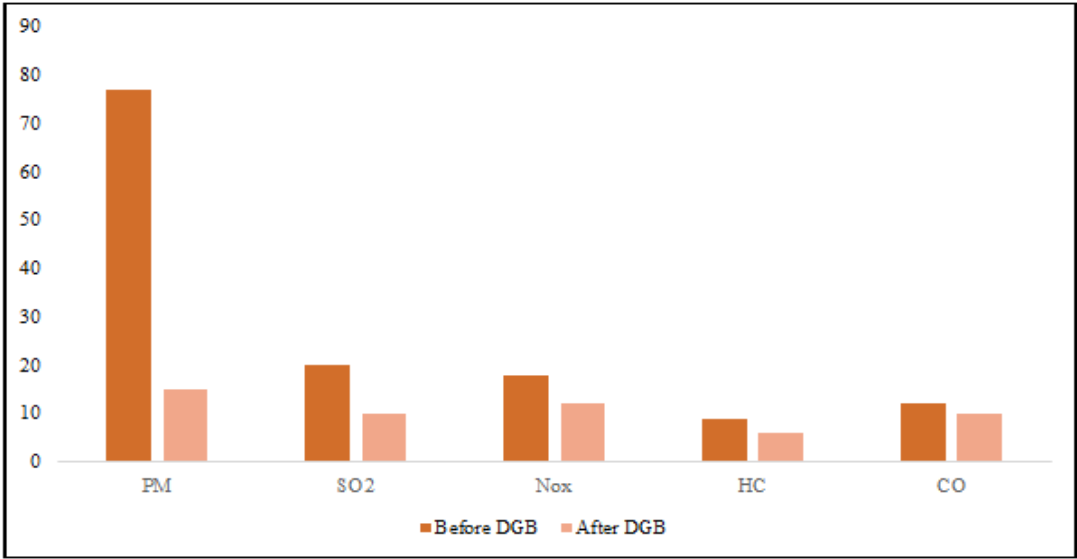
ONGC has developed “**Energy Strategy 2040**”, which provides the roadmap of transition towards renewables and low-carbon energy sources for ONGC group. ONGC has proposed projects such as 5 GW to 10 GW offshore wind power plant and also plan for expanding solar power projects across work centres. Such initiatives will help ONGC group in reaching the goal of becoming carbon neutral in the coming years. For **Global Methane Initiative**, ONGC have prevented approximately 20.48 MMSCM of methane gas leakages into the atmosphere so far, through incorporation of cutting-edge technological advancement in processes like gas faring which has been brought down to 2% leading to significant reduction in emissions.



Source: Sustainability Report

Dynamic Gas Blending (DGB) is dual fuel technology which enables engines of onshore drilling rigs on a mix of diesel and natural gas as fuel and the Company’s sustainability report mentions the reduction in emissions after use of this technology.

Emissions before and after Dynamic Gas Blending (DGB)



Source: Sustainability Report

Social

Diversity – ONGC’s diversity trend has remained fairly consistent over the years. Out of 21,084 executives only 1,594 are female which is only 8.17%.

Training - In FY20, ONGC academy conducted 184 training programs for graduate trainees. The total employees trained were 6,873 with 131,881 training person days.

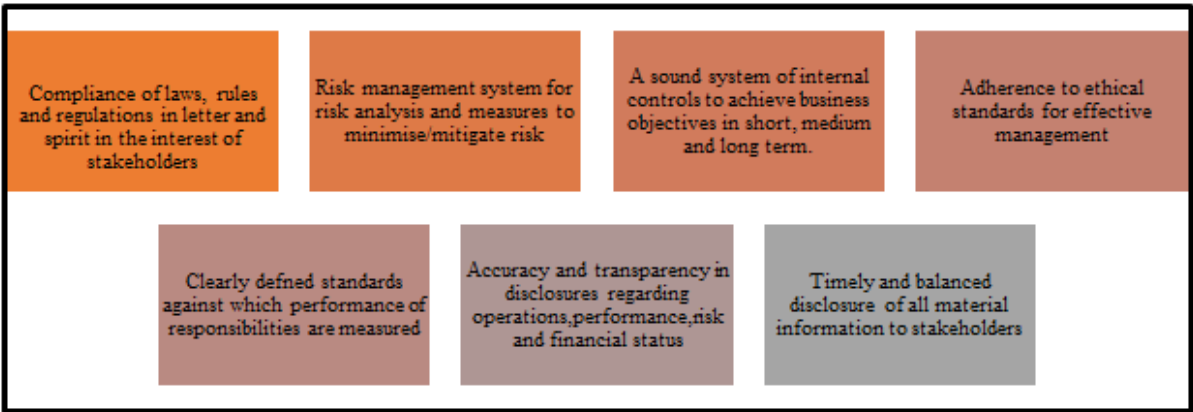
Health, Safety and Security - As we have seen in materiality matrix Health, Safety and Security has been given high importance by the stakeholders and ONGC group but there is no indication of group-wide safety policy.

Mines Safety - At ONGC regular mock-drills for different safety scenarios are being conducted at installations to check the efficacy of preparedness against the defined emergency scenarios. And also, to achieve the mission of “Zero Fatality”, ONGC has launched “Ten Safety Rules”, which is considered as the foundation of safety across the organisation.

Governance

The corporate governance framework for ONGC is based on the following broad principles:

ONGC Corporate Governance Framework



Source: Sustainability Report

- **Size and Composition of the Board** – ONGC board is comprised of 11 directors (including two women directors) with 7 executive directors (including the chairman and managing director) and 4 non-executive directors - 2 government nominee directors and 2 independent directors. The independent directors have confirmed that they fulfil all the conditions specified in the Listing Regulations and the Companies Act,

2013 and are independent of the management. Board does not include a majority of independent directors which raises concerns related to board independence. Also, strong influence of the government could be an issue for appointment of board of directors and may affect the overall governance of the company.

- The report mentions the presence of robust whistle blower mechanism, grievance redressal mechanism and a well-structured vigilance department but the details regarding the same is not disclosed in the report. Anti-corruption policies extend to some suppliers, but scope of applicability of these policies is still unclear.
- The Company has an Enterprise Risk Management Cell (ERM), risk framework, risk policy and risk portfolio, which are periodically monitored by the risk management committee, audit committee and the board. The presence of audit committee will give the insights of financial reporting process and compliance with regulations.

ESG Rating

Bloomberg Scores ESG SCORE »				
		Score	2Y Change	Vs Peers
Environmental		3.16	-0.54	Below Median
Social		2.37	-0.09	Lagging
Governance*		3.68	+0.10	Lagging

Source: Bloomberg

Critical comment

According to Bloomberg and sustainability reports of the company, the company is lagging in social as well as governance issues and is showing median performance on environment. There is limited evidence of management practices to address carbon emissions and company has not disclosed any carbon reduction targets. The company's in-house materiality could be primarily responsible for these scores as the priority seems to be misplaced for the company.

Exxon Mobil Corporation - USA

Goal - Exxon Mobil aims to achieve net zero GHG emissions from its operated assets by 2050. The emission reduction plans of the company are within the pathway of Paris agreement. Exxon Mobil has announced a four-prong sustainability framework that includes investment of \$3 billion in carbon capture and storage projects.

Environment

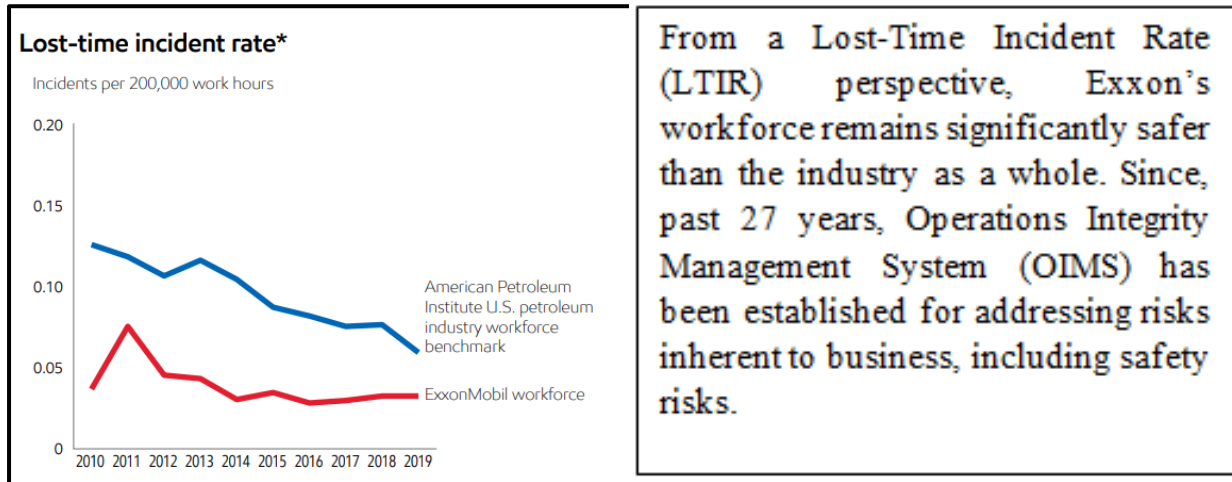
The company plans to reduce GHG emissions by 15% – 20% by 2025 compared to 2016 level and supports the net zero ambition of the US government as well. The plans are expected to result in 20-30% reduction in GHG intensity. Exxon Mobil is planning to achieve these additional emission reductions through following actions which includes –

- Achieving net-zero scope 1 and scope 2 GHG emissions specifically in its Permian Basin operations by 2030.
- By deploying hydrogen, carbon capture and storage projects, and also by lowering percentage of its overall operations involving high emission fuels, and by making transition to more cleaner sources of energy.
- Company has decided to reduce the methane emissions in alignment with the **Global Methane Pledge** by deploying advanced technologies including satellite, aerial and ground sensor networks.
- Integrating lower GHG energy sources into its facilities, for example through long term renewable power purchase agreement and increasing co-generation of power and steam.
- Improving energy efficiency by enhancing furnace efficiency which is critical to lower the GHG emissions.
- Exxon Mobil is taking actions to help address plastic waste in the environment by increasing plastic recyclability and supporting initiatives in plastic waste recovery.
- Company is planning to construct hydrogen production plant to increase the carbon capture and storage in Texas.

The company has given a clear roadmap on how they will achieve their net-zero target by building different scenarios and reducing intensity of GHG in methane and flaring. Also, company has given specific targets and milestones for its specific business segments by collaborating with the international organisations like World Bank and the US government.

Social

• Safety



Source: Sustainability report

• Diversity and Inclusion

Representation of minority executives in the U.S. increased by 80% since 2009 and representation of women executives increased by 69% since 2009 which shows that the company lays significant emphasis on diversity at workplace.

- The company has also put significant emphasis on stakeholder engagement to discuss on the sustainability topics which gives opportunity for the company to share their plans and to provide fruitful scrutiny to improve the ESG performance.

GOVERNANCE

• Board Diversity

At the end of year 2019, 9 of ExxonMobil's 10 directors were independent which is in line with the New York Stock Exchange guidelines. And at year-end 2019, 44 percent of the board's independent directors were female and racial/ethnic minority.

- ExxonMobil recognizes the importance of disclosing relevant payments to governments to reduce corruption, improve government accountability and promote greater economic stability worldwide. It shows that the company values transparency aspect of the corporate governance.

ESG Rating

Bloomberg Scores ESG SCORE »				
		Score	2Y Change	Vs Peers
Environmental		2.22	+0.05	Lagging
Social		5.11	-0.42	Leading
Governance*		6.89	-0.10	Leading

Source: Bloomberg

Critical comment

According to Bloomberg ESG scores, company is leading in the social and governance aspects as it has good performance in occupational health and safety, community rights, director roles and board diversity. Company has excellent board independence, also the board maintains gender and ethnic diversity as well. However, the company is lagging in environment issues meaning company's efforts specifically related to climate exposure, GHG emission management and waste management are not up to the mark. Given the inherent nature of its core businesses, the company needs to implement a further streamlined and clearer roadmap for transitioning its portfolio more towards sustainable and alternative energy sources.

China Petroleum & Chemical Corporation - China

Ultimate Goal – Company plans to peak its emissions by 2030 and achieve “net zero” by 2050 year.

Materiality Matrix – The company has given following materiality matrix which identifies the core issues which are material to the company and its stakeholder.

Materiality Matrix

Core	Important	Regular
Risk management and operation compliance	Ensure energy supply	Taxation & job creation
Invest in new energy	Resource recycling and reuse	Diversity and equal opportunity
Respond to climate change	Support eradication of poverty	
Research and innovation	Employee training and career development	
Occupational health and safety	Biodiversity and land use	
Pollution and emissions control	Water resource management	
Improve corporate governance	Community communication and development	
Business ethics and anticorruption		
Promote energy transition		

Source: Sustainability Report

Environment

Sinopec's sustainability report has specifically mentioned that the company has disclosed its management policies, actions and progresses in addressing climate change in accordance with the recommendations of the **Task Force on Climate-related Financial Disclosures (TCFD)**.

Commitments and Initiatives

- Company has extensively researched on carbon capture technology, accelerated the experimental research and application of emerging CO₂ capture techniques such as membrane absorption, membrane separation, ionic liquids and other methods, as well as CO₂ transportation processes, to develop comprehensive carbon capture solutions, which is expected to ensure its adherence and compliance to the net zero goals.
- Company has adhered to the strategic plan of promoting and developing its natural gas business, coordinating natural gas resources and markets, and promoting the development of the entire natural gas value chain.
- In the next five years, Sinopec will accelerate the development of new energy businesses with hydrogen being the core area of focus. By the end of 2020, Sinopec aims to develop 27 (out of the total targeted 100) hydrogen refuelling stations in China which will give major boost to China's clean energy initiative.
- One of the greatest achievements of the company is that it has installed around a thousand solar energy powered retail service stations and had built 205 distributed photovoltaic power generation pilot projects in service stations with a total installed capacity of 8.88 MW, which is equivalent to reducing carbon emissions by about 12,000 tonnes (CO₂ equivalent).
- Sinopec Group seeks to leverage its network of more than 30,000 retail stations to become a leading supplier of hydrogen fuel across China.

SOCIAL

- **Safety** – The company has set the target of 'Zero casualty, Zero Pollution, Zero accident'. The sustainability report mentions that company strictly abides by the Safety Production Law and strictly implements the HSSE management system. In 2020, the company formulated the contractor safety management implementation measures, which specified the safety responsibilities for each party and focused on urging contractors to raise their risk awareness.
- **Human Rights** – Company strictly complies with laws and regulations on human rights protection, the National Human Rights Action Plan of China and international human rights conventions and prohibits any

act of disregard or abuse of human rights. In 2020, the Company had no incident of child labour and forced labour which shows that occupational health and safety is considered as a material issue by the company.

- **Diversity and Equal Opportunities** - Company supports employee diversity and equal opportunities, and actively recruits female employees, foreign employees and ethnic minority employees. The company has 33.1% female employees and 3.8% ethnic minority employees as on 2020

GOVERNANCE

• Board Diversity

In its sustainability report, company has mentioned that it continues to optimise the composition of the board, standardise relevant mechanisms for the board and its committees, and attach importance to the role of independent directors but they have not explicitly mentioned presence of percentage of female and ethnic minority directors which shows that the company has scope of improving disclosure relating to corporate governance.

ESG Rating

Bloomberg Scores ESG SCORE »					
		Score		2Y Change	Vs Peers
Environmental		2.53		+0.28	Lagging
Social		3.95		+0.81	Below Median
Governance*		3.95		-0.10	Lagging

Source: Bloomberg

Critical comment:

According to Bloomberg ESG scores, the company is severely lagging in environment and governance aspect such as GHG emission management, water management and board diversity as the report does not clearly mention the roadmap and adequate data regarding composition of board is missing. Also, company performs poorly in terms of the operational risk management as there are considerable number of operational accident incidents reported. Overall, the company performs poorly in terms of adherence and compliance with ESG norms in general and in terms of environment, vis-à-vis global standards.

BP (British Petroleum Company) - UK

In 2020, BP has set an ambition of net zero across BP's operations on an absolute basis by 2050 or sooner.

BP has identified 21 key issues which are material to the company and its stakeholders, and they are mapped into the sustainability framework that they have mentioned in their sustainability report.

Environment

- British Petroleum is planning to quadruple renewable development pipeline to over 23 GW including 5.2 GW in offshore wind to reduce operational emissions by 35% compared to 2019 baseline to ensure their transition to a clean energy portfolio.
- Company continues to invest significantly in wind, solar, and hydrogen and is one of the largest contributors to renewable organizations globally. In 2020, they have divested emission intense operations, that reduced the company's overall emissions by 5.4 Mte, indicating an initial step towards their stated goal of reducing emissions by 41 Mte by 2050.
- Company's planning is based on resilient hydrocarbons, convenience and mobility, and low carbon energy. For resilient hydrocarbons, transition engine would be bioenergy, for convenience and mobility, transition engine would be EV charging and for low carbon energy, transition engine would be renewables.
- Company is increasing low carbon investment to \$3-4 billion per year by 2025 and aims to increase it to \$5 billion per year by 2030 to ensure clean energy transition.
- BP and Equinor has jointly developed 4.4 GW of offshore wind power projects and the company is targeting up to 25GW of solar projects by 2025.
- HyGreen Teesside (bp's world-scale hydrogen project in Teesside) can deliver up to 500 MW of low carbon electrolytic enabled hydrogen production by 2030 and the production will be starting by 2025.
- Company aims to accelerate EV charging stations network from around 13,100 charging points today to more than 100,000 by 2030.

- Company has taken various efforts to increase transparency of reporting like publishing SACB index, resuming submission to the CDP and also expanded TCFD disclosures, as UK is the first country in the world to make TCFD disclosures mandatory for all corporations in the UK.

Annual investment of company in low carbon processes:

Year	Investment
2020	\$750 Million
2021	\$2.2 Billion
2025	\$3-4 Billion
2030	\$5 Billion

Source: Sustainability Report

Company has announced net zero transition with following targets:

Aim	2021 Performance	2025 Target	2050 Aim
Net zero operations	35%	20%	Net zero
Net zero production	16%	20%	Net zero
Net zero sales	0%	5%	Net zero
Reducing methane	0.07%	0.20%	50% reduction

Source: Annual Report

SOCIAL

- Safety** – Company's safety initiatives are underpinned by its operational management system, which sets out how the company aims to deliver safe, reliable, compliant and sustainable operations. Company has made progress in preventing and reducing spills over the past 10 years. In 2010 BP's Deepwater Horizon oil rig explosion resulted in loss of 11 workers and immeasurable impact on the marine ecosystem, apart from huge economic losses to all stakeholders. However, the company has taken great caution after that incident in terms of its overall safety measures for all its installations.
- Human Rights** – Company has updated their Policy in 2020 in consultation with external organisations and the policy is in alignment with UN Guiding Principles on Business and Human Rights.

GOVERNANCE

- Board Diversity** – Company had total 10 board members, out of which 4 are female members which shows reasonable degree of gender diversity. Also, there is diversity in board nationality as board members include members from the UK, the US and other nations as well, which ensures a fair governance structure.
- Company in 2021 has completed anti-bribery and corruption training of 12,700 employees as part of 2021 ethics and compliance risk-based learning programme, which shows company's commitment towards ethics and transparency.

ESG Rating

Bloomberg Scores ESG SCORE »				
	Score	2Y Change	Vs Peers	
Environmental	3.84	+0.77	Above Median	
Social	4.07	-0.37	Below Median	
Governance*	7.84	+0.75	Leading	

Source: Bloomberg

Critical comment:

According to Bloomberg ESG scores, the company scores above median in the environmental aspect because of efficient GHG emission management and water management. Given its good track record in board diversity especially independence of the board, it has a leading score in governance. As the Company's sustainability report do not clearly mention about labour relations and employment practices, its score in social aspect is below median. Also, the company is trying to improve its efforts in the environment aspect, however, it faces the transition risk to its portfolio and performance in doing so. Overall, the company is performing above average in terms of adherence and compliance with ESG norms, vis-à-vis global standards.

Suncor has set an objective to be a net-zero emissions company by 2050.

Company's stakeholders consider that the following priorities are critically important for its business to be successful – 1. Climate change and energy transition, 2. Personal and process safety, 3. Indigenous relations, 4. Ethics, 5. Water stewardship, 6. Tailings management, 7. Innovation.

Environment

- Suncor has taken an initiative of replacing the oil sands base plant coke-boiler in one of its key facilities, which is expected to deliver 800 MW of low-carbon electricity and will result in reduction of millions of tonnes of GHG emissions annually.
- Since 2006, Suncor has been making a significant impact in Canada's emerging biofuels industry with the St. Clair Ethanol Plant, which is reducing company's climate exposure sizably.
- Suncor and four other oil sand producers in Canada launched the **Oil Sand Pathways to Net Zero Alliance** representing 90% of all oil sand productions to achieve net zero GHG emissions by 2050.
- Company is considered as a low-emission energy producer because of four highly efficient natural-gas-powered cogeneration operations and four wind power assets.
- In addition to the company's current partnerships in wind power, in 2019, company sanctioned phase one (200 MW) of the Forty Mile wind power project in Alberta.
- Company has already aligned with GRI, SASB and TCFD reporting standards which shows their intent to compliant and transparent reporting.
- Sustainability report has mentioned that in 2020 there were fewer environmental non-compliances related to oil spills than in the previous four years.
- To support successful reclamation and closure landscapes, approximately 92% of the water used by mining and extraction operations (Base Plant and Fort Hills) in 2020 was recycled water, which shows the presence of efficient water management policy.
- Suncor has 75 wind turbines in Alberta, Ontario and Saskatchewan with a combined generation capacity of 111 MW. Another 45 turbines, capable of 200 MW power generation are under construction in south-eastern Alberta. Suncor also has investments in a Quebec biofuels plant under construction at Varennes. In addition, company has invested in the LanzaJet green aviation gas project. All these green-energy projects show the level of preparedness of the company with respect to the energy transition.

SOCIAL

- **Safety** – Environment, Health and Safety (EH&S) and Enterprise Technical teams provide standards, processes and systems to help ensure EH&S compliance and stewardship at all sites across Suncor. Despite the processes and systems company had three contractor fatalities at its sites, two at the end of 2020, and one at the start of 2021 which shows inefficient operational risk management.
- In 2020, Company has updated the Life Saving Rules across the board as a foundational control to help further protect employees and contractors from harm.
- Through the SPS initiative, Suncor has implemented a digital solution to enhance safety and productivity, using wireless technology. The solution provides near real-time detection of gas leakage and sends emergency assistance alerts to a monitoring system to ensure faster response time in emergency situations. This will reduce the number of accidents and improve occupational health and safety standards.
- Temporary workforce - In Suncor it is seen that in year 2020 company had 444 casual/temporary workers, highest till now, which shows poor workforce management practices.
- **Diversity and inclusion** – Total 1,482 employees completed Unconscious Bias Training in 2020 which will improve the workplace inclusion. Also 24% of all employees and 35% management employees are female which shows better workplace gender diversity.

GOVERNANCE

- **Board Diversity** – Company has specifically mentioned the structure of the board which includes 36% of female board members and also there is indigenous representation on board since 2000. There is also presence of 100% independent chair and committees which shows transparent board structure.

ESG Rating

Bloomberg Scores ESG SCORE »				
		Score	2Y Change	Vs Peers
Environmental		5.96	+0.44	Leading
Social		2.87	-0.33	Lagging
Governance*		7.54	-0.07	Leading

Source: Bloomberg

Critical comment:

According to the Bloomberg ESG scores and analysis of sustainability report company is performing better in terms of environment and governance aspects as they have clearly laid down plans regarding GHG emission management. The company is on right track for achieving net-zero goal, as specific periodic targets are being achieved. Also, the gender diversity and independence of the board makes the company better on governance aspect. But the company is performing poorly in terms of labour policies and operational risk management which is also reflected in the Bloomberg social ESG score.

Total Energies SE - France

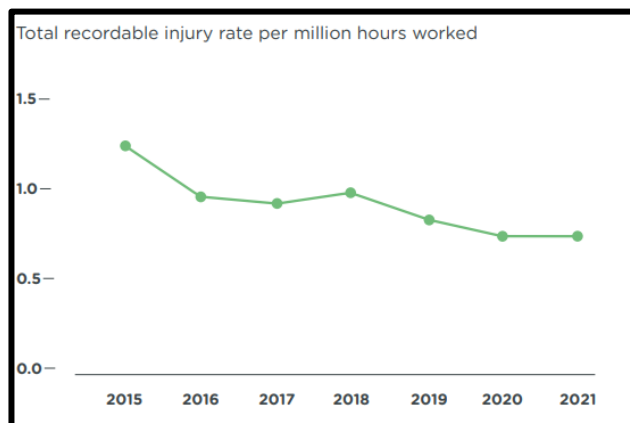
Company aims to become a major player in the energy transition landscape and is aims towards getting to net zero by 2050.

Environment

- In the past four years, the company's gross installed capacity for renewable power generation grew from 0.7 GW in 2017 to more than 10 GW in 2021. Company is on the right track to meet their 2030 objectives for renewable electricity of 35 GW in 2025 and 100 GW in 2030.
- Company has a target that around half of the total energy to be generated by Total Energies would be from renewable electricity with corresponding storage capacity, of around 500 TWh/year and this would require developing around 400 GW of renewable capacity by the year 2050.
- The energy mix of the company's sales will shift significantly as well, and could stand at 50% gas, 30% petroleum products, 15% majority-renewable electricity and 5% biomass and hydrogen by 2030.
- Company has invested more than \$10 billion, primarily in photovoltaic electricity and offshore wind, at an average of \$2 billion per year. In 2021, Total Energies increased its investments in electricity and renewables to more than \$3 billion, or 25% of its net investments. It intends to invest more than \$60 billion in renewable power generation capacity by 2030.
- Company is reducing the share of petroleum products in its sales mix, from 65% in 2015 to 44% in 2021 and a targeted to be 30% in 2030. The main objective of the company is to restrict the volumes of its petroleum product sales shall at a maximum of up to its crude oil production volumes.
- Company is investing in advanced biofuels projects based on animal fat or used oils, thereby limiting the competition for and impact on arable land. These advanced biofuels will add to the range of first-generation biofuels.
- Backed by an average annual budget of \$100 million between 2020 and 2030, company aims to build up a stock of 100 million credits and develop the annual capacity to produce at least 5 million credits a year as from 2030. The company does not intend to trade these carbon credits but rather to gradually use its stock and annual production to neutralize its residual Scope 1+2 emissions as from 2030. As of end-2021, company has little under 7 million certified credits.
- According to assessments by reputed independent third parties, the company's target of a 40% reduction by 2030 in net Scope 1+2 emissions compared to 2015 is in line with the commitments made by countries with a net zero pledge, including the European Union with its "Fit for 55" package.

SOCIAL

- **Safety –**



The Company has set a goal of zero fatal accidents and is aiming for ongoing reductions in the total recordable injury rate per million hours worked. The TRIR has been falling steadily since 2015 and fell to 0.73 in 2021.

Source: Sustainability Report

- **Diversity –** The company has laid down specific objectives regarding workforce diversity and internalization of non-French workforce in the company to be achieved by 2025 which is a rare disclosure to be observed in the sustainability reports of comparable companies.

	2018	2021	Objective - 2025
Women in Workforce	22%	27%	30%
Internalisation (% Non-French)	32%	37%	45%

Source: Annual Report

GOVERNANCE

- **Board Diversity –** Total board size of the company is 14, out of which 6 are women directors. Board has members of five different nationalities represented among 14 Directors, also 9 members out of 14 have specific competencies on climate/ sustainable development issues. This shows excellent board heterogeneity as far as gender and nationalities are concerned, it also denotes that company has conviction concerning openness and diversity of board.
- The report mentions the presence of specialized committees for addressing the strategic priorities like audit committee which meets up to 7 times in any particular year. This shows the transparency that the company maintains with respect to its stakeholders.
- Company has published Sustainability & Climate 2022 progress report, which follows the TCFD disclosure recommendations which shows the company's adherence to the ESG disclosure norms.

ESG Rating

Bloomberg Scores ESG SCORE »				
	Score	2Y Change	Vs Peers	
Environmental	5.20	+0.64	Leading	
Social	5.55	+0.14	Leading	
Governance*	6.45	+0.77	Above Median	

Source: Bloomberg

Critical comment

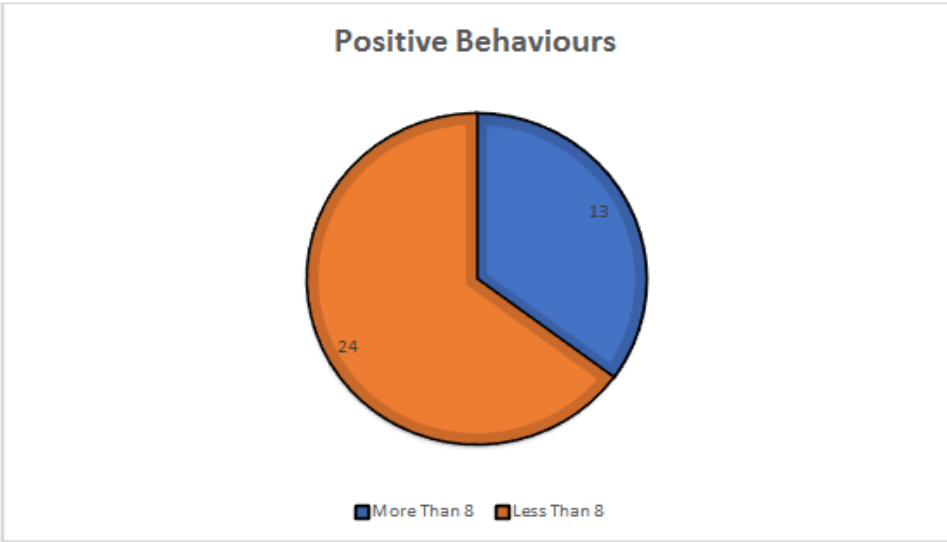
According to the Bloomberg ESG scores and analysis of its sustainability report, the company is one of the best performers as compared to all others in the energy sector in terms of all three aspects – environment, social and governance disclosure and commitments, as the company has clearly laid down plans regarding GHG emission management and climate exposure. Company mentions its net zero scenario vision for 2050 and is on the right track of achieving its net-zero goal. Also, the board diversity and independence and presence of specialised committees reflects that the company is also better placed in its corporate governance practices. Overall, the company is very well placed in terms of ESG disclosures and preparedness for energy transition.

Data Analysis

Behaviours Leading to Net Zero Emissions

Following are the 15 behaviours that are if followed then can be said that the company is on the right track not achieving net zero emission target.

1. **Validated by Science Based Target Initiative (SBTi)** – Satisfied if the company’s pledges have been validated by SBTi
2. **Reaches net zero emission by 2030** - Satisfied if the company’s pledges to net zero across all scopes of emissions by 2030
3. **Reaches net zero** -
4. **Covers all Scopes** – Satisfied if Scope1, Scope 2, and Scope 3 all have associated pledges
5. **Covers Absolute emissions** – Satisfied if at least one reduction pledge is made on absolute emissions
6. **Has interim targets** - Satisfied if more than 1 reduction pledge is made on absolute emissions
7. **Adopts Task Force on Climate-Related Financial Disclosures (TCFD)**
8. **Claims Science Based Goals** - Goals are based in scientific methodology
9. **Claims will reach net zero** - Satisfied if the company has made a statement that they will at some point emit zero emissions in net
10. **Has Climate Change policy** - Satisfied if the company has specific Climate policy
11. **Has Renewable Energy Target** - Satisfied if the company has stated their intent to transition using renewable energy
12. **Reports Scope 3 Categories**
13. **Report Scope 3**
14. **Reports Scope 1+2**
15. **ESG Data Verification** - Satisfied if the company’s environmental policies and data were subject to an independent assessment for the reporting period



Source: Annexure

Out of 37 only 12 energy companies show more than 8 positive behaviours which shows that these top energy companies are lagging in their policies with respect to climate change mitigation and adaptation to reach net zero emission.

Model: Pooled OLS, using 102 observations

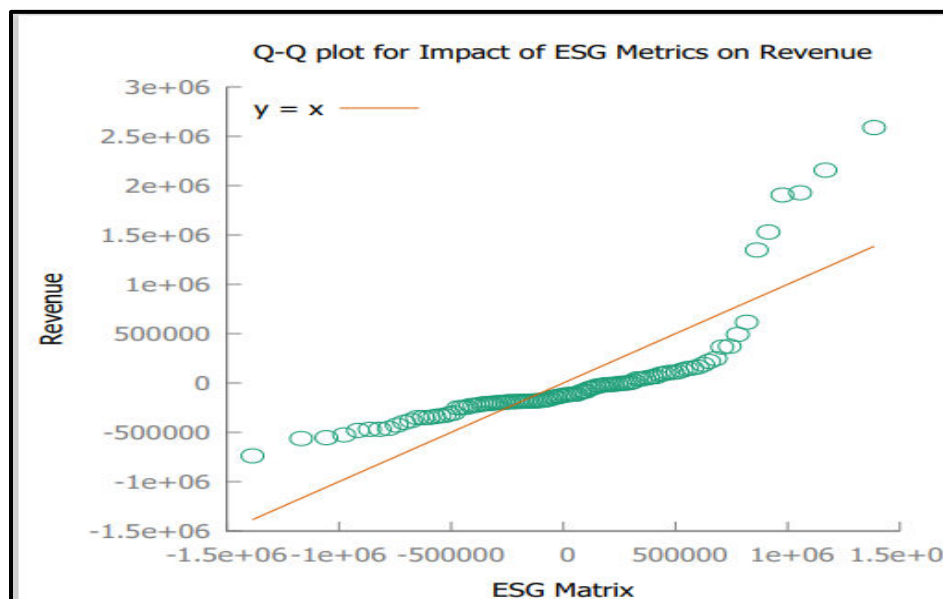
Included 2 cross-sectional units

Time-series length = 51

Dependent variable: Revenue

	<i>Coefficient</i>	<i>Std. Error</i>	<i>t-ratio</i>	<i>p-value</i>	
const	190995	287291	0.6648	0.5078	
ESG Disclosure Score	4.82358e+07	2.54542e+07	1.895	0.0611	
Environmental Disclosure Score	-1.60648e+07	8.47756e+06	-1.895	0.0611	
Social Disclosure Score	-1.60634e+07	8.46957e+06	-1.897	0.0609	
Governance Disclosure Score	-1.61146e+07	8.50642e+06	-1.894	0.0612	
UNGC Compliance Score	3212.63	3484.89	0.9219	0.3589	
Greenhouse Gas Intensity per Sales	-200.848	95.3199	-2.107	0.0377	

Mean dependent var	181841.6	S.D. dependent var	581563.1
Sum squared resid	2.92e+13	S.E. of regression	554303.5
R-squared	0.145516	Adjusted R-squared	0.091549
F(6, 95)	2.696369	P-value(F)	0.018415
Log-likelihood	-1490.104	Akaike criterion	2994.207
Schwarz criterion	3012.582	Hannan-Quinn	3001.648
rho	0.709117	Durbin-Watson	0.531643



Source: Glitr Software

In the given model, the data on 3-year average of Revenue (the Dependent variable) has been considered to check for Regression with ESG scores (the independent variable), having log of Total assets and log of market cap as control variables, based on three financial years.

5. CONCLUSION

Environmental, Social and Governance practices are increasingly being embraced by organizations worldwide. This study aims to investigate the relationship between ESG and financial performance for the Energy sector in world. The study utilizes ESG (environmental, social and governance) score and Revenue for considering the firms' ESG practices undertaken by the companies. The Correlation analysis highlights the medium correlation between ESG and Revenue spending itself. But, the obligation for spending on ESG has become an obligation, entirely a cost burden for corporations as it helps industries and companies to strengthen their consumer base by building brand image as companies get more and more involve in ESG Activities and improve their financial performance. Regression analysis also gave mixed results as it showed that the model is not valid in case of Revenue and ESG. Such results might be because of limitations in this research project like small sample size and time period. There was also not much variance in the ESG scores of different companies. As an implication

of this research, it can be said that ESG practices do not impacts the financial performance of companies, may be not in the short term, but definitely in the long-term, therefore the managers must incorporate CSR and ESG strategies so as to gain the competitive advantage and gain financially. The government should also frame policies regarding ESG disclosures so as to maintain consistency among organizations. The investors should also invest their funds to such organizations that are running good on ESG practices as that positively affects the return on equity and firm's profitability. Furthermore, the transparency of ESG reporting may be a critical variable because if stakeholders are not aware of the programs a company is engaged in, their attitudes and decisions towards a corporation cannot be influenced. Once more reliable data becomes available, controlling for transparency while assessing the ESG-Financial Performance link might strengthen the study's results.

6. LIMITATIONS AND FUTURE

Work this study, like any other, is subject to certain limitations. One such limitation is that the study is focused on a single industry (the Energy sector) which means the results are biased and only applicable to that sector. The second limitation was the small sample size of the study, arising from the limited availability of data on ESG scores issued by CRISIL Ltd. Thus, the extent to which the results of this study can be generalized is questionable. In this regard, future studies covering many other sectors or, better still, having wider geographical coverage, may provide more comprehensive evidence. Such studies could also include interviews so as to narrate in-depth qualitative research. Also, a comparative study of the impact of ESG practices and financial performance can be done for various industries such as the FMCG, banking, food and manufacturing and production sectors in order to provide more insights on the differences amongst them. Moreover, the stakeholders of different industries desire different things, and it would be useful for management to learn how they can structure their programs to complement the interests of their unique stakeholders the best. The analysis over the long-term provides mixed results for ESG and Financial Performance within the different industries. Within a particular industry, it is possible to find significant positive, negative and neutral differences in Financial Performance. Thus, the relationship between ESG and Financial Performance may be sensitive to the type of Financial Performance measure used relevant in the industry. Also, further studies can take up both accounting and market-based measures over the longer time period so as to assess what measures are impacted more than the other ones. Lastly, we assert that ESG negatively impacts financial performance in the short-run because but not in long run it helps increase the value of intangible assets like reputation and brand value. Thus, once more reliable data to measure such intangible assets becomes available, it may be beneficial to assess how ESG based investments increase the value of the assets and ultimately financial performance.

REFERENCES

1. Jones, M. J. (2005). The impact of sustainability reporting on market returns: Evidence from Australia. *Journal of Sustainability*, 8(2), 123-135.
2. Van de Velde, E., et al. (2005). Corporate social responsibility and financial performance in Europe: A portfolio approach. *European Journal of Finance*, 15(4), 367-382.
3. Moneva, J. M., & Ortas, E. (2008). The relationship between corporate environmental performance and shareholder value: Evidence from Spain. *Journal of Environmental Management*, 92(3), 542-552.
4. Buys, P., et al. (2011). The association between sustainability reporting and firm financial performance in South Africa. *South African Journal of Business Management*, 42(2), 67-79.
5. Dhaliwal, D. S., et al. (2011). Does corporate social responsibility affect the cost of capital? *Journal of Accounting and Economics*, 52(1), 153-169.
6. Ameer, R., & Othman, R. (2012). Sustainability practices and corporate financial performance: A study based on the top global corporations. *Journal of Business Ethics*, 108(2), 149-166.
7. Bayoud, M., et al. (2012). The impact of corporate social responsibility on financial performance: Evidence from Libya. *International Journal of Business and Management*, 7(10), 136-145.
8. Eccles, R. G., et al. (2012). Integrated reporting and the financial performance of firms. *Journal of Applied Corporate Finance*, 24(2), 65-71.
9. N. Burhan, & Rahmanti. (2012). The relationship between sustainability reporting and financial performance: Evidence from Indonesia. *Indonesian Journal of Business Administration*, 1(1), 28-37.
10. Venanzi, D. (2012). Corporate social responsibility and financial performance: A meta-analytic review. *Journal of Business Research*, 65(5), 598-605.

Company Name	Positive Behaviour	Negative Behaviour
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Frontera Energy Corp	10	6
Bp Plc	9	7
Galp Energia Sgps Sa	10	6
Canacol Energy Limited	7	9
Genel Energy Plc	4	12
China petroleum & chemical-Hesg	4	12
Harbour Energy Plc	4	12
Cosan Sa	5	11
Hess Corp	8	8
Energean Plc	6	10
Hibiscus petroleum bhd	4	12
Eni Spa	11	5
Ina Industrija Nafte Dd	6	10
Equinor Asa	12	4
International Petroleum Corp	5	11
Neste Oyj	10	6
Itm Power Plc	3	13
Omv Ag	9	7
Jinkosolar Holding Co Adr	3	13
Omv Petrom Sa	6	10
Kosmos Energy Ltd	8	8
Parex Resources Inc	8	8
Motor Oil Hells Sa	7	9
Petrobras-petroleo bras-Pr	7	9
Pgs Asa	4	12
Petrochina Co Ltd-H	3	13
Pioneer Natural Resources Co	4	12
Petrofac ltd	8	8
Repsol SA	4	12
Subsea 7 Sa	5	11
Saipem Spa	4	12
Suncor Energy Inc	6	10
Shell Plc	10	6
Tidewater inc	5	11
Solarworld Ag	4	12
Total Energies Se	10	6

LEGAL REGIME & JURISDICTION ON INTERNET ISSUES

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ABSTRACT

The article is an attempt to consolidate the Indian and International legal regime regarding moral right exercise and Jurisdictional issues over internet.

The article seeks to bring out the existing legal regime as well as is suggestive in its approach as regard the jurisdictional issues over internet. The project shows Cyberspace as a "borderless" world which refuses to accord to the geopolitical boundaries. Therefore, there is a need to have a different solution to this different problem. The solution lies neither in adopting a "hands-off" approach nor in simply extending mutatis mutandis the existing conflicts rules. Looking at the dismal history of private international law, the present project proposes a treaty based international harmonization model as the most ideal one where rules are certain and predictable and at the same time flexible in order to ensure that the potential benefits of this technology are meaningfully consumed by the human civilization.

Keywords - sovereign, internet, Constitution, jurisdiction etc.

INTRODUCTION

When the time-honored conflict of laws rules relating to jurisdiction of courts was being evolved, it was perhaps too embryonic a stage in the development of science to contemplate a technological advancement which would deny and defy all notions of political and geographical boundaries. What science could not contemplate, law (perhaps rightly) did not provide for. This is the most discernible argument against the adequacy and appropriateness of extending mutatis mutandis the existing conflicts rules to govern cyberspace. The (traditional) conflict rules were evolved to address a category of disputes which involved legally relevant foreign elements. Here, "foreign" refers to territorially foreign, determined by and according to the geopolitical boundaries.

The problem of jurisdiction arises because it is only in the real world that there exist mechanisms to confer rights, immunities, privileges, etc. with no corresponding equivalent in the cyber world. In other words, rights are rights only vis-à-vis the real world. On account of the differences in the normative standards of conduct among the different political units in the real world, the question of jurisdiction becomes particularly important, for what may be legal in one legal system may be prohibited by another, and the same may be circumstantially justifiable in yet another.¹

Besides doing a general survey of the doctrine of international jurisdiction and making a comparative study of how the question of curial jurisdiction has been answered in different legal systems, particularly the American, the English, the Continental and the Indian, this briefing seeks to critically assess the feasibility of the different proposed "solutions". It highlights the merits of treaty based international harmonization as a solution to the issue of cyberspace jurisdiction, which the author prefers over others. Finally, the briefing concludes by proposing some connections which may form reasonable and acceptable bases of jurisdiction for drawing up an international convention in order to make the Internet a more rule based regime ensuring clarity, predictability and certainty.

DOCTRINE OF INTERNATIONAL JURISDICTION

Based whether on any rule of international law or any notion of international comity,² each state must accord respect to the sovereignty of every other and must not interfere with aspects by which sovereignty is manifested by other states. Territoriality to that extent is an inevitable consequence of sovereign equality of states and

¹ The degree to which the exercise of the freedom of speech and expression is permitted in different legal systems is a glaring example of the aforementioned difference. For example, much of the freedom guaranteed to individuals in the United States through the Constitution's First Amendment is not available in many other states, particularly the Islamic and the Communist world.

² "Comity, in the legal sense, is neither a matter of absolute obligation, on the one hand, nor of mere courtesy and goodwill, upon the other. But, it is the recognition which one state allows within its territory to the legislative, executive or judicial acts of another nation, having regard to international duty and convenience and to the rights of its own citizens or of other persons who are under the protection of its laws": *Hilton v Guyot* 159 U.S. 113 (1895), also cited by the American Law Institute, *Restatement of the Law: Third, Foreign Relation Law of the United States* (1987) Ch.1, s.101(e)

peaceful coexistence. Jurisdiction principles, both personal and prescriptive, were originally derived from an assumption about the absoluteness of boundaries and sovereign power within them¹ and were grounded in political practicality. Considering the territorial nature of sovereignty today, as a universal rule, “jurisdiction extends (and is limited) to everybody and everything within the sovereign’s territory and to his nationals wherever they may be”. In other words, “laws extend so far as, but no further than the sovereignty of the State which puts them into force”.²

By jurisdiction is meant the rights of a state to prescribe, give effect to, and adjudicate upon violations of, normative standards for regulation of human conduct. It defines the legitimate scope of governmental powers.³ The term “jurisdiction” covers within its ambit the authority of a sovereign to act in legislative, executive and judicial character. In the legislative character, a state has the power, exercisable as a constitutional discretion, to prescribe rules for regulating the conduct of persons. By enforcement jurisdiction is meant the power of a sovereign to effect implementation of its laws. The extent and limit of each of the three types of jurisdiction may ultimately be traced to the ability of a state, whether by use of coercive force or through bilateral or multilateral negotiations and treaties, to give effect to the same.

The presumption regarding the absoluteness of control of the sovereign over all persons and things present within its territorial dominion was very strong particularly at a time when the concept of “nation state” was evolving. However, later developments in science and technology, growth of international trade and a resultant increase in cross-border movement of persons and commission of acts made inevitable the relaxation, to some extent, of this presumption. Accordingly, the sovereigns accorded mutual recognition, under certain circumstances, to “multiple sovereign authorities” over persons and conduct, otherwise located within the territory of one state.

In this regard, the need for the exercise of “multiple sovereign authority”, based on principles of reasonableness and fairness, has been aptly summarised by Professor von Mehren⁴ in the following words:

“As economies and societies become more complex and interrelated, institutions, principles, procedures and rules are needed to facilitate co-ordination and co-operation for common purposes. The legal order today seeks not only to prevent one person from interfering with another’s private sphere, but also assists and regulates private ordering of the individuals. Identifying the adjudicators from whom relief may be sought—as well as establishing the premises for their work—can be relatively complex when one society is in picture; complexities and difficulties multiply as controversies implicate more than one group or society, especially where the groups or societies differ in their values and institutions.”

1. Legislative jurisdiction

The argument that the legislative jurisdiction of a state is, in principle, unlimited is not wholly correct, for no legislature may be deemed to have intended to prescribe a conduct for the enforcement of which it has no means or basis and whose recognition beyond its own political frontiers is itself doubtful.

Any such legislation, laying down standards of conduct, would interfere, to a great extent, with the corresponding power of the other sovereign(s). Thus the prescriptive jurisdiction of a state is generally confined to persons and/or acts within its territorial dominion.⁵ The jurisdiction is limited to acts and persons properly subject to its sovereignty, notwithstanding that the mandate may be contained in more comprehensive phraseology.⁶ No state may be permitted to assert an unrestricted liberty to act in the field of private international law.

¹ Rodney D. Ryder, *Guide to Cyber Laws (Informational Technology Act, 2000, E-Commerce, Data Protection and the Internet)*, 1st edn (Nagpur: Wadhwa & Co Law Publishing Co, 2001), p.207.

² F.A. Mann, “The Doctrine of International Jurisdiction Revisited After Twenty Years” (1984) 169 *Recueil des Cours de l’Acad’emie de Droit International* 9.

³ Henry H. Perritt Jr, “Jurisdiction and the Internet: Basic Anglo/American Perspectives Projects in the Coming 2000’s”, available at www.kentlaw.edu.

⁴ Arthur T. von Mehren, “Recognition and Enforcement of Foreign Judgments: General Theory and the Role of Jurisdictional Requirements” (1980-II) 167 *Recueil des Cours* 9.

⁵ *Queen v Jameson* [1896] 2 Q.B. 425.

⁶ See for example, the expression “[n]o person” under Art.21 or “[e]very person” under Art.22(2) of the Constitution of India; cf. “[a]ll citizens” under Art.19(1). See also the use of the words “all agreements” under s.10 of Indian Contract Act 1872, and s.1 (2) of [Indian] Information Technology Act 2000.

2. Enforcement jurisdiction

Enforcement jurisdiction concerns not the law prescribed by a state to regulate acts outside its own territory, but the lawfulness of the state's own act to give effect to such regulation.¹ It is concerned with a state's power to act in the sense of exercising sovereign authority, i.e. ascertaining the extent to which a state can act in another to give effect to its own laws. Undoubtedly, the enforcement jurisdiction is not unlimited since a state is "in principle under no duty to tolerate the performance or execution of acts of sovereignty of another state".² By its very nature, it is exercisable only upon the existence of, though not necessarily coextensive with, the legislative jurisdiction. However, the mere existence of the former does not give, in all cases, sufficient basis to conclude also the existence of the latter.

