

Volume 6, Issue 4 (I)  
October - December 2019

ISSN 2394 - 7780

International Journal of

# Advance and Innovative Research

(Conference Special)  
(Part – 2)



Indian Academicians and Researchers Association  
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Volume 6, Issue 4 ( I ): October - December 2019 Part - II

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Scientific Journal Impact Factor

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This certificate is awarded to

**International Journal of Advance & Innovative Research**  
**(ISSN: 2394-7780)**

The Journal has been positively evaluated in the SJIF Journals Master List evaluation process  
SJIF 2018 = 7.363

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**CHILDREN'S PARTICIPATION IN DISASTER RISK REDUCTION AND MANAGEMENT PROGRAMS IN THE MUNICIPALITIES OF CATARMAN AND LAOANG: NORTHERN SAMAR**

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**ABSTRACT**

*This study attempted to investigate the extent of children's participation in the local disaster risk reduction and management (DRRM) programs and its contribution to their rights to development towards building their future individual preparedness in responding safely and responsibly to disaster and other emergencies. It also investigated the impact of their participation on their individual awareness, knowledge, skills, motivation, and attitude, in relation to DRRM. The overall goal of the study was to evolve policy recommendations toward strengthening the local DRRM and making them work as welfare-enhancing programs for the children and youth. The study made use of a Conceptual Framework generally anchored on Institutional Analysis Development (IAD) model in describing the relationship of key variables under investigation. The variables of the study were grouped according to the framework's components, namely: exogenous variables, action arena, interactions, evaluative criteria and outcomes. The overall anchor of this study was the RBA, with emphasis on the partnership/collaboration between and among duty bearers – NGOs, Schools and MDRRMOs, and rights holders-the students. This study was conducted in the municipalities of Catarman and Laoang in the Province of Northern Samar. The Respondents include MDRRMOs, school heads of selected private and public primary and secondary schools, some local officials and parents, and some elementary students who are at Grade V and Grade VI, and all the year levels in the secondary level and selected NGO representatives. The range of activities under the local DRRM programs being institutionalized by the respondent-agencies include representation in decision-making in DRRM activities; organizing and mobilizing children's organizations; child-led risk assessment and training for delivering indigenous early warning system; child-led theatre presentations and cultural shows related to DRRM; film screenings and other point activities with teachers and school officials; coordinator of Earth Day and similar celebrations with other municipalities; tree planting and growing campaigns; support in management of marine protected and watershed areas; adopt a tree/watershed project; promotional and educational activities for disaster preparedness at school or in the community; first-aid and basic life support trainings; and community drills and disaster simulation exercises. The assessment by the students themselves showed that the first two most participated activities include "tree planting and growing campaign" and "community drills and disaster simulation exercises" while the least participated activity is "support in management of marine protected and watershed areas". The groupings of these option activities revealed that about 75 percent of the activities of which children were involved was under the "preparedness" phase of disaster management, while the remaining 25 percent belonged to the "mitigation" phase. Unfortunately, the local children have no participation in activities under the "recovery" and "response" phases of disaster management. In terms of the extent of institutionalization of children's participation, the school heads group revealed that more than one-half of the activities was moderately institutionalized, MDRRMOs group, about three-fourths, highly institutionalized; and the NGOs gave an assessment of moderately institutionalized to half to half of all the activities. Gauging the impact on the children of their participation in DRRM activities, it was shown based on their self-assessments that they were moderately aware moderately knowledgeable, moderately skilled, moderately motivated, and neutral in attitude. A set relevant policy recommendations has been developed in response to critical gaps as drawn from the conclusion of the study towards enhancing local DRRM programs and making children's participation sustainable.*

*Keywords: disaster risk reduction, management, children, participation, and awareness*

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**1. INTRODUCTION**

The amount of damage and the impact disasters have on the economy and humanity is far too evident for governments to remain passive and indifferent from formulating initiatives for a safer community and prepared citizenry.