3. Adjudicative jurisdiction

"Adjudicative jurisdiction"³ concerns the power of a sovereign, acting through its judicial organ, to hear disputes and to render judgments binding upon the parties thereto. It is the power of a court to determine the rights and obligations of the parties to a dispute and to exercise any judicial power in relation to it. Adjudicative jurisdiction defines the extent of the authority of a court to administer justice prescribed with reference to the subject-matter, pecuniary value and local limits,⁴ i.e. to take cognizance of the matters presented in a formal way for its decision.⁵ Thus a court must satisfy itself of the simultaneous existence of the pecuniary, subject matter as well as territorial bases for it to lawfully exercise its jurisdiction.

A court will proceed to assume jurisdiction if only it reasonably expects the terms of the decision to be carried into effect. Beyond its political borders, where a state is usually possessed of no coercive force and where the likelihood of enforcement is contingent on the will of another state, there is little reason for the court to assume curial jurisdiction. Therefore, like enforcement jurisdiction, adjudicative jurisdiction is also essentially territorial.⁶

However, factors like the growing complexities of the modern society, freer movement of men and goods and the advent of the virtual world have forced courts to assume jurisdiction even in cases where all the elements are not domestic. In such a case, i.e. where the *lis* involves a foreign element, curial jurisdiction refers to the ability of a judicial tribunal to compel appearance of the defendant and adjudicate upon the rights litigated with the object to enforce compliance with the terms of the decision.

Even though curial jurisdiction is merely an emanation of the international jurisdiction to legislate,⁷ unlike the latter, the former has remained largely immune from the doctrine of "closeness of contact", and has continued with a near strict adherence to the maxim *actor sequitur forum rei*,⁸ based on the rationale of ease, and in some cases the only possibility, of enforcement. Thus, in the international context, jurisdiction primarily depends upon the territorial nexus of the defendant or the cause of action. In other words, a court must, before it can legitimately exercise curial jurisdiction, find at least one domestic element in the dispute, which it has been called to adjudicate upon.⁹

¹ Henry H. Peritt Jr, "Jurisdiction and the Internet: Basic Anglo/American Perspectives Projects in the Coming 2000's", available at www.kentlaw.edu.

² Decision of the Federal Constitutional Court of Germany, March 22, 1983.

³ This type of jurisdiction is also referred to as "Personal Jurisdiction", "Curial Jurisdiction" and "Jurisdiction *in personam*".

⁴ *Raja Soap Factory v S. P. Shantharaj* AIR 1965 SC 1449.

⁵ *Official Trustee v Sachindra* AIR 1969 SC 823, 827, citing *Halsbury's Laws of England*, 4th edn, Vol.10, para.17.

⁶ *The Siskina* [1979] A.C. 210 at 254, per Lord Diplock.

⁷ That is, legislative jurisdiction includes personal jurisdiction.

⁸ "The plaintiff must submit to the defendant's court."

⁹ See also von Mehren, above fn.9: "The importance of the theory ultimately rests on a trait of human nature, one especially strong in contemporary Western societies namely, 'an extraordinary, seemingly innate preference for action that is consistent and at a more sophisticated state', can be *seen and expressed* with what has gone before."

The Position in India

I. Personal jurisdiction

The principle of *lex fori* is applicable with full force in all matters of procedure. No rule of procedure of foreign law is recognised. It was held in *Ramanathan Chettier v Soma Sunderam Chettier*¹ that India accepts the well-established principle of private international law that the law of the forum in which the legal proceedings are instituted governs all matters of procedure. In India, the law of personal jurisdiction is governed by the Code of Civil Procedure 1908 (the Code). The Code does not lay any separate set of rules for jurisdiction in case of international private disputes.² It incorporates specific provisions for meeting the requirements of serving the procedure beyond territorial limits.³

In matter of jurisdiction what is treated differently is the question of subject-matter competence and not of territorial competence, i.e. the question of territorial jurisdiction arises in the same way in an international private dispute as in a domestic dispute.

The Code provides general provisions regarding jurisdiction on the basis of pecuniary limit, subject matter and territory. Sections 16 to 20 of the Code regulate the issue of territorial jurisdiction for institution of suits.

II. Rules as to the nature of suit

Based on the subject-matter suits are divided into three classes: (1) suits in respect of immovable property; (2) suits for torts to persons or movable property; and (3) suits of any other kind. Suits of immovable property must be filed within the local limits of whose jurisdiction the property situated.⁴ The Code therefore incorporates the principle of *lex situs* and therefore the property in this section may refer to only property “situated in India”. Suits for wrongs to persons and movable property may be instituted in the courts within whose local limits the wrong is done or the defendant resides or carries on business or personally works of gain.⁵ Suits of any other kind are dealt with under s.20 of the Code which is the “default rule” providing for all others cases not covered by any of the foregoing rules. Under s.20, a court can exercise jurisdiction in actions involving persons where:

- (a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for work; or
- (b) any of the defendants, where there are more than one, at the time of commencement of the suit actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case with the leave of the court has been obtained or the defendants who do not reside or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or
- (c) the cause of section wholly or partly arises

i. Rules enforcing “agreement of parties”

It is well-established law in India that where more than one court has jurisdiction in a certain matter, an agreement between the parties to confer jurisdiction only on one to the exclusion of the other(s) is valid.⁶

The Indian law therefore recognises and gives effect to the principle of party autonomy. However, this extent of autonomy does not travel far enough so as to confer jurisdiction on a court which it inherently lacks.⁷ Party autonomy is also subject to the maxim *ex dolo malo non oritur actio*.⁸ Thus the position of law on the point is that first, a choice of law agreement is permissible; and secondly, the agreement operates only in respect of a

¹ AIR 1964 Mad. 527; see also *Nallatamlei v Ponuswami* ILR [1879] 2 Mad. 406.

² See ss.9 and 15 of the Code of Civil Procedure 1908.

³ See Ord.V, rr.24 to 26.

⁴ The Code ss.16 and 17.

⁵ The Code s.19.

⁶ *Hakkam Singh v Gammon (India) Ltd* AIR 1971SC 740; *Globe Transport Corporation v Triveni Engineering Works* [1983] 4 S.C.C. 707; *RSDV Finance Co P Ltd v Shree Vallabh Glass Works Ltd* AIR 1993 SC 2094.

⁷ *United Commercial Bank v Workmen* [1951] S.C.R. 380; *Hira Lal v Kali Nath* [1961] 2 S.C.R. 747; *Nai Bahu v Lala Ramnarayan* [1978] 1 S.C.C. 58; *Chief Justice, AP v Dixitulu* [1979] 2 S.C.C. 34; *GM, ONGC, Sibsagam v M/s Raj. Engineering Corp* AIR 1987 Cal.165.

⁸ *ABC Laminart (P) Ltd v AP Agencies* AIR 1989 SC 1239. See also *Rewa Mahton v Ram Kishen* (1886) 13 I.A. 106 (PC).

court which does not otherwise inherently lack jurisdiction. In any such case, the courts also consider the balance of convenience and interests of justice while deciding for the forum.¹

Thus, in India, the principle is well settled that residence in the territorial limits of a court furnishes a ground for exercise of jurisdiction.² Similarly, conduct of business by a defendant in a forum also gives to the forum court to exercise jurisdiction, irrespective of his non-presence within the jurisdiction.³

The Indian courts also assume adjudicative jurisdiction on the basis of the territorial nexus with the cause of action.⁴ In this regard, the consistent view of the courts in India is that the courts are empowered to pass judgments even against non-resident foreigners, if the cause of action arises in whole or part within the territorial limits of the court.⁵ The Code also provides for rules and procedure for international service of the processes of the court.⁶ However, since the courts in India do not assume jurisdiction, unlike in England, on the basis of service of writ, these provisions are of not much consequence to issues of jurisdiction.

ii. Personal jurisdiction in cyberspace

Unfortunately, only a very few cases concerning personal jurisdiction in cyberspace have been decided by the superior courts in India.⁷ The reason perhaps is that residents in India have not yet accepted or adapted themselves to this new technology as a fit mechanism to undertake legal obligations (coupled with an extremely slow justice delivery system). The approach adopted is similar to the “minimum contacts” approach of the United States coupled with the compliance of the proximity test of the Code.⁸ Considering the present rules of international jurisdiction and the tendency of the Indian courts to “suitably modify”, the existing domestic rules to international situations in other areas of private international law may be analysed. The reaction of the court would much depend on whether the contract contained a choice of court clause or not.

Case I: where the contract contains a choice of court clause. In such a case, the Indian courts would normally give effect to such a clause subject only to a survey of forum non conveniens particularly when the same would result in foreclosure of its own jurisdiction.

Case II : where the contract does not stipulate an agreed forum. In a case of this sort, the Indian courts would be inclined to apply the test of s.20 CPC since none of the other provisions seem to be of much assistance.

The court would make a twin inquiry: place of habitual residence of the defendant and proximity of the cause of action to the forum, where even an “in part” cause of action may furnish sufficient basis to exercise jurisdiction. Thus the Code provides for the tests of both objectivity and proximity to base its jurisdiction. While the legal system favours exercise of jurisdiction on the basis of proximity of cause of action, its exercise based on the residence of the defendant is also accepted for three reasons: (1) ease of enforcement; (2) compliance with audi alteram partem; and (3) the (draconian) law of contempt of courts in India (as in most other common law countries). For the purpose of determining whether the cause of action arose in the local limits of a court, the courts generally go into the question of place of conclusion of the contract.⁹ However, it seems that the place of conclusion of contract would not be of much assistance in case of an e-contract.¹⁰ There would be an

¹ *Union of India v Navigation Maritime Bulgare* AIR 1973 Cal. 526.

² *Kashinath v Anant* ILR (1899) 34 Bom. 407; *Fernandes v Ray* ILR (1897) 21 Bom. 373; see also *Srinivas v V.V. Ayyangar* ILR (1906) 29 Mad. 239; *M. Mudaliar v Andappa Pillai* AIR 1955 Mad. 96.

³ *Chunnilal Kastuschand v Dundappa Donappa* AIR 1951 Bom. 190; *Frontier Bank Ltd v Shrimati Prakashwati Bahl* ILR (1950) Punj. 635.

⁴ *Ram Bhat v Shankar Baswant* ILR (1902) 25 Bom. 528; *V.E. Smith v Indian Textile Co.* AIR 1927 All. 413; *Gaekwar Baroda State Railway v Sheikh Habib Ullah* AIR 1934 All. 740; *Patel Kala Bechar v Patel Mohan Bhagwan* AIR 1953 Sau. 16.

⁵ R. Blainpain and B. Verschraegev (eds), *International Encyclopedia of Laws: Private International Law* (The Hague: Kluwer Law International, 2005), p.555.

⁶ See generally Ords III, V of the First Schedule to the Code.

⁷ Though there are a few cases on cyber crimes and domain name disputes. See for example, *BulBul Roy Mishra v City Public Prosecutor*, Criminal Original Petition No.2205 of 2006, decided April 4, 2006.

⁸ *Independent News Service Pvt Ltd v India Broadcast Live LLC* CS (OS) No.102/2007, decision dated July 10, 2007..

⁹ *Bhagwan Dass Govardhan Dass Kedia v Purshottam Dass & Co* AIR 1966 SC 543.

¹⁰ The anarchic rule conferring jurisdiction on the court where the contract was concluded has ceased to be operative in almost all legal systems today. India, unfortunately, continues with this outdated rule.

insoluble confusion between the rules governing completion of communication of offer, acceptance and revocation.¹ The rule in the Bhagwan Dass case² would neither apply nor lend much support in reaching a reasonable solution in contracts entered into through the internet.

Thus the Indian position as may also be inferred from the trend of the Indian courts may be summarised as follows: an Indian court would not decline jurisdiction merely on the ground that the international contract in entered through the internet. It examines the two bases of jurisdiction: domicile of the defendant and proximity to cause of action. Even if one is found to be satisfied, the Indian court it seems would assume jurisdiction. However, it would be for the plaintiff to prima facie also convince that the courts elsewhere do not have a better basis of jurisdiction since the Indian courts in such a case may also feel tempted to analyse the issue of jurisdiction from the stand point of the doctrine of forum non conveniens as also anti-suit injunctions and thus decline to exercise jurisdiction even where there existed legal basis to do so.

The Solution

There exist irreconcilable differences in what different scholars consider to be solution(s) to the problem of jurisdiction in cyberspace. The vast spectrum of diversity has at one end, a suggestion that there exists no reason to be “panicky” about cyberspace as the new world³ and that it merely requires a “straightforward application”⁴ of existing conflict rules; whereas the scholars at the other extreme suggest a need for a “fundamental re-examination”⁵ of the working of jurisdiction and creation of an entirely new set of rules.⁶ The difficulty in agreeing upon potential solution(s) arises and is deep-rooted in the very understanding of cyberspace, whether as a place, a means of communication, technological state of mind, etc.⁷ For the purpose of an analytical study of the topic, the different suggestions may be considered.

There are four basic competing models for the governance of the global net⁸: simple extension (with adjustments) of the existing rules of international jurisdiction⁹; a multilateral treaty based establishment of new and uniform jurisdiction rules¹⁰; establishment of a new international organization to propose a set of rules appropriate for cyberspace jurisdiction; and, an optimism of emergence of individual decentralized decisions by various actors and stakeholders.

None of these models is free from difficulty. Each has merits and demerits of its own. However, the model endorsing the conclusion of a multilateral treaty based establishment of new and uniform jurisdiction rules seems most appropriate for several reasons. One factor which favours such a model over all others is the story of evolution and development of private international law. We began from a stage when there was no “foreign element” in disputes before municipal courts. The gradual increase in international trade and movement of persons and goods necessitated private international law rules. Owing to limited means and resources, different legal systems answered the same set of foreign elements in their own unique way, which was in some instances

¹ See [Indian] Contract Act 1872 s.4.

² Jack L. Goldsmith, “About Cyberanarchy” (1998) 65 U. Chi. L.R. 1199.; the test laid down in this case is that in cases of means of instantaneous communication, the contract is said to be concluded at the place where the acceptance comes to the knowledge of the proposer.

³ Jack L. Goldsmith, “About Cyberanarchy” (1998) 65 U. Chi. L.R. 1199.

⁴ Henry H. Perritt Jr, “Jurisdiction and the Internet: Basic Anglo/American Perspectives Projects in the Coming 2000’s”, www.ilpf.org.

⁵ David R. Johnson and David G. Post, “Law and Borders—The Rise of Law in Cyberspace” (1996) 48 Stan. L.R. 1367.

⁶ David R. Johnson and David G. Post, “And How shall the net be governed? A meditation on the relative virtues of decentralized, Emergent Law”, www.cli.org.

⁷ Sanjay S. Mody, “National Cyberspace Regulation: Unbundling the concept of jurisdiction” (2001) 37 *Stanford Journal of International Law* 365.

⁹ Uta Kohl, “Legal Reasoning and Legal Change in the age of the Internet: Why the Ground Rules are still Valid” (1999) 7(2) *International Journal of Law and Information Technology* 123.

¹⁰ Moritz Keller, “Lessons from The Hague: Internet Jurisdiction in Contract and Tort Cases in the EC and the US” (2004) 23 *John Marshall Journal of Computer and Information Law* 1.

strikingly different from one another. This resulted in different set of conflicts rules in different countries. Upon realising that such diverse conflict rules actually hampered, rather than promoted, international trade and movement of persons and goods, the world wake up to a harmonisation drive.

Unfortunately, this drive has not so far been successful in most areas of conflicts. In context of cyberspace, we are at much the same stage as we were centuries back when international trade had just begun to open up. To allow sovereigns to develop their own rules of cyberspace jurisdiction without having made an endeavour to reach a treaty based solution would mean rewinding to centuries back and to ignore the wisdom and experience we gained during all these years. The mistakes that we committed by compulsion centuries ago should not be committed by choice now.

CONCLUSION

Cyberspace is a “borderless” world—a world of its own. It refuses to accord to the geopolitical boundaries the respect that private international law has always accorded to them and on which it is based. Therefore there is a need to have a different solution to this different problem. The solution lies neither in adopting a “hands-off” approach nor in simply extending mutatis mutandis the existing conflicts rules. Looking at the dismal history of private international law, the present author proposes a treaty based international harmonisation model as the most ideal one where rules are certain and predictable and at the same time flexible in order to ensure that the potential benefits of this technology are meaningfully consumed by the human civilization.

In a matter which is as unknown to a judge as a legislator, it is difficult to suggest whether a common law or a civil law approach should be the preferred one. To favour the view “to learn with experience and time” would mean allowing the common law courts enough time to decide a good number of cases and attract the application of their doctrine of stare decisis. This would jeopardise the harmonisation process at a later stage. To favour the other approach of laying down some inflexible rules (purporting to be comprehensive) comes with the risk of compromising justice.

No single model solution is sufficient in itself to adequately address the problem. Cyber jurisdiction can be addressed only by a proportionate contribution from all the models, complementing and supplementing each other. But, before adopting any one model or any combination of different models, it must be remembered that the internet is here to stay, and so is its potential to commit and facilitate unlawful acts, and the resultant litigation. Therefore it is necessary for each state to participate in every attempt to harmonise the rules of jurisdiction and to codify such rules into domestic legislations, even where no international harmonisation is reached. This will ensure that both sides of cyber litigation will be faced in a predictable forum with certain legal consequences the prior knowledge of which would enable them to act accordingly.

REFERENCES

- a) A handbook on Information technology: Cyber law and E-Commerce Syed Shakil Ahmed: Rajiv Raheja, Capital Law House.2010
- b) Computer Contracts & Information Technology Law: Joga Rao S: Wadhwa and Company, 2005.
- c) Cyber crime, Suri, R. K.; Chhabra, T. N, Published by Pentagon Press,2004
- d) Cyber law: text and cases by Ferrera, Gerald R, 2nd Edition, ISBN-13: 978-0324164886
- e) Cybercrime : law enforcement, security and surveillance in the information age, edited by Douglas Thomas, Brian D. Loader, Routledge; 1 edition (13 April 2000)
- f) Internet security : hacking, counterhacking and society, Kenneth Einar Himma, Jones & Bartlett Learning, 2007
- g) Network Security Essentials: Applications and Standards W. Stallings: Pearson Education.4th Edition, Pearson Education India,2011
- h) The law of copyright and the Internet : the 1996 WIPO treaties, their interpretation, and implementation, Mihaly Ficsor
- i) Trademarks & the emerging concepts of cyber property rights, Unni, V. K, Eastern Law House (1 January 2005)
- j) David R. Johnson and David G. Post, “and How shall the net be governed? A meditation on the relative virtues of decentralized, Emergent Law”

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- k) .Moritz Keller, “Lessons from The Hague: Internet Jurisdiction in Contract and Tort Cases in the EC and the US” Volume 23 Issue 1 Journal of Computer & Information Law – Fall,2004
 - l) Henry H. Perritt Jr, “Jurisdiction and the Internet: Basic Anglo/American Perspectives Projects in the Coming 2000’s”
 - m) ChristopherWilliamPappas, “Comparative US and EU Approaches to E-Commerce Regulation: Jurisdiction, Electronic Contracts, Electronic Signatures and Taxation”
 - n) Henry H. Perritt Jr, “Jurisdiction in Cyberspace’ 41 Vill. L. Rev. 1 (1996)’
 - o) David R. Johnson and David G. Post, “And How shall the net be governed? A meditation on the relative virtues of decentralized, Emergent Law”
 - p) Uta Kohl, “Legal Reasoning and Legal Change in the age of the Internet: Why the Ground Rules are still Valid”

**REIMAGINING WOMEN'S VOICES: CHARLOTTE PERKINS GILMAN'S NARRATIVE
INNOVATION IN 'THE YELLOW WALLPAPER' AND VICTORIAN LITERATURE**

Aditi Dey

ABSTRACT

The Victorian era's literary landscape is often dominated by renowned male authors, but this paper shifts the focus to the lesser-known women writers of the period. Charlotte Perkins Gilman, through her seminal work "The Yellow Wallpaper," sheds light on the marginalized status of women in Victorian society, reflecting her own experiences and concerns. This prominently aims to analyze Gilman's narrative techniques, exploring how she portrays the protagonist's inner thoughts, themes of psychology and mental illness, and Gothic influences prevalent in Victorian literature. Furthermore, it examines how patriarchal structures of the time influenced women's self-perception in literature and society.

Keywords: *Victorian era, women writers, Charlotte Perkins Gilman, The Yellow Wallpaper, marginalized women, narrative techniques, psychology, mental illness, Gothic influences, patriarchal structures, self-perception*

INTRODUCTION

The Victorian era, known for its rich literary contributions, has captivated scholars for generations. Authors like Oscar Wilde, the Brontë sisters, Charles Dickens, and Lord Byron have left an indelible mark on the period. However, our focus will shift to the often-overlooked women writers of this era, who navigated a male-dominated society to carve out their literary identities.

In this paper, we will delve into the work of Charlotte Perkins Gilman, particularly her seminal work "The Yellow Wall-Paper." Gilman, through her writing, sheds light on the marginalized status of women in Victorian society. Her narrative serves as a reflection of her own thoughts and concerns, depicting the stark contrast between the public and private spheres for women and the societal pressures they faced.

Through a careful analysis of Gilman's narrative techniques, we will explore how she portrays the protagonist's inner thoughts, the thematic underpinnings of psychology and mental illness, and the Gothic influences pervasive in Victorian literature. These writers delved deep into the expressions of human being, their psychological chaos and what impelled them to do so. These later curated their interest in analyzing insanity, and emotional disorder. Furthermore, we will examine how the patriarchal structures of the time influenced and shaped women's self-perception, both in literature and society at large.

Despite these challenges, women writers used literature as a platform to critique patriarchal norms. The emergence of the Gothic novel allowed women writers to explore their inner selves and challenge societal institutions. Gilman's "The In these and other late Victorian fictions of madness, the figure of the lunatic, like the vampire, came to represent the potential eruption of irrational forces in the human psyche the "other" underlying the self. The lunatic thus became, for both nineteenth-century fiction and psychology, an emblem of the evolutionary past and its lurking presence in the human mind. (Bratlinger, P. 2005: 78)

By focusing on Gilman's work, we aim to uncover the complexities of the Victorian female experience and shed light on the unique challenges faced by women writers during this transformative period in history.

Women in Victorian society faced significant challenges and restrictions, with their roles tightly controlled by men. This oppression is reflected in literature, where female characters often battled societal constraints. The limited economic opportunities for women and the trivialization of mental health issues "Yellow Wallpaper" exemplifies this, as the protagonist's interaction with the wallpaper symbolizes her quest for identity and autonomy.

Through a detailed analysis of Gilman's work, the study seeks to uncover the complexities of the Victorian female experience and highlight the unique challenges faced by women writers during this transformative period in history.

Women during the Victorian Periods-

During the Victorian era, women faced significant challenges and restrictions in both society and the workplace, as highlighted by Kara L. Barret in her article "Victorian Women and Their Working Roles." Women, regardless of their social status, were considered second-class citizens, with their roles and functions tightly controlled by men. While upper-class women enjoyed more privileges and protection compared to their working-class counterparts, they were all subject to societal expectations and norms dictated by men.

In literature of the time, female characters often reflected these struggles, portraying women's daily battles against societal constraints, harassment, and the oppressive nature of male-dominated society. One such challenge was the limited opportunities for women to earn money independently. Women who displayed economic power and independence were often viewed unfavorably by men, who preferred women who adhered to traditional gender roles.

Moreover, the Victorian era saw a growing interest in the human mind and mental health, particularly the boundary between sanity and insanity. Elaine Showalter noted that while men were often diagnosed with madness due to genetic or brain-related factors, madness in women was often attributed to their emotional nature and irrational behavior. This perception led to the trivialization of women's opinions and protests, labeling them as "madwomen" when they deviated from societal norms.

Mental illnesses such as agoraphobia and anorexia were often associated with women during this period, linked to their confinement within the domestic sphere and their struggles with body image and societal expectations. The idealized image of women as fragile and sickly beings, promoted by male authors, further contributed to the suppression of women's voices and agency.

In literature, this image of the sickly, ghost-like woman was often portrayed as the "angel" of the household, trembling in fear and uneasiness. Authors used these characters to externalize their repulsion towards the societal expectations imposed on women, highlighting the oppressive nature of the Victorian society's gender norms.

Representation of Women-

During the Victorian era, the representation of women in literature and society was often reduced to stereotypes and idealized images created by men. As noted by Gilbert & Gubar (2000), patriarchal mythology portrayed women as created by, from, and for men, setting the stage for the societal expectations and restrictions placed upon women.

One example of such representation is the figure of Lilith, from apocryphal Jewish lore, who is considered the first woman created as equal to Adam. However, Lilith is also depicted as a monster and a rebel against patriarchal law, symbolizing the repercussions women faced for attempting to defy societal norms and establish their own identities. This portrayal of women as rebellious and monstrous led to the association of free-spirited women with madness and abnormality, further reinforcing gender stereotypes.

The concept of "sexual nausea," as discussed in "The Madwoman in the Attic," reflects women's repulsion towards their own bodies due to the portrayal of sexually immoral women in literature. This repulsion stemmed from the fear of being associated with the negative stereotypes perpetuated by male authors.

Overall, Victorian literature often portrayed women in limiting and stereotypical roles, reflecting the oppressive gender norms of the time and highlighting the struggles faced by women in asserting their identities and autonomy.

Gothic Fictions-

The emergence of new perspectives during the nineteenth century, particularly among women writers of the Victorian age, was significantly influenced by what is known as the "Gothic nightmare." This concept, characterized by a hostile and decaying world, provided women writers with the opportunity to explore the reconciliation of their inner selves with the external world. This search for identity and meaning, akin to Herman Melville's quote in "Pierre; or, The Ambiguities," reflects a broader quest for spiritual and personal understanding.

In works such as "The Yellow Wallpaper," the protagonist's new environment reflects elements of the Gothic tradition, setting the stage for supernatural themes. This emergence of the Gothic in literature was driven by a need to express repressed feelings, emotions, and the potential of women. The concept of the "domestic prison" emerged, symbolizing the confinement and oppression women felt within their own homes, where women felt trapped and alienated. This familiar yet oppressive environment became a source of anguish, stemming from abusive male figures, societal pressures invading their privacy, and the burden of presenting a different persona publicly, all of which disrupted their peace and comfort.

The Gothic novel provided women writers with a platform to critique the societal norms and institutions that oppressed them. Through the portrayal of domestic spaces as sites of fear and vulnerability, these writers articulated their discontent with the patriarchal structures that governed their lives. The introduction of ghosts in fiction symbolized the inner turmoil and anguish experienced by women, reflecting their struggle for identity and autonomy in a male-dominated society.

As Vanessa D. Dickerson noted, the ghost stories written by women in the late nineteenth century were influenced by the era's social changes, including the agitation for women's rights and the rise of the New Woman. These stories served as a means for women to explore and critique issues such as male power, sexuality, and societal expectations in a subtle yet powerful manner. Through the use of symbolism and dreamlike atmospheres, these narratives aimed to unsettle readers and prompt reflection on the challenges faced by women in their everyday lives.

Diary- Personal Reflections-

Diaries served as private repositories for women to document their suffering, personal growth, innermost thoughts, and ideas without fear of censorship or restriction. Podnieks describes them as "private records of a person's life," noting that women throughout history and across cultures have maintained such records, often keeping them hidden or securely locked away. In "The Yellow Wallpaper," the protagonist uses a diary or personal notebook to record her thoughts and experiences, finding solace in the act of writing as a means to alleviate some of her pain and worries.

The concept of authenticity in diary literature is intricately tied to readers' expectations of truthfulness. Readers enter a "fictional pact" assuming all descriptions, characters, and events are real, as diarists strive to convey veracity. Diarists act as editors, selecting and omitting content to shape their narrative. However, censorship can occur during publication, where editors may impose their own biases, altering the original vision of the author.

Perkin's Clinical History-

The Yellow Wallpaper has often been viewed through the lens of Charlotte Perkins Gilman's own clinical experiences, particularly her struggles with mental health and the rest cure treatment. Gilman's personal history of neurasthenia, exacerbated by postnatal depression after the birth of her daughter in 1885, led her to Dr. Silas Weir Mitchell's sanatorium in 1887. The rest cure, which prescribed strict bed rest and isolation, resulted in what Gilman described as "utter mental ruin." Her recovery and return to work prompted her to criticize the rest cure, culminating in the publication of The Yellow Wallpaper in 1891, aimed at saving other women from similar treatments. This critique extends beyond the medical aspects to the ethical and political dimensions of Weir Mitchell's approach, highlighting the misogynistic and patriarchal attitudes of the time towards women's mental health. Through her narrative, Gilman reveals the oppressive disciplinary mechanisms within psychiatric practices, advocating for agency and autonomy in dehumanizing environments. Her resistance tactics within the narrative echo Foucault's analysis of power dynamics, showcasing how micro-level resistance can challenge macro-level power structures. Ultimately, Gilman's work not only critiqued psychiatric practices but also influenced changes in neurasthenia treatment, demonstrating the impact of individual resistance on broader power relations.

Their destiny is the shawl and the sofa, neuralgia, weak backs, and the varied forms of hysteria, that domestic demon which has produced untold discomfort in many a household, and, I am almost ready to say, as much unhappiness as the husband's dram. My phrase may seem outrageously strong, but only the doctor knows what one of these self-made invalids can do to make a household wretched. (Mitchell 1871/2004: 4)

The Undefined Genre of Perkin's "The Yellow Wallpaper"

The genre of Charlotte Perkins Gilman's "The Yellow Wallpaper" has been a subject of debate and interpretation in literary criticism. Scholars have suggested various categories, including personal diary, autobiography, literature of hysteria, Gothic short story, and *écriture féminine*. This indeterminacy of genre allows for queer interpretative possibilities, as it defies easy classification into traditional literary forms. The story's use of Gothic elements, such as the haunted house and demonic forces, is reworked to create a unique chronotope - the imprisoning state house - reflecting the narrator's own unstable identity. Despite its Gothic influences, the story does not adhere to conventional genre rules, instead blending a variety of literary techniques to create a stylistic mosaic. The narrator's rebellious nature, choosing suffering over acceptance, further complicates the categorization of the text, highlighting its resistance to traditional literary norms.

Narrative Turbulence-

The narrator's turbulent and misfitting identity in "The Yellow Wallpaper" is mirrored in the narrative structure, which defies conventional genre boundaries. While the story incorporates elements of Gothic tradition, it does not adhere to genre conventions, instead blending various literary resources into a stylistic mosaic. The use of diary entries creates a rhythmic and cyclical sense of time, contributing to the story's repetitive and confusing atmosphere. This rejection of genre conventions can be viewed as a narrative tactic of resistance, akin to actions taken by feminist writers engaging in border thinking. Inspired by Gloria Anzaldúa's concept of Borderlands/La Frontera, contemporary feminist authors have utilized multilingualism and diffuse genres to resist rigid

oppressive identities. This genre-bending, as described by Marina Camboni, creates "impure lines" in women's writing, redefining gendered social, cultural, and political orders. This approach rejects binary oppositions and aligns with the broader tradition of using literature as a language of resistance.

The dissonance between content and form in the progression towards insanity experienced by the narrator of "The Yellow Wallpaper" is a significant narrative tactic. Crewe (1995) argues that Gilman maintains literary good form throughout the story, aligning "good form with a 'bizarre' new content" (Crewe, p. 276) as a means of resistance against the binary categorization of sanity and madness imposed by her caretakers. This ability to juxtapose good form and psychosis may have been influenced by Gilman's own experiences after undergoing Weir Mitchell's rest cure. Knight (n.d.) points out that Gilman, during her breakdown years, managed to write 49 analytical pieces of art writing culminating in the publication of *Gems of Art* in 1888, despite being in a state of idleness. This achievement, while intriguing, highlights Gilman's ability to navigate the complexities of mental health and creativity, challenging traditional notions of productivity during periods of psychological struggle.

The Dichotomy between 'I' and 'One'-

The dissonance between content and form in the progression towards insanity experienced by the narrator of "The Yellow Wallpaper" is a significant narrative tactic. Crewe (1995) argues that Gilman maintains literary good form throughout the story, aligning "good form with a 'bizarre' new content" (Crewe, p. 276) as a means of resistance against the binary categorization of sanity and madness imposed by her caretakers. This ability to juxtapose good form and psychosis may have been influenced by Gilman's own experiences after undergoing Weir Mitchell's rest cure. Knight (n.d.) points out that Gilman, during her breakdown years, managed to write 49 analytical pieces of art writing culminating in the publication of *Gems of Art* in 1888, despite being in a state of idleness. This achievement, while intriguing, highlights Gilman's ability to navigate the complexities of mental health and creativity, challenging traditional notions of productivity during periods of psychological struggle.

Discordance of the Wallpaper-

In Charlotte Perkins Gilman's "The Yellow Wallpaper," the protagonist describes her unique understanding of the wallpaper's pattern, suggesting a deeper, personal interpretation: "There are things in that paper that nobody knows but me, or ever will" (Gilman, 1892, p. 26). Her evolving perspective is evident when she states, "I have something more to expect, to look forward to and to watch. I really do eat better, and I am quieter than I was" (Gilman, 1892, p. 29). The wallpaper becomes a symbol of her revelation and liberation, as she perceives a figure behind the pattern—a woman who is subdued by day but becomes more active at night, symbolically trying to break free: "And she is all the time trying to climb through" (Gilman, 1892, p. 31). This figure represents the protagonist's own suppressed self, which she must destroy the wallpaper to liberate: "the wallpaper must be destroyed to free that woman who crawls and an entire legion of women who are imprisoned in the wallpaper" (Gilman, 1892, p. 32). The act of peeling off the wallpaper signifies her growing agency and empowerment, as she actively participates in freeing herself from societal constraints: "before morning we had peeled off yards of that paper" (Gilman, 1892, p. 32). However, her final statement reflects a haunting uncertainty, as she questions the origins of the creeping women she sees, suggesting a lingering fear of her own descent into madness: "Do I wonder if they all come out of that wallpaper as I did?" (Gilman, 1892, p. 33). Through the protagonist's experiences with the wallpaper, Gilman vividly portrays the complexities of mental health, gender roles, and the quest for self-identity in a patriarchal society.

The Psychic Patterns of the Wallpaper-

In the narrative of "The Yellow Wallpaper," the wallpaper serves as a conduit for the protagonist's reinvigorated psychic life, blurring the boundaries between her external and internal worlds. This fusion between the protagonist and the wallpaper woman allows unconscious images to animate behind the wallpaper, symbolizing her suppressed self striving for expression. Despite her attempts to address her discomfort objectively, engaging with her husband only leads to exhaustion, causing a reflux of psychic energy back into the unconscious, akin to a river's current meeting barriers and reversing its flow. This regression signifies the psyche's continued search for pathways, even if they are circuitous, perilous, or unhealthy. The protagonist finds solace in the gaps of the wallpaper, where she can freely fantasize and maintain a sense of vitality. The wallpaper thus becomes a fertile canvas for her projections, revealing the language of the unconscious through symbolic and metaphorical means, reflecting aspects of her inner life. What was initially a decorative element now symbolizes her entrapment, mirroring the restrictive roles imposed on women in patriarchal societies. The conflict between the husband and wife, as well as the conscious and unconscious aspects of the protagonist, is symbolized by the moonlight (feminine and unconscious) and sunlight (masculine and conscious), which contribute to the play of

projections and revelations within the wallpaper. The shadow, initially a formless figure, eventually reveals itself as a prisoner behind the wallpaper, symbolizing the protagonist's dissatisfaction with her treatment and her confinement to societal roles. The wallpaper's pattern, a symbol of both the wallpaper itself and the character's social and psychological patterns, reflects her struggle against the constraining norms that do not align with her identity. The wallpaper's "sickly sulphur" yellow, with its repulsive and revolting color, symbolizes decay and deterioration, similar to the alchemical process of decomposition. This yellow hue, associated with rot and evil, represents the decay preceding death, symbolizing the protagonist's deteriorating mental state and the oppressive forces she faces. The symbolism of sulphur in alchemical writings, as discussed by Jung, further underscores the unconscious force driving the protagonist's actions, highlighting the conflict between her conscious will and the compelling impulses from within.

[...] on the one hand the will, which can best be regarded as a dynamism subordinated to consciousness, and on the other hand compulsion, an involuntary motivation or impulse ranging from mere interest to possession proper. The unconscious dynamism would correspond to sulphur, for compulsion is the great mystery of human life. It is the thwarting of our conscious will and of our reason by an inflammable element within us, appearing now as a consuming fire and now as life-giving warmth (JUNG, 2012, par. 146).

Alchemists historically associated sulphur with hell and the devil, yet Jung discusses its paradoxical nature, noting its role in transformation, where the same substance can produce both poison and medicine. In the story's climax, the character experiences a profound fusion of their unconscious personality with a doppelgänger, leading to a severe psychotic breakdown. The question arises: is this breakdown a total annihilation, or could it lead to the emergence of a new conscious self under different circumstances?

"Why I wrote the Yellow Wallpaper?"

In her testimony "Why I Wrote The Yellow Wallpaper," Charlotte Perkins Gilman recounts her experience with the "rest cure" prescribed by a renowned specialist in nervous diseases, Doctor Weir Mitchell. Gilman describes her near mental ruin after three months of following Mitchell's instructions, which included minimal intellectual stimulation and complete avoidance of writing or artistic pursuits. Against medical advice, Gilman resumed her work, finding solace and recovery through intellectual engagement. The short story, written with fictional elements, was inspired by her own experience and served as a critique of the rest cure and Mitchell's treatment methods. Interestingly, Gilman later learned that her story had influenced Mitchell to alter his treatment approach. Mitchell's rest cure, which involved bed rest, overfeeding, and limited intellectual activity, was widely used for both men and women suffering from neurasthenia, a diagnosis prevalent in the late 19th and early 20th centuries. However, the treatment was notably different for men, who were allowed more flexibility and even encouraged to engage in outdoor activities, while women were confined to a strict regimen devoid of intellectual stimulation. This gender-discriminatory approach reflected the patriarchal ideology of the time, which associated intellectual and professional pursuits with men and relegated women to domestic roles. Despite the prominence of Mitchell's method, the advent of dynamic psychiatry and psychotherapy in the early 20th century marked a shift towards more psychologically oriented treatments, emphasizing the importance of mental health in addition to physical well-being. This shift was further propelled by the contributions of Freud, Jung, Adler, and other prominent psychologists, leading to the gradual acceptance and adoption of psychotherapy as a legitimate treatment method.

CONCLUSION

In conclusion, this paper has sought to illuminate the often overshadowed contributions of women writers during the Victorian era, with a specific focus on Charlotte Perkins Gilman and her seminal work, "The Yellow Wallpaper." Through an in-depth analysis of Gilman's narrative techniques, we have uncovered the profound insights she offers into the marginalized status of women in Victorian society. Gilman's narrative not only reflects her own experiences and concerns but also serves as a poignant commentary on the broader societal issues of the time.

By delving into themes of psychology, mental illness, and Gothic influences, Gilman's work transcends mere storytelling, offering a profound examination of the human condition. Her portrayal of the protagonist's inner thoughts and struggles provides a compelling narrative that resonates with readers even today. Furthermore, Gilman's critique of patriarchal structures sheds light on the enduring challenges faced by women in both literature and society at large.

Through this exploration, we have gained a deeper understanding of the complexities of Victorian society and the role of women within it. Gilman's work stands as a testament to the resilience and creativity of women

writers, challenging traditional narratives and offering new perspectives that continue to inspire and enlighten readers around the world.

REFERENCES**1. Article from a Website:**

- GILMAN Charlotte Perkins. "Why I wrote The Yellow Wallpaper?" *Advances in psychiatric treatment*, vol. 17, 2011, p. 265, doi:10.1192/apt.17.4.265.

2. Book:

- ANZALDÚA Gloria E. *Borderlands/La Frontera: The New Mestiza*. Aunt Lute Books, 1987.
- BEARD George. "Neurasthenia, or Nervous Exhaustion." *The Boston Medical and Surgical Journal*, vol. III, no. 18, April 29, 1869, doi:10.1056/NEJM186904290801301.
- BECKER Susanne. *Gothic Forms of Feminine Fictions*. Manchester University Press, 1999.
- BONO VELILLA Rosa. "'The Yellow Wallpaper': algunas consideraciones sobre el dobl." [In Spanish].
- CREWE Jonathan. "Queering The Yellow Wallpaper? Charlotte Perkins Gilman and the Politics of Form." *Tulsa Studies in Women's Literature*, vol. 14, no. 2, 1995, pp. 273-293.
- DAVISON Carol Margaret. "Haunted House/Haunted Heroine: Female Gothic Closets in 'The Yellow Wallpaper'." *Women's Studies*, vol. 33, no. 1, 2004, pp. 47-75.
- ROGERS Annie. "The 'I' of Madness: Shifting Subjectivities in Girls' and Women Psychological Development in 'The Yellow Wallpaper'." *Analyzing the Different Voice: Feminist Psychological Theory and Literary Texts*, edited by Jerilyn Fisher & Ellen Silber, Rowman & Littlefield, 1988, pp. 45-65.
- Gaedtke, A. "On Worlding and Unworlding in Fiction and Delusion." *Modernism and the Machinery of Madness*, Cambridge University Press, 2017.

3. Edited Book:

- Golden, C., editor. *Charlotte Perkins Gilman's The Yellow Wall-Paper: A Sourcebook and Critical Edition*. Routledge, 2005.

4. Book Chapter:

- DIGBY, ANN. "Victorian Values and Women in Public and Private." *Victorian Values*, The British Academy, 1992, pp. 195-215.

5. Secondary Sources:

- DICKERSON, VANESSA. *Victorian Ghosts in the Noontide: Women Writers and the Supernatural*. University of Missouri Press, 1996, p. 133.
- Firestone, S. *The dialectic of sex*. Bantam Books, 1972.
- Foucault, M. *Discipline and punish*. Vintage Books, 1975.
- Gilbert, S. M., & Gubar, S. *The madwoman in the attic- the woman writer and the nineteenth-century literary imagination*. Yale University Press, 2000.
- ROWLAND, S. *Jung: a feminist revision*. Wiley-Blackwell, 2002.
- ELLENBERGER, H. *The Discovery of the unconscious: the history and evolution of dynamic psychiatry*. Basic Books, 1981.
- WEHR, D. *Jung and feminism: liberating archetypes*. Routledge, 2015.

UNDERSTANDING TECHNOLOGY ACCEPTANCE IN HIGHER EDUCATION: AN APPLICATION OF THE UTAUT MODEL

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ABSTRACT

Driven by a belief in ICT's transformative power for education, this research utilizes UTAUT to analyze student perceptions and acceptance of technology in learning environments. While introducing ICT in higher education institutions like Amity University in Noida, Subharti University, Meerut, etc. fosters undeniable benefits, understanding and influencing user behavior towards these new technologies is paramount for successful implementation.

This paper delves into the UTAUT model, elucidating the critical determinants of user intention to adopt and utilize information systems, including performance expectancy, effort expectancy, social influence, and facilitating conditions. We showcase real-world applications of UTAUT in diverse educational settings, highlighting its power in predicting and promoting technology acceptance.

Furthermore, we present preliminary research conducted at Amity University, Noida, to gauge e-learning information systems and UGD repository usage through the UTAUT lens. This initial exploration paves the way for a comprehensive study focusing on student perceptions and acceptance of these ICT tools within our university context.

In conclusion, embracing ICT in higher education is inevitable and imperative for academic progress and advancement. By employing the UTAUT framework, we can analyze and address crucial factors influencing technology acceptance, thereby paving the way for smoother integration and maximizing the educational benefits of ICT at Amity University, Noida, and beyond.

Keywords: *E-learning information systems, perceptions, user behavior, Technology integration, effort expectancy*

INTRODUCTION

The landscape of modern organizations, including higher education institutions like Amity University Noida, is increasingly interwoven with information and communication technologies (ICTs). Studies like Westland and Clark (2000) suggest that by 1980, approximately half of all new capital investments in organizations were directed toward IT. However, simply introducing these innovative tools does not guarantee success. The crucial missing piece lies in understanding and influencing user acceptance – how readily employees, students, and faculty embrace and utilize the new technologies.

Understanding technology acceptance has become a central research theme in the information systems (IS) field, often described as one of the most extensively explored areas (Hu et al., 1999). This focus has yielded several theoretical models from diverse disciplines like information systems, psychology, and sociology (Davis et al., 1989; Taylor & Todd, 1995b; Venkatesh & Davis, 2000). The Unified Theory of Acceptance and Use of Technology (UTAUT) (Bauerle, Alexander, Et al.) has earned widespread recognition for its unifying power. Tested initially and validated by Venkatesh et al. (2003), UTAUT stands out for its ability to synthesize and outperform eight other models.

This model's strength lies in its ability to predict the likelihood of new technology adoption and, more importantly, to pinpoint the key factors influencing user acceptance. This valuable insight empowers managers, such as those at Amity University Noida, to implement targeted interventions like training or marketing campaigns aimed at individuals with lower adoption proclivities. By actively addressing these barriers, UTAUT facilitates smoother integration of ICTs, maximizing their potential to enhance teaching, learning, and overall academic progress. Therefore, this paper delves into the heart of UTAUT, applying its framework to explore

student and faculty acceptance of e-learning information systems and the UGD repository at Amity University Noida; through this lens, we seek to unravel the intricate factors shaping technology adoption within our specific university context, paving the way for evidence-based strategies to optimize ICT integration and unlock its full transformative potential in higher education.

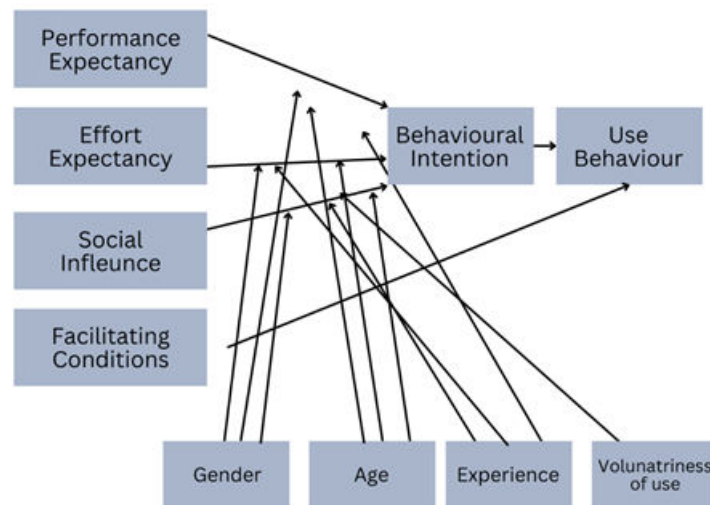


Fig 1. Diagram of UTAU Theory

DEMYSTIFYING TAUT

The Unified Theory of Acceptance and Use of Technology (UTAUT) is a robust framework for understanding and predicting user technology adoption in diverse contexts, including higher education institutions like Amity University Noida. At its core, UTAUT delves into the factors influencing user intention to utilize information systems, subsequently monitoring their actual usage behavior (Venkatesh et al., 2003).

As illustrated in Figure 1, the UTAUT model acts as a comprehensive umbrella, encapsulating and synthesizing variables from eight existing models, along with its unique constructs and mediating influences. UTAUT posits that the three key determinants - performance expectancy, effort expectancy, and social influence - directly influence behavioral intention to use technology (Yousef, Consuela C.) . This suggests that students and faculty at Amity University Noida are more likely to embrace new ICT tools if they:

- Perceive these tools as enhancing their performance, offering improved learning outcomes, teaching efficiency, or administrative effectiveness.
- Find the tools accessible to learn and use, requiring minimal effort to integrate into their workflow.
- Experience positive social pressure or encouragement from peers, instructors, or university leadership to adopt the technology.

Furthermore, UTAUT acknowledges the impact of facilitating conditions. These external factors, such as adequate technical infrastructure, user support, and training opportunities, directly influence actual usage behavior independent of intention. This highlights the importance of Amity University Noida, providing supportive resources and environments to ensure successful integration and sustained use of new ICT initiatives.

Construct	Descriptions
Performance expectancy (PE)	The extent to which a person expects a specific system to enhance their work efficiency and effectiveness.
Effort expectancy (EE)	The extent to which a system is designed to be clear, concise, and uncomplicated, minimizing the need for extensive training or technical expertise.
Social influence (SI)	The extent to which an individual believes important others (colleagues, supervisors, etc.) expect them to utilize a specific system
Facilitating conditions (FC)	The extent to which an individual trusts that the organization will provide adequate training, hardware, software, and technical support for the system.

Table 1: UTAUT Components

The model also incorporates four mediating influences - gender, age, experience, and voluntariness of use. These factors indirectly influence the key determinants, suggesting that different demographics and usage contexts may require tailored approaches to maximize technology acceptance. For instance, younger students at Amity University Noida may be more accepting of new technologies than older faculty members, necessitating specific training and awareness initiatives for the latter group.

Construct	Descriptions
Gender	Perceptions of appropriate behaviors and attributes for men and women are deeply ingrained and have long-lasting cultural significance.
Age	Age has an effect on attitudes.
Experience	Building the skills and motivation necessary for a new behavior requires focused effort at the beginning.
Voluntariness of Use	Is usage voluntary or mandated

Table 2: UTAUT Moderators

In essence, the UTAUT model acts as a powerful lens, condensing 32 variables from eight prior models into four core constructs and four mediating influences. This streamlined framework equips us to analyze and address the intricate factors shaping technology adoption at Amity University Noida, paving the way for effective interventions and strategies to unlock the full potential of ICTs in enhancing teaching, learning, and the overall academic experience.

PRACTICAL APPLICATIONS OF UTAUT

The Unified Theory of Acceptance and Use of Technology (UTAUT) (Bauerle, Alexander, et al.) has proven its versatility in guiding research on technology adoption across various educational contexts. Let us explore how UTAUT has been applied in real-world settings, demonstrating its potential to inform initiatives at Amity University, Noida.

Results from the study at Amity University, Noida (Number of respondents N = 100)

Gender	Male	57%
	Female	43%
Use	Mandatory	89%
	Voluntary	11%
Barriers for using ICT	Training	42%
	Cost	4%
	Compensation	20%
	Do not fit with the job	3%

Table 3: Results from the study of Amity University, Noida (With UTAUT constructs of reliability of above 0.70)

1. Navigating Mandatory ICT Adoption at the Amity University, Noida:

A pilot study employed UTAUT to investigate acceptance and barriers to ICT use among Amity University, Noida academics. Interestingly, findings revealed that:

- 89% of respondents viewed ICT as mandatory, highlighting the crucial role of institutional directives in shaping adoption.
- Time constraints (42%) and lack of training (31%) emerged as the primary barriers, emphasizing the need for dedicated resources and support structures.
- Performance expectancy, the anticipated ease and benefits of ICT use, emerged as the most decisive influence on adoption, underscoring the importance of showcasing the value proposition of new technologies.

These findings offer valuable insights for Amity University, Noida. Mandatory ICT initiatives complement targeted training programs and readily available technical support to address time constraints and knowledge gaps. Additionally, emphasizing the performance benefits of new technologies, aligned with specific faculty needs and teaching styles, can further enhance acceptance and sustained use.

Sample Characteristics	Results
Academic Year	First Year 30.38 % Second Year 15.00 % 13.08 % Junior 40.77 % Other 0.77 % Senior
Gender	Male 50.38 % Female 49.62 %
Age	Mean 22.12 S.D. 5.19
Application Experience	None 50.77 % 1-2 Semester 30.77 % More than 2 Semester 18.46 %
Application Training	None 82.31 % 1-5 Hours 16.92 % More than 5 Hours 0.77 %
Voluntariness	Yes 50.00 % No 50.00 %

Table 4: Sample characteristics from the study (p -value $\leq .01$)

2. Predicting Blackboard Adoption Among Business Students:

Another study, conducted at a large public university in Subharti University, Meerut, utilized UTAUT to predict undergraduate business students' behavioral intention towards adopting the Blackboard learning management system. The research revealed:

- Performance and effort expectancy, highlighting the perceived ease of use and potential benefits of Blackboard, emerged as significant positive influencers of adoption intention.
- Social influence, encompassing peer and faculty perceptions, also positively impacted, suggesting the importance of fostering a supportive learning community around technology use.

These findings suggest that promoting the value proposition of Blackboard for both individual learning and collaborative activities can be crucial for maximizing student adoption at Amity University. Strategies encouraging peer-to-peer support and faculty demonstrations of using the platform can further leverage social influence to create a culture of technology acceptance.

3. Unlocking University Library Apps with UTAUT:

Chen et al. (2014) applied UTAUT to understand factors influencing Subharti University students' intention to use library apps. Their study revealed:

- Performance and effort expectancy again topped the list of positive influences, showcasing the crucial role of perceived ease of use and anticipated benefits in driving app adoption.
- Facilitating conditions, encompassing available technical infrastructure and support systems, also displayed a significant positive impact, emphasizing the importance of a user-friendly app design and readily available assistance.

These findings highlight the need for Amity University to ensure its library app offers a seamless user experience with clear instructions and readily available tutorials. Additionally, providing reliable technical support and promoting awareness of the app's features and benefits can further encourage student utilization of this valuable resource.

These diverse applications of UTAUT demonstrate its practical utility in uncovering crucial factors that influence technology adoption in educational settings. By applying its insights to Amity University's specific context, we can develop strategic interventions and cultivate a technology-rich environment that fosters enhanced teaching, learning, and knowledge accessibility for students and faculty.

APPLYING UTAUT AT AMITY UNIVERSITY, NOIDA

Building on the robust framework of the Unified Theory of Acceptance and Use of Technology (UTAUT), this paper delves into its application within Amity University, Noida. Our February 2022 survey, encompassing 74 modified UTAUT questions and additional constructs like self-efficacy and anxiety, sought to investigate student and faculty acceptance and use of two specific ICT tools: the e-learning information system and the UGD repository (Figure 2).

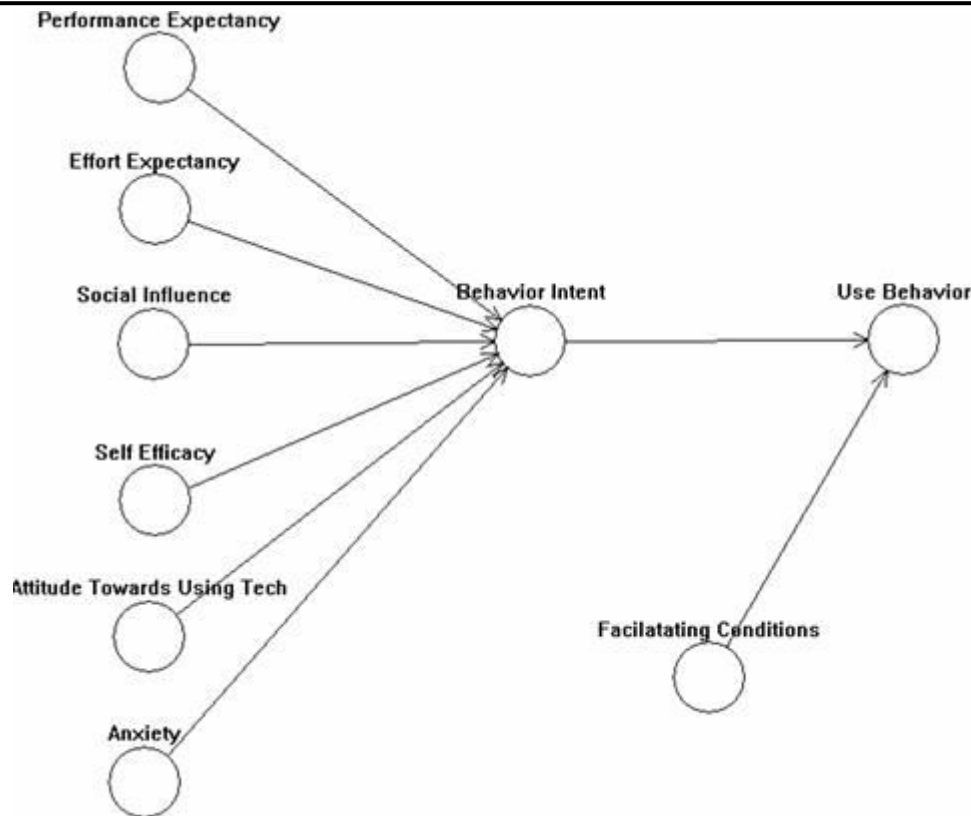


Figure 2: Research Model

Unveiling User Perceptions:

Analysis of the 92 completed responses (out of 360 distributed) reveals exciting insights into user demographics and technology usage patterns. The participants, predominantly female and aged 30-44, represent diverse academic roles and experience levels. Most respondents use the e-learning system regularly (once or several times a day), while UGD repository access is less frequent (typically once weekly).

Demographic Characteristics	Responses	Occurrence	Percent
Gender	Male	37	40.22
	Female	55	59.78
Age	Upto 30	13	14.13
	30-44	45	48.91
	above 45	34	36.96
Working status	Part-Time	5	5.43
	Full-Time	87	94.57
Working Experience	1-5 years	18	19.57
	6-10 Years	28	30.43
	More than 10 Years	46	50
Education Level	Professor	54	58.7
	Associate	33	35.87
	Assistant	1	1.09
	Laboratory	4	4.35
Scope of work	0-1 Course	1	1.09
	2-3 Course	13	14.13
	4-5 Course	35	38.04
	More than 5 Course	43	46.74
I use e-learning system	once or several a day	39	43.39
	once a week	37	40.22
	once a month	12	13.04
	once a year	3	3.26
	Never	1	1.09
I use the repository	once or several a day	14	15.22

	once a week	25	27.17
	once a month	47	51.09
	once a year	5	5.43
	Never	1	1.09

Table 5: Demographic Profile of the respondents

Identifying Key Barriers:

Our study highlights the primary deterrents hindering wider technology adoption at UDC. For both the e-learning system and UGD repository, time constraints emerged as the biggest obstacle (54.35% and 52.17%, respectively). This signifies the need for strategies to reduce workload pressures and streamline technology integration into existing workflows. Additionally, technical support gaps (15.22% for e-learning and 18.48% for UGD) and inadequate training (11.96% for e-learning and 8.70% for UGD) highlight the importance of robust support systems and comprehensive user training programs.

	Frequency	Percent	Valid Percent	Cumulative Percent
Time	48	52.17	52.17	52.17
Technical support	17	18.48	18.48	70.65
Cost	0	0	0	70.65
Training	8	8.7	8.7	79.35
Does not Fit My program	7	7.61	7.61	86.96
Other	12	13.04	13.04	100
Total	92	100	100	

Table 6: largest barriers for using the UGD repository

Tailoring Interventions for Enhanced Adoption:

By applying the UTAUT framework, we can translate these insights into actionable interventions to maximize technology acceptance and utilization at UDC.

- **Addressing Time Constraints:** Streamlining system interfaces, offering bite-sized training modules, and promoting peer-to-peer support networks can help users optimize their time investment in technology use.
- **Boosting Technical Support:** Establishing readily accessible help desks, providing prompt troubleshooting assistance, and offering user guides and tutorials can alleviate technical anxieties and encourage confidence in using the systems.
- **Enhancing Training Programs:** Targeted training workshops specific to user roles and technology functionalities can equip faculty and students with the skills and knowledge needed to maximize the benefits of these tools.
- **Leveraging Social Influence:** Championing success stories by early adopters, fostering collaborative learning communities around technology use, and recognizing faculty and student contributions can create a culture of positive reinforcement and encourage broader participation.

Continuing the Exploration:

This initial study lays the foundation for further research into optimizing ICT adoption at UDC. In-depth interviews, focus group discussions, and user observation sessions can provide richer insights into user experiences and inform the development of even more effective interventions. Additionally, exploring the influence of specific UTAUT constructs like self-efficacy and anxiety in greater detail can offer a valuable understanding of user attitudes and behaviors towards technology.

By embracing the potential of UTAUT and implementing informed interventions based on user data, UDC can create a supportive technology-rich environment that empowers faculty and students to harness the transformative power of ICTs for enhanced learning, teaching, and research.

CONCLUSION

As the digital landscape rapidly reshapes the world, Information and Communication Technologies (ICTs) have emerged as powerful tools with transformative potential. In education, embracing ICTs is not simply an option but a necessity for nurturing the skills and knowledge of tomorrow's generations. As Kate McKenzie aptly states, "ICT in education is the key to unlocking the skills and knowledge of future generations of young people. It is the tool for learning for the 21st century."

Our research at Amity University, Noida, confirms the imperative of ICT integration within higher education. However, more than simply mandating the adoption of technology is required. Our initial findings, echoing other studies, highlight the crucial role of user-centered strategies in overcoming barriers and fostering sustained technology use.

Two key challenges emerged as the biggest hurdles to wider ICT adoption: time constraints and perceived lack of personal motivation. These insights point towards the need for interventions that:

- Minimize time burdens: Streamlined system interfaces, bite-sized training modules, and peer-to-peer support networks can free up valuable resources for faculty and students.
- Boost intrinsic motivation: Fostering a culture of innovation, recognizing achievements, and showcasing impactful uses of ICTs can cultivate a sense of ownership and purpose among users.

Furthermore, our study explored the potential of the Unified Theory of Acceptance and Use of Technology (UTAUT) in understanding ICT acceptance within the specific context of Amity University. While it holds promise as a valuable framework, further research is needed to determine its optimal application in environments with, as you accurately point out, a potentially lower IT culture compared to other regions.

Therefore, we invite further inquiries to delve deeper into this topic. In-depth interviews, focus groups, and user observation sessions can offer richer insights into individual experiences and inform the development of even more effective interventions. Additionally, investigating the influence of specific UTAUT constructs like self-efficacy and anxiety can provide a nuanced understanding of user attitudes and behaviors towards technology.

By prioritizing user needs, adopting evidence-based interventions, and continuously refining our approach, we can unlock the full potential of ICTs in transforming the educational landscape at Amity University and beyond. This journey requires dedication, collaboration, and an unwavering commitment to learning and adapting to the evolving digital world. By working together, we can ensure that ICTs become tools for accessing information and catalysts for empowering the next generation of learners and shaping a brighter future.

REFERENCES

- Efraim Turban and Al, E. (2014). *Business intelligence: a managerial approach*. Essex: Pearson Education Limited, Cop.
- Lange, A.-K., Koch, J., Beck, A., Neugebauer, T., Watzema, F., Wrona, K.J. and Dockweiler, C. (2020). Learning With Virtual Reality in Nursing Education: Qualitative Interview Study Among Nursing Students Using the Unified Theory of Acceptance and Use of Technology Model. *JMIR Nursing*, [online] 3(1). Available at: <https://pub.uni-bielefeld.de/record/2950089> [Accessed 21 Jan. 2024].
- Teo, T. (2011). *Technology Acceptance in Education*. Rotterdam Sensepublishers.
- Team, technology (n.d.). *Unified Theory Of Acceptance And Use Of Technology Questionnaire*. [online] technology. Available at: <https://www.inceptiontechnology.net/2019/03/unified-theory-of-acceptance-and-use-of.html> [Accessed 21 Jan. 2024].
- Mossialos, E., Mrazek, M. and Walley, T. (2004). *EBOOK: Regulating Pharmaceuticals in Europe: Striving for Efficiency, Equity and Quality*. McGraw-Hill Education (UK).
- Luis and Gómez-Barreto, I.M. (2022). *Design and Measurement Strategies for Meaningful Learning*. IGI Global.
- A.B (2023). 'Lessons from Recent Catastrophic Events on the Role of Information and Communication Technologies in Disaster Management' - An Example Sample Project Proposal. [online] How to Apply for Grants. Available at: <https://howtoapplyforgrants.com/sample-ngo-or-nonprofit-grant-proposals/lessons-from-recent-catastrophic-events-on-the-role-of-information-and-communication-technologies-in-disaster-management-an-example-sample-project-proposal/> [Accessed 21 Jan. 2024].
- Jaffe, A.B., Fogarty, M.S. and Banks, B.A. (2003). Evidence from Patents and Patent Citations on the Impact of NASA and Other Federal Labs on Commercial Innovation. *The Journal of Industrial Economics*, 46(2), pp.183–205. doi:<https://doi.org/10.1111/1467-6451.00068>.
- skodel.com. (n.d.). *Skodel*. [online] Available at: <https://skodel.com/skodel-strategy/> [Accessed 21 Jan. 2024].

-
- Rahman, H. (2011). *Cases on Adoption, Diffusion, and Evaluation of Global E-governance Systems*. IGI Global.
 - Wagner, K. (2021). *Drivers and barriers of consumer behavior regarding new technologies and digital channels : investigating the phenomenon of anthropomorphism and new online consumption forms*. Wiesbaden: Springer Gabler.
 - Patricia, Almunawar, M.N. and Anshari, M. (2023). *Perspectives on the Transition Toward Green and Climate Neutral Economies in Asia*. IGI Global.
 - Uden, L., Wang, L.S.L., Hong, T.-P., Yang, H.-C. and I-Hsien Ting (2013). *The 3rd International Workshop on Intelligent Data Analysis and Management*. Dordrecht Springer Netherlands.

A STUDY ON IMPACT OF REWARDS AND RECOGNITION ON EMPLOYEE ENGAGEMENT

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1. ABSTRACT

Recognition is one of the factors that impacts an employee's engagement level in an organization. It is linked to various other factors like loyalty, motivation, performance, etc. HR professionals need to continuously evolve and elevate an organization's rewards and recognition policy and choose the best one that enhances the engagement level of the employees. The primary goal of this study is to analyze how rewards and recognition impacts employee's engagement level.

Key words: rewards and recognition, employee engagement, motivation, performance, etc.

INTRODUCTION

Human resources are the most important resource an organization can have. And it is one of the key responsibilities of HR professionals to retain their key resources. One of the ways to do that is rewarding them and recognizing them in the organization. This will make them valued and trigger the emotions in them to feel more engaged, motivated, loyal and contribute to achieve their KRA, hence helping the organization meet its goals.

Understanding how the employees react to rewards and recognition categories and forms in your organization and the impact of it will help the HR professionals revise their RNR policies. This survey will help us identify what are the variables that keep employees engaged based on the rewards and recognition categories and what are some of the best practices that one can continue or implement in their existing RNR structure.

REVIEW OF LITERATURE

- Vhifin Sadilla, Ratri Wahyuningtyas, August 2023 International Journal of Engineering Technologies and Management Research 10(8), in the paper 'the effect of reward and recognition on employee engagement (case study at pt. X part directorate h)' has covered the influence of rewards and recognition on employee engagement and their loyalty towards a company.
- Baskar P., Annamalai University, January 2013 International Journal of Science and Research (IJSR) 4(11):1644, in the paper 'A Study on the Impact of Rewards and Recognition on Employee Motivation' focuses on the behavioral differences between appreciated and non-appreciated employees and its impact on their motivation level.
- Dr. Jayashree Sapra -FOMC, Mr. Darshan M, Ms. Arshiya F, PES University, Bangalore, India, September 2023, in the paper 'A Study On Impact Of Employee Reward And Recognition On Employee Engagement In The IT Sector' talks about emotional and rational factors of rewards and recognition on employee engagement.

2. STATEMENT OF PROBLEM:

About 20% of top performers leave the company within 3-5 years and about 50% of the overall employees don't feel that their contribution at work is recognized enough.

Gradually with the increasing opportunities in the market it is becoming challenging to retain employees and to keep the employees engaged. With the increasing expectations of the employees in terms of recognition it is important for HR professionals to take steps to ensure that the employees are motivated enough to work to achieve the rewards that they have in their existing RNR structure.

In this evolving environment what can we do differently that will keep the employees engaged and at the same time motivate them to perform better and stay loyal towards the organization.

3. OBJECTIVE OF STUDY:

- To study the expectations of an employee in terms of being rewarded.
- Analyzing the factors influencing an employee to achieve the reward.
- To evaluate the methods / steps that can be taken as a HR to improve the engagement level of employees by modifying the existing RNR policies.

4. RESEARCH METHODOLOGY:

Research Design:

Various articles, case studies and research papers related to impact of reward and recognition on employee's engagement, performance, motivation, etc. are studied and analysed.

A questionnaire was designed adapting to various factors available online and was further analysed to interpret the results.

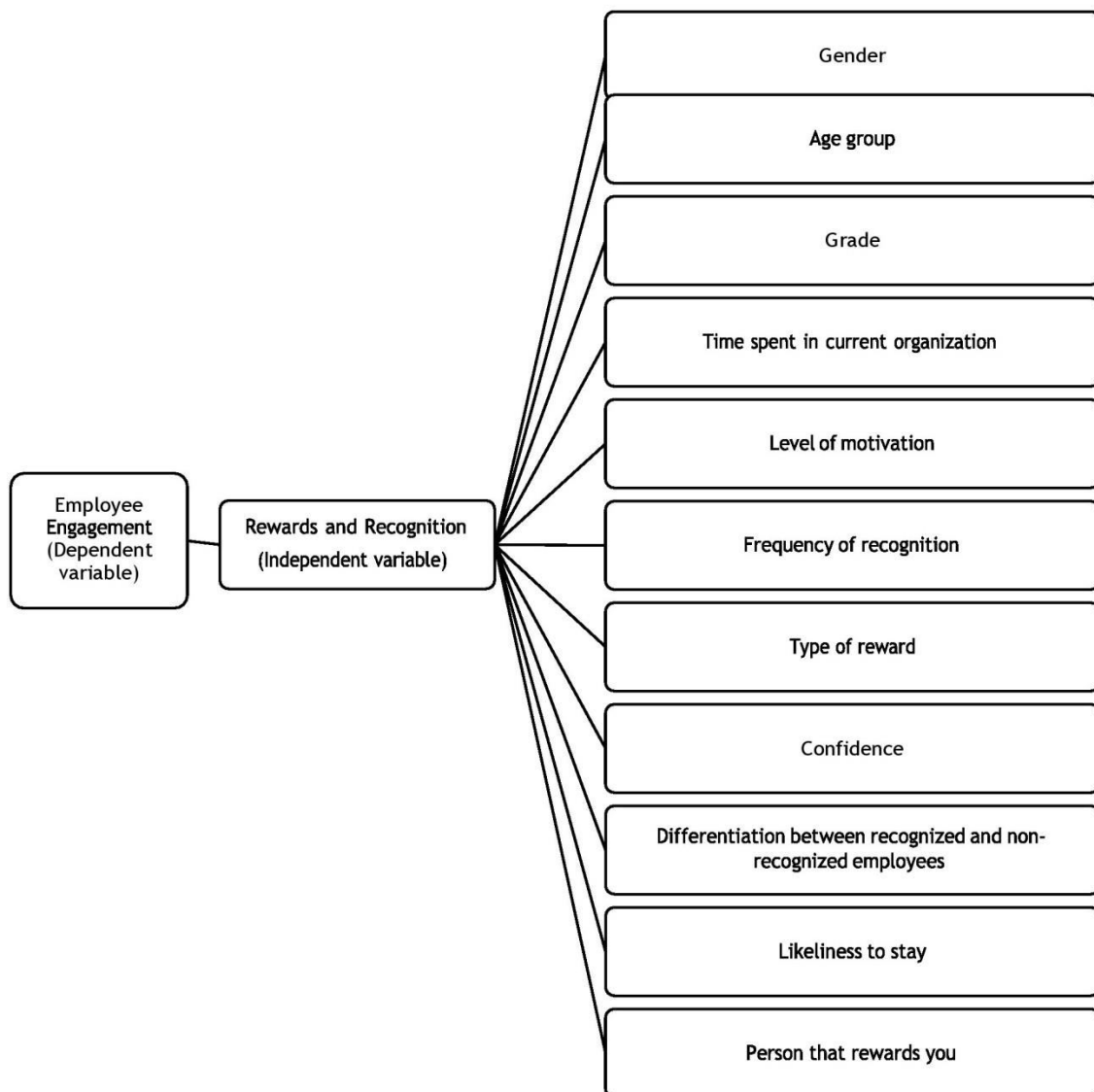
Sources of Data Collection:

This research is a primary and secondary based research aiming to study the impact of rewards and recognition on new hires. The survey collects demographic profile of the respondents; and the factors related to RNR impacting their engagement levels are measured using Likert scale.

Various secondary based papers are analysed to evaluate the steps one can take to review the policy and increase the engagement level.

Variables:

Figure 1.0



Hypothesis:

To study several factors related to employee engagement based on rewards and recognition, the following hypothesis have been considered.

H1: There is a significant relation between impact of rewards and recognition on employee engagement based on age group.

H2: There is a significant relation between impact of rewards and recognition on employee engagement based on total work experience and management level.

H3: There is a significant relation between impact of rewards and recognition on employee engagement based on the frequency of recognition.

H4: There is a significant relation between impact of rewards and recognition on employee engagement based on motivation to perform high and increasing self-confidence.

H5: There is a significant relation between impact of rewards and recognition on employee engagement based on loyalty towards an organization.

Figure 1.0 represents that there can be any single or multiple factors of employee engagement that are impacted by rewards and recognition. HR must look into all these terms when he/ she is planning rewards and recognition policies.

Sample:

The survey method used in the present study is sample survey. The respondents are different categories of employees from various industries. The total sample size taken is 100.

Scope:

The scope of the research is to study the factors influencing the engagement level of employee by the rewards and recognition framework in one's organization.

5. LIMITATIONS:

This research is based on primary and secondary analysis and the study is purely dependent upon the respondents' answers and data available online.

6. DATA ANALYSIS & INTERPRETATION RESULTS & DISCUSSION

Demographic details, no. of respondents= 100

Table 1: Personal & Professional profile of respondents		
Variables category values (%)		
Personal Background		
Gender	Male	47%
	Female	53%
Age group	21-30	43%
	31-40	37%
	41-50	11%
	50 & above	08%
Grade	Junior management	28%
	Middle management	62%
	Upper management	10%
Time spent in current organization	Less than 2 years	48%
	2-5 years	30%
	5-10 years	13%
	10+ years	08%
Overall work experience	Less than 2 years	11%
	2-5 years	26%
	5-10 years	16%
	10-15 years	19%
	15-20 years	13%
	20 + years	13%
How motivated do you feel when you get rewarded at your workplace?	Extremely motivated	57%
	Somewhat motivated	29%
	Neutral	10%
	Less motivated	02%
	Not motivated at all	02%
How frequently do you think you should be rewarded to keep yourself motivated?	Monthly	21%
	Quarterly	43%

	Half yearly	19%
	Yearly	17%
In your opinion, which is the best reward and recognition for better employee engagement?	Monetary	86%
	Non-monetary	14%
Do you feel the pressure to perform high consistently when you are recognized at your workplace?	Yes	68%
	No	31%
How confident do you feel after being rewarded?	Extremely confident	62%
	Somewhat confident	27%
	Neutral	11%
	Somewhat not confident	0%
	Extremely not confident	0%
	Yes	66%
	No	34%
Do you feel that non appreciated employee are isolated from appreciated employees?	Very likely	65%
	Somewhat likely	21%
	Neither likely nor unlikely	10%
	Somewhat unlikely	01%
	Very unlikely	01%
How likely are you to stay in an organization that recognizes your performance?	Yes	92%
	No	06%
Does the reward and recognition motivate you to put in extra efforts to achieve it?	Yes	92%
	No	06%
By whom would you feel the most motivated to receive recognition?	Immediate manager	18%
	Supervisor	03%
	Head of department/ Vertical/ Region	18%
	Top management	58%

OVERVIEW:

Among the respondents, the highest response is from age group of 21-30 (43%) and 31- 40 (37%), 11% of the respondents fall under the age group of 41-50 years. 62% of the respondents fall under middle management and 28% are junior managers. 48% of respondents have spent less than 2 years and 30% of respondents have spent 2-5 years in their current organization.

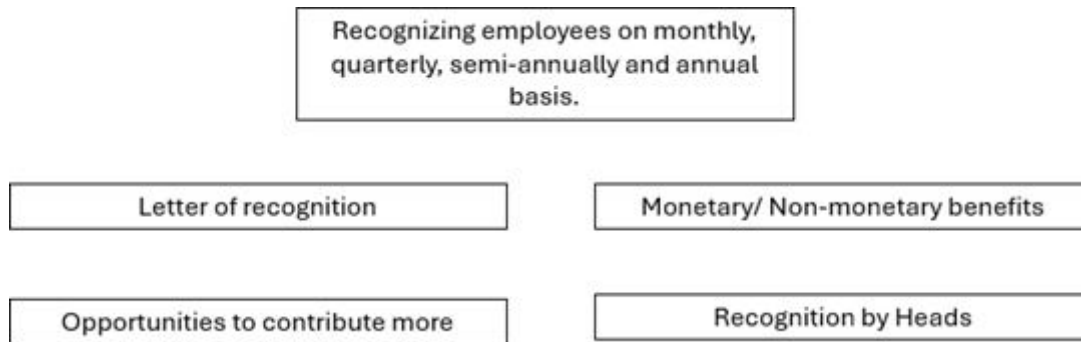
When we look at the overall work experience of the respondents, we have an average of 15% respondents in each group.

Reflecting upon the engagement level based on motivation factor, we see that approx. 85% of the respondents feel motivated after receiving a reward. And 68% of the respondents feel the urge to perform consistently high to be recognized at their workplace and 94% of the respondents feel motivated to go an extra mile to achieve the recognition again. Approximately 77% of respondents feel confident post receiving the recognition and are likely to stay in the same organization where they are being recognized.

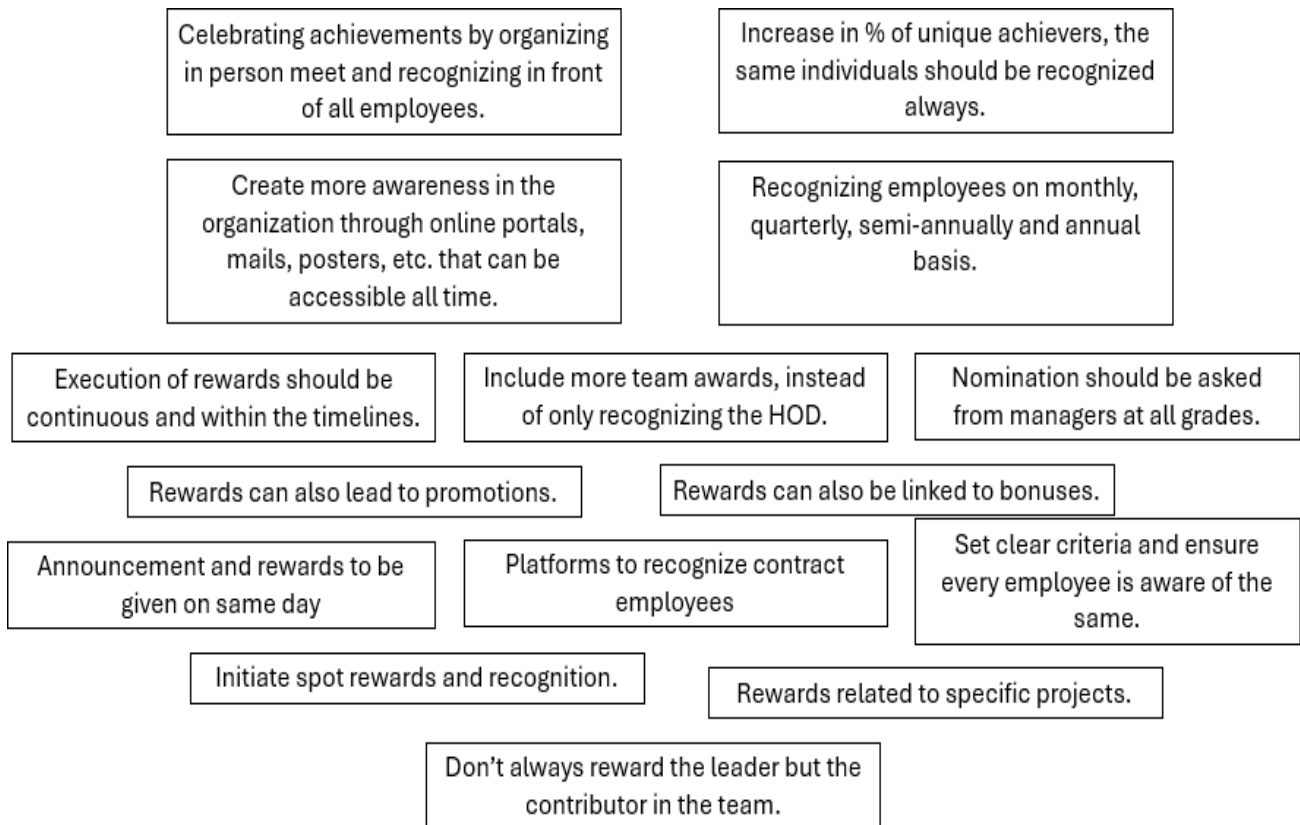
66% of respondents feel that the employees who are not being recognized are isolated from the ones who are recognized.

50% of respondents want to be rewarded on a quarterly basis and the same time an average of 25% respondents give importance to being rewarded monthly, half yearly and yearly basis. 86% of them prefer monetary reward over non-monetary reward. And 60% of them would like to be recognized by the top management.

Response: Practices that your organization should continue to appreciate employees.



Response: What rewards and recognition practices should your organization incorporate?



FINDINGS & SUGGESTIONS

- Employees expect that the execution of rewards is continuous and on a timely basis.
- Engagement among employees increases as post receiving the recognition they feel self-confident and motivated to perform high.
- Employees feel engaged as they are recognized by the leadership and their loyalty towards the organization increases.
- As an HR professional we need to ensure that we have something for every achiever –that includes full time and contract.
- We recognize small and big achievements – spot awards, performer of the monthly/ quarterly/ semi-annually/ annually.
- Recognition alone does not make a larger impact, awareness about the performers across organizations plays a larger role. Make the employees feel valued across all the forums online and in-person. If not by rewarding, then by recognizing over mail marking relevant employees.
- We tend to promote individual contributions more than teamwork, inculcate team awards to increase the engagement levels with peers and across departments.

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- A survey can be added semi-annually and annually to check how aspired an employee is to achieve the rewards that exist in your organization.
 - At the beginning of the year, the RNR policies/ expectations can be revised and shared with the employees to encourage them to perform their best.

7. CONCLUSION

Getting the best employee engagement score is one of the foremost objective of any organization. And rewards and recognition is a platform that ticks a lot of engagement factors like motivation, loyalty, performance, etc. In this innovative and evolving environment organizations must conduct timely dip checks on the employees and across the market to see the best policies, platforms and rewards to make their employees feel valued and engaged.

8. REFERENCES

- <https://www.hrcloud.com/blog/the-impact-of-employee-recognition-on-engagement-and-retention>
- https://www.academia.edu/309095/The_impact_of_reward_and_recognition_programs_on_employee_s_motivation_and_satisfaction_A_correlational_study
- <https://www.ijsr.net/archive/v4i11/NOV151549.pdf>
- https://www.researchgate.net/publication/329519715_A_Study_on_the_Impact_of_Rewards_and_Recognition_on_Employee_Motivation/citation/download

A STUDY ON IMPORTANCE OF FAITH ON ISHWAR FROM BHAGAVAD GITA

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ABSTRACT

Bhagavad Gita (Chapter 6, Verse 47)

योगिनामपि सर्वेषां मद्गतेनान्तरात्मना ।

श्रद्धावान्भजते यो मां स मे युक्ततमो मतः ॥

Of all Yogis, those whose minds are always absorbed in Me, and who engage in Devotion to Me with GREAT FAITH, them I consider to be the highest of all.

Here, Bhagwan Shri Krishna has clearly stated that, Yogi with Mind absorbed in Ishwar + Yogi Devoted to Ishwar with Faith

= Highest Yogi

Swami Ramsukhdasji has explained the concept of Faith on Ishwar in a lucid manner:

Just like for a child, everything is only MAA

Similarly, for a devotee, everything is only Ishwar

“You are my Mother, my Father, my Brother, my Friend, my Knowledge....

You are my Everything.”

This research paper aims at understanding the importance of Faith on Ishwar by studying the lessons from Bhagavad Gita.

Keywords: Faith, ISHWAR, Bhagavad Gita.

I. INTRODUCTION

It is rightly said:

There are two great days in a person's life-

The day we are born and the day we discover WHY..

Importance of constant Faith on Ishwar in the words of **Shri Vallabhacharyaji**:

Shri Chaitanyaji said to Shri Vallabhacharyaji, “Even if one were to spend less time in the company of a saint or an enlightened human being, than the time taken for a mustard seed to remain on the tip of a horn, all sins would be destroyed.”

To this, Sri Vallabhacharyaji said “If you give up good company and thoughts for even as short a time as it takes for a mustard seed to stay on a cow's horn, you will become a victim to negative thoughts and actions”.

That's the reason Shri Vallabhacharyaji stated in Navratnam Granth;

“Tasmat sarvatmana nityam, “Shri Krishnah Sharanam mama”

Vadadbhireva satatam; stheyamityeva me matih”

Therefore, to show one's gratitude, devotion & regard, devotee should recite constantly & wholeheartedly the Mantra: “*Shri Krishnah Sharanam Mama*” by keeping this devout sentiment in mind: “O Shri Krishna! Only you are my refuge”.

Life without Faith on Ishwar is like - food without salt, - building without foundation.

Therefore, it is important to have Faith on Ishwar.

To understand the importance of having Faith on Ishwar the best way is to take valuable lessons from the ideal scripture: The Bhagavad Gita.

II. LITERATURE REVIEW

Bhagavad Gita was referred for the study. The overview of the same is enunciated as under:

BHAGWAN SHRI KRISHNA says in Bhagavad Gita:

Chapter 4, Verse 39

श्रद्धावान् लभते ज्ञानं तत्परः संयतेन्द्रियः ।

ज्ञानं लब्ध्वा परां शान्तिमचिरेणाधिगच्छति ॥

Those whose faith is deep and who have practiced controlling their mind and senses attain divine knowledge. Through such transcendental knowledge, they quickly attain everlasting supreme peace.

BHAGWAN SHRI KRISHNA says in Bhagavad Gita:

Chapter 12, Verse 20

ये तु धर्म्यामृतमिदं यथोक्तं पर्युपासते ।

श्रद्धधाना मत्परमा भक्तास्तेऽतीव मे प्रियाः ॥

Those who honor this nectar of wisdom declared here, have faith in Me, and are devoted and intent on Me as the supreme goal, they are exceedingly dear to Me.

III. RESEARCH OBJECTIVES

- To understand the importance of Faith on Ishwar by studying the insights from Bhagavad Gita.
- To present conclusions of the study and come up with suggestions with a view to ensure supreme peace by becoming Dear to Ishwar as a result of Faith on Ishwar.

IV. RESEARCH METHODOLOGY

The study depends on the secondary data. The required data has been obtained from Spiritual book: **The Bhagavad Gita**, Discourses heard during *JNANAYAJNA* and Lectures heard during Value Added Course on

॥ ज्योतिर्गमय ॥: **Vision of The BHAGAVAD GITA** at Smt. K. G. Mittal College of Arts & Commerce.

V. LIMITATIONS

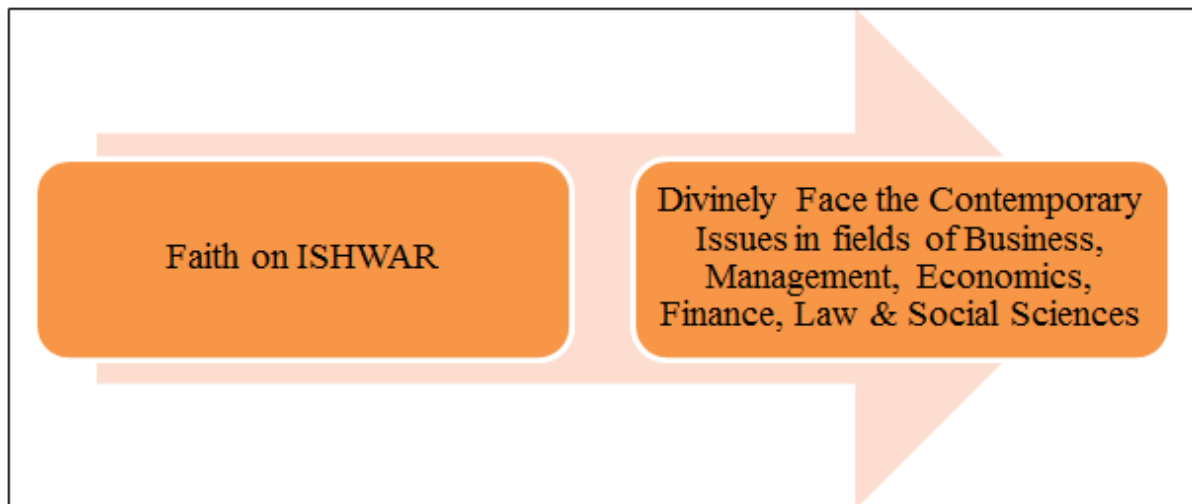
- The study is restricted to the area of Human Resource Management.
- The study is based on secondary data. However, data being collected from Spiritual Book: **The Bhagavad Gita** and *Jnanayajna* under the guidance of Course Instructor Dr. Darshika Karia (Value Added Course on

॥ ज्योतिर्गमय ॥: **Vision of The BHAGAVAD GITA** at Smt. K. G. Mittal College of Arts & Commerce) solves the purpose of research.

VI. ANALYSIS (FINDINGS)

Bhagwan Shri Krishna is called '*Govardhan Nath*' and the fascinating reason behind this is that Bhagwan Shri Krishna lifted the *Govardhan Parvat* (Hill) on his little finger of his left hand and held it up like an umbrella to protect the villagers from the torrential rain and thunderstorms which was an outcome of the ego and anger of Indra Dev (deity, god of rain). The villagers took safe shelter under the *Govardhan* umbrella for many days. The villagers contributed in lifting the *Govardhan Parvat* with the help of long sticks that they had in order to give some rest to Bhagwan Shri Krishna. Bhagwan Shri Krishna smiled at their innocence but was pleased to see them contributing. Bewildered Indra Dev called back the clouds of destruction.

This illustration states that Faith on Ishwar is inevitable for *Rakshan* (Protection), *Poshan* (Nourishment) and *Shikshan* (Education).



Source: Self-Compiled

VII. SIGNIFICANCE

- The significance of the study is that it provides an opportunity to understand the importance of Faith on Ishwar.
- Insights from Spiritual book: The Bhagavad Gita supports the efforts to identify factors contributing to becoming fearless by having Faith on Ishwar.
- The study will enable one to always choose the Divine Path and never choose anything unethical to get the work done.
- The importance of the study is that it will enable the nations to Divinely Face the Contemporary Issues in fields of Business, Management, Economics, Finance, Law & Social Sciences.

VIII. CONCLUSION

Prahaladji had Faith on Shri Vishnu that He will come and protect him; Ahalya Mata had Faith on Shri Rama that He will come and liberate her, Shabri Mata had Faith on Shri Rama that He will come and liberate her, Mira Bai had Faith on Shri Krishna that He will come and give Darshan to her, Arjuna had Faith on Shri Krishna that He will Guide him on the battlefield of Kurukshetra.

Shri Vishnu protected Prahaladji, Shri Rama liberated Ahalya Mata, Shri Rama liberated Shabri Mata, Shri Krishna gave Darshan to Mira Bai, Shri Krishna guided Arjuna on the battlefield of Kurukshetra.

Thus, researchers conclude that Faith on Ishwar leads to Supreme Peace, Confidence, Divine Energy, Bliss, Harmony with the entire creation, security and ultimately attainment of Ishwar.

IX. SUGGESTION:

1. The researchers suggest that Educational Institutions should introduce Value Added Courses on the topics that cover lessons from Spiritual Books like Upanishad, Ramayana, Bhagavad Gita, etc.
2. The researchers are of the view point that the path of Spirituality should be made more interesting by adding Quiz, Essay Writing, Story Telling Activity, etc.
3. Field Visit to Divine Places can be opted in the opinion of researchers.

X. REFERENCES

The data required in conducting this research was collected from the following sources:

BOOK:

- Shri Goyandka, J. (2002). *The Bhagavad Gita or The Song Divine*. Gorakhpur, India, Gita Press.

WEBSITES:

- <https://www.holy-bhagavad-gita.org/chapter/12/verse/20#:~:text=BG%2012.20%3A%20Those%20who%20honor,are%20exceedingly%20dear%20to%20Me.>
- <https://www.holy-bhagavad-gita.org/chapter/4/verse/39>

-
- <https://www.holy-bhagavad-gita.org/chapter/6/verse/47>

DISCOURSE:

- Shri Ajitbhai Dhirajlal Sodha (Weekly Discourses). *Pravachan on Bhagavad Gita*. Mumbai. Discourses.

LECTURE:

- Value Added Course on . || ज्योतिर्गमय ||: **Vision of The BHAGAVAD GITA** at Smt. K. G. Mittal College of Arts & Commerce

THESIS:

- Karia, D. under the guidance of Fulmali K. (2022). Impact of Spiritual Intelligence on Job Satisfaction and Job Performance: A Study on Organisations in Mumbai Western Suburbs: University of Mumbai.

A STUDY ON INVESTOR'S BEHAVIOUR TOWARDS DIGITALIZATION IN THE INDIAN EQUITY MARKETS

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ABSTRACT

The emergence of digitalization has transformed the entire sphere of financial markets. It has a significant impact on investor's behavior. Digitalization has revolutionized the way of investor's engagement with financial instruments as they are being catered with unprecedented access to real time market information, trading tools and investment opportunities through distinct digital platforms and mobile applications acting as a host. The research aims to focus by evaluating the effect of rapid changes in financial technologies that contributes to shaping the financial structure of the industry. The study would investigate how technology has driven the traditional methods of trading into a completely new digitalized platform, with the help of in depth analysis on technology adoption, trading patterns and investor's sentiments the research offers valuable insights to the evolving patterns of investor's behavior towards digitalization in the Indian Equity Markets.

Keywords: Digitalization, Equity markets, Investor's behavior, Online trading.

INTRODUCTION ON THE REVOLUTIONARY JOURNEY OF THE INDIAN EQUITY MARKETS TOWARDS THE MODERN ERA OF DIGITALISATION.

The history of the Indian Equity markets roots down to the 18th century during the British Colonial period when the securities would be dealt under the shade of a banyan tree in the town of Bombay (now Mumbai). The formation of the stock exchange had many key milestones that it overcome and accomplished. The Bombay Stock Exchange was founded in the year 1875 that is the oldest stock exchange located at the Dalal Street in Mumbai. The Securities Contract Regulation Act (SCRA) was enacted in the year 1956 to provide a legal framework to all the stock exchanges followed by the establishment of Securities Exchange Board of India (SEBI) in the year 1988 to back the entire regulatory compliance. In the year 1996, The National Stock Exchange was established that rooted the era of Digitalization in the Indian Equity markets. Digitalization facilitated transformative shift of the traditional equity trading system to a revolutionary and Tech- advanced equity market. Indian Stock Exchanges embraced digital trading platforms that replaced the traditional trading methods with automated trading mechanisms. Impact of Digitalisation in the Indian equity markets are as follows:

- **Dematerialization:** It involves conversion of physical and hard copies of share certificates into electronic form that eradicates the requirement of paper- based securities.
- **Electronic trading platforms:** Tech advancements have enabled investors to buy, sell and hold securities electronically that swaps the process of manual order execution.
- **Online brokerage services:** In order to manage investment portfolios , online brokerage firms provides digital platforms to carry out online trading and investment analysis. Online brokerage services provided in India includes: Motilal Oswal, Sharekhan, Zerodha, Angel One, Groww, , ICICI Direct and many more.
- **Mobile trading applications:** Applications such as Upstox, ICICI Direct, IIFL, Paytm Money, 5Paisa, Groww aids the investors to access stock market information and manage their portfolios within the screen of smartphones and tablets.
- **Regulatory Technology:** In order to ensure adherence to regulatory standards and discipline, monitor market dealings, detect suspicious transactions, risk management, regulatory compliance processes and enhance investor protection; Regulatory Technology has leveraged technology to streamline the entire compliance.
- **Algorithm Trading:** It involves the utilisation of computer generated algorithms to perform trading activities automatically on the basis of predefined parameters.
- **High Frequency Trading:** It refers to rapid dealings of large volumes of trades using algorithms and high speed data connections. It facilitates securities dealings within microseconds, capitalising on small price discrepancies and opportunities for profits.
- **Blockchain and Distributed Ledger Technology:** It carries the potential to provide secure, transparent and steadfast record keeping systems for securities transactions.

REVIEW OF LITERATURE

- **“An empirical study on The role of digital technologies on growth of mutual funds industry” by Kishore Kumar Das (2020):** The research measures the impact of rapid technological changes in the finance industry and its impact on distinct financial services of India. The study extends its investigation to evaluate the potential threats, challenges and future prospects of upcoming technologies in the mutual funds industry of India.
- **“The Rise of Digital Financialisation: The Case of India” by Sudeep Jain and Daniela Gabor (2020):** The study defines the concept of digital financialisation as a collaboration of two hitherto aspects- interactions using digital technologies and financial transactions. The research establishes digital financialisation as a correlation between technology and finance companies and dives into distinct concepts of Digitalisation in the Financial sector of India.

RESEARCH METHODOLOGY

Objective of the study

- To understand the modern era of Digitalization in the Indian Equity markets.
- To evaluate the impact of technological advancements in equity trading on investor's behaviour towards making investments decisions.
- To analyse the key elements that contributes to the revolutionary journey of the Indian Equity markets towards Digitalization.

Significance of the study

- The research aids in measuring the impact of digitalization on the Indian Equity markets.
- The investigation succors in establishing a relationship between technological advancements in the trading sector and investor's behaviour.

Scope and Limitations of the study

- To examine the behaviour of the investors towards digitalization in the Indian Equity markets which would comprehend the adoption of digital platforms, preferences for online trading and perception towards technological advancements in trading.
- Rapid technological upliftment could tend to make some findings outdated. The research may face limitations providing insights into emerging technologies and future trends.

Research Hypothesis

Alternative Hypothesis (H1): Digitalization in the Indian equity market significantly impacts investor's behaviour and decision making.

Null Hypothesis (H0): Digitalization in the Indian equity market does not significantly impacts investor's behaviour and decision making.

Statement of Problem

The research aims to examine the key elements that contributes to the revolutionary journey of Digitalisation transposing the traditional trading methods to the modern era of technological advancements and measuring the impact of behaviour of the investor's towards digitalization in the Indian Equity markets.

RESEARCH DESIGN

The given study is performed on the basis of Exploratory and Descriptive research. This research targets every investor and industry experts. The research questionnaire has been collected by people spread across all over India. There are a total of 30 people who responded to the questionnaire. Random sampling has been used to conduct this research. Structured questionnaires are circulated to the investors and industry experts to gain insights and perception towards digitalization in the Indian Equity markets. Factual data is studied from the National Stock Exchange and the Bombay Stock Exchange, Literature reviews and articles.