The increasing incidence of hazards and the impacts of disaster worldwide are undermining collective efforts towards alleviating global poverty, specifically in meeting the Millennium Development Goals (MDGs). The International Monetary Fund (IMF) estimated that the average economic cost for each individual large scale natural disaster event was over 5 percent of the Gross Domestic Product (GDP) in low income countries between 1997 and 2001; recent World Bank estimates have placed this figure in the range of 2-15 percent of GDP for low income countries (DFID, 2006).

In 2011, the Philippines' National Disaster Risk Reduction and Management Council (NDRRMC) reported a total of 431 natural and human –induced disasters, leaving 1,774 people dead, and affected more than three million families or 15.3 million people while causing over Php26 billion in economic damage (Philippine Disaster Report, 2011).

The Philippines normally experiences at least 20 typhoons a year but the recent years saw more disaster events that were influenced by climate change. The notable changes in the country include increasing temperature, rising sea level and increased frequency of extreme events. These changes eventually converted disaster-safe zones into areas that are at nature's mercy.

Moreover, being situated in highly seismic zone as it lying along the Pacific Ring of Fire, the country is also prone to earthquakes. The Philippine Institution of Volcanology and Seismology (PhilVolcs) reported an average of five earthquakes occurring in the country per day (FAO, undated) and their impact on the affected communities is it at times massive and devastating.

There are some of the urgent consideration for the country to adopt disaster risk reduction and management (DRRM). Laying the basis for a paradigm shift to DRRM from the disaster preparedness was the enactment of Republic Act 10121 otherwise known the Philippine Disaster Risk Reduction and Management Act of 2010. This is in support of the Philippines' commitment to achieve the targets set by the Millennium Development Goals (MDGs) and to build resilient communities as expressed by its adoption of the Hyogo Framework of Action (HFA) in 2005.

To mitigate the situation, disaster risk reduction (DRR) and disaster risk management (DRM) measures have been formulated at the international, national and local community levels. At the international scene, the HFA was launched at the World Conference on Disaster Reduction (WCDR) in 2005 by the 168 member states that issued the Hyogo Declaration in support of the HFA which aims to assist the efforts of nations and communities to become more resilient to natural hazards.

The potential of a hazard to become a disaster depends on the population's vulnerability or coping capacity. The poor women, the elderly or disabled, and children are often most vulnerable and therefore, the worst affected. Disasters do not just happen, they are a result of failures of development process which increase vulnerability and reduce coping capacities, containing development further in a "downward spiral". The goal of disaster risk reduction policy is to contribute to sustainable development through reducing the burden of disasters on the poor and most vulnerable (DFID, 2006)

Consequently, DRR and DRM efforts have been adopted by governments all over the world. As a means of incorporating DRR-related policies in national and local legislation, education has been identified as a venue in promoting to children the culture of preparedness to disasters and awareness to DRR policies. As a result of these efforts to institutionalize DRRM, it is has been deemed necessary to understand its concept, goals and functions.

In 2011, the United Nations (UN) defined DRR as the practice of reducing disaster risks through systematic efforts to analyze and manage the casual factors of disaster. There are many opinions with regard to what the casual factors of disasters are. However, the UN determines the casual factors, or "root causes" if disasters as the exposure to hazards, level of vulnerability of people and property, management of land and the environment, and level of preparedness for adverse events.

On the other hand, DRM is the process of using administrative decisions, organization, operational skills and capacities to implement policies, strategies and coping capacities of the society and communities to lessen the impacts of natural hazards and related environmental and technological disasters. It comprises all forms of activities, including structural and non-structural measures to avoid (prevention) or to limit (mitigation and preparedness) adverse effects of hazards (Disaster Risk Reduction Resource Manual, 2008). For brevity and convenience, DRMM is used to refer to both processes.