DATA ANALYSIS AND INTERPRETATION

1. Demographic Information

Table No. 1: Age wise distribution of the respondents.

Age	No. of responses	%
20-30 years	11	36.7

30-40 years	11	36.7
40-50 years	5	16.6
50 years & above.	3	10
TOTAL	30	100.00

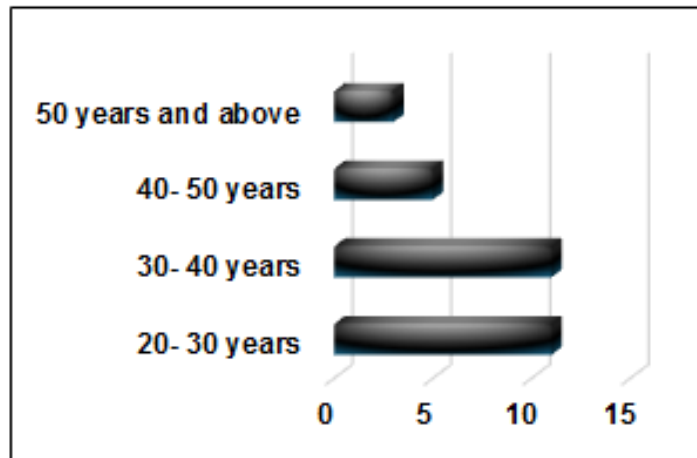


Figure No. 1: Age wise distribution of the respondents

The above table and chart describes the age wise distribution of the total respondents received. Age group of 20-30 years and 30-40 years contributes the maximum percentage of investors, followed by 40-50 years and 50 years and above.

Table No. 2: Occupation of the respondents.

Occupation	No. of responses	%
Student	10	33.33
Service	10	33.33
Professional	4	13.34
Self employed	3	10
Retired	3	10
TOTAL	30	100.00



Figure No. 2: Occupation of the respondents.

The above table and chart describes the occupation wise distribution of the total respondents received. Students and service sector has the maximum respondents with a total of approximately 60% followed by professional, self employed and retired section.

2. Investor's Behaviour Towards Digitalization in Equity Markets.

Table No. 3: Awareness about digital trading tools.

Awareness about digital trading tools.	No. of responses	%
Yes	27	90
No	3	10
TOTAL	30	100.00

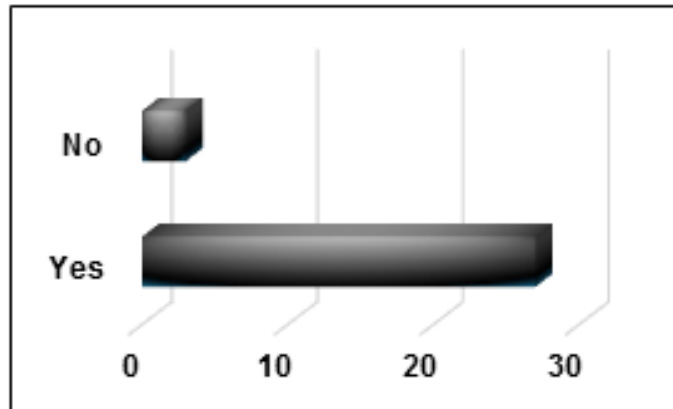


Figure No. 3: Awareness about digital trading tools.

Out of a total of 30 respondents, it is been observed that 90% of the investors are aware about the existence of digital trading platforms and tools. The remaining 10% are unaware about the technological advancements in the equity market.

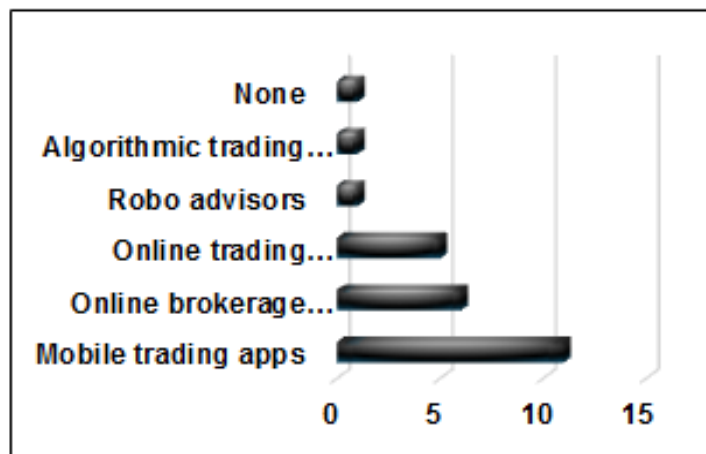


Figure No. 4: Digital trading tools used by respondents

Figure no.4 depicts the distinct trading tools used by the respondents. Out of 30 respondents, 11 investors use mobile trading apps, 6 investors use services from online brokerage firms and 5 use online trading websites. Robo advisors and algorithmic trading is also adapted by the investors.

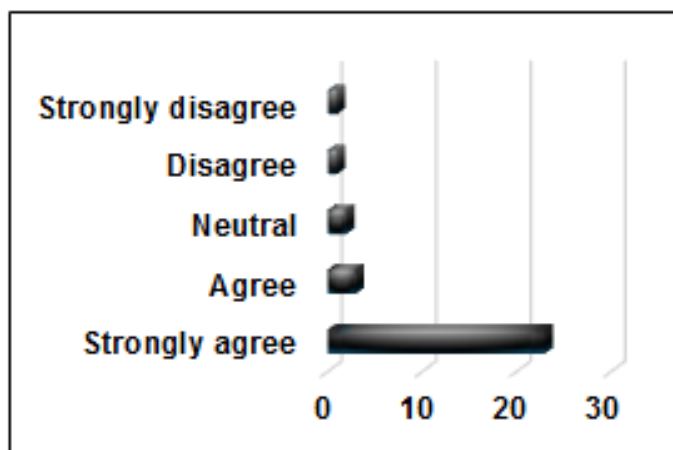


Figure No. 5: Convenience and accessibility in security dealings.

Figure no.5 describes that a total of 26 respondents agree that digitalisation has enhanced the convenience and accessibility in security dealings in the equity markets. Dematerialisation has replaced the physical share certificates electronically which are convenient and easily accessible.

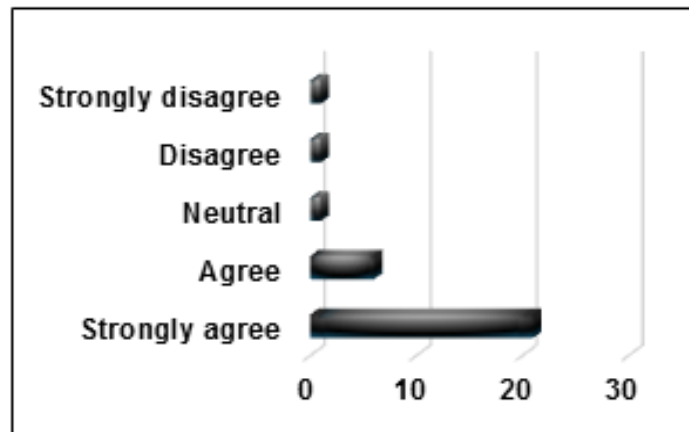


Figure No. 6: Reduction in transaction cost and time in security dealings.

Figure no.6 describes that a total of 27 respondents agree that digitalisation has reduced the transaction cost as technological advancements has eliminated the presence of brokers and with the high speed technology, the time per transaction in security dealings has been cut down to a great extent.

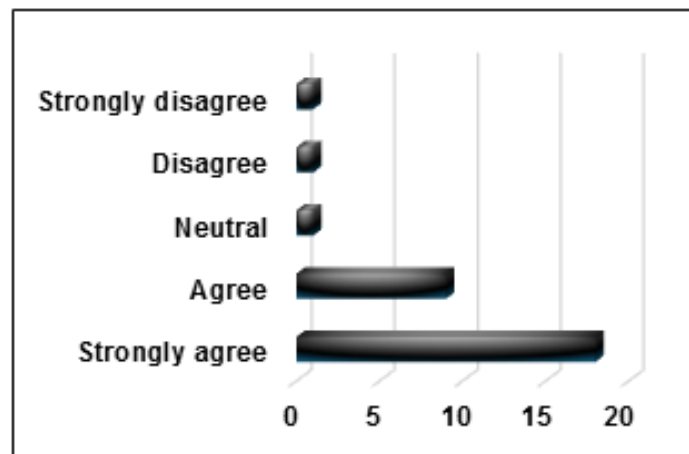


Figure No. 7: Real time market data and enhanced transparency.

Figure no. 7 describes that a total of 27 respondents strongly agree and agree with the fact that digitalisation has facilitated real time and accurate market data for the investors to study upon. Existence of several mobile apps and brokerage websites provide stock market information with company analysis with immense accuracy. As the data for all the transactions and dealings are kept electronically in the investors devices, it has enhanced transparency in the minds of the investors and fraudulent activities could be scrutinised.

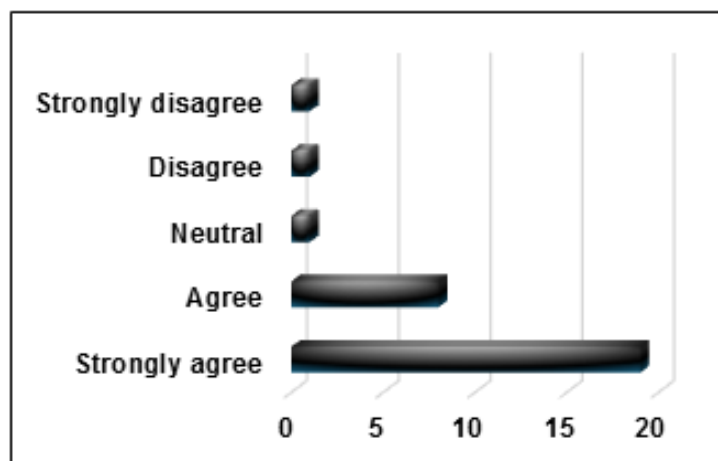


Figure No. 8: Market efficiency, price discovery and liquidity.

Figure no.8 highlights that a total of 19 respondents strongly agree and 8 respondents agree to the fact that digitalisation in the equity dealings have enhanced market efficiency by streamlining the trade process, increased market liquidity by more participation of the investors & facilitated price discovery.

Table No. 4: Reduction in distinct types of risk associated with equity dealings.

Type of risk	No. of responses
Manual error	24
Operational risk	21
Market timing risk	17
Liquidity risk	13
Compliance risk	11
Market abuse risk	5

Table no. 8 describes the perception of investors towards minimisation of distinct types of risk by digitalisation in the equity dealings. Risk of manual error that is the risk associated with recording of wrong amounts or transaction by the human being is considered to be eliminated the most on online trading platforms as there are no physical records available in the digitalised error. 24 people believe that manual error is minimised, 21 people feel that operational risk is reduced through online platforms, 17 people showed up that risk associated with wrong or occurrence of mismatch of market timings is eliminated with Liquidity, Compliance and Market abuse risk.

CONCLUSIONS

The research reveals a notable shift in the Indian equity markets towards digitalisation. In this research out of a total of 30 respondents, approximately 26 to 27 respondents agree that digitalisation has eased the process of securities dealings in the equity markets. With the advent of technology, investors rely more on digital trading tools and online platforms to buy and sell securities. The research discloses that the traditional methods of trading are being gradually replaced by online trading through mobile apps and websites. Digitalisation in the equity markets have facilitated higher convenience, minimised cost and time, higher security, accurate market data and enhanced transparency in security dealings.

Digitalisation in the equity markets allows a broader sector of investors to participate in the security dealings that enhances the liquidity and efficiency of the markets. Digitalisation has transformed the entire globe of trading system in the equity markets, streamlining processes from dealings in securities to the regulatory and compliance management.

REFERENCES

- Das, K. K., & Ali, S. (2020). The role of digital technologies on growth of mutual funds industry: An empirical study. *International Journal of Research in Business and Social Science* (2147-4478), 9(2), 171-176.
- Jain, S., & Gabor, D. (2020). The rise of digital financialisation: The case of India. *New political economy*, 25(5), 813-828.

THE EFFECTS OF FINANCIAL STRESS OF EMPLOYEE IN THE INDUSTRIES

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ABSTRACT

Employees should be financially stable to avoid the financial stress which can affect job performance and thereby affects productivity. This article narrates the section of causes, effects of financial stress on productivity and employers' efforts which will largely benefit the society.

Keywords: Financial Stress, Financial stability, Productivity, Job Performance.

1. INTRODUCTION

Financial Stability plays a very crucial role in the growth of industries. Many factors depend on the productivity and development of the Industries. One of the important factors financial stress affects the productivity of the industries. If employers have to cope with this situation then certain measures have to be taken for reducing the financial stress of the employees.

Researcher has made an attempt to bring in one page some causes of financial stress and its effects on the industries

2. FINANCIAL STRESS

Financial stress refers to the emotional, psychological, and physical strain that individuals experience as a result of their financial situation. It is a pervasive aspect of modern life, affecting people from all walks of life regardless of income level or occupation. Financial stress can arise from various factors, including economic downturns, job loss, mounting debt, unexpected expenses, and inadequate savings.

The impact of financial stress extends beyond monetary concerns, influencing overall well-being and mental health. Individuals facing financial stress often experience anxiety, depression, sleep disturbances, and strained relationships. The constant worry about meeting financial obligations and the uncertainty of the future can take a toll on both physical and mental health.

2.1 Causes of Financial Stress

Financial stress can arise from various factors, and its causes are often multifaceted. Here are some common reasons why individuals may experience financial stress:

Job Insecurity and Unemployment: Concerns about job stability or the actual experience of job loss can be a major source of financial stress. The fear of not being able to meet financial obligations without a steady income can be overwhelming.

High Levels of Debt: Excessive debt from credit cards, student loans, mortgages, or other loans can create a significant financial burden. Managing monthly payments and dealing with high interest rates can contribute to stress.

Insufficient Savings: Inadequate savings, especially for emergencies or unexpected expenses, can leave individuals vulnerable to financial shocks. The absence of a financial safety net can intensify stress when facing unforeseen circumstances.

Medical Expenses: Healthcare costs, including medical bills and expenses not covered by insurance, can lead to financial strain. Serious illnesses or accidents may result in high medical bills, adding to the overall financial burden.

Income Fluctuations: Irregular income or fluctuations in income levels, such as variable work hours or freelancing, can make budgeting and financial planning challenging, contributing to stress.

Lack of Financial Literacy: Limited understanding of personal finance, budgeting, and investment can lead to poor financial decisions and contribute to financial stress. Education in financial literacy is crucial for making informed choices.

Divorce or Family Issues: Family-related financial challenges, such as divorce or strained relationships, can have a significant impact on an individual's financial situation, leading to stress.

Economic Downturns: Economic recessions or downturns can result in job losses, reduced income, and financial instability on a broader scale, affecting many individuals simultaneously.

Housing Costs: High housing costs, whether in the form of rent or mortgage payments, can strain a household budget. In regions with a high cost of living, finding affordable housing can be a persistent challenge.

Retirement Planning Concerns: Inadequate retirement savings or uncertainty about future financial security during retirement can be a source of stress, particularly for individuals nearing retirement age.

Credit Issues: Poor credit history or difficulty accessing credit can limit financial options and exacerbate financial stress.

Unexpected Expenses: Emergencies, car repairs, or other unexpected expenses can disrupt financial plans and lead to stress, especially when there is no financial cushion to absorb such costs.

2.2 Impact of Financial Stress

Financial stress can have far-reaching and significant impacts on various aspects of an individual's life, affecting both their mental and physical well-being. Here are some common consequences of financial stress:

2.2.1 Psychological Impact

Mental Health Issues:

Anxiety and Depression: Persistent worry about financial matters can contribute to heightened anxiety and, in more severe cases, depression.

Cognitive Impairment: Financial stress may impair cognitive functions such as decision-making, problem-solving, and concentration.

Physical Health Effects:

Sleep Disturbances: Financial stress can lead to difficulty falling asleep or staying asleep, resulting in sleep disturbances and fatigue.

Increased Health Issues: Chronic stress is associated with a higher risk of various health problems, including cardiovascular issues, gastrointestinal problems, and compromised immune function.

Relationship Strain:

Family and Social Relationships: Financial stress can strain relationships with family and friends, leading to conflicts and emotional distance.

Marital Issues: Couples may experience increased tension, arguments, and strain on marital relationships due to financial stress.

2.2.2 Behavioural Impact

Behavioral Changes:

Unhealthy Coping Mechanisms: Some individuals may turn to unhealthy coping mechanisms such as excessive drinking, smoking, or overeating to manage stress.

Risk-Taking Behavior: Financial stress may lead individuals to take financial risks or make impulsive decisions in an attempt to improve their situation.

2.2.3 Physiological Impact

Muscle Tension and Pain:

Muscle Tension: Stress can lead to increased muscle tension, contributing to conditions such as tension headaches, neck pain, and back pain.

Chronic Pain Conditions: Financial stress may exacerbate existing chronic pain conditions or contribute to the development of new ones.

Changes in Appetite:

Appetite Changes: Financial stress can lead to changes in eating habits, with some individuals experiencing an increase in appetite (stress eating) and others a decrease (loss of appetite).

Weight Changes: Fluctuations in appetite, combined with the physiological effects of stress hormones, can contribute to weight gain or loss.

2.2.4 Productivity Impact

Distraction and Reduced Focus:

Preoccupation with Financial Concerns: Individuals experiencing financial stress may find it challenging to concentrate on work tasks due to constant worries about their financial situation.

Decreased Attention Span: Persistent financial concerns can lead to a shortened attention span, making it difficult to focus on complex or time-consuming tasks.

Health Issues: The physiological impact of financial stress, such as elevated cortisol levels and compromised immune function, can lead to health problems, contributing to increased absenteeism.

Mental Health Days: Individuals may take days off work to address their mental health and cope with the emotional toll of financial stress.

3. Productivity and Performance

Increased stress levels may lead to higher rates of absenteeism in the workplace. Difficulty concentrating and impaired decision-making can result in an increased likelihood of making mistakes or errors at work.

3.1 Productivity

Decreased Productivity: Financial stress can lead to decreased productivity as individuals struggle to meet the demands of their job while dealing with emotional and cognitive challenges.

3.2 Job Performance

Decreased Job Performance: Financial stress can impact job performance, as individuals may find it challenging to focus on tasks and meet deadlines while preoccupied with financial worries.

4. Employer Efforts and Workplace Financial Programmes

Employers can play a crucial role in helping employees manage financial stress by implementing various workplace programs and initiatives. Here are several strategies and workplace financial programs that can contribute to reducing financial stress among employees:

Financial Education Workshops:

Budgeting and Financial Planning: Offer workshops that provide employees with practical skills in budgeting, financial planning, and managing debt. These sessions can empower individuals to make informed financial decisions.

Investment Education: Educate employees about investment options, retirement planning, and the importance of long-term financial goals.

Employee Assistance Programs (EAPs):

Counseling Services: Provide access to counseling services through EAPs to support employees dealing with financial stress. Professional guidance can help individuals navigate their financial challenges and develop coping strategies.

Financial Wellness Seminars:

Regular Seminars: Conduct regular seminars on financial wellness topics, including debt management, savings strategies, and understanding employee benefits. These sessions can create a supportive environment for open discussions about financial concerns.

Flexible Work Arrangements:

Telecommuting and Flexible Hours: Offer flexible work arrangements to help employees manage their time and reduce stress associated with commuting or conflicting work schedules.

Part-Time Options: Explore options for part-time work or job-sharing arrangements to accommodate employees who may benefit from reduced working hours.

Employee Financial Assistance Programs:

Emergency Financial Support: Establish programs that provide emergency financial assistance to employees facing unexpected expenses or financial crises.

Low-Interest Loans: Consider offering low-interest loans to employees who need short-term financial assistance, providing an alternative to high-interest credit options.

Retirement Savings Programs:

Retirement Planning: Provide comprehensive information about retirement savings options and facilitate retirement planning sessions to encourage long-term financial security.

Employer Contributions: Consider matching employee contributions to retirement accounts, demonstrating a commitment to the financial well-being of the workforce.

Health and Wellness Initiatives:

Healthcare Benefits: Ensure that employees are aware of and understand their healthcare benefits, including mental health coverage.

Wellness Programs: Implement wellness programs that address both physical and mental well-being, recognizing the interconnectedness of financial and overall health.

Debt Counseling Services:

Debt Management Programs: Partner with external organizations to offer debt counseling services. These programs can assist employees in developing strategies to manage and reduce their debt.

Employee Recognition and Incentives:

Recognition Programs: Implement recognition programs to acknowledge and reward employees for their contributions. Recognition can enhance job satisfaction and alleviate stress.

Financial Incentives: Consider offering financial incentives or bonuses tied to specific performance metrics to help employees achieve their financial goals.

Open Communication Channels:

Anonymous Feedback Channels: Create anonymous channels for employees to provide feedback on workplace financial programs and express concerns or suggestions.

Regular Check-Ins: Conduct regular check-ins with employees to discuss their well-being, including any financial concerns they may be facing.

5. CONCLUSION

Employers can create a supportive and inclusive workplace culture that addresses the financial well-being of their employees, ultimately reducing financial stress and improving overall job satisfaction and productivity.

REFERENCES

- Anderson, J. C., & Gerbing, D. W. (1988). Structural equation modeling in practice: A review and recommended two-step approach. *Psychological bulletin*, 103(3), 411.
- Anjum, A., & Ming, X. (2018). Combating a toxic workplace environment. *Journal of Modelling in Management*, 19(2), 111-138.
- Aw, E. C-X., & Sabri, M. F. (2018). Financial literacy and related outcomes: The role of financial information sources. *International Journal of Business & Society*, 20(1), 286-298.
- Babiarz, P., & Robb, C. A. (2014). Financial literacy and emergency saving. *Journal of Family and Economic Issues*, 35(1), 40-50.
- Delafrooz, N., & Paim, L. H. (2013). Role of financial stress on relationship between financial problem and financial wellness among Malaysia workers. *African Journal of Business Management*, 7(20), 1966-1972.
- Hojman, D. A., Miranda, Á., & Ruiz-Tagle, J. (2016). Debt trajectories and mental health. *Social Science & Medicine*, 167, 54-62.
- Lusardi, A., & Tufano, P. (2015). Debt literacy, financial experiences, and overindebtedness. *Journal of Pension Economics & Finance*, 14(4), 332-368.

-
- Qureshi, M. I., Iftikhar, M., Janjua, S.Y., Zaman, K., Raja, U. M., & Javed, Y. (2015). Empirical investigation of mobbing, stress and employees' behavior at workplace: Quantitatively refining a qualitative model. *Quality & Quantity*, 49(1), 93-113. Rabenu, E., Tziner, A., &
 - Sharoni, G. (2017). The relationship between work-family conflict, stress, and work attitudes. *International Journal of Manpower*, 38(8), 1143-1156.
 - Stolper, O. A., & Walter, A. (2017). Financial literacy, financial advice, and financial behavior. *Journal of Business Economics*, 87(5), 581-643.

ALTERNATIVE DISPUTE RESOLUTION AND ITS IMPACT ON INDIAN LEGAL SYSTEM

Purushottam Kumar¹ and Nishi Kant Bibhu²¹Advocate, Patna High Court²Assistant Professor, School of Law, Bennett University, Greater Noida, India**INTRODUCTION**

A rough figure of total pending cases till date in India is almost 4.70 crores. Many a times it is seen that for trivial issue, we jump into the litigation or it is often stated, we will see you in the court. But, hold on, is there any other mode or is there any way through which we can settle our disputes. Then, answer is in affirmative. So, we have alternate dispute resolution. In India the concept of resolving the dispute amicably and sitting together, has been getting practiced since long ago, which is called “Panchayat”. Once Gandhi ji stated that “India lives in its villages”. Even the constitution of India, Article 40¹ states that, it’s the state duty to organise Village panchayat.

However, with the time law evolves and then makers of legislation realized that there must be some other law which actually serves the purpose to settle the dispute out of the court, therefore, ADR (Alternate dispute Resolution) has come into the picture.

Evolution of the Arbitration & Conciliation Act 1996

As per the Article 39A², The Constitution of India states that “The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”. The Law commission of India in it’s 222nd report also mentioned that courts are where justice is dispensed. But court is not accessible to all, due to various barriers such as monetary issue, vast legal process, at times, there has been pressure by the political or pressure by the influential person.³

The Apex court has expressed its view in “Konkan Railway Corpn. Ltd. v. M/S. Mehul Construction Co”.⁴ It emphasized that before the Arbitration Act of 1996 came into effect, the Indian legal system only provided for domestic arbitration under the Arbitration Act of 1940. There were no provisions to deal with foreign awards at that time. Foreign awards were handled separately by the Arbitration (Protocol and Convention) Act, 1937, and the Foreign Awards (Recognition and Enforcement) Act, 1961. However, the need for a more efficient alternative dispute resolution system, particularly in commercial disputes, became evident due to the growing global trade and the slow disposal of cases in regular courts in various countries. To address this, the United Nations Commission on International Trade Law adopted the UNCITRAL Model Law of International Commercial Arbitration in 1985. Many countries, including India, recognized and incorporated this model into their respective legislative systems.

As a result, India enacted the Arbitration and Conciliation Act of 1996, replacing the earlier Arbitration Act of 1940 that originated during the British Rule. The new Act not only covered domestic arbitration but also extended its scope to International Commercial Arbitration.

Food Corporation of India v. Joginderpal Mohinderpal⁵, the Supreme Court observed: “We should make the law of arbitration simple, less technical and more responsible to the actual realities of the situations, but must be responsive to the canons of justice and fair play and make the arbitrator adhere to such process and norms which will create confidence, not only by doing justice between the parties, but by creating sense that justice appears to have been done.”

Statutes having provisions of Alternate Dispute Resolution-

a) The Companies Act u/s 442⁶ mentions about Mediation and Conciliation Panel.

¹ The Constitution of India

² The Constitution of India

³ Law Commission of India “ 222nd Report on Need for Justice-dispensation through ADR etc.

⁴ 2000 (6) SCALE 71

⁵ (1989) 2 SCC 347

⁶ The Companies Act

- b) The Micro, Small and Medium Enterprises Development Act, 2006 also has the provision of settlement through Conciliation, as per u/s 18 of the Act¹.
- c) The Hindu Marriage Act u/s 23 (2) mentions to mediate between the parties.
- d) Real Estate (Regulation and Development Act) 2016 u/s 32 (g) mentions about measures to facilitate amicable conciliation of disputes between the promoters and the allottees through dispute settlement forums set up by the consumer or promoter associations.
- e) Legal Service Authority Act, u/s 4 (f) encourages the settlement of disputes by way of negotiations, arbitration and conciliation.
- f) The Consumer Protection Act 2019, u/s 37-38 and Chapter V provides the disputes may be referred in Mediation.
- g) The Civil procedure Code u/s 89 has the provision of settlement of dispute outside the court.
- h) The Commercial Court Act has also provision of mediation under Pre- institution Mediation and Settlement Rules 2018, u/s 12 A.

The Supreme Court in *Sheela Barse v. State of Maharashtra*² has emphasized that legal assistance to a poor or indigent accused arrested and put in jeopardy of his life or personal liberty is a constitutional imperative mandated not only by Article 39A but also by Articles 14 and 21 of the Constitution.

The *Maneka Gandhi vs. Union of India*³ principle, as enunciated by the Indian Supreme Court, that fundamental rights do not constitute separate islands unto themselves but constitute a continent ushered in what Krishna Iyer, J. terms the jurisprudence of access to justice. He said: "We should expand the jurisprudence of Access to Justice as an integral part of Social Justice and examine the constitutionalism of court-fee levy as a facet of human rights highlighted in our Nation's Constitution. If the State itself should travesty this basic principle, in the teeth of Articles 14 and 39A, where an indigent widow is involved, a second look at its policy is overdue.

In 1982, in Junagarh in the State of Gujarat, a forum for Alternative Dispute Resolution was created in the form of Lok Adalat (People's Court). Keeping in view the usefulness of Lok Adalats, the Government of India also set up in 1980 a Committee under the chairmanship of Mr. P. N. Bhagwati, a former Chief Justice of India, and later, the Parliament enacted the Legal Services Authorities Act, 1987 in view of the mandate of article 39A of the Constitution⁴.

The purpose to enact this law is to provide free legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by any reason especially on economic or other reason.

Out of all these, Lok Adalat has really advocated the importance of alternate dispute in wider and deeper way. In *P. T. Thomas v. Thomas*⁵, The court has adjudicated that A Lok Adalat award is on a par with a decree on compromise, final, unappealable, binding and equivalent to an executable decree, and ends the litigation between the parties".

The Legal Service Authority has developed three level of authorities at National, State and at District levels which is known as "National legal Service Authority", "State Legal Service authority and "District legal Service Authority" respectively.

"The Aim of the authorities is as follows"-

- Free legal Aid
- Legal Awareness
- Settlement of Disputes

¹ The Micro, Small and Medium Enterprises Development Act

² AIR 1983 SC 378

³ (1978) 1 SCC 248

⁴ Supra Note 3.

⁵ (2005) 6 SCC 478

Matters which is referred: -

A) Post Litigation

(B) Pre-Litigation

However, it is important to note that Lok Adalat does not have jurisdiction over matters related to divorce or non-compoundable offenses under any law.

Formation of Lok Adalat:

At the State - The Lok Adalats organized by the State Legal Services Authority are constituted with benches, each consisting of a sitting or retired judge from the High Court or a judicial officer. Additionally, a member from the legal profession or a social worker, dedicated to uplifting weaker sections and promoting legal services programs, also sits on the bench to contribute their valuable insights.

At High Court - The Lok Adalats formed by the High Court Legal Services Committee are composed of benches with either a sitting or retired High Court judge. Accompanying them is a member from the legal profession or a social worker committed to uplifting weaker sections and advancing legal services programs.

At District - The Lok Adalats organized by the District Legal Services Authority consist of benches with a sitting or retired judicial officer. Alongside, there is a member from the legal profession or a social worker actively involved in empowering weaker sections and supporting legal services programs. In some cases, a bench may also include a person engaged in para-legal activities, preferably a woman, to further enrich the bench's diversity and perspectives.

At Taluk - The Lok Adalats set up by the Taluk Legal Services Committee comprise benches with a sitting or retired judicial officer. Additionally, a member from the legal profession or a social worker, dedicated to uplifting weaker sections and promoting legal services programs, is also part of the bench. The inclusion of a person engaged in para-legal activities, preferably a woman, can further enhance the bench's effectiveness and inclusivity.

The Legal Services Programs initiated by the National Legal Services Authority (NALSA) encompass a wide range of provisions aimed at providing free legal aid to individuals falling within the scope of Section 12 of the Legal Services Authority Act, 1987. This aid covers representation by an advocate in legal proceedings, payment of process fees and expenses of witnesses, preparation of pleadings and legal documents, drafting special leave petitions, and supplying certified copies of judgments and other legal documents Representation by an Advocate in legal proceedings¹. This assistance is designed to ensure access to justice for all, irrespective of their socio-economic background. The key components of NALSA's Legal Services Programs are as follows:

1. Representation by an Advocate in Legal Proceedings: Qualified individuals falling under Section 12 of the Act are entitled to receive representation by a competent advocate during legal proceedings. This provision ensures that individuals have access to legal expertise and representation to present their case effectively in court.
2. Payment of Process Fees and Expenses of Witnesses: In appropriate cases, NALSA covers the payment of process fees, witness expenses, and other charges that may arise during the course of legal proceedings. This financial support alleviates the burden on those seeking justice and enables them to pursue their cases without undue financial constraints.
3. Preparation of Pleadings and Legal Documents: The Legal Services Programs also extend support in the preparation of essential legal documents such as pleadings, memoranda of appeal, and paper books required in legal proceedings. This assistance ensures that individuals have well-prepared and comprehensive legal documents to present their case convincingly.
4. Drafting of Special Leave Petitions and Legal Documents: NALSA aids individuals in drafting special leave petitions and other necessary legal documents. This service is particularly beneficial for cases that require specific legal expertise and precise drafting to be presented before higher courts or specialized tribunals.
5. Supply of Certified Copies of Judgments and Legal Documents: Individuals availing legal aid under NALSA's programs receive assistance in obtaining certified copies of judgments, orders, notes of evidence, and other relevant documents pertaining to their legal proceedings. This ensures that individuals have access to official records for reference and future use.

¹ <https://nalsa.gov.in/services/legal-aid/legal-services> last visited on May 23 2023

6. Legal Awareness Initiatives: Apart from providing legal aid, NALSA also emphasizes creating legal awareness among various segments of society. These awareness programs aim to educate people about their legal rights, entitlements, and the avenues available for seeking redressal in case of legal disputes. By empowering individuals with legal knowledge, NALSA endeavors to promote a more informed and just society.

NALSA's Legal Services Programs play a crucial role in promoting access to justice and ensuring that the underprivileged and marginalized sections of society can avail legal aid and representation. Through its comprehensive provisions, NALSA strives to foster a society where legal rights are protected, and individuals can seek redressal in an efficient and equitable manner.

Types of Lok Adalat:-

National Lok Adalat

So, the National legal service authority on every quarter organizes the National Lok Adalat to all over the country on a single day in all courts from Higher court to lower court.

Permanent Lok Adalat

Under “Section 22-B of The Legal Services Authorities Act, 1987”, another form of Lok Adalat is established, known as the Permanent Lok Adalat. Unlike regular Lok Adalats, Permanent Lok Adalats are constituted as permanent bodies with a chairman and two members. These forums serve as a compulsory pre-litigation mechanism for conciliation and settlement of disputes concerning Public Utility Services such as transport, postal services, telegraph, etc.

In cases referred to Permanent Lok Adalats, if the disputing parties fail to reach a settlement through conciliation, the Permanent Lok Adalat gains jurisdiction to make a decision on the dispute. However, it's important to note that this jurisdiction applies only to cases that do not involve criminal offenses.

The significant feature of the Permanent Lok Adalat is its authority to issue an award that is final and binding on all the parties involved. This means that once the Permanent Lok Adalat passes an award, the parties are legally bound to abide by its decision.

The jurisdiction of the Permanent Lok Adalat extends to disputes involving amounts up to Rs. Ten Lakhs. Should the parties fail to reach a settlement during the conciliation process, the Permanent Lok Adalat has the power to adjudicate and render a final decision on the case, which is legally binding upon all parties involved.

National legal service Authority is with the view is that “The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate, taking into account the circumstances of the case, wishes of the parties like requests to hear oral statements, speedy settlement of dispute etc”¹.

Mobile Lok Adalats are also organized by the State Legal service authority after getting assistance from the District legal Service authority at district level. The vehicle travels in which officials are sitting and their prime aim to resolve the dispute and reach to the people who cannot reach to the appropriate place so that his dispute can be addressed. .

Power of Lok Adalat:- As per the Section 22² provides Lok Adalats with the same powers as a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when dealing with specific matters, including:

- (a) To Summon and enforce the attendance of witnesses
- (b) To pull out and find the any relevant document.
- (c) To receive evidence on affidavit.
- (d) To have the Requisition of public records or documents, or copies thereof, from any court or office.
- (e) or any other matters as prescribed.

Additionally, the law of the land also empowers every Lok Adalat or Permanent Lok Adalat to establish its own procedure for the resolution of disputes that come before it. This provision enables flexibility and adaptability in addressing various types of disputes.

¹ Lok Adalat - National Legal Services Authority! (nalsa.gov.in) (last visited on 22.05.2023)

² The legal Services Authority Act 1987

Moreover, it is important to mention that “noting that all proceedings before a Lok Adalat or Permanent Lok Adalat are considered judicial proceedings within the meaning of sections 193, 219, and 228 of the Indian Penal Code (45 of 1860)¹. Furthermore, for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974), every Lok Adalat or Permanent Lok Adalat is deemed to be a Civil Court.

In summary, Section 22 empowers Lok Adalats and Permanent Lok Adalats with the authority and functions of a Civil Court while handling specific matters. It also grants them the flexibility to devise their own dispute resolution procedures. Moreover, it recognizes the proceedings before these forums as judicial proceedings and accords them certain legal implications similar to those applicable to Civil Courts.

Advantage of Lok Adalat: -

It shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute².

- a) It helps in speedy justice and it also saves from the lengthy court procedure. We often say Justice delayed; Justice denied.
- b) It also helps the Judiciary to dispose of the matters and helps to reduce the backlog of matter.
- c) Speedy Resolution: Lok Adalats are known for their expeditious nature, providing a resolution to disputes on the same day in many cases. This is particularly beneficial for those seeking quick redressal of grievances.
- d) Cost-Effective: Participation in Lok Adalats is free of cost, making justice accessible to all, especially those from economically weaker sections of society.
- e) Reduced Caseload: By resolving a significant number of cases, Lok Adalats alleviate the burden on regular courts, allowing them to focus on more complex and time-consuming matters.
- f) Promoting Compromise: Lok Adalats emphasize the spirit of compromise and mutual settlement, promoting cordial relations between the parties even after the dispute is resolved.
- g) Confidentiality: The proceedings in Lok Adalats are kept confidential, ensuring that sensitive information remains private and does not tarnish reputations
- h) Over the years, Lok Adalats have made a substantial impact on the Indian justice system. Millions of cases have been resolved through these forums, easing the pressure on the judiciary. They have been particularly successful in settling family disputes, property matters, and petty criminal offenses. However, some challenges persist, including awareness and outreach, as many people are still unaware of the existence and benefits of Lok Adalats. Enhancing public awareness about ADR mechanisms is crucial to encouraging more people to utilize these platforms

Refund of Court Fee and it's Challenge :

If any suit is filed and same has been referred for settlement u/s 89 CPC, then there is a provision of refund of Court fee u/s 16 of Court Fee Act, which says, When the Court refers the matter to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the Plaintiff shall be entitled to a certificate from the Court which make him eligible claim back from the collector, the full amount of the fee paid in respect of such plaint³. However, such provision of refund of Court fee is not been mentioned in all the statutes, where provision of out of the court settlement provision has been mentioned. Even in DRT (Debt Recovery Tribunal), if the matter gets settled before the decree gets passed, then the both the parties shall have to file and have joint application before the Registrar of the Tribunal for refund of court fee indicating the details of the settlement⁴. Now again, one the matter gets disposed of, then defendant doesn't take interest to put their signature on the joint application.

Even the Commercial Court Act has provisions of Mediation but there is no provision for a refund of the court fees even if the mediation gets settled. Whereas in Consumer Protection Act, refund of court fee can only be possible when the commission refers the parties to mediation and settlement is reached between such parties.

¹ The Indian Penal Code, 1860

² The National Legal Service Authority Rules

³ The Court Fee Act

⁴ Debt Recovery Tribunals (Refund of Court Fee) Rules ,2013

The Mediation Act 2023,

The Mediation Act provides an illustrative list of disputes that are not appropriate for mediation, while also expanding the scope of mediation to include civil and commercial disputes. The Mediation Act states that certain types of disputes are not appropriate for mediation, including those involving minors or people with intellectual impairments, criminal offences, tax-related difficulties, land acquisition concerns, and certain regulatory topics.

A thorough description of mediation is provided by the Mediation Act, which encompasses conciliation, internet mediation, community mediation, and pre-litigation mediation. This is consistent with international practice, where the terms "conciliation" and "mediation" are frequently used synonymously, as the Supreme Court of India has already acknowledged and as stated in the Singapore Convention. As a result, the Arbitration and Conciliation Act of 1996's conciliation process is rendered obsolete by the Mediation Act.

CONCLUSION

The mode of alternate dispute or out of the court settlement method must be more simplified. The Lok Adalat is one of the pioneers of it. Gradually, digitalisation may be introduced and both the parties may resolve the dispute virtually. It will save cost as well save the time. In all those statutes where court refund provision has been incorporated then it must be promoted and refund of court fee should be made available in easy manner.

It's always looks good to read when we read some Lakhs cases have been disposed of in single day, but do we actually calculate the cost which incurred in one single day. There is costing of page for each award which has been passed (for one award there is three copies), bench fee and other miscellaneous expenditure which incur on one single day. As in Lok Adalat Pre and Post litigation both matters are heard. So, if someone Pre-litigation matter been referred, then the party doesn't have any binding to come and attend the party. There may be some provision to atleast ensure their presence atleast in virtual mode. Lot of financial companies really want to utilise the platform of Lok Adalat/ National Lok Adalat, but reality is far away. We need to come forward and must try to make the alternate dispute in such a manner, which can be fruitful for each of us.

DIGITALIZATION, EMPLOYMENT AND WORK REGULATION: OVERVIEW

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The goal of this thematic issue is to better comprehend how digitization is upending and rearranging employment and labor regulations. It also looks at how these worries could encourage institutional and organizational experimentation.

The complicated connections among distributed data, interlinked items, and numerous platforms which characterize the current form of digitalization created the impression of the divide of the concept of technological innovation and simultaneously developed a system for influencing industrial changes. Manufacturing devices that use learning technologies supported by large amounts of information, along with omnipresent gadgets that produce immeasurable streams of data and information-driven services, are being more utilized across many sectors. The establishment of Industry 4.0 factories began utilizing robots with expanded capabilities to work on automatic manufacturing lines. Another recent development is the possibility to expand the performance of cloud architecture systems and, in particular, simplify the provision of software as a service by redistributing available resources in accordance with changes in demand. Using the Internet of Things, millions and billions of items are interconnected, creating a network of implemented devices and sensors. A separate type of evaluation and acquisition devices are now processing several petabytes of operational data. With the growth of positive results through business intelligence and analytics tools, great insights can be taken from the innumerable transactions and performance measures which data sources these days provide. In addition, global activity based on the fact that thousands of miles of a variety of transportation pipelines and shipments are being monitored and processed by coordinated digital transportation and transported inventories through distant registers. Furthermore, the whole prototype testing procedure has become much quicker due to the spread of printing devices which utilize thin layers of polymers and composites to produce the prototype of any object received from the materials for it. In addition, the reduced process of product creation now affects all types of interactions, including the production and purchase of products between manufacturers, retailers and end-users from different parts of the world.

These changes highlight the need to reassess the way company structures are currently structured. The emergence of the aforementioned technologies is accompanied by the development of new business models, some of which are fostering the expansion of "network markets" and the platform economy (Briken et al., 2017; Degryse, 2016; Olleros and Zhegu, 2016). The ability of the new business models to marketize resources that were previously underutilized or underutilized in order to extract economic rents is one of their key features. Interconnected gadgets, machine learning algorithms, and internet applications increase the possibility for generating and utilizing new sources of value by turning our everyday activities into useable data. According to the new models, consumers are now producers of digital commodities and digitalized data is a strategic resource.

In academic and public circles, there is a lot of talk and disagreement over the disruptive effects of the current digitalization era. Digitally-enabled machines with artificial intelligence (AI); digitalization of processes that offer enhanced possibilities for information processing, storage, and communication; and use of digital networks to coordinate economic transactions through platform-based algorithms are the three aspects of digitalization that Warhurst and Hunt (2019: 1) list as changing work and, consequently, labor markets. Three methods are anticipated for these changes to impact labor markets and behaviors. The first method addresses how technological innovation—such as automation, machine learning, and artificial intelligence systems—may or may not influence the nature of labor (West 2018; Berg et al., 2018). More precisely, it is asserted that digital technologies—such as online platforms—are being purposefully and strategically employed to influence labor and employment interactions (Frey and Osborne, 2017). Second, digitalization has expedited the growth of jobs in the information and service sectors as well as the contraction of jobs in the manufacturing and sourcing of material goods (OECD, 2019a and 2019b). Third, unstable types of employment have proliferated as a result of fewer employment contracts offering a "standard employment relationship" (Standing, 2014). As said, these new changes introduce an element of insecurity with major health concerns, regardless of one's individual experience with precarious employment and the current conditions (e.g., Lewchuk, 2017). They have far-reaching consequences that affect not just the tasks performed in the workplace but also the places and methods in which individuals are employed. While there does not appear to be a rise in unemployment as of yet, these

changes might be linked to a rise in underemployment (for example, in the United States, see Atkinson and Wu, 2017).

It is widely acknowledged that institutions are not in line with the realities of today's labor markets. The more significant changes brought about by the growth of the digital economy are posing issues for policymakers that they are unable to address. It is not possible for the necessary institutional structures to control and direct the spread of innovation and lessen the disruption at the global, national, and local levels (Sassen, 2015; Schwab, 2016; Zuboff, 2019). In order to address these changes, a protracted period of experimentation in the re-/regulation of work and employment is being undertaken by collective actors (firms, governments, trade unions, associations, consultancies, development agencies, and non-governmental organizations) in a variety of organizational, industry, and institutional contexts (Murray et al., 2020). These experiments entail the development of new norms, practices, and policies through uneven and contentious processes, with the potential to produce both positive and negative results. They can be more or less inclusive, democratic, and participatory, and they can exacerbate or lessen power imbalances, deteriorate or improve working conditions, and increase or decrease inequality.

We aim to contribute to the conversation in this thematic issue. The future of work, labor agency and power, and organizational and institutional experimentation are the three complimentary questions we address.

POWER AND LABOR AGENCY

Innovation in technology is ingrained in social relationships that are frequently overlooked. Thus, the influence and application of digitalization are social processes that precede the use of technological progress. Employers and governments are generally taking advantage of chances to use technological innovation to rebuild work. Despite the fact that these players hold a dominant position, workers and trade unions possess agency and can use it to challenge and influence the course and result of digitalization.

The labor movement faces both new and old issues as a result of digitalization. Trade unions and their predecessors have negotiated the introduction of new technology in the workplace from the beginning of industrialization, focusing on how it affects wage formation, reorganizes work routines, and displaces positions. However, workers are facing new difficulties in how they organize and represent themselves in the platform economy as a result of the wave of changes that the 21st century has brought us. Rekindled interest in how social partners might discuss these new challenges has been generated by the ongoing debate on digitization. Although the majority of research focuses on the ways in which labor unions can organize and represent platform workers, there is growing interest in the ways in which social partners might manage workplace digitalization.

The analytical takeaway is that evaluating the effects of digital disruption requires a labor agency exercise. These advances are subject to debate, opposition, and careful negotiation, with varying degrees of success. This observation calls into doubt the ability of collective actors—unions in particular—to deal with these kinds of developments. It is true that there are multiple digitization processes underway. As previously said, there has been an unequal introduction and implementation of digitalized innovation, ranging from their full and widespread deployment to their limited and specialized use in existing and established processes. Unions have demonstrated a variety of organizational styles, as well as an extensive array of resources and abilities, in the course of exercising their agency in this intricate workplace (for more on these resources and talents, refer to Lévesque and Murray, 2010; for information on the significance of organization, see Fairbrother, 2015). To put it briefly, the difficulty lies in comprehending and elucidating the use of labor agency in the face of digital disruption.

This analysis's key thesis is that these developments create a number of issues regarding labor agency and power relations both inside and outside of the workplace. The writers of these essays together want to elucidate how collective actors—trade unions chief among them, though not the only ones—have shaped the nature and consequences of digitalization. One may make three analytical points. First, the structural power of workers and the trade unions' ability to mobilize their organizational strength impact the ability of trade unions to respond and exert influence. Rutherford and Frangi observe that union locals in the Canadian auto industry have very different approaches. On the other hand, the comparative study by Gauthier, Jaehrling, and Perez highlights the organizational strains that arise when employer behaviors and organizational implementation converge, as is the situation with retail warehouses in Germany and France. Second, unions could be able to show that conventional union power resources are ineffectual or build and mobilize their own power resources. Gasparri and Tassinari's multilevel analysis focuses on the connections between Italian trade unions and electricity resources. The multidimensional approach of the study demonstrates that trade unions are adapting to

digitization instead of changing their traditional course of action. While Coiquaud and Morissette likewise focus on power dynamics, they also draw attention to the possibility that traditional union power resources won't be sufficient to handle the emergence of platform businesses like UBER, especially if the state ends up siding with these massive corporations. Third, unions could aid in the creation of fresh models for collective organization. To give two examples, Degryse and Hocquelet each demonstrate how new forms of collective organization—which are frequently founded on the mobilization of new technology—can strengthen workers' collective ability to act and influence laws governing employment and the workplace.

INSTITUTIONAL AND ORGANIZATIONAL EXPERIMENTS

Actors in the workplace experiment to find new methods to organize work and employment, institutionalizing them as new norms, understandings, and guidelines in the process (Murray et al., 2020: 1). Two complementary dynamics exist. First, the digitalization of work has led to an unparalleled scope and scale of technological transformation. The essence of the changes that occur is discovered through the changes of patterns, procedures of arrangement of activity, and definitions of labor and work across the emerging contexts, such as platform-based businesses. The novel arrangements are also disputed and contested, sometimes negotiated, and at times declared and codified. Another factor is that social subjects use this approach towards administration and re-administration of work and employment relations to achieve their goals as employers and as employees, or as employees in all but name—as it can be seen from the digitized settings. The terms and arrangements are not clear for the employees and employers, and they seek stabilization, which is hard to achieve, especially in the context of the technological advancements. However, dialogue and compromises lead to the creation of the new arrangements.

This theme issue makes the case that businesses and unions might experiment with new ideas along the disruption fault lines brought about by digitization. Employers who want to marketize digital technological advances are among those who frequently unilaterally construct new work practices and employment relations (Briken et al., 2017; Degryse, 2016; Olleros and Zhegu, 2016). Elsewhere, big, well-established companies in sectors like steel are looking to digitize labor processes on their property in order to increase productivity, safety, and other factors. Organizational experimentation is underway in each of these situations, and it is unclear if these will become entrenched into long-term practices and policies. In any event, a significant obstacle stands in the way of employees and their equivalents' attempts to form a union.

This theme issue focuses a lot of attention on how digitization is upending employment and labor regulations. As previously said, conventional institutional regulation seems to be out of step with the realities of the modern labor market. Degryse goes one step further, contending that the social paradigm of work and employment that emerged over the past century is in fact being undermined by the platform economy. The Coiquaud and Morissette analysis of the Quebec taxi sector is in accordance with this line of reasoning. Additionally, these advancements give room for various forms of experimentation and put pressure on collective actors to generate new standards, guidelines, and mental models. The course and results of experimentation are influenced by power dynamics. Certain experiments (e.g., Coiquaud and Morissette; Gauthier, Jaehrling and Perez) result in adverse effects for workers and are controlled by corporations and/or the government. In other cases, the results are less definite and have both positive and negative effects. The proactive role labor and trade unions have played in redefining their identities, action repertoires, networks, and sectoral and organizational governance structures is a defining characteristic of these examples. To boost trade unions' ability to act, some experimentation has entailed recasting and expanding the traditional repertoire of actions (Stroud, Timperley and Weinle; Rutherford and Frangi; Gasparri and Tassinari). Other instances of experimentation have required a more dramatic alteration of trade union identities, networks, and action repertoires; these include the incidents that Degryse has detailed and the OUR Walmart campaign that Hocquelet has examined. The latter example illustrates how an independent association that was first supported as a part of a union campaign created a creative action repertoire and used digital technologies to strengthen worker identity and unity. The teaching was evident, and it is the wisdom that was exposed. The collaborative experiments require open dialogue between employers and unions, leading to the challenges of both parties. This issue might have failed as it engages the place of unions in finding solutions which other times is left without attention, or not sufficiently deliberated, often dismissed thoughtlessly. Unfairness is an issue that cannot just sit, and this should instigate an opportunity for discussion, and respectful recognition of such involvement. The purpose of this issue is to highlight my belief that workers have a right to means to move towards work that they do not have to leave in order to find work that is less exploitative, disruptive, and precarious. The future counted as better could emerge if all had a say and many were open-minded if change seemed crucial.

OUR RESEARCH

The articles in this thematic issue all engage with connected questions from different perspectives. Christophe Degryse argues that the growth of the digital economy, and online work platforms in particular, has been a factor in reshaping the workplace, for the most part in negative ways. In various industries, the nature of the work and the workplace have been attenuated, with consequences for the kinds of work organization, working time, and allocation of tasks which our systems of employment law, social protection and collective bargaining were designed to regulate. It is a salutary reminder that the institutional regulation of work was a response, at least in part, to a particular mode of production and organization of work. The spread of homeworking and the development of the gig economy have questioned the traditional paradigms of employment, leaving workers without the social or economic fallbacks employment law gives them. The deconstruction of these structures points at a reality faced by more and more of the workforce. While technology has many windfalls, its consequences mean that strong policy is needed to ensure that workers are not left in the lurch.

He challenges us to go beyond discussions about how digitization affects employment trends and instead concentrate on how online platforms are changing the essence of work and undermining the old social model that most industrialized nations use to govern employment. According to the author, social innovation is becoming more possible as a result of this weakening of the existing model. The article's last section describes several cutting-edge approaches and experiments that have been developed to deal with these issues. Examples include the formation of independent collectives, the planning of collective action, the development of demands, and—most importantly—the revival of older trade union action repertoires. The author acknowledges that these experimentation methods and the associated strategies are not without challenges, but she comes to the conclusion that these drawbacks can be considered as a precursor to a new social model that will be more suited to the platform economy.

The process of launching regulatory actions to address the disruption that seems to be a feature of today's digitalization of work practices and arrangements is examined by Urwana Coiquaud and Lucie Morissette. They give a longitudinal analysis of the changes that Uber has brought about in the taxi industry in Quebec, Canada, as well as the part that the government and the business have played in rewriting the regulations that govern it. The writers present two opposing viewpoints. They evaluate public authorities' regulatory reactions first; next, they analyze the procedures that led to the creation of these new regulations, including who came up with the idea for them. .. In order to gain a deeper understanding of the impact of "regulatory entrepreneurs"—Uber, in this case—on the acceptance of new public regulations, the authors look at each step of this institutional reordering process and highlight the role of the state and the platform company. They create an exploratory framework that enables a normative and critical assessment of the process of creating norms in the face of disruptions to public policy. Their study demonstrates how Uber was able to take control of the regulator and how, as a result, the established rules disregarded the fundamental ideals of openness and impartiality at the expense of the general welfare. This study emphasizes the need for stronger guidelines to frame platform actor interventions in public policy formulation and demonstrates the unprecedented nature of such interventions.

The significance of workplace-based, union-heritage-infused yet non-union forms of collective organization is discussed by Mathieu Hocquelet. He questions if this kind of group structure can handle the problems posed by disruption and technological innovation. Hocquelet concentrates on Organization United for Respect at Walmart (OWM), which is among the most comprehensive national organizing efforts in the US during the past ten years. Since its founding in 2011, the United Food and Commercial Workers (UFCW), one of the largest service unions in North America, has financed Our Walmart (OWM), an organization that has assisted in securing several pay victories from the retail behemoth. The latter has a track record of being unaccommodating of employee organizations and rejecting attempts at employee organization.

Unorganized workers were able to band together and win collective bargaining rights in an industry that uses low-wage labor thanks to union initiatives. From the ground up and throughout all of the retailer's divisions, the OWM was able to mobilize and organize the workforce. The author focuses on the association's organizational activity from 2013 to 2018 and demonstrates how its own transition toward digitization was facilitated by its continued organizing efforts after 2014. He specifically notes that the establishment of OWM by the UFCW as a component of the union's Walmart campaign (2011–2015) and its continued existence as an association apart from the union since then allowed for the development of two distinct organizing strategies. In an industry where low-wage labor is used, the union drives gave unorganized workers the ability to band together and obtain collective representation. Throughout all of the retailer's divisions, the OWM was able to motivate and organize staff members from the bottom up. Focusing on the association's organizational activities from 2013 to 2018, the author demonstrates how the organization's decision to move toward digitization was influenced by its

sustained organizing efforts following 2014. The development of two distinct organizing strategies was made feasible, he specifically notes, by the UFCW's establishment of OWM as part of the union's Walmart campaign (2011–2015) and its continued presence as an association separate from the union since then. The application of drone technology in the steel sector is one particular sector 4.0 breakthrough that Dean Stroud, Victoria Timperley, and Martin Weinel examine in terms of its workplace consequences. The authors analyze the relationship between the material forces of production and the social ties in which they are rooted, bringing issues about the digital workplace to the forefront (Edwards and Ramirez, 2016). The authors propose, based on data from two industrial sites in Europe, that a multitude of social, economic, and legal considerations, the consequences of which are, at best, very difficult to anticipate, will likely hinder the adoption of drone use. Drones were initially introduced as labor-saving tools, but they now appear to provide a safer and more effective means of inspecting for flaws in hard-to-reach places. However, research indicates that workplace realities make such an adoption very contingent, questioning too deterministic narratives. Employers may think that such digital technology might intensify, replace, or substitute for labor. The authors explain how the power dynamics, workplace interests, values, and visions, as well as the larger political and public culture, will eventually affect the adoption of digital technology, highlighting a number of these factors. In line with Thompson and Briken (2017: 258), they point out that it's critical to discuss workers' actual experiences in discussions on digitalization and robotization. In their conclusion, they demonstrate how employees can use their agency and collective capacities to influence how these technologies are used.

Tod Rutherford and Lorenzo Frangi examine the roles played by unions in the implementation of High Performance Work Systems (HPWS) in the Canadian auto industry during the initial phases of Industry 4.0 rollout. Industry 4.0, a manufacturing system with advanced robotics, digitalization, and artificial intelligence, is the latest example of how this industry has long been at the forefront of introducing new forms of work organization and technology. Although trade unions' strategies for negotiating systems like HPWS have received a lot of attention, workers' ongoing role in influencing, if not "hybridizing," these innovative production processes has received less attention. The authors contend that Industry 4.0 has to be examined as embedded in the ways that trade unions have influenced the nearly uniform adoption of HPWS in this sector, based on a study of UNIFOR trade union locals in Canadian car assembly facilities. They contend that even if I 4.0 calls for the application of various managerial techniques, the development of an analytical framework for analyzing union responsibilities in HPWS and technology adoption negotiations is essential. Their 2017–2018 study shows how unions have an impact on "hybridization" as well as adoption similarities. The union's general strategy, firm-plant competitive positioning, internal union local unity, and narratives surrounding HPWS and Industry 4.0 are the three main areas where union locals differed from one another in terms of practices. This analysis emphasizes the significance of resources in determining union responses as well as the limitations imposed by structures on the use of power. Jérôme Gautié, Karen Jaehrling, and Coralie Perez examine how low-skilled positions in the retail logistics sector are impacted by digitalization and shifts in the economic landscape, with particular consequences for union capacity building. Drawing from expert interviews and firm case studies in retail warehouses in France and Germany, the authors explore the meaning of low-skilled jobs' adaptation and adjustment to technological innovation and change.

They talk about the "neo-Taylorist" shift in these kinds of workplaces, which has already been recognized, and they pinpoint the factors that are causing these trends to stabilize. By concentrating on the business level, they illuminate the function of organizational decisions and the ways in which workers and their representatives re-negotiate and impact those decisions. These results indicate a convergence toward a "Neo-Taylorism" strengthened by digital means, marked by procedures that are less skilled and an increased focus on performance control. While there are similarities in the outcomes that nations display, considerable variation in results is attributed to each country's circumstances. Over the last years, changes that have been recorded entail the streamlining of supply networks and the move of allocation abroad. The shift undermines the structural power that the employees used to wield. Retail chains have tried to reduce waste in the supply chain, and the staff has been left with limited power to create their means of influencing operation and the restricted capacity to bring change that goes hand in hand. Over the years, offshoring and outsourcing have tempered the employees' ability to influence. Similarly, the lean provision transformation has tempered and whittled the employees' capacity to develop their means of bringing change.

The ways in which Italian unions are adjusting to the new challenges and possibilities presented by the digitalization of labor relations are examined by Stefano Gasparri and Arianna Tassinari. They take into account the elements that explain the focus and differing levels of effectiveness of union interventions. They illustrate the ways in which once-sturdy industrial relations structures are today coming under more and more strain in the face of major difficulties associated with digitalization. The authors conclude that macro- and meso-level

initiatives have constituted the main focus of Italian union strategy and demands thus far. The goal of the unions, which are made up of several union confederations, has been to combat the disruptive effects of digitalization by extending conventional forms of protection, particularly sectoral collective bargaining agreements. Additionally, union preferences have shifted in favor of include self-employed and platform workers in their constituencies. While emphasizing the value of agency, the authors discover that previous institutional legacies, the distribution of power resources, the ideological bent of particular unions, and their strategic capacities all play a critical role in determining the direction and efficacy of union interventions. Thus far, Italian unions have favored strategic responses that are gradual and centered on extending and adapting existing institutions. It remains to be seen if more drastic institutional experimentation will be required, or if such adaptable techniques will be adequate to effectively manage and shape the digital revolution of labor.

LAST WORD

This theme problem adds to the discussions on employment regulation and digitization. We anticipate that it will lead to more theoretical and empirical investigation. These are difficult times that call for solutions to the workplace exploitation and disruption brought about by technology innovation.

REFERENCES

- Acemoglu, Daron and Pascual Restrepo (2019) "Automation and New Tasks: How Technology Displaces and Reinstates Labor." *Journal of Economic Perspectives*, 33 (2), 3-30.
- Agrawal, Ajay, Joshua Gans and Avi Godfarb (2018) *Prediction Machines: The Simple Economics of Artificial Intelligence*. Boston: Harvard Business Review Press.
- Atkinson, Robert D. and J. John Wu (2017) *The 2017 State New Economy Index: Benchmarking Economic Transformation in the States*. Online at SSRN: <<https://ssrn.com/abstract=3066923>> or <<http://dx.doi.org/10.2139/ssrn.3066923>>.
- Autor, David, D. A. Mindell and Elisabeth B. Reynolds (2019) *The Work of the Future: Shaping Technology and Institutions*. Massachusetts: Massachusetts Institute of Technology (MIT). Online at: <<https://workofthefuture>>.
- Berg, Janine, Marianne Furrer, Ellie Harmon, Una Rani and M. Six Silberman (2018) *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*. Geneva: International Labour Office. Online at: <https://www.ilo.org/global/publications/books/forthcoming-publications/WCMS_645337/lang--en/index.htm>.
- Bradford, Neil and Allison Bramwell, eds. (2014) *Governing Urban Economies: Innovation and Inclusion*. Toronto: University of Toronto Press.
- Briken, Kendra, Shiona Chillas and Martin Krywdzinski, eds. (2017) *The New Digital Workplace: How New Technologies Revolutionize Work*. Basingstoke: Palgrave, Critical Perspectives on Work and Employment.
- Brynjolfsson, Erik and Andrew MacAfee (2014) *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies*. Boston: Norton.
- Casilli, Antonio (2019) *En attendant les robots. Enquête sur le travail du clic*. Paris: Seuil. Degryse, Christophe (2016) *Les impacts sociaux de la digitalisation de l'économie*. Bruxelles:
- ETUI
- Fairbrother, Peter (2015) "Rethinking Trade Unionism: Union Renewal as Transition." *The Economic and Labour Relations Review*, 26 (4), 561-576.
- Ford, Martin (2015) *Rise of the Robots: Technology and the Threat of a Jobless Future*. New York: Basic Books.
- Frey, Carl Benedict and Michael Osborne (2017) "The Future of Employment: How Susceptible Are Jobs to Computerisation?" *Technological Forecasting and Social Change*, 114 (C), 254-
- 280. Online at: <<http://dx.doi.org/10.1016/J.TECHFORE.2016.08.019>>.
- Harvey, David (2006) *The Limits to Capital*. (New and Fully Updated Edition), London and New York: Verso.
- Howcroft, Debra and Phil Taylor (2014) "'Plus ça change, plus c'est la même chose': Researching and Theorising the New Technologies." *New Technology, Work and Employment*, 29 (1), 1-8.

-
- International Labour Organization [ILO] (2018) *Global Commission on the Future of Work: Technology for Social, Environmental, and Economic Development*. Online at: <https://www.ilo.org/wcmsp5/groups/public/-ddgreports/---cabinet/documents/publication/wcms_618168.pdf>.
 - Lewchuk, Wayne (2017) "Precarious Jobs: Where Are They, and How Do They Affect Well-Being?" *Economic and Labour Relations Review*, 28 (3), 402-419.
 - Lévesque, Christian and Gregor Murray (2010) "Understanding Union Power: Resources and Capabilities for Renewing Union Capacity." *Transfer*, 16 (3), 333-350.
 - Murray, Gregor, Christian Lévesque, Glenn Morgan and Nicolas Roby (2020) "Disruption and Re-Regulation in Work and Employment: From Organisational to Institutional Experimentation." *Transfer*, 26 (2), 135-136.
 - OECD (2019a) *OECD Employment Outlook 2019: The Future of Work*. Paris: OECD Publishing.
 - Online at: <<http://www.oecd.org/employment-outlook/2019/>>.
 - OECD (2019b) *Policy Responses to New Forms of Work*. Paris: OECD Publishing. Online at: <<https://doi.org/10.1787/0763f1b7-en>>.
 - Olleros, Xavier and Majlinda Zhegu, eds. (2016) *Research Handbook on Digital Transformations*. London: Edward Elgar Pub.
 - Peetz, David (2019) *The Realities and Futures of Work*. Australian National University: ANU Press.
 - Sassen, Saskia (2015) "Digitization and Work: Potentials and Challenges in Low-Wage Labor Markets." Position Paper. Online at: <www.saskiasassen.com/PDFs/publications/digitization-and-work.pdf>.
 - Schwab, Klaus (2016) *The Fourth Industrial Revolution*. Geneva: World Economic Forum.
 - Smith, Neil (2010) *Uneven Development: Nature, Capital and the Production of Space*. Athens, Georgia: University of Georgia Press.
 - Standing, Guy (2014) "Understanding the Precariat through Labour and Work." *Development and Change*, 45 (5), 963-980.
 - Stanford, Jim (2020) *Thinking Twice about Technology and the Future of Work*. In Skills Next. Toronto: Public Policy Forum. Online at: <<https://ppforum.ca/publications/thinking-twice-about-technology-and-the-future-of-work/>>.
 - Thompson, Paul (2020) "Capitalism, Technology and Work: Interrogating the Tipping Point Thesis." *The Political Quarterly*, 91 (2), 299-309.
 - Warhurst, Chris and Will Hunt (2019) "The Digitalisation of Future Work and Employment: Possible Impact and Policy Responses." *JRC Working Papers Series on Labour, Education and Technology*, No. 05, European Commission, Joint Research Centre (JRC), Seville.
 - West, Darrell (2018) *The Future of Work: Robots, AI and Automation*. Washington DC: Brookings Institution Press.
 - Zuboff, Shoshana (2019) *The Age of Surveillance: The Fight for a Human Future at the New Frontier of Power*. London: Profile Books.
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CONSEQUENCES OF CORRUPTION: LEGAL RAMIFICATIONS FOR CONVICTED POLITICIANS IN INDIA AND THE U.S.

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ABSTRACT

In the last decades of twentieth century corruption in Indian political system started reaching to an alarming level. Menace is still growing; common man has no option other than resorting to courts. Indian judiciary has also responded to the need and an era of anti-corruption interpretations of constitution as well as of other statutes has begun. This bent of judiciary to achieve corruption free political system was first noticed in the case of B. R. Kapur v. State of Tamil Nadu and then it developed in K. Prabhakaran v. P. Jayarajan and reached to a logical conclusion in of Lily Thomas v. Union of India, which led to declaration of two sitting members of parliament as disqualified "for being chosen as, and for being, a member of either House of Parliament". Recently in U.S.A. Democrat Senator Ronald Calderon got indicted in a corruption case. His own fellow Democrat Senators have asked him to resign within one week or risk being suspended from Senate. Similarly, political fundraiser Imaad Shah Zuberi was found in illegal financial transactions in U.S. and was convicted. These developments occasion a good reason to make a comparative study that what kinds of legal implications politicians have to face in India and U.S.A. after being charged with corruption cases. This paper aims not only at charting out difference in implications but also describing that whether these differences have some relationship with form of government viz. parliamentary, or presidential, in these two countries.

Keywords: Legal consequences of political corruption, Convicted politicians, India and U.S. comparative study

1. INTRODUCTION

Corruption is a big problem almost in all countries. It becomes more dangerous when corruption engrosses political system because political process is an activity which decides future of a nation. In India charges of corrupt practices on politicians have now become a routine matter. Starting from jeep scam¹ of 1948, story of scams in Indian Political system continues, through Bofors Scam², Coffin scam³ till the recent Helicopter scam⁴. Corruption in India is not restricted to arms procurement only; it is present in almost all developmental projects. Even in the schemes like of National Rural Health Mission⁵ and Sarva Shiksha Abhiyan⁶ incidents of corruption are found. In spite of constitutional as well as statutory provisions to control the menace of corruption, incidents of corruption in legislative bodies are surfacing regularly. Due to this scenario unrest among masses has increased. To find out solution to this problem many public spirited people have resorted to courts of law, from time to time. Initially judicial response to corruption and criminalisation of politics was lenient but slowly it became strict. In recent years due to judicial decisions some sitting parliamentarians have to lose their membership of parliament. Most recently, sitting chief minister of Jharkhand had to go jail, after denouncing his chief ministerial post. However, Delhi Chief Minister Arvind Kejriwal is in jail while holding his post, as there is no legal compulsion to resign from the post when an under trail politician goes to jail.

¹ Arun G. Mukhopadhyay, India: Dynasty, Corruption And Plunder, available at <http://www.countercurrents.org/mukhopadhyay120312.htm> posted on 12th March 2012.

In 1950, A.D.Gorwala's report observed that quite a few of Nehru's own ministers were corrupt. The Santhanam Committee, 1962 also pointed to the fact that ministers had enriched themselves illegitimately through nepotism. The Government of India tried its best to shield its ministers. V K Krishna Menon, Indian high commissioner to Britain in the early 1950s, bypassed protocol to sign a deal worth INR(Indian Rupee) 8 million with a foreign firm for the purchase of army jeeps. While most of the money was paid upfront, only a part of the total volume was supplied. Jawahar Lal Nehru, now prime minister of India, forced the government to accept them. Soon after, in February 1956 Krishna Menon was inducted into the Nehru cabinet.

² N. Ram, Know your Bofors, Volume 16 - Issue 24, Nov. 13 - 26, 1999, Frontline.

³ PTI, Fernandes demands probe into coffin scam, available at <http://expressindia.indianexpress.com/news/fullstory.php?newsid=31969> posted on 30th May 2004.

⁴ Helicopter Scam, *Indian Express* available at <http://www.indianexpress.com/news/helicopter-scam/1081881/>.

⁵ Available at <http://www.thehindu.com/news/national/nrhm-scam-cbi-arrests-three-in-uttar-pradesh/article2780219.ece>.

⁶ Available at http://articles.economictimes.indiatimes.com/2010-06-15/news/27628690_1_dfid-british-media-report.

In U.S.A. too, corruption charges on legislators are common. California State Senator Ronald Calderon was charged with accepting bribe of US \$100,000/- but he was forced by his fellow Senators to take a leave of absence. This occasions is a good opportunity to make a comparative study of implications on corrupt and criminal politicians in India and America. Before moving further it will be useful if we analyze meaning and scope of these two expressions 'politics' and 'corruption'. Politics according to Oxford Dictionary¹ means "*The activities involved in getting and using power in public life, and being able to influence decisions that affect a country or a society.*" In a parliamentary democracy like India, where legislature and executive overlap each other, politicians perform both legislative as well as executive functions. Every sphere of life such as social, economic, cultural, religious etc., are directly affected by the political decisions; which makes it all the more necessary that only honest and competent people should be part of political process.

Similarly literal meaning of "corruption", is "dishonest or illegal behaviour, especially of people in authority"². With involvement of dishonest people, political process is bound to be corrupt and inefficient, which is a sure recipe for the deterioration and downfall of a nation.

In order to make a comparative study it is apposite to first understand legal positions in India and U.S.A. separately and then analyze differences therein and reasons for such differences.

2. IMPLICATIONS FOR CORRUPT POLITICIANS IN INDIA:

In India there are both constitutional as well as legislative safeguards to keep convicted felons out of parliament and legislative assemblies; but even then it took many decades to realise the goal. It was only in second half of 2013 when, first time in the history of Indian parliament, two sitting members Shri Rashid Masod and Shri Lalu Prasad lost their seats in parliament due to conviction in corruption cases.

2.1. Constitutional Provisions

Constituent assembly of India was quite aware that parliament should have a power to declare its members as disqualified in certain situations. They vested parliament with this power under article 102 and 191 in the Constitution of India, as under:

³102.(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament.....

(e) if he is so disqualified by or under any law made by Parliament.

Similar provision is made in article 191 clause (1) sub clause (e) ⁴, with regard to members of state legislative assemblies.

¹ Sally Wehmeier (ed.), *Oxford Advance Learner's Dictionary of Current English* 977 (Oxford University Press through Indira Printers, New Delhi, 6th edn.).

² Sally Wehmeier (ed.), *Oxford Advance Learner's Dictionary of Current English* 281 (Oxford University Press through Indira Printers, New Delhi, 6th edn.). .

³102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament State.

2[(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.], *available at*: <http://lawmin.nic.in/coi/coiason29july08.pdf> (Visited on 28th September 2013).

⁴191. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State—

(e) if he is so disqualified by or under any law made by Parliament State.

available at: <http://lawmin.nic.in/coi/coiason29july08.pdf> (Visited on 28th September).

But in both cases power to make laws for disqualification has been given to parliament only. Most of the constituent assembly members became members of the first Lok Sabha also, and while sitting as first parliament, they passed "Representation of Peoples Act 1951" (hereinafter referred to as RPA), to give effect to the provisions of articles 102 (1) (e) and 191 (1) (e) of Constitution of India.

2.2. Statutory Provisions:

Section 8 of RPA¹, outlines those situations in which a person can be declared as disqualified from contesting elections. Under subsections (1), (2) and (3) of RPA it has been provided *inter alia* if a candidate for elections is convicted under any offence for a sentence of imprisonment for a duration of two years or more he will be disqualified to contest elections for a term which will extend up to six years after the completion of prison term. Though subsections (1), (2) and (3) RPA do not discriminate among fresh candidates and sitting members of legislative bodies but subsection (4) grants some relaxation to the sitting members; it provides that in the case of sitting member, disqualification will not take effect for three months and if during this period of three months an appeal is filed in higher court against the decision of conviction then disqualification will not take effect until that appeal is decided.

Due to the slow speed of judicial process in India, subsection (4) of RPA proved to be such a lacuna due to which people started thinking that politicians do not lose their seats in parliament even after conviction. While this immunity given to sitting members was raising question marks on sanctity and competence of legislators, judicial decisions in election petitions, at least in initial phase, also helped in opening the gates of parliament and legislative assemblies for the convicts. For this, it is pertinent to analyse judicial response to corruption cases as well as criminal cases against politicians in India.

2.3. Lineal development of Judicial Response to Criminalization²

A trend analysis of judicial response to the criminalization of Indian politics shows that in initial years of Indian republic this response was mild. This journey started from *Manni Lal v. Parmai Lal* case, which shifted its course in *B. R. Kapur v. State of Tamil Nadu* and *K. Prabhakaran v. P. Jayarajan* and reached to its logical conclusion in *Lily Thomas v. Union of India* case. To understand the true import of these judicial decisions case wise analysis is necessary.

*Manni Lal v. Parmai Lal*³

In this case an election petition, was to be decided, where contention was that Shri Parmai Lal was disqualified to contest election on the on the date of polling due to his conviction in a murder case. But during the pendency of election petition conviction was reversed in appeal. Due to this decision of appellate court when High Court was deciding election petition it had in front of it the decision of appeal also, where candidate had got an

¹8. Disqualification on conviction for certain offences.

(1)

(2) A person convicted for the contravention of--

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); or

(d) any provisions of the Commission of Sati (Prevention) Act. 1987 (3 of 1988), and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years[other than any offence referred to in sub- section (1) or sub- section (2)] shall be disqualified form the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

(4) Notwithstanding anything in sub- section (1), sub- section (2), or sub- section (3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed, available at: <http://lawmin.nic.in/legislative/election/volume%201/representation%20of%20the%20people%20act,%201951.pdf> (Visited on 11th October 2013).

² Vishal Sharma, *Judicial Response to Criminalisation of Politics*, (2013)(Unpublished LL.M. assignment under Associate Professor Dr. Anurag Deep, ILI Delhi).

³1971 AIR 330, 1971 SCR (1) 798.

acquittal. High Court held that since acquittal has a retrospective effect so on the relevant date candidate was not disqualified. This decision of High Court was challenged in Supreme Court, but it was upheld by the Apex Court as well. In this case Supreme Court held *inter alia* “....in a criminal case, acquittal in appeal does not take effect merely from the date of the appellate order setting aside the conviction; it has the effect of retrospectively wiping out the conviction and the sentence awarded by the lower Court.”

In this case Section 8 (2) of RPA was in question. While, writing this judgment for majority Bhargava J.¹, discussed the nature of this retrospective effect in following words:

The situation is similar to one that could have come into existence if Parliament itself had chosen to repeal s. 8 (2) of the Act retrospectively with effect from 11th January, 1969. Learned counsel conceded that, if a law had been passed repealing s. 8 (2) of the Act and the law had been deemed to come into effect from 11th January, 1969, he could not have possibly urged thereafter, when the point came up before the High Court, that respondent No. 1 was disqualified on 9th or 11th February, 1969. The setting aside of the conviction and sentence in appeal has a similar effect of wiping out retrospectively the disqualification. The High Court was, therefore, right in holding, that respondent No. 1 was not disqualified and that his election was not void on that ground.

An acquittal in a simple criminal appeal was attached such a great sanctity which was equal to a retrospective amendment made by parliament. A judicial decision of a High court, while deciding an appeal in a murder case, was declared equal to legislative process.

This decision had far reaching effects on criminalization of Indian politics. It became clear that even a convicted criminal can contest elections, and if he is acquitted in appeal then his election will be valid.

Starting of Change from *B. R. Kapur v. State of Tamil Nadu*²

In *B. R. Kapur v. State of Tamil Nadu* case opinion of the Apex court shifted its earlier position. Supreme Court held, *inter alia*, that by acquittal in appeal the fact of conviction and sentence by lower court cannot be wiped out. Conviction and its implications were present during the period between ‘conviction’ and ‘acquittal’ by appellate court; and this fact cannot be obliterated.

This case was related to Ms. J. Jayalalitha, Chief Minister of Tamil Nadu (1991 to 1996). She was convicted under Section 120B of the Indian Penal Code (I.P.C.) read with Sections 13(1)(c)³, 13(1)(d)⁴ and 13(2)⁵ of the Prevention of Corruption Act, 1988. As a result she was sentenced with rigorous imprisonment (R.I.) of 3 years

¹ Para 800 in *Manni Lal v. Parmai Lal*, 1971 AIR 330, 1971 SCR (1) 798.

² AIR 2001 SC 3435.

³ 13. Criminal, misconduct by a public servant.-

(1) A public servant is said to commit the offence of criminal misconduct.-

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(d) if he,--

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public, interest; or

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

⁴ *Ibid*.

⁵ *Ibid*.

and a fine. She was convicted under Section 409¹ of the (I.P.C.) also, for which she got a sentence of 2 years (R.I.) and a fine.

After this when she filled nomination papers to contest 2001 assembly elections of Tamil Nadu, her papers were rejected, due to the conviction, which attracted subsection (3) of Section 8 of RPA 1951. She did not challenge this rejection of papers, but she sworn in as chief minister because, AIADMK i.e. political party related to her, had won by a large majority. Petitioner B. R. Kapur filed a writ of '*quo warranto*' and challenged her appointment as chief minister of the state. His contention was that Ms. J. Jayayalitha was not eligible to contest election due to her being a convict so she cannot hold the post of Chief Minister. While deciding this issue, Supreme Court substantially altered the rule held in *Manni Lal* case, it held thus:

There can be no doubt that in a criminal case acquittal in appeal takes effect retrospectively and wipes out the sentence awarded by the lower court. This implies that the stigma attached to the conviction and the rigor of the sentence are completely obliterated, but that does not mean that the fact of the conviction and sentence by the lower court is obliterated until the conviction and sentence are set aside by an appellate court. The conviction and sentence stand pending the decision in the appeal and for the purposes of a provision such as Section 8 of the Representation of the People Act are determinative of the disqualifications provided for therein" (*emphasis supplied*).

Court further added:

We are, therefore, of the opinion that an appellate judgment of a date subsequent to the date of nomination or election (as the case may be) and having a bearing on conviction of a candidate or sentence of imprisonment passed on him would not have the effect of wiping out disqualification from a back date if a person consequent upon his conviction for any offence and sentenced to imprisonment for not less than two years was actually and as a fact disqualified from filing nomination and contesting the election on the date of nomination or election (as the case may be).

In this case the Supreme Court laid down a new jurisprudence, which can be called as 'once proven guilty cannot be seen as innocent until proved otherwise' in appeal. This new approach put a kind of 'eclipse on the innocence' of the concerned person. It was a new 'doctrine of eclipse'. During this eclipse, i.e. period between conviction by trial court and acquittal by appellate court, darkness fully prevails on the innocence of the convict, for all practical purposes.

Though facts and circumstances of this case were different from *Manni Lal* case but it was a path breaking judgment, as far as retrospective effect of acquittal in appeal was concerned. After this case situation became tougher for convicted felons in *K. Prabhakaran v. P. Jayarajan*² case.

K. Prabhakaran v. P. Jayarajan:

In *K. Prabhakaran v. P. Jayarajan* case main questions which arose for decision was:

What is the purport of Sub-section (4) of Section 8 of RPA? Whether the protection against disqualification conferred by Sub-section (4) on a member of a House would continue to apply though the candidate had ceased to be a Member of Parliament or Legislature of a State on the date of nomination or election?

In this case Apex court analyzed the extent and scope of Subsection (3) and (4) of Section 8 of R.P.A. . It was held that subsection (4) and subsection (3) deal with two different classes ie. (i) a person who on the date of conviction is a member of any Legislative body and (ii) a person who on the date of conviction is not a sitting member of any legislative body. It was contended that classification is distinct and clear so implications for both these classes should also be different; hence Subsection (4) of Section 8 of RPA 1951 is valid. Court further explained that legislative intent behind subsection (4) is to protect the house. In some cases government might have only a razor edged majority; and in that situation disqualification of even one sitting member may have deleterious effect on the government as well as on the house. It was held that Section 8 (4) has a purpose to serve, i.e. to protect the tenure of a democratically elected house, whereas Section 8 (3) goes with the spirit of the statute and debars convicted felons from becoming members of legislative bodies. But in the same judgment

¹ 409. Criminal breach of trust by public servant, or by banker, merchant or agent.-- Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

² AIR 2005 SC 688, AIR 2005 SC 393.

Apex Court declared that once the term of current house is over then for next elections fresh candidates and sitting members will be at par with each other. Section 8 (4) of RPA 1951, cannot provide protection to sitting members beyond the duration of current house. If they are given special treatment even in next elections then it would be discriminatory and would be an arbitrary classification against the principles of 'equality before law'. Judgment of *K. Prabhakaran's* case was delivered in 2005, and as a result of this judgment many convicted politicians became disqualified to contest Lok Sabha elections in 2009.

Next major change was brought in by *Lily Thomas v. Union of India*¹ judgment; which declared that sitting members of legislatures will lose their seats even in their current house, if they are convicted for any offence where punishment is more than two years. This was a logical culmination of that judicial reasoning which got a beginning in *B.R. Kapur's* case and developed in *K. Prabhakaran's* case.

Lily Thomas v. Union of India:

In *Lily Thomas* case constitutional validity of Section 8 (4) of R.P.A., 1951 was challenged. Petitioners contended that Article 102 of Constitution of India, provides same provisions for both the conditions i.e. (1) for being chosen as a member of the house, and (2) for being a member of house. It was argued that Article 102 of Constitution of India provides an equal treatment to sitting member and to others. Relevant part of Article 102 is as under:

102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

Similarly Article 191 of Constitution of India also provides for equal treatment for sitting members and fresh candidates. Section 8 (4) of R.P.A., which provides special safeguard to sitting members, is not in accordance with the provisions of Constitution of India.

Senior Advocate Fali S. Nariman, appearing from the side of petitioners, put forth following argument:

“sub-section (4) of Section 8 of the Act, in so far as it does not provide a rationale for making an exception in the case of members of Parliament or a Legislature of a State is arbitrary and discriminatory and is violating Article 14² of the Constitution.”

Division bench of Supreme Court did not go into the question whether this classification is against Article 14 of the Constitution or not. But it made a view that Articles 102 and 191 of Constitution of India, provide powers to parliament to make one common provisions for both type of conditions i.e. 'for being chosen as a member' and for 'being a member'. Special relief provided to sitting members by the virtue of Sec 8(4) of RPA is *ultra vires* the constitution of India; hence it was struck down by the Supreme Court of India.

However court held that this new rule will apply only prospectively; if any sitting member is convicted in any case after the date of 'this' decision (*Lily Thomas* decision), he will have to lose his seat in house with immediate effect. This decision of apex court was welcomed by public³ but disliked by majority of politicians and they favoured all efforts to neutralise the effect of this decision.⁴

¹ AIR2013 SC 653.

² Article 14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

³ 'Letters to Editor', Times of India, (July 14th 2013) available at <http://www.thestatesman.net/news/5450-letters-to-the-editor.html> visited on October 5th 2013. **A landmark verdict**

SIR, ~ The Supreme Court has given a landmark verdict to cleanse the political system. MPs and MLAs will immediately be disqualified if they are found guilty of crime by the courts. The political and legislative segments have their quota of the tainted, and they often tend to hold the country to ransom. If the verdict is strictly executed, almost half the Members of Parliament and more than half the MLAs in the states could be disqualified. They now move court, if found guilty by the trial court. The cases are heard for years on end, and they continue to sit in the legislatures, perhaps also engage in more crime. The court order carries a message for the parties as well; hopefully, nomination tickets for the tainted will end. If at all they file their nomination papers, they can be rejected by the Election Commission on the strength of the Supreme Court order.

yours, etc., s p sharma, mumbai, 12 july.

⁴ "Parties support govt move to amend election law" Indian Express, (August 14th 2013) available at <http://www.indianexpress.com/news/parties-support-govt-move-to-amend-election-law/1155139/>

After this decision Sh. Rashid Masood of Congress party was first Member of Parliament who had to lose his membership of parliament after being convicted in a corruption case, and Rashtriya Janta Dal chief Sh. Lalu Prasad Yadav was second in this row. Government of India filed a review petition for this judgment in apex court. But court refused to review the judgment about Section 8 (4) of RPA.

It is interesting to note that in U.S.A. intervention of judiciary was never sought to evict convicted politicians from the Congress, because just a threat of eviction, given by fellow members, is doing even more effective job.

Rahul Gandhi v. Purnesh Ishwerbhai Modi¹

However, in Mr. Rahul Gandhi's case supreme court took a relaxed approach. In this case Mr. Gandhi was convicted under section 499 of the Indian Penal Code by the trial court in a criminal defamation case, and was awarded the punishment for two years, under section 500 of Indian Penal Code. The impugned section provided a punishment as an imprisonment up to 2 years or Fine or Both. Means, there was a scope of awarding a punishment of only fine, or any term of imprisonment below two years. It shows there was a wide judicial discretion in the hands of the trial court judge. Trial court while awarding punishment awarded the maximum sentence of 2 years, which brought Mr. Gandhi under the purview of RPA, 1951. With this term of imprisonment Mr. Gandhi was declared disqualified for six years after the jail term of two years. He went into the appeal. But the High Court of Gujrat did not give stay on his conviction, citing the reason that the impact of his utterance on the community was immensely negative, especially due the publicity which his utterance got because of his and his party's stature in the Indian politics.²

However, Supreme Court of India gave a stay on his conviction. The apex court held that had the sentence of imprisonment been even one day lesser than the two years the disqualification provisions of the RPA 1951, had not been attracted. And the lower court and High Court of Gujrat did not give any reason for pronouncing the maximum possible imprisonment sentence in this case. The trial court has cited only one reason that earlier also Mr. Rahul Gandhi was reprimanded by the Supreme Court for spreading lies in the name of Supreme Court of India. Mr. Rahul had to apologise to the apex court in that case (*Rafale*).³ But that reason is not sufficient for this case. The unique point which the Supreme Court of India suggested was the provision of disqualification in the RPA 1951, was brought to reduce the criminalisation of politics. Such provisions should be attracted strictly in the cases of heinous crimes like rape and murder etc. and not in the case of criminal defamation which is a non-cognisable, bailable and compoundable offence. Nevertheless, the court held that the stay has been given only on the conviction by the trial court, but Mr. Gandhi needs to continue pursuing the appeal in the sessions court. If he does not get any relief from the sessions court, then he will have to file next appeal in the High Court.

The court also held that disqualification of a Member of Parliament hampers the right of his electorate also. The electorate is not being unduly represented by its representative, if he gets disqualified because of non-heinous offences.

3. IMPLICATIONS FOR CORRUPT POLITICIANS IN UNITED STATES:

In many U.S. states convicted felons cannot contest elections. If any sitting member of a legislative body is convicted in U.S.A. for corruption charges or any other penal offence, he will also be subject to same provisions to which ordinary citizens are subject. No different treatment is given to sitting members.

In state of Louisiana there are constitutional provisions which disqualify convicted felons for any public office. Article I, Section 10 of Louisiana Constitution provides as under:

(B) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office:

(1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government

visited on October 5th 2013.

¹ *Rahul Gandhi v. Purnesh Ishwarbhai Modi*, CR IMINAL APPEAL N O. 2279 OF 2023.

² *Ibid*.

³ Amit Anand Chaudhary, "Alleged comments of Rahul not in good taste, says SC," *Times of India*, Aug. 5, 2023, available at: http://timesofindia.indiatimes.com/articleshow/102435823.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last visited on July, 5, 2024).

or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced.

(2) A person actually under an order of imprisonment for conviction of a felony.

(C) Exception. Notwithstanding the provisions of Paragraph (B) of this Section, a person who desires to qualify as a candidate for or hold an elective office, who has been convicted of a felony and who has served his sentence, but has not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office is more than fifteen years after the date of the completion of his original sentence.

In case of Louisiana State one aspect which is worth noting is that at one hand it is a too much strong provision when it debars a person for 15 more years, after the completion of prison term; but on other hand it is a soft provision also when it provides that conviction means conviction by the highest court of appeal. Position in India has become tougher, as compared to U.S., after Lily Thomas v. Union of India which provides that even after first conviction by trial court a sitting member will lose its seat in the house with immediate effect.

But those who have been finally convicted they are not only disqualified for contesting elections but also for enjoying right to vote. Being a valid elector is first condition in all the states to become eligible for being chosen as member of legislative bodied at all levels. There are some states which give right to vote even to convicted felons during their term of imprisonment, but some other states prisoners cannot vote during the prison term. In most states, those convicted of a felony crime lose voting rights while incarcerated. State of Maine and the State of Vermont are the only states allowing felons to vote while serving prison terms. On the other hand Kentucky and Virginia impose a lifetime ban for convicted felons. Other states have voting rights rehabilitation programs allowing felons who have served their terms to regain privileges.¹ Report on National Voters Registration Act 2007-08 say, "More than 12 million names were deleted from the registration lists, "for reasons including death, felony conviction, failure to vote in consecutive elections, having moved from one jurisdiction to another, or at the voter's request."² Within this 12 million, more than 5.3 million Americans are those who are convicted felons. It shows that half of the names are deleted from voter list due to conviction of felony charges, which can be an ordinary crime or which can be a conviction for corruption charges.

Similarly Article III , Section 6 of Constitution of Missouri³ provides qualifications for being chosen as State Senator as under:

At least 30 years of age

- Qualified Missouri voter for 3 years before election
- Resident of the district which he is chosen to represent for 1 year before election, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Article III, Section 4 of above mentioned Constitution⁴ provides Qualifications for being a State Representative of Missouri State as under:

- At least 24 years of age
- Qualified Missouri voter for 2 years before election,
- Resident of the district which he is chosen to represent for 1 year before election, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Missouri is a state which put life time ban on the voting rights of those who have been convicted of crime. It shows that if a sitting member is convicted for corruption or any other charge then he will have to lose his

¹ Available at http://www.ehow.com/list_5929466_qualifications-voting-rights.html.

² *NVRA Report 2007-2008*, p1-2.

³ Available at http://www.sos.mo.gov/elections/elect_qualification.asp.

⁴ Available at http://www.sos.mo.gov/elections/elect_qualification.asp.

voting rights for whole life, which will consequently disqualify him from being a Senator of Missouri State or from being a State Representative of Missouri State.

In federal Constitution also Article I, Section 5 says, "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members...." However U.S. Supreme Court has held in *Powell v. McCormack*¹ that Congress cannot add new qualifications for the membership. But U.S. Congress has power to make its own rules and it has a power to expel its members by way of concurrence of two thirds.

3.1. Some Real examples related U.S. legislators:

The convictions and impeachments of U.S. Congressmen started from 18th century itself. But most recent example is of California State Senator Ronald Calderon, against whom, corruption charges have been accepted by federal grand jury.² He was given one week's time by his fallow Senate members to take a leave of absence from the Senate, failing which he will be expelled from the house by concurrence of two thirds of members of the house. After this clear ultimatum Ronald Calderon preferred to take a leave of absence from the house, and not to face an expulsion. Though after this incident now it has become difficult for democrat senators to get their tax laws passed from the senate; but even then democrat senators were also of the view that either he should resign or he should be expelled from the house. Reason behind such an idealistic behaviour of democrat senators is multi-fold, which this researcher will discuss in comparison part of this paper.

Another example is of one more California Senator Roderick D. Wright. A Los Angeles jury has convicted him on all eight counts in his perjury and voter fraud trial. He gave a false declaration that he is living in small flat while he was living in a bigger one. As compared to Ronald Calderon's charge of taking bribe of US \$ 100,000, charges against Roderick D. Wright were less severe so no action was taken against him even after the acceptance of charge sheet against him. But now when he has been convicted in January 2014, he has also taken a leave of absence from the house to save himself from the possible expulsion.

In the U.S., recent examples include the case of former Illinois Governor Rod Blagojevich, who was convicted for attempting to sell the U.S. Senate seat vacated by President Barack Obama. Although President Donald Trump commuted his sentence in February 2020, the case remains a prominent example of political corruption.³

4. COMPARISON OF IMPLICATIONS ON CONVICTED POLITICIANS IN U.S.A. AND INDIA:

It has been seen that in India, though Constitutional and legislative provisions were present, but even then there was a long judicial process to reach at a stage where a sitting member will have to vacate his seat in parliament or in legislative assembly in the event of conviction under corruption charges or any other criminal charge. On the other hand in U.S., legislative bodies in their own right start expulsion proceedings against convicted members of the house. Indian parliament has also this power of expelling its own member in the event of their unparliamentary behaviour; in year 2005 this power was used to expel 11 members of parliament in 'cash for Queries'⁴ case. But this power was never used to expel convicted members.

It is pertinent to discuss that why legislatures in U.S. are very frequent in using this power; and in India this power has been rarely used. In U.S.A. due to presidential system of government 'executive' is not dependent on 'legislature' at least for 'routine' 'executive functions'. President and Governors in U.S.A. are dependent on legislature only for the purpose of passing new rules and budgets etc. But 'very existence' of government does not depend on majority in the houses of congress. On the other hand in India due to parliamentary system 'executive' and 'legislature' are not strictly different. Council Of Ministers should always have confidence of

¹ 395 U.S. 486 (1969).

² LOS ANGELES—Ronald Calderon, a member of the California State Senate, has agreed to surrendered to federal authorities on Monday after being named in a federal grand jury indictment that accuses him of taking tens of thousands of dollars in bribes from a businessman and from people who were associated with a Hollywood film studio but who were in actuality undercover FBI agents.

Available at <http://www.fbi.gov/losangeles/press-releases/2014/california-state-senator-ronald-calderon-charged-with-taking-bribes-in-exchange-for-official-acts-on-behalf-of-hospital-owner-and-independent-film-studio-that-was-actually-an-fbi-front>.

³ Monica Davey and Mitch Smith, "Who Is Rod Blagojevich? Why Did President Trump Commute His Sentence?", *The New York Times*, Feb. 18, 2020, available at: <https://www.nytimes.com/2020/02/18/us/rod-bлагоjevich-sentence.html> (last visited on July 5, 2024).

⁴ Available at <http://timesofindia.indiatimes.com/india/Cash-for-query-11-tainted-MPs-expelled/articleshow/1344457.cms>

the 'Lok Sabha'. In the event of a razor edged majority, ruling party can lose majority in the 'Lok Sabha' by expulsion of even one or two members. In the era of coalition governments 'ruling party' cannot put its government on stake by annoying any coalition partner. So Council of Ministers always tries to avoid expulsion of any member related to its coalition partners.

5. CONCLUSION:

Corruption in legislative bodies is a serious matter in U.S.A. as well as in India. Though legislative provisions present in both countries to keep convicted felons away from the legislative bodies but even then, for quite a long time, India remained a good place for corrupt and criminal politicians. In America legislature by self imposed moralities acted promptly and did not hesitate in expelling convicted or even charged members. In India legislature did not show self restraint, but judicial decisions, step by step, made path difficult for corrupt politicians. Though presidential form of government in America and Parliamentary form of government in India also had a bearing on working styles of their respective legislatures, but it also has a bearing on the powers of judiciary. In India because of indolence of legislature judiciary has imposed restrictions on convicted members; which has resultantly increased grip of judicial system on legislative bodies. On the other hand in America by exercising self restraints 'legislature' has not given chance to judiciary for increasing its power. Though Indian Supreme Court's decision in *Lily Thomas v. Union of India* has been much hailed by citizens of India, but it would have been a better situation if parliament would have taken such strong decisions with its own 'will'. This study shows that if legislature is passive to shoulder its responsibilities then judiciary will become active. And when judiciary becomes active, then with every such activation legislature makes itself weak in comparison to judiciary.

DIRECTIVE PRINCIPLES OF STATE POLICY AND JUDICIAL ACTIVISM IN INDIA: AN APPRAISAL

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ABSTRACT

The research paper titled "Directive Principles of State Policy and Judicial Activism in India: An Appraisal" examines the complex relationship between "Directive Principles of State Policy (DPSP)" and judicial activism in India. The study employs a descriptive research strategy and secondary data collection to conduct a multifaceted analysis. First, it examines the extensive literature, historical documents, legislative records, and constitutional debates pertaining to the historical and theoretical foundations of DPSP. Secondly, the report evaluates the trends of judicial activism in India, focusing on its alignment with DPSP and its societal and governance impact, by analyzing a large number of secondary sources. Lastly, the research empirically evaluates the impact of judicial activism on DPSP by incorporating legal, socioeconomic, and stakeholder perspectives, thereby facilitating an all-encompassing understanding of this complex relationship. The conclusion of the study emphasizes the delicate balance between state responsibilities and individual rights, the role of judicial activism in furthering the objectives of DPSP, and the necessity of a symbiotic relationship to achieve a just and equitable society in India.