The National DRRM Plan charts some strategies such as building the adaptive capacities of communities, increasing the resilience of vulnerable sectors, and optimizing disaster mitigation opportunities in hopes of promoting people's welfare and security towards gender-responsive and right-based sustainable development. To reinforce such strategies, the National Climate Change Action Plan (NCCAP) sets the agenda for climate change adaption and mitigation for 2011 to 2038. Consistent with the Climate Change Adaption (CCA) Framework, the NCCAP's ultimate goal is to "build the adaptive capacities of women and men in their communities, increase the resilience of vulnerable sectors and natural ecosystem to climate change and optimize mitigation opportunities towards gender-responsive and rights-based sustainable development.

Policies need to be implemented to mitigate the adverse effects of disasters and climate change. Aside from natural disaster, governments must also prepare for manmade disasters that may impact is people, environment and economy. Considering these, DRRM plans and policies have to incorporate parameters and procedures for both natural and man-made disasters to ensure compatibility, as well as to avoid wastage of funds, time and efforts between preparations and outcomes.

Amid this growing anxiety about disasters are children. Whatever approach is chosen to be undertaken, children's welfare and interests should remain as one of the top-most priorities. They should not remain passive victims of disasters nor as indirect beneficiaries of DRR initiatives. Rather, they should be capacitated and be made as active participants to such arrangements. As the most vulnerable and less prepared group, they need to be given attention by the government through promotion of development policies such as DRR campaigns that are intended to promote their rights and well-being.

## 2. OBJECTIVES OF THE STUDY

Generally, this study attempted to determine how children's participation local disaster risk reduction and management programs contributed to their rights to development towards building their future individual preparedness in responding safely and responsibly to disasters and other emergencies.

**Specifically, it hoped to achieve the following objectives:**

1. To determine how children's participation in DRRM efforts and activities are institutionalized by concerned local government in its elementary and secondary schools and other proponent organizations;
2. To discover how proponent agencies or organizations promoting or institutionalizing children's participation impact on the level of children's awareness, knowledge, skills, motivation, and attitude towards DRRM; and
3. To recommend policy reforms anchored on the major findings of this study towards strengthening the local DRRM programs and ensuring the sustainability of children's participation over the long term.

## 3. METHODOLOGY

Generally, the study was undertaken in the Province of Northern Samar which is one of the provinces comprising Samar Islands (the other two are Samar and Eastern Samar provinces). Northern Samar is bounded by the Pacific Ocean on the east, the San Bernardino Strait on the north, Samar Sea on the west, and the Samar and Eastern Samar provinces on the south. It ranks thirty-seventh (37th) in size among the 80 provinces of the Philippines and accounts for practically 1.2 percent of the total land area of the country. It is located at the eastern edge of archipelago with an area of 369,293 hectares. About 52 percent of the total land area is covered by forest and 42 percent is classified as alienable and disposable.

## 4. FINDINGS

### Children's Participation in DRRM-Related Activities

Children's participation of interest in this study involved with the processes in which they engage with other people around disaster management-related issues that concern their individual and collective life conditions.

The participation of children in practically all the activities though in varying degrees, is a good indication of their meaningful participation in DRRM (Table 2.1a.1, 2.1a.2 and Table 2.1b)

**Table-2.1a: Participation Identified by Students**

List of DRRM-related activities participated in by children	Total Frequency	Rank
1. Tree planting and growing campaigns	667	1
2. Community drills and disaster simulation exercises	605	2
3. First—aid and basic life support trainings	501	3
4. Promotional and educational activities for disaster preparedness at school or in the community	435	4
5. Film screenings and other point activities with teachers and school officials	255	5
6. Adopt a tree/watershed projects	220	6
7. Representation in decisions-making in DRRM activities	217	7
8. Organizing and mobilizing children's organization	180	8
9. Coordination of Earth Day and similar celebrations with other municipalities	164	9

10. Child-led risk assessment and training for delivering indigenous early warning systems	141	10
11. Child-led theater presentation and cultural shows related to DRM	133	11
12. Support in management of marine protected and watershed areas	98	12
13. Other activities	81	13

### Groupings of DRRM Activities by Phases of Disaster Management

Table 2.1c shows that nine (9) or 75 percent of the activities that were participated in by the local children belonged to the “preparedness” phase. While the remaining three (3) or 25 percent of the DRR activities were under the “mitigation” phase. The children have no involvement in the “recovery” and “response” phases of the local disaster management.