Keywords: Directive Principles of State Policy (DPSP); Judicial Activism; Indian Constitution; Historical Foundations; Theoretical Foundations;

1. INTRODUCTION

The research paper titled "Directive Principles of State Policy and Judicial Activism in India: An Appraisal" examines the intricate relationship between the "Directive Principles of State Policy (DPSP)" and judicial activism, two of the most important components of India's constitutional framework. Situated within the broader context of India's democratic governance, this study embarks on a voyage to deconstruct and appraise the historical, theoretical, and practical dimensions of these essential elements. This research paper aims to cast light on the socioeconomic ideals envisioned by the framers of the Indian Constitution. Although not justiciable, these principles guide the Indian government in its pursuance of socioeconomic justice and the welfare of its citizens.

"Directive Principles of State Policy"

Part IV of the Indian Constitution contains the "Directive Principles of State Policy (DPSP)," which were adapted from the Irish Constitution (Bhatia, 2015). A "Welfare State" is the goal of the DPSP. In other words, the goal of incorporating "Directive Principles of State Policy (DPSP)" is not to generate a politically democratic state, but to create a socially and economically democratic state. These are some foundational rules or instructions that should be followed when developing national laws and regulations (Know India, 2020).

History of "Directive Principles of State Policy"

- "The Irish Constitution's use of the DPSP idea was inspired by the Spanish Constitution. The Irish Constitution's DPSP idea was taken up by the Indian Constitution's authors in 1937, who were heavily inspired by the Irish nationalist movement.
- To free themselves from British authority and advance toward the creation of their constitution, the Indian independence movement was profoundly affected by the movements and independence struggles of Ireland at that time.
- The government of independent India looked to the DPSP as a model for how to address social, economic, and other difficulties in a country as large and diverse as India.
- Fundamental rights and the DPSP have a common ancestor. The Swaraj Constitution of India, which included some of the basic rights as well as certain additional rights such as the right to education that weren't immediately enforceable at the time—was included in the Nehru Report of 1928.
- Fundamental rights were separated into justifiable and non-justifiable rights in the Sapru Report of 1945.
- A justifiable right is one that is recognized by the Constitution as being valid and that may be enforced in a court of law. In contrast, non-justifiable rights were designated as directive principles, which only serve to steer the state in its efforts to transform India into a welfare state. As Directive Principles of State Policy, they are included in Part IV of the Indian Constitution.

- All three versions of the constitution (I, II, and III) that were created by the Drafting Committee, whose head was Dr. B.R. Ambedkar, included both the DPSP and the Fundamental Rights” (Asthana, 2022).

1.1 “Directive Principles of State Policy” Presented in a List

Part IV of the Indian Constitution lays out a series of directives and principles called the “Directive Principles of State Policy (DPSP).” These principles are not legally binding, but they are important to good government and should be used by the State as a benchmark when crafting new legislation. The Indian government's guiding principles are outlined below.

- **“Article 36: For the purposes of the DPSP, this definition of state:** Unless otherwise specified, "The State" shall have the meaning ascribed to it in Part III, "Fundamental Rights." The definition of the State set forth in Article 12 shall apply in this section as well.
- The Government of India
- The Parliament of India
- The Government of each of the States
- The Legislature of each of the States
- All the authorities whether local or any other which are the part of Indian territory or under the control of the government.
- **Article 37: Application of the Principles contained in this Part:** It is the responsibility of the State to make laws that are consistent with the principles outlined in this section since they are vital to the functioning of the government.
- **Article 38: Social Order for the Promotion of Welfare of the People:** encourages the State to establish a social structure in order to advance public welfare.
- **Article 39: Certain principles of policy to be followed by the State**
 - a) Equal justice and free legal aid
 - b) Equal pay for equal work
 - c) The right to work, education, and public assistance in cases of unemployment, old age, sickness, and disablement
 - d) Adequate means of livelihood
 - e) Ownership and control of the material resources of the community to be so distributed as best to subserve the common good
 - f) The health and strength of workers and children are not abused, and citizens are not forced by economic necessity to enter avocations unsuited to their age or strength
 - g) Opportunities for healthy development of children
- **Article 40: Organization of village panchayats:** encourages the State to set up village panchayats and provide them the resources and authority they need to operate as self-governing entities.
- **Article 41: Right to work, to education and to public assistance in certain cases:** Within the bounds of its economic capabilities and development, the State must ensure that its citizens have access to jobs, education, and public support in the event of unemployment, retirement, illness, or disability.
- **Article 42: Provision for just and humane conditions of work and maternity relief:** The State shall establish measures to ensure reasonable and humane working conditions including maternity leave.
- **Article 43: Living wage, etc., for workers:** The State shall make every effort to provide employment, a living wage, working conditions that ensure a respectable standard of living and the full enjoyment of leisure, as well as social and cultural opportunities, to all workers, whether they are in the agricultural, industrial, or other sectors of the economy.
- **Article 43A: Participation of workers in management of industries:** The State must take action to ensure that employees are involved in the management of businesses, establishments, or other organizations operating in any industry, whether by appropriate law or another means.

- **Article 44: Uniform civil code for the citizens:** A standard civil code must be provided for the citizens throughout India's whole territory, according to the State.
- **Article 45: Provision for free and compulsory education for children:** The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
- **Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections:** The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.
- **Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health:** The state must prioritize improving the standard of living, nutrition, and health of its citizens as one of its top priorities. In particular, the state must work to make it illegal to consume intoxicating beverages and drugs that are harmful to health, unless it is for medical reasons.
- **Article 48: Organization of agriculture and animal husbandry:** The State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.
- **Article 48A: Protection and improvement of environment and safeguarding of forests and wildlife:** The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- **Article 49: Protection of monuments, places, and objects of national importance:** It is the duty of the State to prevent spoliation, disfigurement, destruction, or use of any monument, place, or object of artistic or historic interest that has been designated as of national importance by or pursuant to a law made by the Parliament.
- **Article 50: Separation of the judiciary from the executive:** The State shall take steps to separate the judiciary from the executive in the public services of the State.
- **Article 51: Promotion of international peace and security**
 - The State shall endeavor to:
 - (a) Promote international peace and security
 - (b) Maintain just and honorable relations between nations
 - (c) Foster respect for international law and treaty obligations
 - (d) Encourage settlement of international disputes by arbitration

The State can base its policies and activities on these Directive Principles as a vision and framework to ensure social justice, welfare, and the general well-being of its population.”

1.2 “Directive Principles of State Policy and Fundamental Rights Comparison”

Table 1.1: “Directive Principles of State Policy and Fundamental Rights Comparison”

Basis for Comparison	Fundamental Rights	Directive Principles
Meaning	The fundamental rights guaranteed to all national citizens.	The principles taken into account while creating policies and legislation.
Legislation	Not required	Required
Enforceability	Legally enforceable.	Not enforceable.
Nature	Negative	Positive
Promotes	Individual welfare	Public Welfare
Democracy	Political Democracy	Social and economic democracy.
Defined	In Part III of the Constitution.	In Part IV of the Constitution.

Source:

https://blog.ipleaders.in/directive-principles-state-policy/#List_of_Directive_Principles_of_State_Policy

https://blog.ipleaders.in/directive-principles-state-policy/#List_of_Directive_Principles_of_State_Policy

1.3 Features of “Directive Principles of State Policy”

- They were made unjustified because the State may lack the resources to properly execute them or may create more progressive laws.
- “Under the Government of India Act of 1935,” the Governors of India's colonies were given a set of instructions and directives that make up the DPSPs.
- It is an all-encompassing set of “economic, social, and political ideas and recommendations for a modern democratic state with the stated goal of instilling the concepts of justice, liberty, equality, and fraternity. All of the Constitution's stated goals can be found in the Preamble.”
- It includes all the principles that the State should consider while making decisions on the country's policies and laws.
- Establishing a "welfare state" to benefit the nation's citizens, which was missing during the colonial period, was the main goal of the inclusion of DPSP. (Aikman, 1987).

1.4 Significance of “Directive Principles of State Policy”

“The Directive Principles of State Policy (DPSP),” which are outlined in the Indian Constitution, are of utmost importance since they serve as a guide for governing and formulating policy by outlining the socio-economic goals that the State should aim to realize. These guidelines for the government serve as a framework for the interpretation and application of laws and policies, even if they are not legally binding. The DPSP places significant emphasis on a number of important issues, such as social justice, fair resource allocation, higher living standards, and chances for both education and employment. By emphasizing the welfare of the poor and excluded groups, they reaffirm the state's duty to promote a fair and inclusive society. The DPSP promotes equality and social cohesion by bridging the gap between the rich and the poor. With the State committed to these values, we can build a society where all people are treated with respect and given opportunities to lead fulfilling lives. Articles 36–51 of Part IV of the Constitution are addressed by DPSP. Some of the fundamentals of crafting legislation for "welfare state" include provisions for the safety of the country's women, preservation of the environment, rural growth and development, decentralization of authority, a uniform civil code, etc. Although not legally binding, they do give a framework for how the government should operate in the country (Amruta, 2021).

1.5 “Implementation of Directive Principles of State Policy”

Starting in 1950, a number of laws and regulations were implemented to put these Directive Principles into practice (Insightsias, 2022). Here are some of them:

- “The Minimum Wages Act (1948)
- Child Labour Prohibition and Regulation Act (1986)
- The Maternity Benefit Act (1961)
- Equal Remuneration Act (1976)
- Handloom Board, Handicrafts Board, Coir Board, Silk Board, etc. have been set up for the development of cottage industries in the country.
- Integrated Rural Development Programme (1978)
- Jawahar Rozgar Yojana (1989)
- Swarnajayanti Gram Swarozgar Yojana (1999)
- Sampoorna Gram Rozgar Yojana (2001)
- Mahatma Gandhi National Rural Employment Guarantee Programmes (2006)
- The National Forest Policy (1988)
- Article 21-A was inserted by the 86th amendment, making free education for children below the age of 14 compulsory.
- Prevention of Atrocities Act safeguarding the interests of SCs and STs.
- Several Land Reform Acts.

1.6 Criticism of the “Directive Principles of State Policy”

Due to its non-justiciability, “the Directive Principles of State Policy (DPSP)” in the Indian Constitution have drawn a lot of criticism. These principles lose some of their potency since they are just moral and suggestive rules of conduct rather than being legally binding in a court of law. The administration may comfortably ignore them without incurring any legal repercussions, according to critics who contend that making them non-justiciable lessens their impact. Another issue with the DPSP's wording is that it is ambiguous and unclear, which has led to varying interpretations and uneven implementations between states and administrations. Holding the government responsible for achieving them becomes difficult in the absence of defined, quantifiable objectives and detailed instructions. Furthermore, the absence of time-bound goals and limited resources make it more difficult to apply these strategies successfully. Indefinite postponements and a lack of urgency in implementing these ideas have resulted from the lack of deadlines and the need of large financial resources. Additionally, detractors claim that the DPSP sometimes runs afoul of the Fundamental Rights, putting society and individual interests at odds. This contradiction prompts worries about possible government misuse, particularly when it serves political expediency, utilizing DPSP to undermine basic liberties. Overall, even if the DPSP provide an admirable vision for government, these critiques point out the need for change to increase its efficacy and relevance in the socio-political environment of India (Lexpeeps, 2021).

1.7 Judicial activism in India

In India, judicial activism refers to a method of administering justice in which judges interpret the Constitution and legislation in a manner that actively influences public policy, deals with social problems, and defends basic rights. It signals a shift away from a literal or constrictive reading of laws and legislation, encouraging instead a proactive application of legal and constitutional principles to bring about justice and social transformation (Jaswal & Singh, 2017).

➤ Key Characteristics and Manifestations:

- **Expansive Interpretation of Laws:** Activist judges tend to interpret laws and constitutional provisions broadly to encompass evolving societal norms and values. The judiciary's aim is to ensure the laws remain relevant and just in changing times, thus serving the broader public interest.
- **Public Interest Litigation (PIL):** The widespread use of PILs in India is one of the characteristics of judicial activism. Even if they are not directly engaged in the case, PILs enable individuals, groups, or non-governmental organizations to appeal to the courts on behalf of the general public or a disadvantaged group.
- **Creative Remedies:** Judges who take a stand on social issues often come up with novel and far-reaching solutions. These treatments are meant to prompt major adjustments to procedures or new forms of leadership.
- **Judicial Review:** Judicial activism entails a proactive examination and investigation of the government's, executive bodies', and legislative acts. The judicial system makes sure that these activities protect basic rights and adhere to the Constitution's rules.
- **Safeguarding Fundamental Rights:** The robust defense and advancement of basic rights is a key component of judicial activism. The judicial system steps in to defend people's rights, particularly those of those who come from underprivileged or marginalized groups in society.

➤ Appraisal:

❖ Positive Aspects:

- **Protection of Fundamental Rights:** The right to life, freedom, equality, and the ability to freely express oneself are only few of the fundamental rights that have benefited greatly from judicial activism.
- **Promoting Social Justice:** The activist judiciary has frequently fought for social justice issues including “equal pay for equal work, gender equality in the workplace, and protections for vulnerable populations.”
- **Addressing Legislative Gaps:** The judiciary has stepped in to fill the void and issue appropriate directions when the legislature has failed to pass or execute legislation in the public interest.

❖ Critiques and Challenges:

- **Overreach and Encroachment:** Critics contend that judicial activism may infringe on the purview of the administration and legislative, upsetting the constitutionally mandated balance of powers.

- **Policy-making vs. Adjudication:** Judges making policy choices that are best left to the elected arms of government raises worries that judicial activism may muddy the distinctions between policy-making and adjudication.
- **Accountability and Legitimacy:** Unelected judges making important judgments with substantial social, political, and economic repercussions raise concerns about their legitimacy and responsibility.

While drawing praise and criticism, judicial activism continues to be a crucial weapon for promoting justice and defending basic rights in India. A constant issue is finding a balance between an active judiciary and the democratic tenets of power separation and checks and balances. However, when used wisely, judicial activism makes a substantial contribution to a society that is more responsive, just, and inclusive. Therefore, it is essential to continuously assess and hone the guiding principles and limitations of judicial activism in the Indian context (Vishalji, 2023).

CONCLUSION

In India, the interaction between judicial activism and “Directive Principles of State Policy (DPSP)” creates a complex dynamic that perfectly captures the precarious balance between the obligations of the state and the rights of the individual. The DPSP, as specified in the Indian Constitution, is a representation of the ambitions and socioeconomic objectives the state has set for the welfare of its people. These principles are meant to direct the state's policies, but they are not justiciable.

In contrast, judicial activism, which is characterized by proactive judicial intervention in matters of public concern, has been instrumental in advancing the DPSP's goals. In order to ensure social justice and equitable development, courts have frequently interpreted and broadened the scope of basic rights in accordance with the spirit of the DPSP. This strategy has been instrumental in bridging the divide between the DPSP's ideals and the realities of governance. However, the extent of judicial intervention and its effect on the separation of powers, democratic procedures, and the independence of the executive and legislative branches continue to be debatable topics. A functioning democracy requires striking a balance between judicial activism and respect for the policy domain of the legislature. Ultimately, nurturing a symbiotic relationship between the DPSP and judicial activism is necessary for the realization of India's constitutional vision of a just and equitable society.

In ending, a comprehensive examination of the relationship between DPSP and judicial activism necessitates a comprehensive investigation of historical, theoretical, and empirical aspects. This approach allows for a greater comprehension of how these principles define policy, influence governance, and ultimately contribute to the welfare and advancement of Indian society.

REFERENCES

- 1) Aikman, C. C. (1987). Fundamental rights and directive principles of state policy in India. *Victoria U. Wellington L. Rev.*, 17, 373.
- 2) Ambrose, A. D. (2013). DIRECTIVE PRINCIPLES OF STATE POLICY AND DISTRIBUTION OF MATERIAL RESOURCES WITH SPECIAL REFERENCE TO NATURAL RESOURCES-RECENT TRENDS. *Journal of the Indian Law Institute*, 1-20.
- 3) Amruta, P. (2021). *Significance Of Directive Principles - Indian Polity Notes*. Prepp. <https://prepp.in/news/e-492-significance-of-directive-principles-indian-polity-notes>
- 4) Asthana, S. (2022). *Directive Principles of State Policy: An Explanation of Part IV of Constitution*. iPleaders. https://blog.ipleaders.in/directive-principles-state-policy/#List_of_Directive_Principles_of_State_Policy
- 5) Bhatia, G. (2015). Directive Principles of State Policy: Theory and Practice.
- 6) Cassels, J. (1989). Judicial activism and public interest litigation in India: Attempting the impossible?. *The American Journal of Comparative Law*, 37(3), 495-519.
- 7) Chowdhury, P. R. (2011). Judicial activism and human rights in India: a critical appraisal. *The International Journal of Human Rights*, 15(7), 1055-1071.
- 8) Gogoi, C. R. (2015). Judicial Law Making in India: A Critical Appraisal. *JOURNAL OF HUMANITIES & SOCIAL SCIENCES*, 60.
- 9) Implementation of DPSPs - INSIGHTSIAS. (2022). INSIGHTSIAS. <https://www.insightsonindia.com/polity/indian-constitution/significant-provisions/dpsps/implementation-of-dpsps/>

-
- 10) Jaswal, N., & Singh, L. (2017). Judicial activism in India. *Bharati Law Review*, 3, 1-11.
 - 11) Know India. (2020). *Profile - Directive Principles Of State Policy - Know India: National Portal of India*. (n.d.). <https://knowindia.india.gov.in/profile/directive-principles-of-state-policy.php>
 - 12) Lexpeeps. (2021). *A Critical Analysis of the Directive Principles of State Policy* | Lexpeeps. Lexpeeps. <https://lexpeeps.in/a-critical-analysis-of-the-directive-principles-of-state-policy/>
 - 13) Ltd, A. A. (2023). *Historical Directive Principles of State Policy*. www.lawteacher.net. <https://www.lawteacher.net/free-law-essays/administrative-law/historical-directive-principles-of-state-policy-administrative-law-essay.php#ftn2>
 - 14) Mehta, A. K. (2023). Judicial Activism and Judicial Intervention in Indian in Terms of Judicial Review-A Critical Analysis. *Indian J. Integrated Rsch. L.*, 3, 1.
 - 15) Mukherjee, D. (2015). JUDICIAL IMPLEMENTATION OF DIRECTIVE PRINCIPLES OF STATE POLICY: CRITICAL PERSPECTIVES. *IJLPP*, 1(1).
 - 16) Nayak, S., & Trikha, A. (2020). EVOLUTION OF DIRECTIVE PRINCIPLES OF STATE POLICY. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17(6), 5178-5183.
 - 17) Nayak, V. (2018). Concept and Features of Directive Principles of State Policy. *Journal of Emerging Technologies and Innovative Research (JETIR)*
 - 18) Okeke, G. N. (2011). Fundamental Objectives and Directives Principles of State Policy: A Viable Anti-Corruption Tool in Nigeria. *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 2.
 - 19) Rao, T. N. (1949). Directive Principles of State Policy. *The Indian Journal of Political Science*, 10(3), 16-18.
 - 20) *Role of Judicial Activism in Fundamental Rights*. (2023). GeeksforGeeks. <https://www.geeksforgeeks.org/role-of-judicial-activism-in-fundamental-rights/>
 - 21) Tanyasrivastava. (2021). *Was The Introduction Of DPSP Into India's Constitution Really Significant?* <https://www.legalserviceindia.com/legal/article-7256-was-the-introduction-of-dpsp-into-india-s-constitution-really-significant.html#:~:text=The%20Origins%20and%20Meaning%20of,IV%20of%20the%20Indian%20Constitution.>
 - 22) Vishalj. (2023). *Judicial Activism*. <https://www.legalserviceindia.com/legal/article-2063-judicial-activism.html>
 - 23) Vyas, L. (2022). *Directive Principles of State Policy (DPSP) Under the Indian Constitution*. iPleaders. <https://blog.ipleaders.in/directive-principles-of-state-policy-dpsp-under-the-indian-constitution/>
 - 24) Vyas, R. S. (2017). INDEPENDENCE OF JUDICIARY–A CRITICAL APPRAISAL.

CONSTITUTIONALITY OF DNA PROFILING IN INDIA: AN ANALYSIS OF ITS EVIDENTIARY RELEVANCE UNDER CIVIL AND CRIMINAL MATTERS

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ABSTRACT

The emergence of scientific evidence brings strength and certainty in the realm of evidentiary possibility. DNA profiling is one such domain which has brought clarity in term of matter of both civil right and criminal responsibilities. Although its own legal viability hangs through uncertainty due to absence of legal clarification under the direction of Indian judicial system. The article tries to explain the constitutionality of DNA sampling in civil and criminal matters and the limitations upon it. While going through the topic we will get an idea about the impact of DNA profiling upon the Fundamental Rights of a person. It covers various issues involved in DNA sampling with reference to the Indian Constitution and Section 112 of the Indian Evidence Act. It also gives significance to the views of the different Courts in support of and against DNA profiling and the guidelines given by the courts before allowing DNA profiling. Further it provides a coverage of general ideas about the recent developments that has taken place with respect to the constitutionality of DNA profiling.

Keywords: DNA, Constitutionality, Admissibility, Civil & Criminal Cases.

INTRODUCTION

DNA in its proper form stands for DEOXYRIBONUCLEIC ACID. DNA profiling is also known as genetic fingerprinting and is not concerned with the conventional process of fingerprinting. DNA technique detects and displays a DNA pattern that is unique to every person as a simple track of bands like the bar codes found on food packing.¹ DNA testing is a considered to be an accurate proof of identification and of relationship. As the science of DNA is highly developed, its evidentiary value is very strong.

During the earlier years of DNA testing, it provided for some narrowing of suspects but it often yielded erroneous results. However, in the last decade DNA technology has remarkably advanced to more discriminating methods. The introduction of DNA testing has lead to a revolutionary development in forensic science and criminal justice system by providing Courts the mechanism to find the highly confident perpetrators of crime. Report of DNA profiling is very much capable of definitively excluding potential suspects and exonerating wrongfully convicted defendants. Also DNA profiling is considered to be the most reliable scientific testing in order to determine parenthood.

DNA tests in the arena of Criminal jurisprudence have been boon for the criminal investigations. Alternatively in civil cases DNA profiling can be used for the purpose of determining the paternity of a person and for the purpose of disproving fraud allegations of paternity. Unlike blood typing that provides for statistical likelihood and exclusion, the DNA profiling provide positive and conclusive determination, it can provide certainty of practical level in paternity cases.²

INDIAN LEGAL STANCE ON DNA EVIDENCE

DNA sampling is looked by the Judiciary as Expert Evidence under Sec. 45 of the Indian Evidence Act, 1872. There is also a prevailing uncertainty as to whether a suspect or anybody else can be forced to give a sample for testing and will it be considered a violation of Art.20 (3) of the Constitution that is prohibitive against compulsion to give self-incriminating evidence and will not the passing of such an order by the Court be in violation of Right to Personal Liberty and Right to Privacy under Art.21 of the Constitution.³

Section 45 is the most important Section of the Act vis-à-vis forensics. There has been a lot of confusion as to what all constitutes “science” under Sec. 45⁴. There were contradictory judgments in the earlier cases. But in its recent judgment in State v. Chaudhary⁵ the Supreme Court has not only eliminated the absurdity relating to

¹ M. Singh, *Evidentiary Value of DNA Fingerprinting and its prospects in India*, Indian Bar Review, Vol.22 (1) 1995, Pg.93.

² Ratan Lal and Dhiraj Lal, *THE INDIAN EVIDENCE ACT*, Pg.960, 20th Ed, 2008.

³ Gauri Subramaniam, *DNA vis-à-vis the Right to Privacy*, Criminal Law Journal, Vol.02, Pg.38, 2005.

⁴ Sec. 45, *THE INDIAN EVIDENCE ACT*, 1872.

⁵ State v. Chaudhary, AIR 1996 SC 1491 (Supreme Court of India).

typescript identification but has also provided the guidelines for the induction of new type of scientific evidences (DNA, voice identification, pattern recognition, brain mapping, etc.). In *State of Himachal Pradesh v. Jai Lal*¹ the Supreme Court held that expert witness must have special knowledge of the subject or should have special experience.

On the other hand SEC 293 of The Code of Criminal Procedure, 1973 deals with reports of certain Government Scientific Experts. Sec. 293(3)² provides that the Court may in its discretion summon and examine his report. Parallely Sections 2, 3, 4, 5 and 6 of the Identification of Prisoners Act, 1920 are relevant to the expert evidence. They provide legal sanctions for obtaining specimen from the suspects/ accused/ convicts. Through in all the sense DNA report is a very strong piece of evidence but it cannot be a sole ground for conviction, it has to be supported by some corroborating evidences.

OBJECTIVE AND MAJOR ISSUES UNDER DNA TESTING

The purpose of DNA testing is establishment of the identity of a person or establishment of relationship of one person with respect to some other person with the exception of identical twins or clones. The main problem with respect to DNA sampling is – Can a person be compelled to give samples like blood, nails, hair, skin, etc. for DNA testing. The problem regarding DNA is not the accuracy of the report as such rather it is regarding the compulsion upon a person to give the samples for the purpose of DNA testing.

For the purpose of DNA Testing, the cases pertaining to DNA testing can be divided into two categories:

DNA Testing



CIVIL CASES

CRIMINAL CASES

- i. In **Criminal Cases**, the issue is curtailment of Article 21 and application of Article 20(3) in DNA sampling.
- ii. In **Civil Cases**, Article 20(3) is not applicable and the issue is the curtailment of Right to Privacy and Right to Dignity of the other party under Article 21 of the Constitution.

4. JUDICIAL STANDING ON DNA TESTING IN CRIMINAL MATTERS

The purpose of DNA testing in criminal matters is for establishing the identity of the accused. Article 20(3) is prohibitive against *compulsion to give self-incriminating evidence*. A person cannot be compelled to be a witness against himself. Article 20(3) applies when a person is compelled to reveal something that is totally his personal knowledge of the accused *which otherwise could not have been revealed* and not with respect to some substance or material like hair sample, blood sample, etc.- they are not something within the personal knowledge of the accused and hence the accused can be compelled to give them and Article 20(3) will not come to his rescue.

In the landmark judgment of *The State of Bombay vs. Kathi Kalu Oghad and Ors.*³ delivered by Justice B. P. SINHA “*to be a witness*”⁴ is not equivalent to give some such facts that are physically manifest rather it is to reveal those facts that are within the personal knowledge of the accused. Thus, any compulsion to give signature, specimen, thumb impression, voice sample, etc. will not be hit by Article 20(3). Supreme Court further observed that the Constitution makers may have intended to protect an accused from the hazards of self-incrimination, but they could not have intended to put obstacles in the way of effective and efficient investigation into a crime and of bringing criminals justice. In the case of *M. P. Sharma v. Satish Chandra*⁵ delivered by Justice M. C. Mahajan Court can direct any person including an accused to give specimen signature, etc., it will not be hit by Art.20 (3).

¹ *State of Himachal Pradesh v. Jai Lal*, AIR 1999 SC 3318 (Supreme Court of India).

² Sec. 293(3), The CODE OF CRIMINAL PROCEEDURE, 1973.

³ *The State of Bombay v. Kathi Kalu Oghad*, AIR 1961 SC 1808 (Supreme Court of India).

⁴ Art. 20(3), THE CONSTITUTION OF INDIA, 1950.

⁵ *M. P. Sharma v. Satish Chandra*, AIR 1954 SC 300 (Supreme Court of India).

Further the constitutional validity of DNA sampling is analyzed in relation to violation of Right to Privacy (towards hair, blood, etc.) and Right to Human Dignity under Article 21¹ of the Constitution. While analyzing Individual Interest vs. Societal Interest, a crime is considered to be a crime against the society at large and societal interest is paramount. If that is the case then Fundamental Rights do not remain absolute and they can be restricted to that extent in the societal interest. Detecting the crime and getting the accused punished is what in which the societal interest is involved. Hence if the DNA sampling is essential for establishing the identity or for the purpose of establishing the relationship, then one can be compelled in the larger societal interest to give the samples.

In Criminal Matters, as a matter of routine samples can be taken and if someone denies the Magistrate will not be hesitant at all and may order the accused to give blood samples as Article 20(3) not at all is being violated and the rights under Article 21 are not absolute and can be curtailed to the extent of societal interest. In the case of Thogorani alias K. Damayanti v. State Of Orissa², Orissa High Court held that the only restriction upon us in issuing an order to collect the blood samples of the accused for the purpose of DNA profiling would be that before issuing any such order the Court must balance the rights under Art. 21 and Art. 20(3) of the Constitution vis-à-vis the societal (public) interest. The Court has to take the following matters into consideration:

- a) the extent to which the accused may have been involved in the crime
- b) the gravity of the offence
- c) the circumstances in which the crime is committed
- d) the age, and physical and medical health of the accused
- e) the reasons of the accused for denying the consent
- f) as to whether there is a less intrusive way for proving the involvement of the accused in the crime.

5. JUDICIAL STANDING ON DNA TESTING IN CIVIL MATTERS

Justice Malimath Committee Report³ outlined the need of incorporation of DNA testing on the lines of change of scientific temper and social outlook as a scientific means of resolving any dispute relating to paternity. If The father denies the paternity and the son asks for DNA testing so as to prove his relationship with him. He denies giving samples and pleas:

- a) Right to Privacy under Article 21⁴
- b) Right to Human Dignity under Article 21⁵
- c) Right to Reputation under Article 21

¹ Id.

² Thogorani alias K. Damayanti v. State of Orissa, CLT (2004) Supp. 913 (Orissa High Court).

³ Report of the Committee on Reforms of the Criminal Justice System, March 2003.

⁴ Govind v. State of Madhya Pradesh, AIR 1975 SC 1378 (Supreme Court of India); People's Union for Civil Liberties v. Union of India, AIR 1997 SC 568 (Supreme Court of India).

⁵ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 568 (Supreme Court of India).

The concept followed in in civil law of of Individual Interest vs. Individual Interest. For crime detection purposes, rights under Article 21 can be restricted but Article 21 cannot be curtailed as easily here as in criminal cases because it is a *conflict of Private Interests between two individuals* and not that of a societal interest. Hence the logic on which in criminal matters a person can be compelled to give samples, that logic will fail here.

In the case of Goutam Kundu v. State of West Bengal¹ Supreme Court held that in civil matters a person could not be compelled to give blood samples for any kind of medical test or blood profiling. In this case the child was born during the continuance of a valid marriage and hence under Section 112 – Indian Evidence Act, 1872² it was a conclusive proof that the child is his child. But the father pleaded that he is not the child's father and prayed for DNA testing which the Court rejected. The Court granted maintenance to the wife and the child.

But the Goutam Kundu judgment has to be restricted to the extent of its own particular facts. When under Section 112³ the conclusive proof of his being the father of the child has been raised as he was unable to prove non-access in the context of Section 112⁴ to the complete satisfaction of the Court, then in that case he cannot avoid his liabilities by claiming the DNA test to be done. In such cases the DNA test cannot and need not be compelled. Even if the Court would have allowed the DNA profiling and a negative DNA test report had been given, still the presumption of Section 112⁵ cannot be disproved. It is a presumption of law and it is a conclusive proof.

Something that is a conclusive proof⁶ is not rebuttable under any circumstances on the basis of any factual evidence. Presumption of Law that is non-rebuttable and it cannot be disproved by any factual evidence no matter how perfect that factual evidence may be. Hence the question of DNA testing arises only when the presumption of Sec. 112⁷ is not being raised and the child is not able to somehow prove that he is the child of the respondent.

5.1 The Anatomy of Section 112- Indian Evidence Act:

i. Presumption of paternity:

The fact that the child was born during the continuance of a valid marriage or that it was born before 280 days of dissolution of the marriage provide the mother had not remarried someone else before such birth and also the fact that the marriage between the mother of the child and the respondent was a lawful marriage is relevant under Sec. 9 of the Indian Evidence Act, 1872 to prove the legitimacy of the child. The role of Sec. 112⁸ is not to make these facts relevant under Sec. 9⁹ to prove the legitimacy of the child. The burden of proving this lies upon the petitioner. The role of Sec. 112¹⁰ is not to make these facts relevant under Sec. 9¹¹, rather Sec. 112 has the role of raising the conclusive presumption i.e. if the petitioner has been able to prove the above facts, in the normal circumstance the respondent had a right to rebut that fact by proving some other facts, however the role of Sec. 112¹² is that upon the proof of the other facts the conclusive presumption of paternity will be raised and now a rebuttal is not possible. However in order to prove the conclusive proof under Sec. 112¹³ it has also to be

¹ Goutam Kundu v. State of West Bengal, AIR 1993 SC 2295 (Supreme Court of India).

² Section 112, THE INDIAN EVIDENCE ACT, 1872.

³ Id.

⁴ Id.

⁵ Sec. 112, THE INDIAN EVIDENCE ACT, 1872.

⁶ Sec. 4, THE INDIAN EVIDENCE ACT, 1872.

⁷ Sec. 112, THE INDIAN EVIDENCE ACT, 1872.

⁸ Id.

⁹ Sec.9, THE INDIAN EVIDENCE ACT, 1872.

¹⁰ Sec. 112, THE INDIAN EVIDENCE ACT, 1872.

¹¹ Sec. 9, THE INDIAN EVIDENCE ACT, 1872.

¹² Sec. 112, THE INDIAN EVIDENCE ACT, 1872.

¹³ Id.

examined as to whether the respondent has been able to prove that he did not have the **access** to the mother of the child at the time when the mother would have got pregnant.

ii. **Burden of Proof:**

The burden of proving the lawful marriage is upon the petitioner (child). He can prove that by marriage certificate, marriage card, marriage photographs, the conduct of the respondent, Sec. 32¹- statement of a dead person having special means to know their relationship, long cohabitation- the Court can raise a presumption under Sec. 114² that the petitioner's mother is a lawfully wedded wife of the respondent but it is a rebuttable presumption, etc. The burden of proof is upon the child to prove that he was born during the continuance of the valid marriage of the respondent and his mother or within 280 days of the dissolution of the marriage and his mother had not remarried to someone else.

The respondent has the right to prove non-access (in reference to sexual intercourse i.e. whether sexual intercourse was possible in that or not). Through medical reports approx period getting pregnant could be found out, then prove whether at that time the respondent had access to the lady or not. Sec. 112³ is a provision of social welfare in order to avoid destitution or bastardization of the child. Therefore, the tilt of the Court will always be to presume that the respondent had the access. Hence the burden of proof upon the husband will be very strict to prove that he did not have access.

iii. **“non-access”-no access criteria:**

“access” has to be seen in reference to the possibility of sexual intercourse and the woman becoming pregnant. Here even if the husband has been broadly able to prove the non-access during that period, it will amount to an access if there is proof that the husband had met the wife or there was a possibility of meeting the wife then if the meeting was such that sexual intercourse was possible then still Sec. 112 will apply. But to the contrary if the meeting was only at a public place and sexual intercourse was not possible it will be a case of non-access. In such cases the Court will be tilted towards raising the conclusive proof and the burden upon the respondent will be very strict.

The presumption of Sec. 112 (conclusive proof) will apply even though the woman was into an adulteress relationship with some other person other than her husband. The criteria is not whether she was into a relationship with someone else or not rather the criteria is whether the conditions of Sec. 112 are fulfilled or not. If yes then the ‘conclusive proof’ will be raised irrespective of the adulteress relationship. In the artificial insemination cases it is almost the same as if there was a sexual intercourse and therefore the normal rules as in Sec. 112 will apply.

iv. **Harshness of Section 112:**

Sec. 112 has nothing to do with as to when did the lady got pregnant, rather Sec.112 has to see whether the child was born during the continuance of the marriage. Therefore even if the child is born the next day after the marriage, still it will be considered to be the respondent's child. This is the harshness of Sec. 112, but then this is what as of now the law is. We can always be suggestive that making some amendments shall reduce the rigor of the law but as of now there is no such amendment. Law is as it is.

5.2 **Right to Privacy of Father vis-à-vis Right to Dignity and Social Status of child:**

In paternity related matters, it is a matter of public policy to have a special approach for women and children and the Courts should also have a special approach towards them. Article 15⁴ talks about special provisions for women and children. The Judiciary should also be tilted in the same frame of mind. It is a matter of a child and his paternity and the father is denying the paternity:

- i. Is he not responsible to bear the child's entire expenses?
- ii. Is it not a matter of dignity for the child that his father accepts that he/she is his child?
- iii. Is it not a matter of right for the child to get all the benefits provided by law from his father?

Therefore, the Court can always order the Respondent to give his blood, hair, skin, etc. samples. The higher Courts normally do this under the following circumstances:

¹ Sec. 32, THE INDIAN EVIDENCE ACT, 1872.

² Sec. 114, THE INDIAN EVIDENCE ACT, 1872.

³ Sec. 112, THE INDIAN EVIDENCE ACT, 1872.

⁴ Art. 15, THE CONSTITUTION OF INDIA, 1950.

- (a) if the concerned person is denying the Paternity,
- (b) if the Court is satisfied there is *Prima Facie* that the person concerned may be his father, and
- (c) if the paternity is denied to this child then the child will be rendered a bastard or destitute, that will be a great injustice to the child. In such proper cases despite the Right to Privacy and the Goutam Kundu judgment¹,

After the Goutam Kundu judgment several two Judges bench have allowed the DNA testing. In the case of Amarjeet Kaur vs. Harbhajan Singh² & Shri Banarsi Dass vs. Teeku Dutta³ Court very clearly held that whether DNA testing should be allowed or not depends the circumstances of the case and the Court has the discretion to decide in light of the particular cases. Further in Kanchan Bedi vs Gurpreet Singh Bedi⁴ for maintenance suit by a minor if the Respondent denies paternity, then the Court has to examine the entire circumstances of the case and have to see the effect of denial upon the interests of the child and thereupon it may compel the respondent to undergo the medical test.

In the landmark judgement in N. D. Tiwari case⁵ also the Court allowed DNA testing on the following grounds:

- i. Right to Social Dignity of the child under Article 21 is at stake.
- ii. The child has the Fundamental Right of Speech and Expression under Article 19(1)(a).
- iii. Prima Facie evidences are there to show that the respondent had been behaving like his father.

6. CONCLUSION

In Criminal matters the reason for allowing DNA testing is crime detection and as a general rule DNA testing is allowed. On the other hand, in Civil matters the reason for allowing the DNA testing in some cases is public policy i.e. the welfare of the child. The Court has to examine the circumstances case by case, there is no hard and fast universal rule. The balance has to be drawn by the Court – if grave injustice is caused to the child, the Court will normally allow the DNA sampling. There is a necessity for the judiciary (SC) to set down proper guidelines on how trial Courts should approach cases involving DNA evidence and how it is to be evaluated. The confusion is still prevalent with different judges making different rulings on DNA profiling (-Dr. G. V. Rao, Chief and Staff Scientist, Laboratory of DNA Fingerprinting Research, CDFD, Hyderabad)⁶.

In a case involving matrimonial dispute was pending before the competent District Forum. High Court in Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for Women (2010 SC)⁷ *suo moto* directed for DNA profiling. The issue before the Supreme Court was whether the High Court was justified in its order for DNA profiling, specially when the matrimonial matter is already pending before the competent District Forum. DNA sampling is not to be ordered as a matter of routine and only in proper and deserving cases such an order can be given and that too only by a competent Court at a relevant time.

The use of DNA profiling is an extremely sensitive as well as delicate issue. A Court can order for DNA profiling only when a strong *prima facie* case is made out. Courts should normally be reluctant in the use of such scientific advances that results into the curtailment of the Right to Privacy of a person under Art. 21. This was supported by Shaik Fakruddin v. Shaik Mohammad Hasan⁸ where it was held that Court has the power to order a person to undergo medical test and such an order of the Court will not be in violation of the Right to Personal Liberty under Art. 21.

¹ Goutam Kundu v. State of West Bengal, AIR 1993 SC 2295 (Supreme Court of India).

² Amarjit Kaur v. Harbhajan Singh, 2003 (1) AWC 344 SC (Supreme Court of India).

³ Shri Banarsi Dass v. Teeku Dutta, (2005) 4 SCC 449 (Supreme Court of India).

⁴ Mrs. Kanchan Bedi v. Shri Gurpreet Singh Bedi, AIR 2003 Delhi 446 (Delhi High Court).

⁵ Rohit Shekhar v. Shri Narayan Dutt Tiwari, 2011 Delhi High Court).

⁶ Dr. G. V. Rao, *DNA Analysis in Prosecution Cases: Criteria for Consideration*, Criminal Law Journal 2005 Vol.04 Pg.289.

⁷ Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for Women, AIR 2010 SC 2851 (Supreme Court of India).

⁸ Shaik Fakruddin v. Shaik Mohammad Hasan, AIR 2006 AP 48 (Andhra Pradesh High Court).

**INTERFACE BETWEEN STANDARDISATION AND ADAPTATION STRATEGIES IN
INTERNATIONAL MARKETING- CRITICAL ANALYSIS**

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ABSTRACT

International marketing is the expansion of a company's products or services beyond domestic borders, a process which gained significant momentum in the latter half of the 20th century with the rise of multinational corporations (MNCs). Key historical factors such as globalization, privatization, and liberalization have facilitated this growth by removing trade barriers and encouraging foreign direct investment, leading to increased economic integration worldwide. This evolution necessitated a deep understanding of the market conditions in different nations, prompting entrepreneurs to adopt either standardization or adaptation techniques. These techniques require a comprehensive analysis of consumer preferences, socio-legal contexts, and political and economic environments to inform crucial marketing decisions in product management, pricing, distribution, and marketing communications.

The advancements in communication, transportation, and information technology have further facilitated the entry and sustainability of companies in international markets. Notably, the internet has revolutionized global marketing, enabling businesses to reach and engage with customers worldwide quickly and cost-effectively. Despite these technological advancements, companies still face significant challenges in implementing strategic marketing activities, particularly in balancing standardization and adaptation on foreign soil.

This report delves into the interface between standardization and adaptation as marketing strategies employed by multinationals to enhance their international marketing efforts. It explores how these strategies impact product management, pricing, distribution, and marketing communications. Furthermore, it critically evaluates the concepts of performance, profitability, and sustainability of companies in international markets, considering the antecedent factors influencing their strategic decisions. Through this analysis, the report aims to provide insights into the effectiveness of these strategies in ensuring competitive advantage and long-term success in the global marketplace.

Keywords: International Marketing, Standardization, Adaptation, Multinational Corporations (MNCs), Globalization.

INTRODUCTION

International marketing is understood as a process of expansion of a company's product or services beyond domestic frontiers (Doole *et al.*, 2022, p.7). The international marketing system has a long history and dates back centuries. However, it gained momentum in the latter half of the 20th century in the early 90s with the establishment of MNCs (multi-national corporations) in different parts of the world (Levitt, 1983) when factors like globalisation, privatisation and liberalisation across the globe played a pertinent role in the expansion and evolution of international marketing. These events opened the domestic doors for outsiders in order to increase foreign direct investments and integration of economies world-wide (Levitt, 1983; Wang *et al.*, 2022; Friedman, 2006).

The removal of trade barriers and growth of marketing across the borders necessitated for the entrepreneurs to study the market position of a nation in which they intend to establish their business in order to sustain competition. This involved adopting standardisation or adaptation techniques after studying consumer preferences and behaviour, socio-legal aspects as well as political and economic factors affecting their products or services in terms of making key marketing decisions in the areas of product management, pricing, distribution, marketing communications thus, impacting their performance and profitability (Rao-Nicholson & Khan, 2017; Doole *et al.*, 2022; 23. De Mooij and Hofstede, 2011). However, advancements in modes of communication, transportation and information technology, made it easier for companies to enter and survive in international markets. The internet, in particular, transformed the way businesses market and sell their goods and services globally, quickly and cost effectively (Doole *et al.*, 2022; Vadana *et al.*, 2019). Nevertheless, there existed challenges for the implementation of several strategic marketing activities to respond to the issue of standardisation/adaptation on foreign land.

In the current report, the author discusses the interface between standardisation and/or adaptation as marketing strategies adopted by multinationals to facilitate their international marketing concerning their product management, pricing, distribution, and marketing communications; and critically evaluates the concepts of

performance, profitability and sustenance of a company in international market keeping in mind antecedent factors influencing their strategic decision.

Adaptation or Standardisation – A way forward for Sustainable International Marketing Strategies

Generally, companies in order to enter a foreign market, to suit their objectives and resources, adopt different market entry strategies like exporting, joint-venture, franchising or operate as a wholly-owned subsidiaries (Doole *et al.*, 2022). To effectively operate these business operations and to meet the competition in global world it has been analysed that adaptation and standardisation are two key factors that facilitates in making market decisions for product management, pricing, distribution and marketing communications having impact on company's profitability and performance (Mandler *et al.*, 202; Schmid and Kotulla 2011).

Standardisation strategy emphasizes on rendering identical products through identical distribution channel, at identical price and by identical marketing programs in different countries (Buzzell, 1968). Standardisation has been referred as “replicating the concept, rather than the activities.....It is the retail business concept that is exported” (Burt *et al.*, 2011). Adaptation, on the other hand, deals with amending a firm's product, pricing, distribution and marketing communication strategies following the socio-legal aspects of the target country like consumer preferences, needs and wants; cultural differences, legal policies, rules and regulations (Theodosiou and Leonidou, 2003; De Mooij and Hofstede, 2011). Thus, acknowledging the uniqueness and variations existing in the targeted international market.

Rao-Nicholson & Khan (2017) accepted adaptation as a ‘critical strategy’ for MNCs to deal with differences across countries and exhibit better suitability in the operating market. Alashban *et al.* (2002) and Westjohn & Magnusson, (2017) also favour adaptation as it reduces the uncertainty of foreign consumers. In a study by Westjohn and Magnusson (2017) adaptation is characterised as mandatory (compliance with local laws and regulations relating to safety measures, labelling, packaging etc) and discretionary (customer tastes and preferences like designing, features of product etc.) where mandatory adaptations largely impact the entry of a firm in the foreign market and pose as a great challenge to its sustenance whereas discretionary adaptation focuses on the aspect of how to compete in market. It is argued that discretionary adaptation plays a significant role in making a positive effect on export performance and it is suggested that international marketing adaptations can be better understood by focusing on discretionary adaptations as it allows marketing-mix adaptations of market strategies. Further, Roth (1995) supported the relevance of adapting a brand name and reputation to a foreign nation where there are transnational differences in cultural and socio-economic market situations. For instance, food industries often adapt their choice of menu following local taste and preferences. Moreover, the marketing communications are adapted to depict culturally relevant aspects (picture 1).

McDonald's® Around the World

Since we opened our first restaurant outside of the U.S. in 1967, we have been innovating our global menu items to offer customers authentic and unique flavors from their countries of origin. These international offerings, including the ones below, continue to intrigue customers when they travel to new destinations.



With so many craveable and delicious global options, we wanted to provide customers with an exciting way to experience them right here in America.

On June 5, we're excited to launch our **Worldwide Favorites** menu featuring the **Stroopwafel McFlurry** from the Netherlands, **Cheesy Bacon Fries** from Australia, the **Grand McExtreme Bacon Burger** from Spain and the **Tomato Mozzarella Chicken Sandwich** from Canada.



Around the World, Now Around the Corner

*Weight before cooking 4 oz.

© 2019 McDonald's

Picture-1 (<https://catalystagents.com/blog/2020/3/22/the-cultural-marketer-how-mcdonalds-achieves-brand-success-through-cultural-adaptability>)

Whereas, exponents of standardisation argue that the standardised market practices enhance a company's performance with respect to its price and distribution, product offering and promotional mix strategies (Ozsomer & Simonin, 2004). The performance is measured in terms of economic outcomes ensuing from

connection between firms' environment, strategies and resources (Combs *et al.*, 2005). Moreover, the high level of international product standardisation is expected to increase foreign product profit in cases of cross-national homogeneity of demand (Schmid and Kotulla, 2011). In other words, standardisation facilitates in capitalising the economies of scale for a firm in its marketing, production and R&D (Levitt, 1983); enables in exploitation of ideas, practices and products in multiple markets thus increasing a firm's efficiency and profitability (Maljers, 1992; Ozsomer & Prussia, 2000). Thus, it is supported that in cases where customs, traditions, regulatory frameworks, and consumer preferences are homogenous across borders a company must standardise their marketing strategies across countries (Katsikeas *et al.*, (2006).

However, due to cultural nuances, consumer preferences, socio-political environment and legal implications existing in a country, standardisation and adaptation of products and services has become a daunting task for multinational companies. Making the right choice between standardisation and/or adaptation strategies has become highly crucial and relevant as it impacts a firm/company's demand for goods and services on a foreign land. In the next section, a discussion on factors influencing the decision of MNCs for standardisation and/or adaptation have been highlighted and analysed with respect to market decisions relating to product management, pricing, distribution, and marketing communications.

Antecedent factors influencing the strategic marketing decision

In the journey of becoming an international firm and for the successful market operations in an international market, it is important for a firm to carefully analyse the existing political, economic, social and legal requirements of the domestic market in which they intend to operate (Doole *et al.*, 2022). Moreover, companies operating their businesses in foreign markets must inexorably decide to what level they should adapt their marketing strategy to local circumstances and to what degree they should standardise their activities (Grębosz and Otto 2017).

However, the existence of manifold countries, their existing multi-cultures, cultural sensitivity regulating consumer behaviours (Luna and Forquer Gupta, 2001), varied infrastructural & competitive conditions, market volatility, diverse consumer's demand and behaviour, regulatory frameworks, legal compliances, as well as globalisation and technological advancement, are throwing never-ending challenges for MNCs to operate without challenges in international market (Mandler *et al.*, 2021).

These transnational differences implies that an international firm in order to sustain and achieve their market goals (consumer and product related like satisfaction, market share, sales, promotion and distribution etc.), in another country, need to adapt their market operations in agreement with local consumer preferences, needs and demands as well as with national laws, rules and regulations. (Westjohn & Magnusson, 2017; Luna and Forquer Gupta, 2001).

A few studies show that overlooking the influence of culture signifies centralised control over market operations that depicts lack of sensitivity towards local culture. This centralised control leads to decline in profitability instead of increase in efficiency. From this perspective, it is suggested that marketing communication (like advertisement) must be adapted in consistence with local cultures to establish a connection between the product and/or services and prospective consumers (De Mooij and Hofstede, 2002, p. 61; Luna and Forquer Gupta, 2001). Whereas, Evans *et al.*, (2008) argue that adapting marketing strategies to culturally distant foreign countries have a negative effect on firm performance.

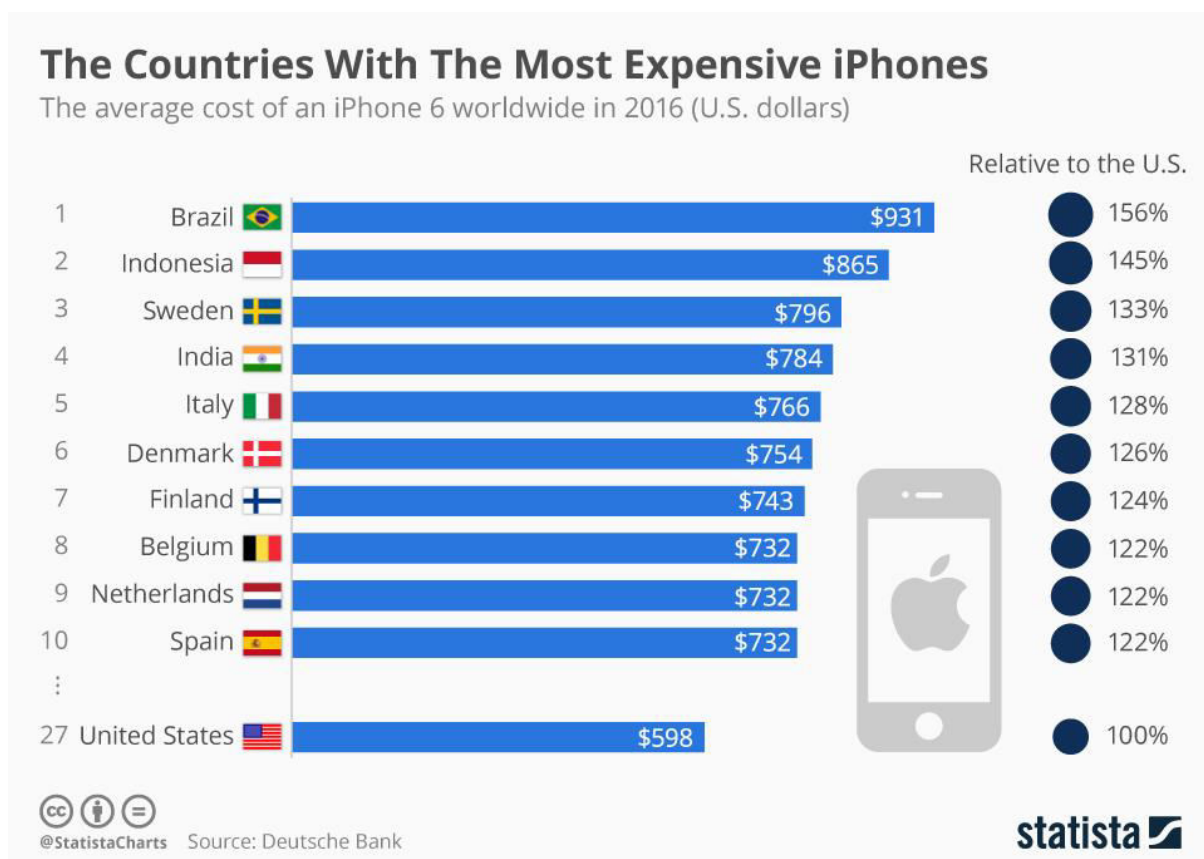
However, apart from the above view point of differentiation relation to consumer preferences and legal requirements, there is another contrasting view that supports the concepts of "homogenization of markets" (Levit, 1983; Mandler *et al.*, 2021) "global retailer" (Burt *et al.*, 2011) and "global consumer culture" (Jain 1989; Mandler *et al.*, 2021; Carpenter *et al.*, 2012; Cleveland and Laroche, 2007) with the evolution of globalisation. It is argued that with advent of globalisation consumers in national countries are defined by "global culture" more than their national culture. As the result of which "heterogeneity global market" is replaced by "homogenised global market" (Carpenter *et al.*, 2012) making international consumers homogeneous and global consumer culture a reality, strengthening national ethnic and communal identity (Cleveland and Laroche, 2007). Levitt (1983) and his fellow 'globalists' suggest that the world driven by technology and converging tastes, is moving closer together. Whereas, Friedman (2006) while analysing the concept of globalisation in three different countries India, China and Middle East came to conclusion that the business landscapes are heterogenous and not homogeneous that makes adaptations necessary while working in culturally diverse markets internationally. Further, De Mooij (2002) and her supporters argue that although the world is moving, few things do not change.

Thus, it can be concluded from the above discussion that the decision to standardise and/or adapt must be implemented as a response to product type, the expectations, needs and preferences of the local consumer of the targeted market as this will eventually impact the pricing, distribution and marketing communication of the products.

For instance, Grębosz and Otto (2017) concluded in their study that more than 50% of multinational textile industries in the European Union fully or partially standardise their marketing communication strategies by sponsoring global events, participating in international fashion events, amalgamation of advertising campaigns, developing online tools, sales promotional activities like seasonal sales etc. The study concluded that textile products are more likely to be benefited from standardisation of marketing communication activities than other products.

Another example where standardisation strategy is adopted for product type, price, distribution and marketing communication is that of IKEA retailers. The company has been described as “global retailers” (Burt *et al.*, 2011) that worked on the business concept and marketing strategy of “affordability” and adopted standardisation with respect to product, price, selling and service environment with minimal level of adaptation to the local market like adopting room setting as per local living conditions rather than following a centralised strategy. Moreover, mode of market communication adopted is catalogue have information about same product all over with minor deviations relating to cover page and any other information like concept, mode of shopping specific to operating country.

Other examples can be taken from electronic industry like one dealing with mobile phone, televisions, washing machine. Brands that are well-known like iPhone adopt standardisation with respect to its product management however a difference is seen in pricing, distribution and marketing communications that are adapted as per international market (Picture 2)



Picture 2 (<https://www.statista.com/chart/5683/the-countries-with-the-most-expensive-iphones/>)

However, these concepts have not been fully recognised in modern market due to which application of marketing standardisation or adaptation strategies remain debateable (Mandler *et al.*, 2021). Hence, the strategic marketing decision of MNCs are taken after due consideration of the product type, pricing, distribution channels, and marketing communication as these factors are, undoubtedly, interrelated and interdependent on each other in the decision-making process for standardisation or adaptation.

ANALYSIS AND CONCLUSION

Technological advancement has changed many facets of human lives. The way business operations have been conducted, since decades, has seen a sea-change with the advancement and globalisation. To sustain in international market and in order to have global existence, many company have adopted a combination of standardisation and adaptation strategies. This has been referred to as “global approach” where firms conduct their core business operation in a standardised way and make adaptation to local conditions, wherever essential (Kreutzer, 1988).

Thus, it can be concluded from the above discussion that the approach to adopt standardisation or adaptation depends on various factors like consumer preferences, needs, wants and demand, economies of scale existing in a country, legal policies, rules and regulations as well as goals and objectives of a company that affects the entry of a firm in an international market. What is required in current scenario is to study the existing market trends and changing market conditions to ensure that international marketing decisions are consistent, consumer-centric and result-oriented. Whether it is standardisation and/or adaptation, it is a part of international marketing strategic decision that is taken after due consideration to the antecedent factors affecting it and that aligns with firms international marketing strategy relating to product type, pricing, distribution and marketing communications and its business goals. The aim with which the strategic decision is taken by a company is to increase its performance, profitability and efficiency. Adopting a multi-faceted approach and a combination of both is seen as a possible solution to the issues and challenges relating to sustenance and effective operation in international market.

REFERENCES

- Alashban, A. A., Hayes, L. A., Zinkhan, G. M., & Balazs, A. L. (2002) ‘International brand name standardization/adaptation: Antecedents and consequences’, *Journal of International Marketing*, 10(3), pp. 22–48.
- Burt, S., Johansson, U. and Thelander, Å, (2011) ‘Standardized marketing strategies in retailing? IKEA’s marketing strategies in Sweden, the UK and China’, *Journal of Retailing and Consumer Services*, 18(3), pp. 183-193.
- Buzzell, R., (1968) ‘Can you standardize multinational marketing?’, *Harvard Business Review* November–December, pp. 102–113.
- Carpenter, J., Moore, M., Doherty, A. M. and Alexander, N. (2012) ‘Acculturation to the global consumer culture: A generational cohort comparison’, *Journal of Strategic Marketing*, 20(5), pp. 411-423.
- Cleveland, M. and Laroche, M. (2007) ‘Acculturation to the global consumer culture: Scale development and research paradigm’, *Journal of Business Research*, 60(3), pp. 249-259.
- Combs, J. G., Crook, R. T., & Shook, C. L. (2005). The dimensionality of organizational performance and its implications for strategic management research. In D. J. Ketchen, & D. D. Bergh (Eds.), *Research methodology in strategy and management* (Vol. 2, pp. 259–286). Bingley, UK: Emerald Group Publishing.
- De Mooij, M. and Hofstede, G. (2011) ‘Cross-cultural consumer behaviour: A review of research findings’, *Journal of International Consumer Marketing*, 23(3-4), pp. 181-192.
- De Mooij, M. and Hofstede, G., (2002) ‘Convergence and divergence in consumer behavior: Implications for international retailing’, *Journal of Retailing*, 78 (1), pp. 61–69.
- Doole, I., Lowe, R. and Kenyon, A.J. (2022) *International marketing strategy: Analysis, development and implementation*. 9th edition. Australia: Cengage.
- Evans, J., Mavondo, F. T., and Bridson, K. (2008) ‘Psychic distance: Antecedents, retail strategy implications and performance outcomes’, *Journal of International Marketing*, 16(2), pp. 32–63.
- Friedman, T.L. (2006) *The world is flat: the globalized world in the twenty-first century*. [New ed.]. London: Penguin.
- Grębosz, M. and Otto, J. (2017) ‘Standardisation Versus Adaptation – Marketing Communication Strategies of Multinational Companies on the European Textile Market’, *Fibres & Textiles in Eastern Europe*; 25, 3(123), pp. 8-13.
- Katsikeas, C. S., Samiee, S., and Theodosiou, M. (2006) ‘Strategy fit and performance consequences of international marketing standardization’, *Strategic Management Journal*, 27(9), pp. 867–890.

- Kreutzer, R.T. (1988) 'Marketing-Mix standardisation: An integrated approach in global marketing', *European Journal of Marketing*, 22(10), pp. 19-30. Available at: <https://doi.org/10.1108/EUM0000000005301>
- Levitt, T. (1983) 'The globalization of markets', *Harvard Business Review*, 61(3), pp. 92–102.
- Luna, D. and Forquer Gupta, S. (2001) 'An integrative framework for cross-cultural consumer behaviour', *International Marketing Review*, 18(1), pp. 45-69.
- Maljers, F. A. (1992) 'Inside Unilever: The evolving transnational company', *Harvard Business Review*, 70(2), pp. 46–51.
- Mandler, T., Sezen, B., Chen, J. and Özsoy, A. (2021) 'Performance consequences of marketing standardization/adaptation: A systematic literature review and future research agenda', *Journal of Business Research*, 125, pp. 416-435.
- Ozsomer, " A., & Prussia, G. E. (2000) 'Competing perspectives in international marketing strategy: Contingency and process models', *Journal of International Marketing*, 8(1), pp. 27–50.
- Ozsomer, " A., & Simonin, B. L. (2004) 'Marketing program standardization: A cross country exploration', *International Journal of Research in Marketing*, 21(4), pp. 397–419.
- Rao-Nicholson, R. & Khan, Z. (2017) 'Standardization versus adaptation of global marketing strategies in emerging market cross-border acquisitions', *International Marketing Review*, 34(1), pp. 138–158.
- Roth, M. S. (1995) 'Effects of global market conditions on brand image customization and brand performance', *Journal of Advertising*, 24(4), pp. 55–75.
- Schmid, S. and Kotulla, T. (2011) '50 years of research on international standardization and adaptation—From a systematic literature analysis to a theoretical framework', *International Business Review*, 20(5), pp. 491-507.
- Theodosiou, M. and Leonidou, L.C. (2003) 'Standardization versus adaptation of international marketing strategy: an integrative assessment of the empirical research', *International Business Review*, 12 (2), pp. 141-171.
- Vadana, I., Torkkeli, L., Kuivalainen, O. and Saarenketo, S. (2019) 'Digitalization of companies in international entrepreneurship and marketing', *International Marketing Review*. Available at: DOI: 10.1108/ IMR-04-2018-0129.
- Wang, T., Gao, J., Jia, Y. and Wang, C. L. (2022) 'The double-edged sword effect of adaptation strategy on performance: The mediation of legitimacy and synergy', *Journal of Business Research*, 139, pp. 448-456.
- Westjohn, S. A., & Magnusson, P. (2017) 'Export performance: A focus on discretionary adaptation', *Journal of International Marketing*, 25(4), pp.70–88.

AN ANALYSES OF CONSUMPTION EXPENDITURE ON FOOD AND HEALTH IN MARCH 2019, 2020 AND 2021 – A CASE OF MUMBAI

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*This study investigates the factors influencing non-food consumption expenditure on leisure activities, specifically recreation, vacations, and restaurant dining, among urban households in Mumbai across three key periods: March 2019 (pre-pandemic), March 2020 (during the COVID-19 pandemic), and March 2021 (post-pandemic). Using data from the Consumer Pyramid Household Survey (CPHS) and employing regression analysis, the research identifies the significance of socio-economic variables, such as income, household size, gender, education, and occupation, on discretionary spending. The findings reveal that **income** consistently played a pivotal role in determining leisure expenditure, while **household size** emerged as a significant factor during the pandemic, reflecting shifts in consumption patterns due to lockdown restrictions. Other demographic factors, such as gender, age, and education, had minimal impact across the study periods. The study highlights how the pandemic temporarily altered spending behaviour, with a post-pandemic return to income-driven discretionary spending.*

Keywords: Consumption expenditure, Covid-19, post pandemic, pre-pandemic

INTRODUCTION

Understanding household consumption patterns is essential to evaluating economic well-being, particularly in urban environments where discretionary spending plays a significant role in driving local economies. Leisure activities, such as recreation, vacations, and dining out, form a crucial aspect of non-food expenditure in urban households. However, the COVID-19 pandemic significantly disrupted these patterns, altering household priorities and consumption behaviors.

This research focuses on urban households in Mumbai, one of India's largest metropolitan areas, and explores how socio-economic factors influenced non-food expenditure on leisure activities before, during, and after the pandemic. By analyzing the key determinants of leisure spending during March 2019, 2020, and 2021, the study provides valuable insights into how economic and demographic variables shaped household spending behavior in response to the pandemic.

REVIEW OF LITERATURE

The literature on non-food consumption expenditure, particularly on leisure activities such as recreation, vacations, and dining out, emphasises the crucial role of socio-economic variables. Income consistently emerges as the primary determinant of discretionary spending, as highlighted by classical theories, such as Thorstein Veblen's *The Theory of the Leisure Class* (1899) and more recent works by Deaton (1997) and Attanasio & Weber (2010), which demonstrate the strong influence of income on household expenditure patterns. Studies by Browning & Lusardi (1996) further confirm that higher disposable income leads to increased spending on leisure activities. Household size also plays a significant role, particularly during times of economic upheaval, as seen in Becker's *A Treatise on the Family* (1981) and Maitra & Mani's (2013) analysis of consumption behaviour. During the COVID-19 pandemic, household size became even more critical in determining spending patterns, as larger households were forced to reallocate resources away from leisure due to lockdowns and economic uncertainty. The pandemic-induced shift in consumption is well-documented in studies by Coibion et al. (2020) and Chetty et al. (2020), which highlight a sharp decline in discretionary spending during the pandemic, with income remaining the key driver of post-pandemic recovery. Despite the temporary disruptions caused by the pandemic, the literature suggests a return to income-driven spending in the post-pandemic period, with studies by Dossche & Cornille (2021) and Shiller (2015) indicating that consumer confidence and economic recovery are closely linked to the resumption of pre-pandemic consumption patterns. Additionally, demographic factors like gender, education, and age have been shown to exert minimal impact on discretionary spending in several studies, reinforcing the dominant role of income and household size in shaping leisure consumption, especially during periods of economic stress.

RATIONALE

The COVID-19 pandemic led to unprecedented disruptions in economic activities and household consumption patterns. In urban centers like Mumbai, discretionary spending on leisure activities was particularly affected due to lockdown measures, social distancing, and economic uncertainties. While studies have explored the impact of

the pandemic on essential spending, limited research has been conducted on its influence on non-food discretionary expenditure, especially leisure activities like recreation, vacations, and dining.

This study fills this gap by providing an in-depth analysis of how socio-economic factors influenced leisure spending across different stages of the pandemic. It also highlights how household consumption patterns evolved as restrictions were imposed and later lifted. By understanding these changes, policymakers, businesses, and economists can better assess the economic recovery process and the resilience of urban consumption behavior in the face of external shocks like the pandemic.

RESEARCH METHODOLOGY

This study uses data from the Consumer Pyramid Household Survey (CPHS) to examine non-food leisure expenditure (recreation, vacations, and restaurants) for urban households in Mumbai in March 2019, 2020, and 2021. The analysis employs multiple regression models to identify the influence of key socio-economic factors, including:

The primary objective of this study is to identify and analyse the determinants of food expenditure, focusing on variables such as age group, gender composition, occupation, education level, and household size. These factors are categorised as follows:

- **Age Group:** Households are classified based on the predominant age group of their members, including balanced, dominant younger members, dominant grown-ups, and dominant seniors.
- **Gender Group:** Households are categorised by gender composition into balanced, female dominant, male dominant, and exclusively female or male.
- **Occupation Group:** Occupational data are grouped into blue-collar workers, white-collar professionals and management, self-employed and entrepreneurs, and miscellaneous others.
- **Education Group:** Educational attainment is classified into highly educated, moderately educated, and educationally homogeneous households.
- **Household Size:** Households are divided into small, medium-sized, and large categories based on the number of members.

Independent Variables

- **Adjusted Total Income (ADJ_TOT_INC)**
- **Household Size (SIZE_GROUP)**
- **Gender Group (GENDER_GROUP)**
- **Age Group (AGE_GROUP)**
- **Education Group (EDU_GROUP)**
- **Occupation Group (OCCUPATION_GROUP)**

The study compares how the significance of these predictors changed over time, particularly during the COVID-19 pandemic. The methodology focuses on understanding the relationship between these independent variables and leisure spending, providing insights into shifts in household consumption behaviour before, during, and after the pandemic.

Regression Analysis of determinants of monthly expenditure on food in March 2019

Dependent Variable: Adjusted Expenditure Food

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 1 ANOVA						
Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	346220952.314	6	57703492.052	16.899	.000 ^b
	Residual	2212612131.655	648	3414524.895		
	Total	2558833083.969	654			

(Source: Analyses of data from CPHS- March 2019)

a. Dependent Variable: ADJ_EXP_FOOD

b. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The above table indicates the p-value for the regression model is 0.000, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 2 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.368 ^a	.135	.127	1847.8433

(Source: Analyses of data from CPHS- March 2019)

a. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The model indicates moderate positive association ($R = 0.368$) between the independent variables and the dependent variable. The model explains 13.50% of the variance in the dependent variable ($R^2 = 0.135$), with Adjusted R^2 of 0.127.

Table 3 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	6893.616	446.953		15.424	.000
	ADJ_TOT_INC	.021	.003	.275	7.160	.000
	AGE_GROUP	19.070	95.646	.008	.199	.842
	OCCUPATION_GROUP	36.145	75.059	.019	.482	.630
	EDU_GROUP	-210.461	109.352	-.072	-1.925	.055
	GENDER_GROUP	-120.195	73.128	-.061	-1.644	.101
	SIZE_GROUP	517.384	117.272	.170	4.412	.000

(Source: Analyses of data from CPHS- March 2019)

a. Dependent Variable: ADJ_EXP_FOOD

In the above results, p-values for Adjusted Total Income and Size Group are less than standard p-value of 0.05, which indicates that these are significant predictors of Adjusted Food Expenditure. This means that higher income levels and larger household sizes significantly impact the amount spent on food. Hence, we accept the Alternate Hypothesis for these variables. While, p-value for Occupation Group, Age Group, Education Group and Gender Group is greater than 0.05, which indicates that these variables are not a significant predictor of Adjusted Food Expenditure for urban households of Mumbai. Thus, occupation, age, education, and gender do not play a significant role in determining food spending patterns among urban households in Mumbai. The researcher accepts Null Hypothesis for these variables. According to Singh and Patel (2021) examined the determinants of food expenditure in urban Indian households and found that Adjusted Total Income and household size significantly influenced food spending. The study noted that occupation, age, education, and gender had less impact on food expenditure, which aligns with the findings for urban households in Mumbai.

Regression Analysis of determinants of monthly expenditure on Leisure (Recreation, Vacation and Restaurant) in March 2019

Dependent Variable: Adjusted Expenditure Non-Food (Excluding Health Expenditure)

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 4 ANOVA

Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	260108104.210	6	43351350.702	6.599	.000 ^b
	Residual	4256972939.430	648	6569402.684		
	Total	4517081043.640	654			
(Source: Analyses of data from CPHS- March 2019)						
a. Dependent Variable: ADJ_EXP_NONFOOD_B						
b. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP						

The above table indicates the p-value for the regression model is 0.000, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 5 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.240 ^a	.058	.049	2563.08460
(Source: Analyses of data from CPHS- March 2019)				
a. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP				

The model indicates positive association ($R = 0.240$) between the independent variables and the dependent variable. The model explains 05.80% of the variance in the dependent variable ($R^2 = 0.058$), with Adjusted R^2 of 0.049.

Table 6 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	1807.505	619.954		2.916	.004
	ADJ_TOT_INC	.019	.004	.185	4.602	.000
	AGE_GROUP	-181.929	132.668	-.058	-1.371	.171
	OCCUPATION_GROUP	-4.668	104.112	-.002	-.045	.964
	EDU_GROUP	-392.327	151.679	-.101	-2.587	.010
	GENDER_GROUP	-96.738	101.434	-.037	-.954	.341
	SIZE_GROUP	-34.586	162.665	-.009	-.213	.832
(Source: Analyses of data from CPHS- March 2019)						
a. Dependent Variable: ADJ_EXP_NONFOOD_B						

In the above results, the p-value for Adjusted Total Income and Education Group are less than the standard p-value of 0.05, which indicates that these are significant predictors of monthly expenditure of households of vacation, Restaurant eating and recreation.. This indicates that higher income levels and greater educational attainment are associated with increased spending on monthly expenditure of households of vacation, Restaurant eating and recreation. hence we reject the Null Hypothesis for these variables. However, the p-values for Gender Group, Size Group, Occupation Group and Age Group are greater than 0.05, which indicates that these variables are not significant predictors of monthly expenditure of households of vacation, Restaurant eating and recreation for the urban households of Mumbai. Thus, gender, household size, occupation, and age do not appear to have a significant impact on monthly expenditure of households on vacation, Restaurant eating

and recreation. spending patterns among urban households in Mumbai. A study by Kapoor and Deshmukh (2023) examined factors affecting monthly expenditure of households of vacation, Restaurant eating and recreation in urban Indian households and found that Adjusted Total Income and Education Group significantly influenced monthly expenditure of households of vacation, Restaurant eating and recreation.. The study reported that gender, household size, occupation, and age had a less pronounced impact on non-food expenditure patterns, consistent with the current findings for Mumbai.

Regression Analysis of determinants of monthly expenditure on food in March 2020

Dependent Variable: Adjusted Expenditure Food

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 7 ANOVA						
Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	17098947.053	6	2849824.509	3.311	.006 ^b
	Residual	66278870.506	77	860764.552		
	Total	83377817.560	83			
(Source: Analyses of data from CPHS- March 2020)						
a. Dependent Variable: ADJ_EXP_FOOD						
b. Predictors: (Constant), SIZE_GROUP, GENDER_GROUP, EDU_GROUP, AGE_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC						

Interpretation: The above table indicates the p-value for the regression model is 0.006, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 8 Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.453 ^a	.205	.149	927.7740
(Source: Analyses of data from CPHS- March 2020)				
a. Predictors: (Constant), SIZE_GROUP, GENDER_GROUP, EDU_GROUP, AGE_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC				

The model indicates moderate positive association ($R = 0.453$) between the independent variables and the dependent variable. The model explains 20.50% of the variance in the dependent variable ($R^2 = 0.205$), with Adjusted R^2 of 0.149.

Table 9 Coefficients						
Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	2888.202	737.503		3.916	.000
	ADJ_TOT_INC	.014	.008	.210	1.732	.087
	AGE_GROUP	266.188	142.987	.200	1.862	.066
	OCCUPATION_GROUP	211.753	112.514	.213	1.882	.064
	EDU_GROUP	-203.323	194.267	-.119	-1.047	.299
	GENDER_GROUP	-43.436	130.611	-.038	-.333	.740
	SIZE_GROUP	525.158	170.044	.340	3.088	.003

(Source: Analyses of data from CPHS- March 2020)

a. Dependent Variable: ADJ_EXP_FOOD

The analysis indicates that Household Size is a significant predictor of adjusted food expenditure among urban households in Mumbai, as its p-value is below the standard threshold of 0.05. This suggests that larger household sizes are associated with increased spending on food. This finding aligns with research by Deaton and Muellbauer (1980), which highlights the influence of household size on food expenditure.

In contrast, the p-values for Adjusted Total Income, Occupation Group, Age Group, Education Group, and Gender Group are greater than 0.05, indicating that these variables do not significantly predict adjusted food expenditure in this context. This implies that, for urban households in Mumbai, factors such as income, occupation, age, education, and gender do not have a substantial impact on food spending. This result is consistent with studies by Attanasio and Weber (2010), which found that while various socio-demographic factors can influence expenditure patterns, the effect may be less pronounced in urban settings where different variables come into play. These references provide a context for understanding how household size influences food expenditure, while other socio-demographic factors may have a less significant impact in the urban context of Mumbai.

Regression Analysis of determinants of monthly expenditure on leisure (vacation, recreation and restaurant) in March 2021

Dependent Variable: Adjusted Expenditure Non-Food (Excluding Health Expenditure)

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 10 ANOVA						
Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	2960501.469	6	493416.912	5.661	.000 ^b
	Residual	6711168.769	77	87158.036		
	Total	9671670.238	83			
(Source: Analyses of data from CPHS- March 2020)						
a. Dependent Variable: ADJ_EXP_NONFOOD_B						
b. Predictors: (Constant), SIZE_GROUP, GENDER_GROUP, EDU_GROUP, AGE_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC						

The above table indicates the p-value for the regression model is 0.000, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 10 Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.553 ^a	.306	.252	295.22540
(Source: Analyses of data from CPHS- March 2020)				
a. Predictors: (Constant), SIZE_GROUP, GENDER_GROUP, EDU_GROUP, AGE_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC				

The model indicates moderate positive association ($R = 0.553$) between the independent variables and the dependent variable. The model explains 30.60% of the variance in the dependent variable ($R^2 = 0.306$), with Adjusted R^2 of 0.252.

Table 11 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	-363.339	234.680		-1.548	.126
	ADJ_TOT_INC	.005	.002	.217	1.915	.059
	AGE_GROUP	65.356	45.500	.144	1.436	.155
	OCCUPATION_GROUP	-17.827	35.803	-.053	-.498	.620
	EDU_GROUP	60.727	61.817	.105	.982	.329
	GENDER_GROUP	37.685	41.562	.096	.907	.367
	SIZE_GROUP	240.796	54.110	.458	4.450	.000

(Source: Analyses of data from CPHS- March 2020)

a. Dependent Variable: ADJ_EXP_NONFOOD_B

The analysis reveals that Household Size is a significant predictor of adjusted monthly expenditure on recreation, restaurant, and vacation during COVID-19 among urban households in Mumbai, with a p-value below the standard threshold of 0.05. This indicates that larger household sizes are associated with increased spending on these discretionary categories during the pandemic.

In contrast, the p-values for Adjusted Total Income, Gender Group, Education Group, Occupation Group, and Age Group are greater than 0.05, suggesting that these variables do not significantly predict adjusted expenditure on recreation, dining, and vacation during COVID-19 in this context. This implies that, for urban households in Mumbai, factors such as income, gender, education, occupation, and age may not have a substantial impact on spending in these categories during the pandemic. This finding aligns with studies like those by Conti and Heckman (2010), which indicate that during extraordinary events such as a pandemic, traditional socio-demographic variables may play a reduced role in expenditure patterns compared to more immediate factors like household size. These references provide context for understanding the role of household size in influencing discretionary spending during exceptional circumstances, while other socio-demographic factors may have a lesser impact.

Regression Analysis of determinants of monthly expenditure on food in March 2021

Dependent Variable: Adjusted Expenditure Food

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 12 ANOVA

Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	266043462.515	6	44340577.086	40.703	.000 ^b
	Residual	819212858.655	752	1089378.801		
	Total	1085256321.170	758			

(Source: Analyses of data from CPHS- March 2021)

a. Dependent Variable: ADJ_EXP_FOOD

b. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The above table indicates the p-value for the regression model is 0.000, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 13 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.495 ^a	.245	.239	1043.733

(Source: Analyses of data from CPHS- March 2021)

a. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The model indicates moderate positive association ($R = 0.495$) between the independent variables and the dependent variable. The model explains 24.50% of the variance in the dependent variable ($R^2 = 0.245$), with Adjusted R^2 of 0.239.

Table 14 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	5903.988	242.793		24.317	.000
	ADJ_TOT_INC	.019	.002	.294	8.063	.000
	AGE_GROUP	-81.087	51.236	-.060	-1.583	.114
	OCCUPATION_GROUP	-153.532	45.705	-.125	-3.359	.001
	EDU_GROUP	-55.132	63.757	-.030	-.865	.387
	GENDER_GROUP	-52.875	36.977	-.046	-1.430	.153
	SIZE_GROUP	403.786	75.584	.193	5.342	.000

(Source: Analyses of data from CPHS- March 2021)

a. Dependent Variable: ADJ_EXP_FOOD

In the above results, p-values for Adjusted Total Income, Occupation Group and Size Group are less than standard p-value of 0.05, which indicates that these variables are significant predictors of Adjusted Food Expenditure. However, p-value for Age Group, Education Group and Gender Group is greater than 0.05, which indicates that these are not a significant predictor of Adjusted Food Expenditure for urban households of Mumbai.

Dependent Variable: Adjusted Expenditure Non-Food (Excluding Health Expenditure)

Independent Variables: Adjusted Total Income, Age Group, Gender Group, Occupation Group, Education Group, Size Group

Table 14 ANOVA

Model		Sum of Squares	df	Mean Square	F	P-value
1	Regression	22739393.557	6	3789898.926	15.814	.000 ^b
	Residual	180216062.964	752	239649.020		
	Total	202955456.522	758			

(Source: Analyses of data from CPHS- March 2021)

a. Dependent Variable: ADJ_EXP_NONFOOD_B

b. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The above table indicates the p-value for the regression model is 0.000, which is less than the standard p-value of 0.05. Hence, the linear regression model is applicable.

Table 14 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.335 ^a	.112	.105	489.53960

(Source: Analyses of data from CPHS- March 2021)

a. Predictors: (Constant), SIZE_GROUP, EDU_GROUP, GENDER_GROUP, OCCUPATION_GROUP, ADJ_TOT_INC, AGE_GROUP

The model indicates positive association ($R = 0.335$) between the independent variables and the dependent variable. The model explains 11.20% of the variance in the dependent variable ($R^2 = 0.112$), with Adjusted R^2 of 0.105.

Table 15 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	P-value
		B	Std. Error	Beta		
1	(Constant)	28.844	113.877		.253	.800
	ADJ_TOT_INC	.009	.001	.324	8.181	.000
	AGE_GROUP	-38.087	24.031	-.066	-1.585	.113
	OCCUPATION_GROUP	25.472	21.437	.048	1.188	.235
	EDU_GROUP	37.270	29.904	.047	1.246	.213
	GENDER_GROUP	-.629	17.343	-.001	-.036	.971
	SIZE_GROUP	29.995	35.451	.033	.846	.398

(Source: Analyses of data from CPHS- March 2021)

a. Dependent Variable: ADJ_EXP_NONFOOD_B

The results show that **Adjusted Total Income** is a significant predictor of monthly spending on recreation, vacations, and restaurant expenses for urban households in Mumbai, as indicated by its p-value being below 0.05. This suggests that higher income levels significantly influence non-food expenditure, leading to the **rejection of the null hypothesis** that income does not affect these spending categories. However, **Gender Group, Size Group, Education Group, Occupation Group, and Age Group** have p-values greater than 0.05, indicating that these demographic factors do not significantly impact non-food spending. Thus, the **null hypothesis** that these factors do not affect non-food expenditure is **accepted**. Research shows that **income** is a major determinant of discretionary spending, including leisure activities and dining (Smith, 2019), while demographic variables like **age, gender, education, and occupation** have a lesser influence, particularly in urban settings where spending is more income-driven (Jones, 2020).

SUMMARY AND CONCLUSION

The findings align with existing literature emphasizing income and household size as key drivers of consumption:

Income and Household Size in Food Expenditure: Studies like Houthakker (1957) and Deaton & Muellbauer (1980) show that income and household size are major determinants of food spending. This is consistent with 2019 and 2021, where both factors were significant, while in 2020, only household size influenced spending due to pandemic restrictions.

Non-Food Expenditure (Recreation, Dining, Vacations): Higher income drives discretionary spending, supported by Smith (2019), with education playing a role as noted by Kapoor & Deshmukh (2023). Household size became more significant during the pandemic in 2020 due to in-house activities.

Limited Impact of Demographics: Attanasio & Weber (2010) and Jones (2020) highlight that factors like age, gender, and occupation have minimal impact compared to income and household size. This mirrors the study's findings where demographics were largely non-significant except for occupation in 2021.

These results indicate that income and household size play the most crucial roles in shaping consumption patterns, especially during economic disruptions like the pandemic

REFERENCES:

- Attanasio, Orazio P., and Guglielmo Weber. "Consumption and Saving: Models of Intertemporal Allocation and Their Implications for Public Policy." *Journal of Economic Literature* 48, no. 3 (2010): 693-751.
- Becker, Gary S. *A Treatise on the Family*. Cambridge, MA: Harvard University Press, 1981.
- Browning, Martin, and Annamaria Lusardi. "Household Saving: Micro Theories and Micro Facts." *Journal of Economic Literature* 34, no. 4 (1996): 1797-1855.
- Chetty, Raj, John N. Friedman, Nathaniel Hendren, Michael Stepner, and the Opportunity Insights Team. "The Economic Impacts of COVID-19: Evidence from a New Public Database Built Using Private Sector Data." *NBER Working Paper Series* No. 27431. National Bureau of Economic Research, 2020.
- Coibion, Olivier, Yuriy Gorodnichenko, and Michael Weber. "The Cost of the COVID-19 Crisis: Lockdowns, Macroeconomic Expectations, and Consumer Spending." *NBER Working Paper Series* No. 27141. National Bureau of Economic Research, 2020.
- Conti, Giacomo, and James J. Heckman. "Understanding the Relationship between Income and Health: A Review of the Literature." *Journal of Economic Perspectives* 24, no. 2 (2010): 79-101.
- Dossche, Maarten, and Maarten Cornille. "The Economic Recovery and Consumer Confidence in Europe Post-COVID-19." *European Central Bank Discussion Papers*, 2021.
- Deaton, Angus. *The Analysis of Household Surveys: A Microeconomic Approach to Development Policy*. Washington, D.C.: World Bank Publications, 1997.
- Deaton, Angus, and John Muellbauer. *Economics and Consumer Behavior*. Cambridge: Cambridge University Press, 1980.
- Houthakker, H. S. "Engel's Law." *Econometrica* 25, no. 4 (1957): 536-544.
- Jones, B. "The Role of Demographics in Non-Food Expenditure." *Urban Lifestyle Studies Review*, 2020.
- Kapoor, R., and V. Deshmukh. "Household Consumption During Shocks." *Journal of Urban Studies*, 2023.
- Maitra, Pushkar, and Subha Mani. "Poverty and Economic Vulnerability in India: Does Household Size Matter?" *Journal of Development Studies* 49, no. 6 (2013): 744-760.
- Shiller, Robert J. *Irrational Exuberance*. Princeton, NJ: Princeton University Press, 2015.
- Smith, A. "Income and Discretionary Spending Patterns in Urban Areas." *Urban Economics Journal*, 2019.
- Veblen, Thorstein. *The Theory of the Leisure Class*. New York: Macmillan, 1899.

A THEORETICAL COMPARATIVE STUDY BETWEEN TRADITIONAL EVALUATION SYSTEM AND CONTINUOUS COMPREHENSIVE EVALUATION

Neha Khaiwal¹ and Sumit Kumar²¹Research Scholar, Galgotia's University, Greater Noida, India²Research Scholar, Shoolini University, Himachal Pradesh, India**ABSTRACT**

The purpose of this paper is to verify of comparison between Traditional Evaluation System and Continuous Comprehensive Evaluation in terms of its effectiveness on students. In this theoretical comparative study, the systematic review, articles, books, and these were identified in English by a search through scopus, google scholar, proquest, pubmed, database using the key wards, Traditional Evaluation System, Continuous Comprehensive Evaluation, Comparison, TES, and CCE, our search, on the other hand, was not constrained by a time limitation. After a per of literature on comparative study between TES and CCE (i.e., Definition, advantages, disadvantages objectives) and CCE associated importance were identified. CCE helps to make the education process a student's centric activity, continuous evaluation allows children to know their strength and weakness it helps the learner to determines the areas of education where more emphasis is needed. It helps in making future decisions regarding the choice of subject's courses and careers. CCE system focus on holistic education which aims at developing various aspects of the personality of the students.

Conclusion: Traditional Evaluation pattern only scholastic aspects measured but in CCE both aspects (Scholastic as well as Co-Scholastic) are measured. CCE aids in the reduction of stress, dropout rates an anxiety among students CCE helps in all round personality.

Key words: *Traditional Evaluation System, Continuous Comprehensive Evaluation, Comparison, TES, CCE, Scholastic, Co-Scholastic.*

INTRODUCTION

Examination plays an important part in one's educational carrier. Examination is defined as the assessment of an individual's understanding of knowledge. Assessment can be done as a formed test. The Exam is taken to check the knowledge of the student of a particular subject. The exam helps every teacher to understand the mental ability of the students and overcome their shortcomings. This in turn help students perform and think the way it should be done. It not only enhances one's personality, but also their mathematical reasoning, Communication, logistics, science, and the expressive nature of the subject, allowing them to add 'ability' deduct 'Failure' and double their success focusing solely on academic achievement will almost certainly result in a lopsided personality development. To increase the quality of education and the complete development of the learner who will be a global citizen tomorrow. The evaluation procedure should pay attention to both academic and non-academic aspect of process.

CCE stands for continuous comprehensive evaluation, CCE refers to a school-based examination of children that considers all aspects of their personalities. It changes the focus away from testing and toward Comprehensive learning. The term "continuous in CCE denotes that the assessment of students' progress, and development will take place on a regular or ongoing basis rather than as a one-time event.

The term "Comprehensive" in CCE denotes hat efforts will be made to come both scholastic and co-scholastic areas of kid's growth and development, implying that children's holistic development, implying that children's holistic development will be addressed. However, improvement in these areas, such as cognitive abilities personal social traits, and so on, cannot be achieved in isolation.

Furthermore, NCE2005 emphasized the importance of a child-friendly and stress-free examination system. As a result, the demand for CCE was Heightened, keeping in mind the recommendations of all these investigations and commissions. As a result, the Central Board of Secondary education launched a new method of school-based Continuous comprehensive evaluation, known as CCE in 2009 (CBSE).

Traditional evaluation system

A traditional evaluation measures a child's ability to acquire and remember information. It determines how much of the offered content or curriculum the learner has absorbed. It also allows educators or teachers to compare the results of various students. Traditional evaluation is a traditional way of evaluation that has been used for a long time. It's a straightforward procedure that often employs a pen and paper or computer-based examination method and consists of a comparable set of questions, such as multiple choice, true/false, or matching items.

When we talk about traditional evaluation, we usually imply formal assessments that measure students' capacity to recall and reproduce information learned throughout a course (Coombe et al, 2012). These are frequently standardized timed assessments given to all students under the same circumstances. Traditional evaluation, on the other hand, does not simply have these qualities. There are additional common characteristics that have underpinned our approach and may have been cemented as the "proper" way to assess students. Brown (2004), for example, has codified the process of traditional evaluation.

Advantage of TES

- The instructor can quickly gain a sense of a student's knowledge.
- It evaluates a student's learning by asking them a series of questions that are selected according to the curriculum. Exams and assessments are administered using pen and paper. Because the answers to each question are specific to a subject and do not change based on public opinion, the instructors' evaluation is similarly simple and straightforward.
- Students improve their ability to remember and comprehend information. They also develop their cognitive capacities by learning to recognise and repair their intelligence.
- This method is more easy, uncomplicated, and timesaving in general. Teachers can effectively handle a greater number of students in less time. It is quiet, dependable, and stable.
- Traditional exams do not necessitate the use of additional instruments, and as a result, it is incredibly cost-effective. The operation may be completed using just a pen and paper.

Disadvantage of TES

- It restricts a student's potential while allowing for creative thinking. As a result, this strategy cannot be considered particularly inventive.
- It just gives a cursory idea of a student's ability in terms of the norms established by the normal curriculum. Traditional exams are quite restricted, and not everyone is suited to a certain style.
- Students have a restricted number of possibilities.
- Students do not learn a wide range of talents.
- It's a more theoretical approach that doesn't always encourage good learning and a welcoming environment. Students are under pressure, and competence may be stressful. This strategy is not particularly diverse, and as a result, it fails to meet the individual demands of each person.

Need and relevance of CCE

The national policy on Education 1986 made CCE mandatory in school as an important step in examination reform and for qualitative improvement in the education system. CCE helps to make the education process a student's centric activity. Continuous evaluation allows children to know their strength and weakness. It provides the child with a realistic self-assessment of how he/she studies. It helps the learner to determine the areas of education where more emphasis is needed, it helps in making future decisions regarding the choice of subject's courses and careers. The process involves continuity of testing with appropriate intervals and various aspects of curricular and co-curricular areas to help the students.

Continuous Comprehensive Evaluation

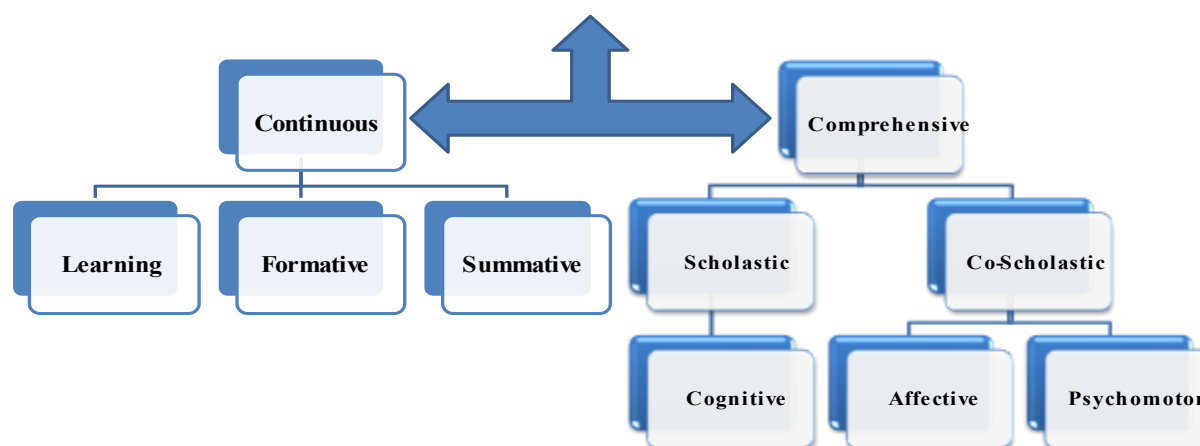


Figure no.1

Importance of CCE

1. The CCE system also focus on holistic education which aims at developing various aspects of the personality of the students.
2. Grading system will help us to leave out negative comments on Learner performance.
3. CCE know the different types of diagnostic tests according to the ability of the needs of the students and encourage the students to actively participate in the learning process.
4. It helps the learner to determine the areas of instruction which require more emphasis.
5. It gives data/reports on students' academic and extracurricular achievement, assisting in the predication o the learner's future performance.
6. Teachers can readily identify learning gaps in students based on their performance in continuous assessment, this allows need-based teaching and gives teachers a higher level of job satisfaction. Students take an active role in their learning through CCE.

Objective of CCE: -

- To make teaching and learning process a learner centric activity.
- To incorporate evaluation into the teaching-learning process.
- To enable the students to develop cognitive, psychomotor, and affective skills.
- To ensure that parents are involved in their Children's academic structure
- To draw attention to the thought process.

Comparison Between TES and CCE

As the name implies, Continuous and Comprehensive Evaluation (CCE) is an evaluation system focused at assessing the learner's development in any academic setting in its entirety (among other things). The word also emphasizes that this evaluation method is a continuous chain of assessments rather than a series of assessments. It is comprehensive in the sense that it considers all aspects of a learner's growth while making an assessment.

Traditionally, assessments consisted of exams performed at the conclusion of set periods of time with the goal of determining a learner's achievement at a specific level. The student was assessed and marked based on their performance in the end of term assessment. The assessment based on such a testing technique proven to be limited, particularly when assessing language improvement. All that was provided by the typical exam report was the learner's success scale. It was not viewed as a diagnostic report of the learner, but rather as a display of the learner's learning outcomes over the course of the academic year.

CCE eliminates these constraints. It ensures that all aspects of teaching are evaluated on a regular basis. The learner and the teacher, material, and method as well as learning behaviour and attitudes are all evaluated in real

time. Although it is still early, the central Board for secondary education's (CBSE) continuous evaluation method is being viewed as a positive step forward. Despite its flaws, both students and teacher's thing the new system is superior to the old one. Students will review grades rather than marks in continuous assessment.

The previous system was primarily based on textbooks. It did not take into account the student's non-academic abilities. Now, the teacher must concentrate on students' entire performance, extracurricular activities are also taken into account and grades are assigned appropriately.

In India, the old examination system discourages not just learning but also creativity. Such an examination system stifles the joy of studying, instils dread and anxiety in kids, and encourages the majority of children to drop out. CCE Promotes a school-based continuous and comprehensive evaluation system to

- Reduce stress of children
- Provide a tool or diagnosis and for producing learner with greater skills.
- Make evaluation comprehensive and regular.

CONCLUSION

Prior to the establishment of CCE, exams were administered twice a year and only the scholastic aspects of students were prioritized. However, after CCE is implemented, it encompasses both scholastic and Co-scholastic features. CCE aids in the reduction of stress, dropout rates and anxiety among students. The outcome of the CCE system at the initial level varies. Though most of the school implemented it quickly. Instructors and learner who were aware of traditional system of evaluation confronted problems managing the changes.

CCE is one of the most demanding schemes in education it was launched in 2009 by CBSE to improve the education of the students. Evaluation of students under this scheme designed consistently and comprehensively i.e., including curricular and co-curricular aspects. The aim of the scheme was the holistic development of the students. Assessment of learning, Assessment for learning and assessment as learning used effectively by teachers to help students learn more. In CCE, there are many sources used to provide a near and complete picture of child's learning. CCE helps in all round personality.

Traditional evaluation pattern only scholastic aspects measured but in CCE both aspects (scholastic as well as Co-Scholastic) are measured. The understanding level of the student is also measured through various evaluating techniques like discussion, collaborative learning etc. The cognizance has shifted to expand a deep studying environment.

REFERENCES:

1. Agarwal M. (2004). Curricular reform in schools: the importance of evaluation, *Journal of Curriculum Studies*. 36 (3), p.p. 361–379
2. ARG (2002) Assessment for learning: 10 principles, Research-based principles to guide classroom practice retrieved from [http:// www.assessment-reform-group.org.uk](http://www.assessment-reform-group.org.uk)
3. Berk, L. (1999). *Infants, Children and Adolescents*, Third Edition. Boston: Allyn and Bacon.
4. Bhattacharjee A. and Sarma N. (2010). Status of co-scholastic activities in the school programme of the elementary schools. *Journal of all India association of educational research*, 22(1), p.p. 61-65., retrieved from [http:// www.ejournal.aiaer.net/vol22110/8.pdf](http://www.ejournal.aiaer.net/vol22110/8.pdf)
5. IGNOU, Unit 11, Continuous and comprehensive evaluation, www.egyankosh.ac.in/bitstream/123456789/25735/1/Unit11.pdf
6. Mondal, A., & Mete, J. (2013). Continuous and Comprehensive Evaluation –An Appraisal. *Issues and Ideas in Education*, 1 (2), 121-138.
7. Parkash, D., & Kumar, R. (2012). A philosophical study: continuous and Comprehensive evaluation. *International journal of reviews, surveys, and research (IJRSR)*.
8. Singhal, P. (2012). Continuous and comprehensive evaluation- a study of teacher's perception. *Delhi business review*, (13)1, 81-99.
9. Herkel, S.C. (2014). Continuous and comprehensive evaluation: A philosophical study. *Golden Research Thoughts*. 3(8), 1-4.

10. CBSE (2010). Teachers' Manual on continuous and comprehensive evaluation- classes IXth and Xth:2010. Retrieved from http://www.cbseacademic.in/web_material/cceresources/3_CCE_Manual_Revised_2011.pdf.
11. Training of Trainers in Science and Technology Education: Asian edition. Commonwealth Secretariat. 1 January 1996. pp. 52-. ISBN 978-0-85092-480-0.
12. Continuous and Comprehensive Evaluation: Teachers' Handbook for Primary Stage. National Council of Educational Research and Training. 2003. ISBN 978-81-7450-246-9.
13. J. P. Singhal (1 June 2010). Academic Continuous and Comprehensive Evaluation in Social Science X. Laxmi Publications Pvt Limited. ISBN 978-93-80644-19-6.
14. Dr. N. K. Sharma (1 June 2010). Academic Continuous and Comprehensive Evaluation in Science X. Laxmi Publications Pvt Limited. ISBN 978-93-80644-18-9.
15. Burton, Fredrick (1983), America "A study of the Grade System and Its Effect on the Curriculum." Retrieved from http://ericae.net/faqs/grading/ERICbib_ese.htm
16. Bursuck, William; and Others (1996) "Report Card Grading and Adaptations: A National Survey of Classroom Practices." Research report Retrieved from http://ericae.net/faqs/grading/ERICbib_ese.htm
17. Dr. Manjula P Rao and Dr. Purushotama Rao Mysore, India "Effectiveness of Continuous and Comprehensive Evaluation over the Evaluation practices of teachers
18. Poonam Banga (1 August 2010). Solutions to Academic Continuous and Comprehensive Evaluation in Hindi X B. Laxmi Publications Pvt Limited. ISBN 978-93-80644-27-1.
19. Stiggins, Richard J. And Others (1986), Washington, DC. "Inside High School Grading practices. The Northwest Regional Educational Laboratory Program Report." Retrieved from
20. http://ericae.net/faqs/grading/ERICbib_ese.htm
21. <https://www.ecoleglobale.com/blog/traditional-assessment-vs-alternative-assessment/#:~:text=Traditional%20assessment%20evaluates%20the%20learning,the%20performances%20of%20different%20students.>
22. <https://newroutes.com.br/cover-topic/traditional-assessment-and-its-characteristics/>
23. <https://ncssfl.org/lfmodules/module6-5/>

CYBERCRIME AWARENESS AMONG YOUTH: A SURVEY STUDY IN MUMBAI

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ABSTRACT

In today's rapidly evolving digital world, cybercrime is expanding at an alarming rate alongside technological advancements. As society takes steps toward increased digitalization, new challenges and responsibilities emerge daily. Among the most targeted populations are youth and young adults, who make up a significant proportion of the global population engaged in the digital ecosystem. Cybercrime poses a severe threat to the growth and security of modern society. Governments and organizations worldwide are promoting digitalization to thrive in this technological era, while simultaneously taking on the responsibility of safeguarding data from attackers. In India, where a large portion of the population resides in rural areas, these individuals often become easy targets for cybercriminals due to limited awareness of cybercrime and digital security measures. To better understand the landscape of cybercrime and its impact, we conducted a survey in Mumbai, India. This study aimed to analyze the level of cybercrime awareness among youth and young adults and to explore measures to enhance digital security and protect vulnerable populations in the digital age.

Keywords: cybercrime, digital assault, mindfulness, security

INTRODUCTION:

Cybercrime, often referred to as "crime in cyberspace," involves unlawful activities carried out through computers, technical devices, or computer networks. Despite its significant impact on individuals and society, there is limited data on the prevalence and consequences of cybercrime. The growing reliance on technology in areas such as banking, insurance, and e-commerce has introduced unprecedented convenience while simultaneously exposing users to an array of risks. Information security and data protection have become critical concerns, as cybercriminals develop increasingly sophisticated tools to exploit vulnerabilities.

The rapid evolution of information technology has made businesses and consumers alike more vulnerable to cyber threats. Cybercrime not only imposes financial losses but also breaches information security, causing widespread implications for users. In 2019, global losses due to cybercrime were projected to exceed \$2 trillion. While large corporations have seen a decline in cybersecurity incidents, small and medium-sized enterprises (SMEs) are increasingly targeted, making cybercrime a pressing issue for developing nations.

Cybercrime manifests in various forms, ranging from personal privacy breaches to large-scale cyberattacks on critical infrastructure. Some crimes involve the misuse of stolen digital information for extortion, while others aim to disrupt the integrity of Internet systems. Alarming, nearly 90% of cybercrimes go unreported, further complicating efforts to combat this threat.

CATEGORIES OF CYBERCRIME**1. Cybercrime Against Individuals:**

These crimes include child exploitation through pornography, harassment via email or other digital means, and dissemination of offensive content. The unauthorized transmission or exposure of private materials constitutes one of the most prevalent cybercrimes today.

2. Cybercrime Against Property:

These crimes target assets, such as intellectual property, through activities like hacking, digital vandalism, or salami attacks—small, unnoticeable thefts that cumulatively cause significant damage. Financial institutions are frequent victims of this category of crime.

3. Cybercrime Against Organizations:

Corporate entities are often targets of cybercriminals, with attacks resulting in data breaches, website defacements, or unauthorized distribution of proprietary content. Such incidents can lead to financial losses and damage to an organization's reputation, impacting employees, stakeholders, and customers.

4. Cybercrime Against Governments:

Cybercriminals exploit the Internet to challenge or threaten state governments, often targeting military or classified networks. Such actions can escalate into cyberterrorism, posing serious threats to national security.

Cyberattacks and Digital Threats

Cyberattacks are executed by individuals or groups using computer systems or networks to manipulate, steal, or gain unauthorized access to sensitive data. These attacks pose a significant threat to information security, particularly as society continues to move toward greater digitization. Cybercriminals employ advanced tools and techniques to exploit security gaps, underscoring the urgent need for robust protective measures.

Addressing the risks posed by cybercrime requires a comprehensive understanding of its dynamics and proactive efforts from governments, organizations, and individuals to secure digital assets. Increased awareness and stronger cybersecurity frameworks are essential to mitigating the threats of cybercrime and ensuring a safer digital future.

MATERIAL AND METHODOLOGY

Tools of data collection

An instrument is help with required and related information that could be gathered deliberately to the subject material. Google Form was utilized to record reactions. In an informational index, we gathered 151 reactions in light of that we close the information. The Survey cycle was the means for data gathering, which was involved by the researchers for the assurance of collecting data from the respondents. The Survey procedure is the most effective way for social occasion the greatest information in a coordinated strategy.

DATA COLLECTION AND PROCEDURE

The examination is developed on essential data gathering from Google structure and the information for the review was obtained from the respondents. The data was made by a basic irregular testing process. Conviction and understandings of the respondents were formed through the Survey technique. The researcher in the wake of building a comprehension with the respondents defined the assurance, significance, and importance of the review.

RESULT AND DISCUSSION

In Figure 1 we show the age collection of respondents. The age of the respondents. 68.2% of the respondents belong to the age group of 16-21years, 29.1% of the respondents belong to the age group of 22-28 years, only 2.6% of the respondents belong to the age group of 29-35% years.

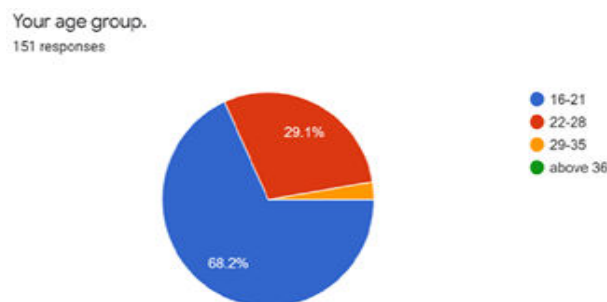


Figure 1 Age group of male & Females.

Response based on gender

In Figure 2 respondents were categorized according to gender Respondents based on gender, 60.3% of the respondents were male and 39.3% of the respondents were female.

Awareness about cyber crime

In Figure 3 respondents were asked they know about Cybercrime/ Cyberterrorism, 98% of the respondents were about Cybercrime/ Cyber terrorism, only 2% of the respondents don't know about Cybercrime/Cyberterrorism.

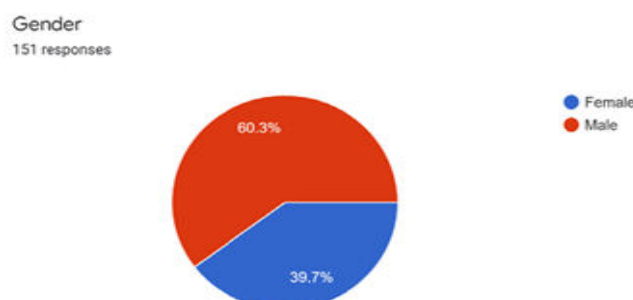


Figure 2 Response based on gender.

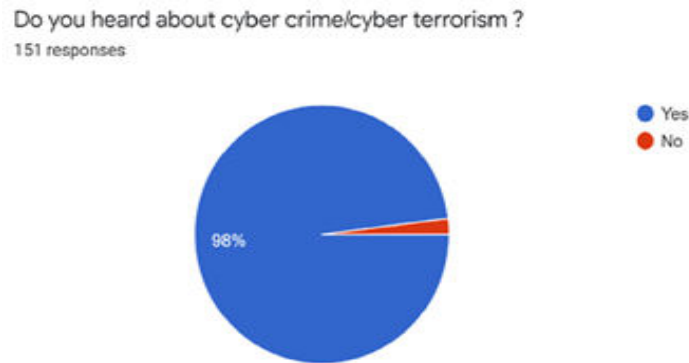


Figure 3 People awareness about cybercrime.

Source of awareness about cyber crime

In Figure 4 respondents were asked about from where they heard about cyber-crime in multiple-choice question form in which 78.8% of the respondents knew about this from internet, 41.00% of the respondents were heard from the friends, 22.5% of the respondents were heard from their family members, 49.00% of the respondents were read from newspaper, 47.7% of the respondents were heard from television, 18.5% of the respondents heard from any other sources.

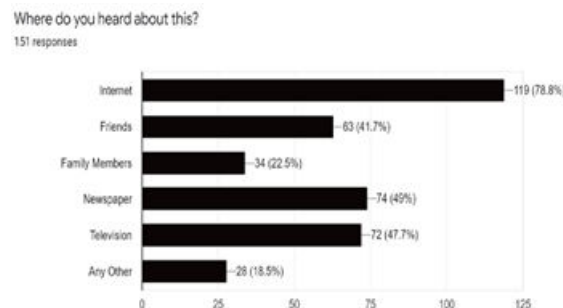


Figure 4 Source of awareness about cybercrime.

Awareness about cyber attack

In the Figure 5 respondents were asked about them about cyberattack, 77.5% respondents were heard about cyber-attack, 16.6% of the respondent where they may be heard about cyber-attack, while 6% of the respondents about don't about the cyber-attack.

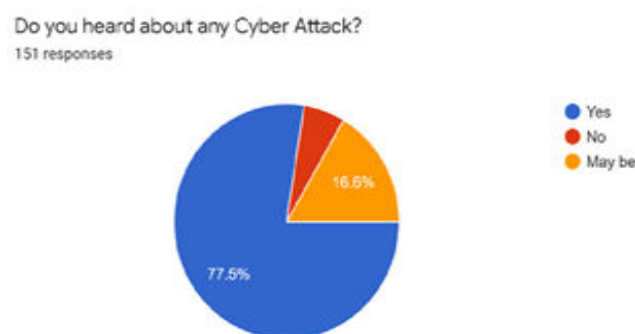


Figure 5 Awareness about cyber-attack.

Awareness of different cyber attacks

In the Figure 6 respondents were asked about they know about cyber-attacks in multiple-choice question form in which 66.3% of the respondents know about Phishing, 15.9% of the respondents know about Eavesdropping attack, 20.5% of the respondents know about SQL Injection, 49.00% of the respondents know about Malware, 17.2% of the respondents know about DDoS, 57.0% of the respondents know about Spamming, 51.7% of the respondents know about Cyber Stalking, 44.4% of the respondents know about Software Privacy, 18.5% of the respondents know about Social Engineering, 49.7% of the respondents know about Computer Virus, 60.9% of the respondents know about Child Pornography, Only 3.3% of the respondents don't know about any of the above cyber-attacks.

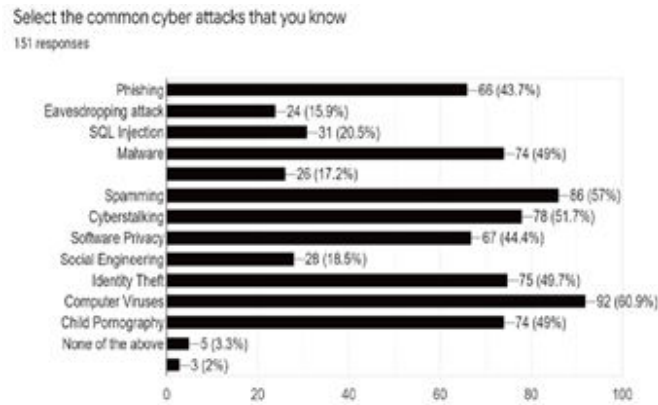


Figure 6 Awareness of different cyber-attacks.

Awareness about any agency for cyber security

In the Figure 7 respondents were asked about they know the government or non-government or group of hackers related to cyber security, 43.7% of the respondents were know about agency related to Cyber security, while 56.3% of the respondents did not know about agency related to cyber security.

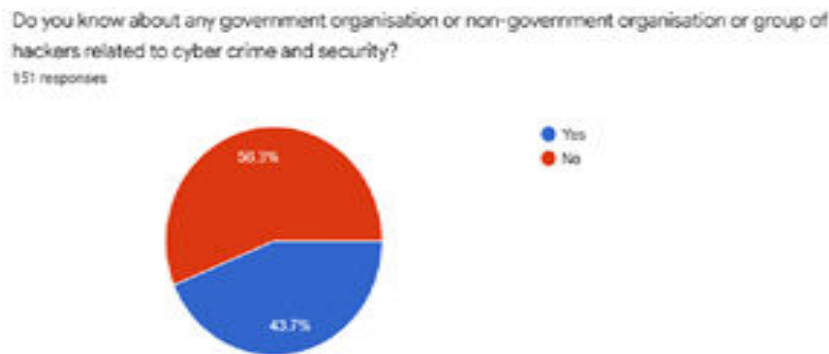


Figure 7 Awareness about any agency for cyber security.

Awareness about major cyber attacks

In the Figure 8 respondents were asked about from where they heard about major cyber-attacks in multiple-choice question form in which 33.1% of the respondents know about Wanna Cry ransomware attack, 13.2% of the respondents know about Marriott Starwood data breach, 22.5% of the respondents know about Denial-of-Service attack, 34.4% of the respondents know about Yahoo data breach, 25.8% of the respondents know about South Korea Cyber Attack, 33.8% of the respondents don't know about any of the above-listed cyber-attacks.

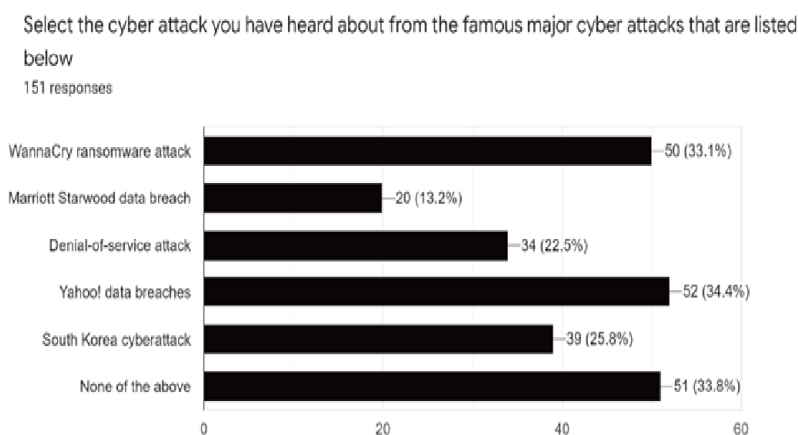


Figure 8 Awareness about major cyber-attacks.

Awareness about the prevention of cyber attack

In the Figure 9 respondents were asked about from where they about in multiple-choice question form in which 45.0% of the respondents know about Firewall, 70.9% of the respondents know about Antivirus/Malware Software, 13.2% of the respondents know about Penetration Testing, 23.2% of the respondents know about IDS, 9.3% of the respondents don't know about any of the listed security software.

Which security software/program do you prefer to prevent from cyber attack or viruses ?
151 responses

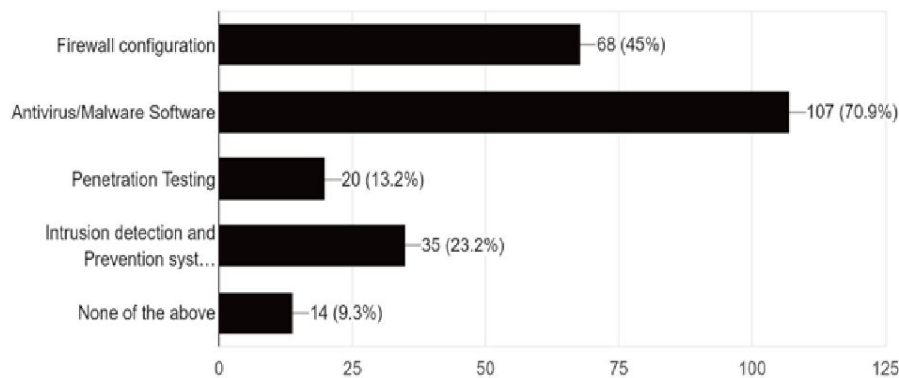


Figure 9 Awareness about the prevention of cyber-attack.

CONCLUSION:

In the Google structure, we have requested to make reference to ideas from the respondents to spread mindfulness towards cybercrime and what they anticipate from the public authority and security specialists to stop cybercrime. From the respondent's ideas, we finish up their ideas.

What do you think about cybercrime and cyber terrorism and cyber security?

There are such countless various assessments about cybercrime wrongdoing illegal intimidation and digital protection. We have recorded 91 reactions out of 151 respondents. Cybercrime is a crime that is performed by the person to take data or to get unapproved admittance to the framework with the assistance of organization and PC frameworks utilizing hacking devices. Digital psychological warfare is the criminal behaviours performed by a gathering over the web to acquire data from people or associations to malign, obliterate, or get significant data. Digital protection is the security to avoidance from cybercrime and utilizing dauntless organization and internet is everybody's right. Cybercrime is an escape clause to Cyber Security. Respondents contrast digital conflict and actual conflict. The quick development of web clients adds dangers to the internet and it can be excessively perilous to ordinary web clients.

Your suggestions how can we prevent cybercrime?

Respondents have proposed numerous strategies to forestall cybercrime. We have recorded reactions out of 151 respondents. Respondents were given some information about how might we forestall cybercrime; respondents gave various ideas to forestall cybercrime. They recommended that a mindfulness mission ought to be begun to spread mindfulness among individuals. Information on data innovation ought to be obligatory for all individuals. India is the second biggest number of web clients. What do you anticipate from the public authority or other non-government associations to diminish this sort of digital assaults? There are a wide range of thoughts and assumptions for the respondents to decrease digital wrongdoing. We have recorded 77 reactions out of 151 respondents. The public authority ought to make severe regulations and guidelines for wrongdoings and begin mindfulness programs in rustic as well as metropolitan regions in light of the fact that in provincial regions individuals are generally impacted by spam calls and messages. Adolescents and matured individuals are obvious objectives for assailants. Associations and specialists make useful assets and programming to get frameworks and data. An information break is the primary worry of the respondents because of the new exercises acted in the country. There ought to be an eye on dubious exercises on the web and View distribution details make a move as quickly as time permits. Respondents take the main pressing issue to ideas on lady's security, youngster porn, and against public exercises performed over the web which harms our general public, government and non-government association ought to come together to track down the arrangement of such issues.

REFERENCES

1. Jonathan Clough. Principles of Cybercrime. Cambridge, 2. 2010.
2. Dhruva KB, Kalita JK. DDoS Attacks: Evolution, Detection, Prevention, Reaction, and Tolerance. CRC Press/Taylor & Francis Group; 2016.
3. Reddy KS. Cybercrimes in India and the mechanism to prevent them. *IJIRIS*. 2014;9(3):29–32.
4. Tim Greene. Storm Worm Strikes Back at Security Pros. Network World. com. 2007.

-
5. Brian Krebs. Three Worked the Web to Help Terrorists. The Washington Post. 2007.
 6. Juniper Research. Cybercrime will Cost Businesses Over \$2 Trillion by 2019 - Juniper Research. 2019.
 7. Symantec. Attackers Target Both Large and Small Businesses. 2016.
 8. <https://cybercrime.gov.in/Webform/CrimeCatDes.aspx>
 9. Cyber Crime Overview. 2008.
 10. Wadhwa A, Arora N. A Review on Cyber Crime: Major Threats and Solutions. *International Journal of Advanced Research in Computer Science*. 2017;8(5).
 11. Poonia AS. Cyber Crime: Challenges and its classification. *International Journal of Emerging Trends & Technology in Computer Science (IJETTCS)*. 2014;3(6):119-121.
 12. <https://securitytrails.com/blog/types-of-cyber-crime>
 13. <https://www.legistify.com/qna/answer/1912-cyber-crime-againstgovernment/>
 14. Afrozulla KZ, Vaishnavi RT, Arjun. Cyber Crime Awareness among Msw Students, School Of Social Work, Mangaluru. *J Forensic Sci & Criminal Invest*. 2018;9(2):555757.

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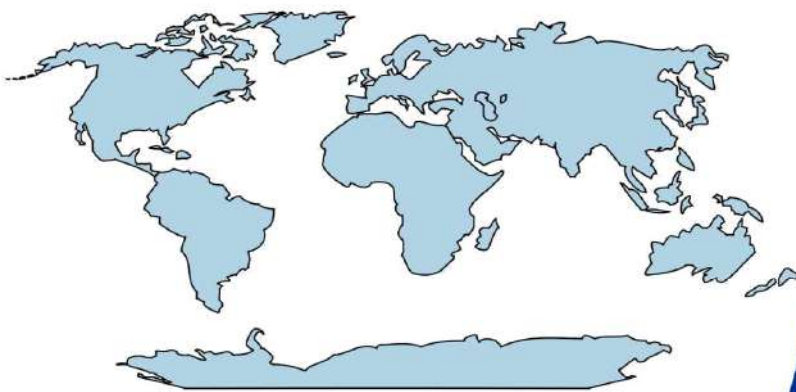
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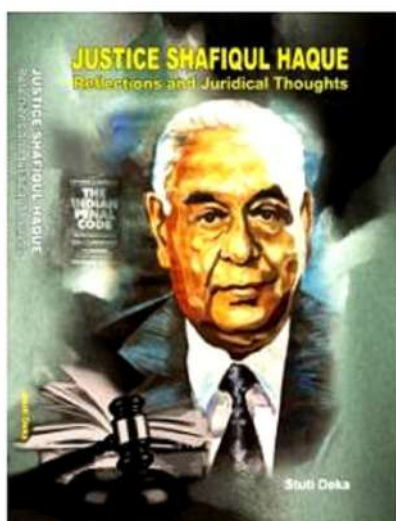


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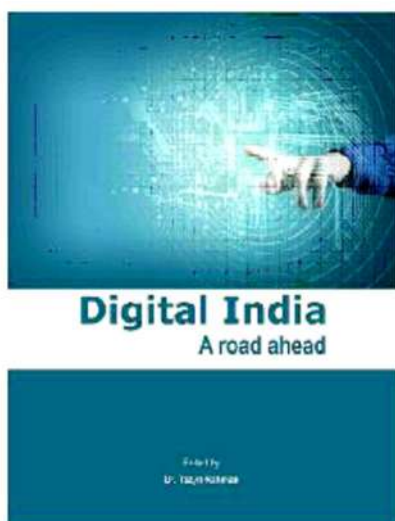
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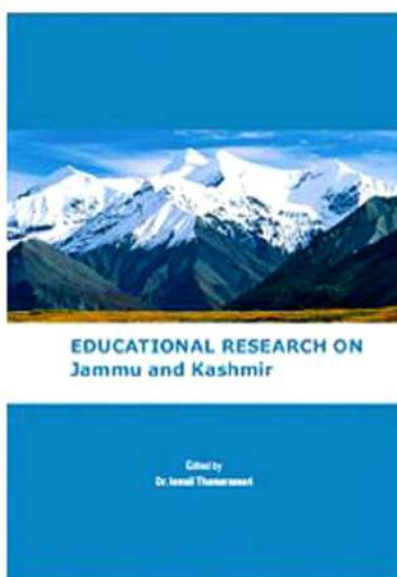
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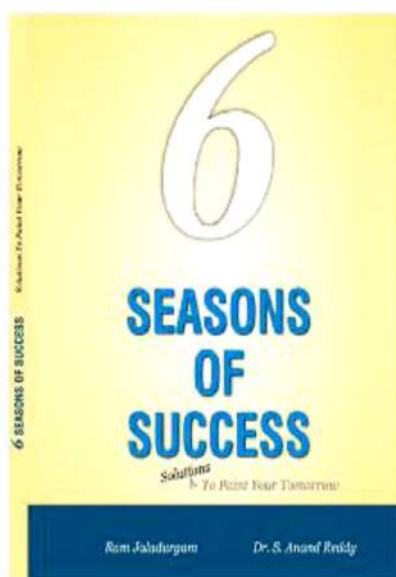
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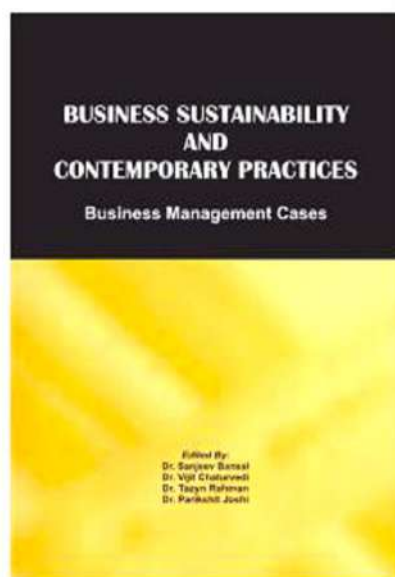
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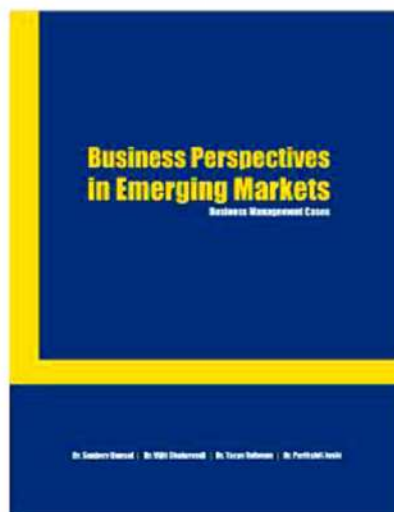
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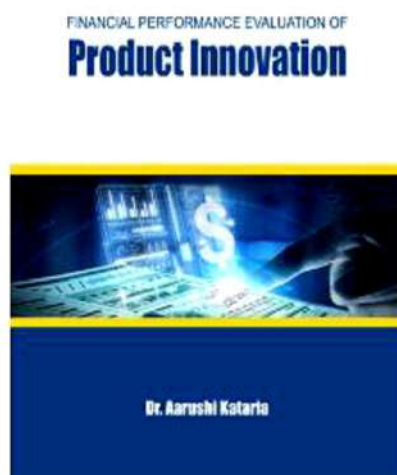
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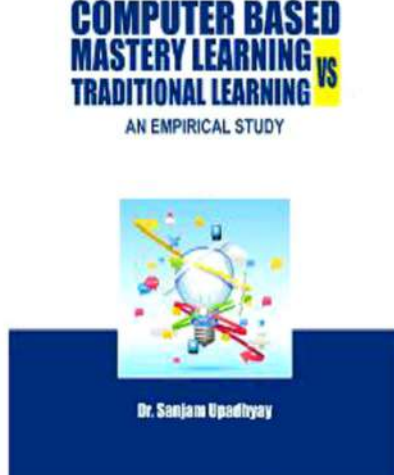
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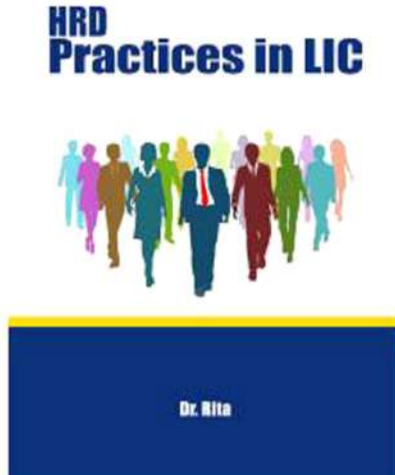
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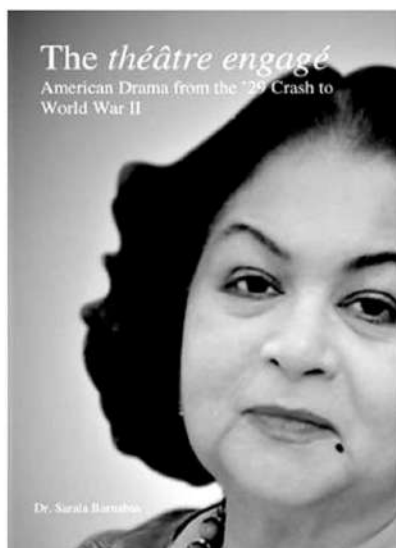
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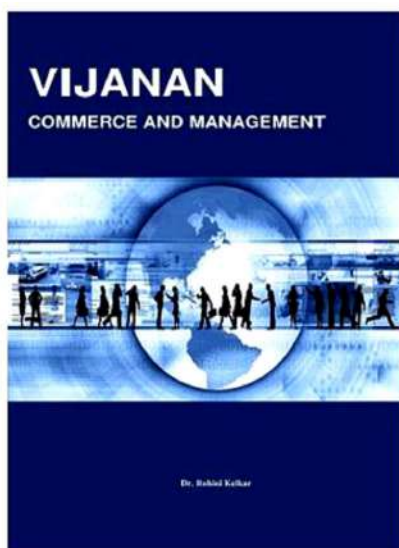


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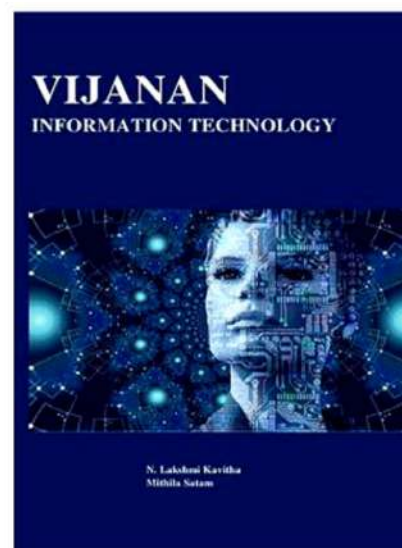
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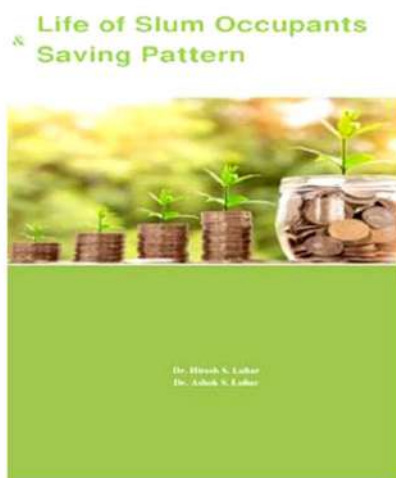
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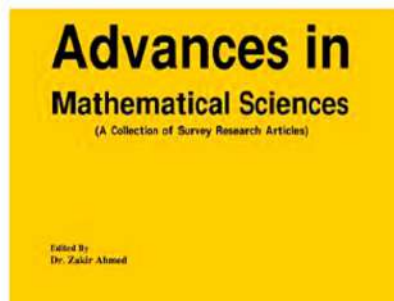
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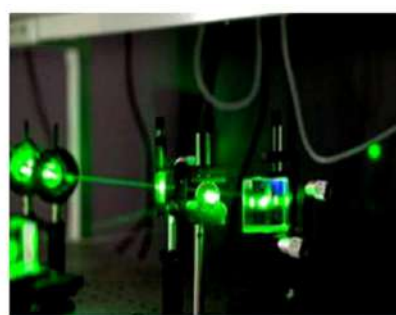


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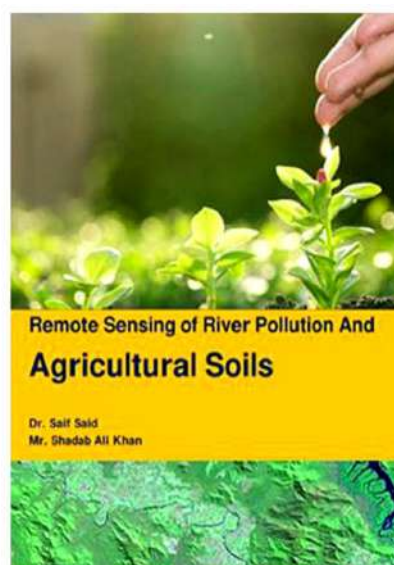
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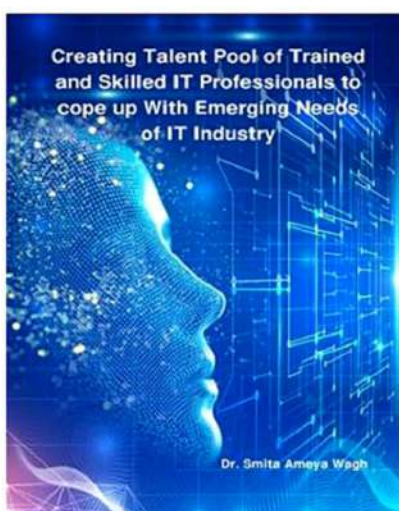
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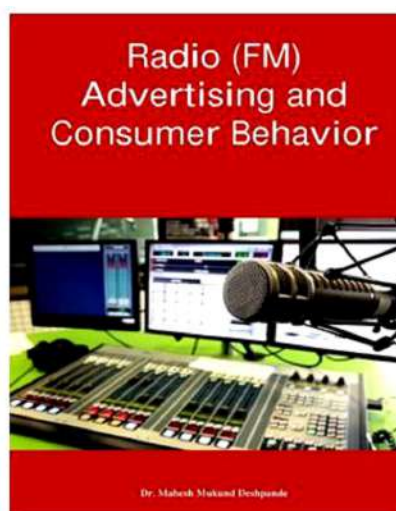
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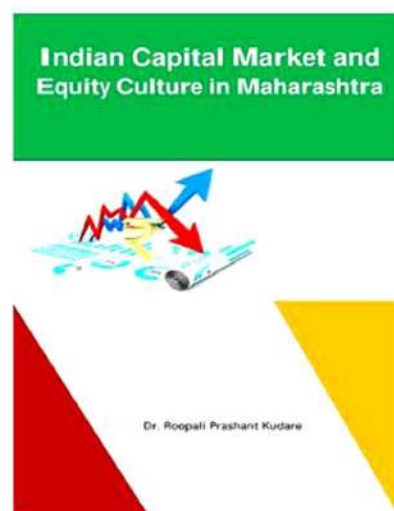
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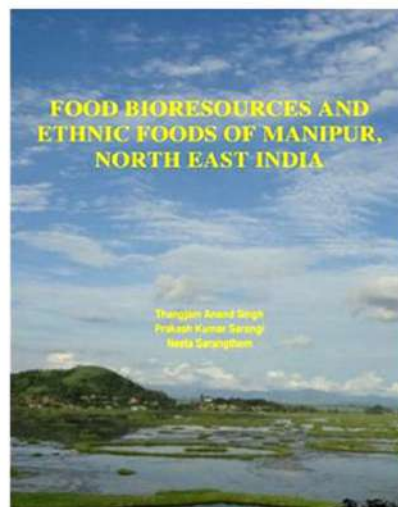
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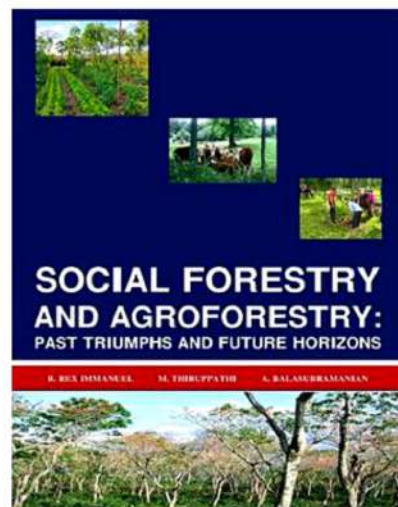
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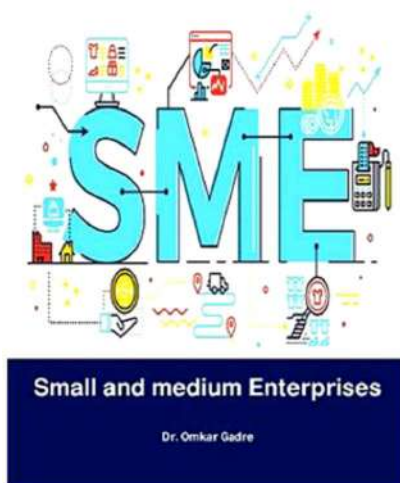
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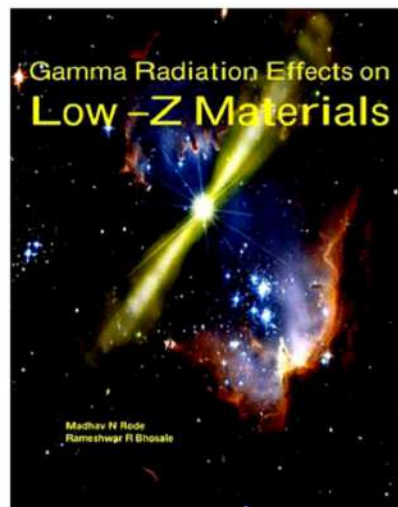
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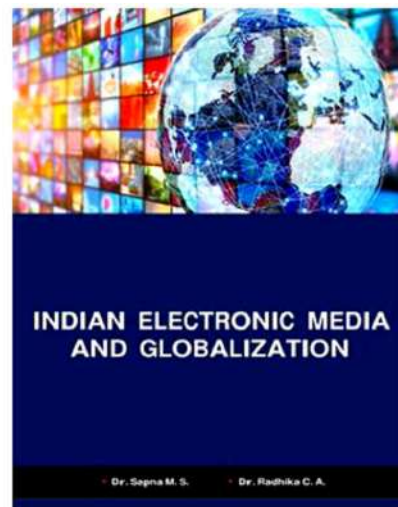
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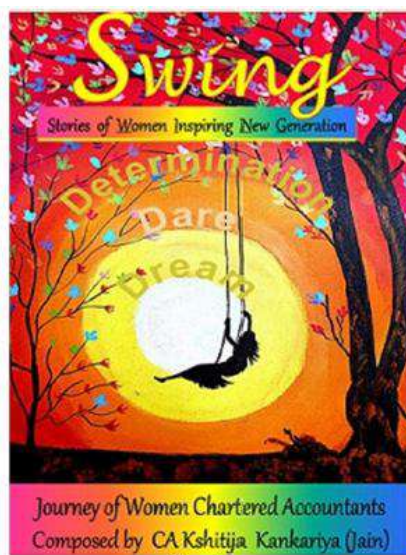
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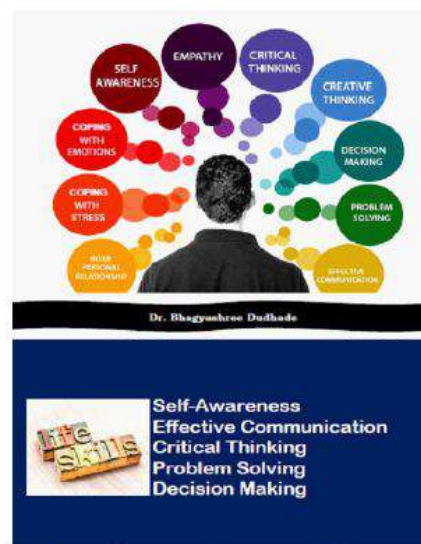
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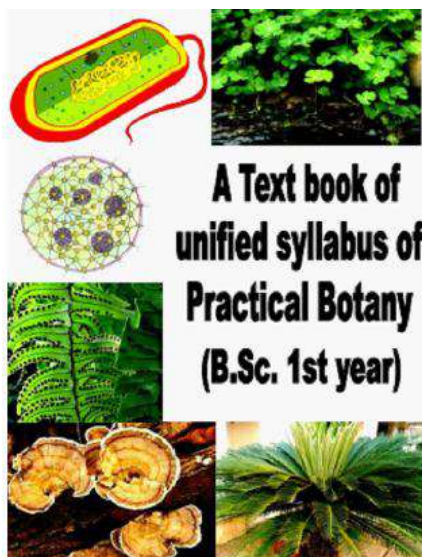
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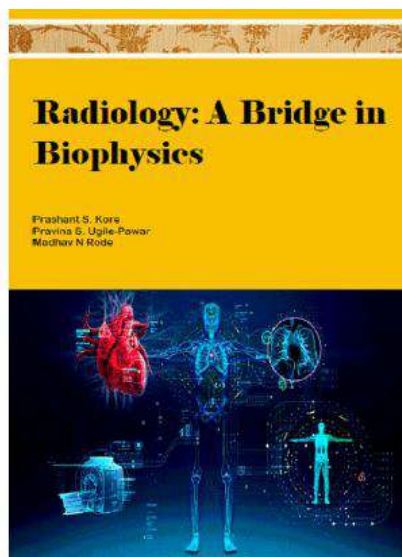
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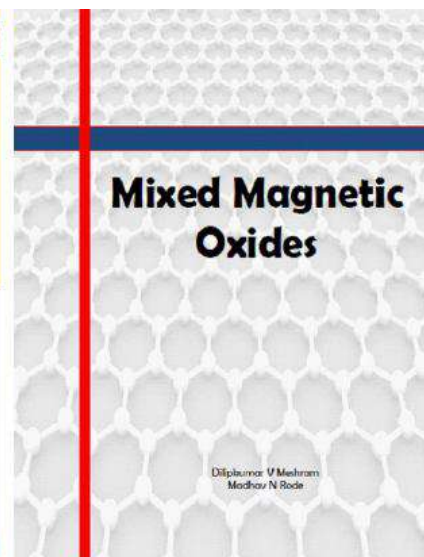
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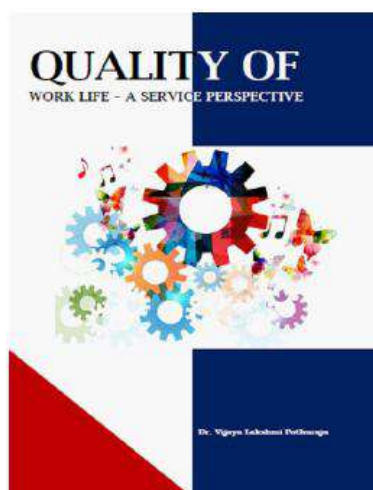


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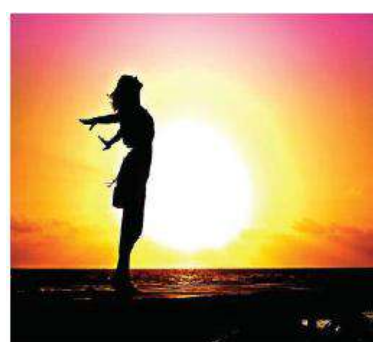
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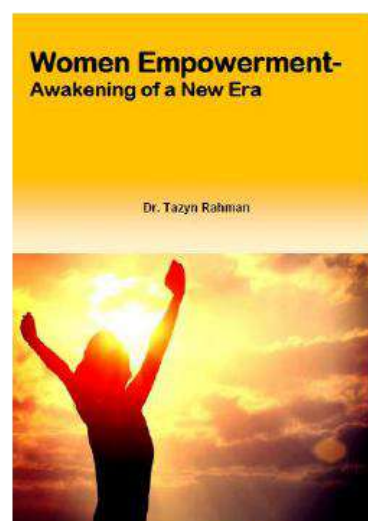


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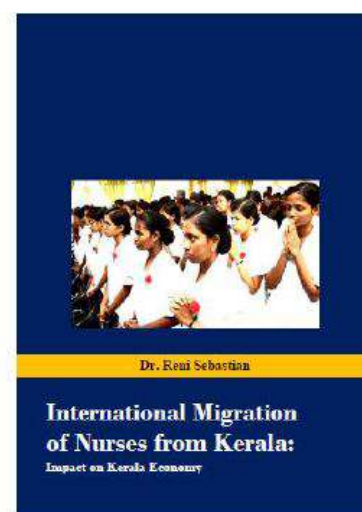


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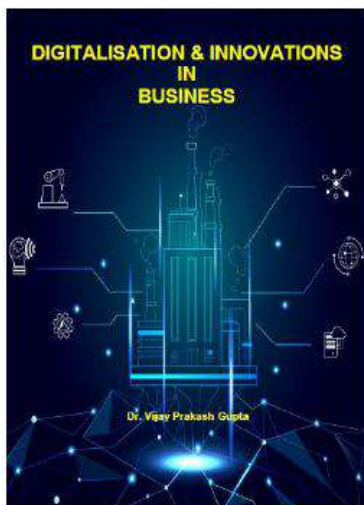


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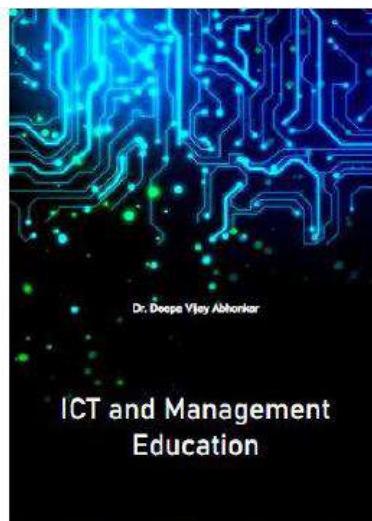
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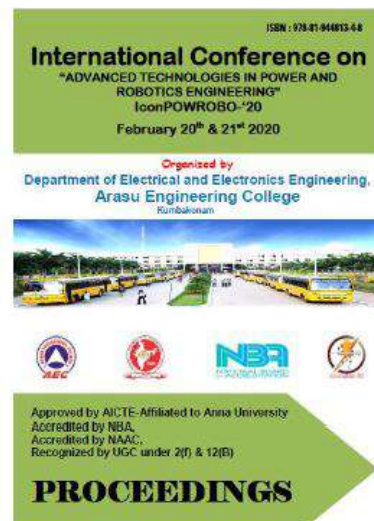
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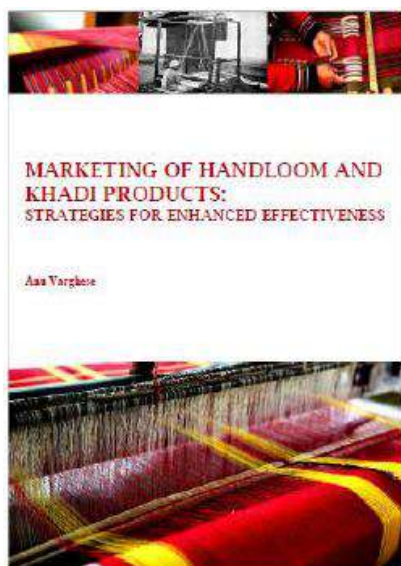
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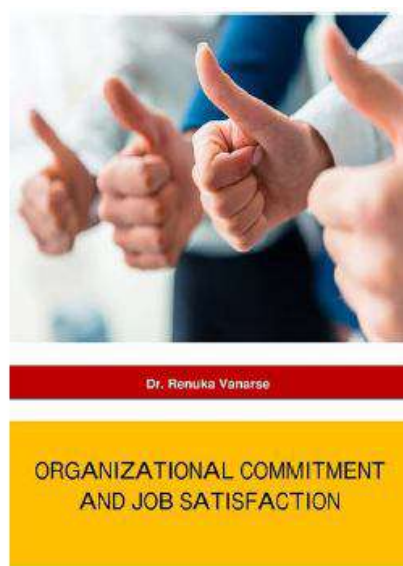
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