**Table-2.1c: Classification of Children’s DRRM-Related Activities by Phases of Disaster Management**

Activities	Phase of Disaster Management
Tree planting and growing campaigns	Mitigation
Community drills and disaster simulation exercises	Preparedness
First—aid and basic life support trainings	Preparedness
Promotional and educational activities for disaster preparedness at school or in the community	Preparedness
Film screenings and other point activities with teachers and school officials	Preparedness
Adopt a tree/watershed projects	Mitigation
Representation in decisions-making in DRRM activities	Preparedness
Organizing and mobilizing children’s organization	Preparedness
Coordination of Earth Day and similar celebrations with other municipalities	Preparedness
Child-led risk assessment and training for delivering indigenous early warning systems	Preparedness
Child-led theater presentation and cultural shows related to DRM	Preparedness
Support in management of marine protected and watershed areas	Preparedness
Other activities	Mitigation

### School Heads’ Assessment of the Extent of Institutionalization of Children’s Participation in DRRM

On the school heads’ assessment, of the range of option-activities, about 33 percent was rated “highly institutionalized” and these are “child-led theatre presentation and cultural shows “coordination of earth day and similar celebrations with other municipalities” “first aid and basic life support trainings: and “community drills and disaster simulation exercises”. These activities obtained weighted mean valued ranging from 4.5 to 5.0.

“Moderately institutionalized” assessment was accorded to about 58 percent of the activities, ranging from the “representation in decision-making in DRRM” “organizing and mobilizing children’s organizations” up to “promotional and educational activities for disaster preparedness at school or in the community”. This group activities has a range of weighted mean values of 3.5 to 4.1 (Table 2.3).

### The MDRRMOs Assessment of the Extent of Institutionalization of Children’s Participation in DRRM

Considering the very limited number of respondent-MDRRMOs (only 2 of them), the results of their assessments on the extent of DRRM institutionalization may not give a realistic picture in relation to the actual situation on the field. Their evaluation revealed that about 75 percent was “moderately institutionalized” (Table 2.4)

### NGOs’ Assessment of the Extent of Institutionalization of Children’s Participation in DRRM

The assessment of the NGO representatives presented a more spread ratings on the activities which ranged from “not institutionalized” to “highly institutionalized”. More specially’ “highly institutionalized” assessment was given 17 percent of the activities; “moderately institutionalized” to the 50 percent of the activities; “institutionalized” to two other activities (17%); and another 17 percent was rated “less institutionalized”. Only one (8%) of the activities was assessed to be “not institutionalized” (Table 2.5).

### Impact of Children’s Participation

The impact of the children’s participation on their awareness, knowledge, skills, motivation and attitude in relation to DRRM programs were assessed by the same group-respondents (Table 3a-3e).



This research sought for a comparative data between and among students, school heads, MDRRMOs and NGO representatives in terms of their respective assessment of the impact of children's participation in DRRM. The reason behind this comparative assessment is anchored on the idea that these stakeholders have a differing view on how children should participate. To consider the student's view alone would subject the study to biases of the students as children themselves and would have rendered this study as intrinsically flawed altogether.

**Table-3a: Impact on Awareness**

Respondents	Frequency					N	Weighted Mean	Interpretation
	*level of Awareness							
	1	2	3	4	5			
NGO	0	0	0	1	1	2	4.5	highly aware
Students	0	0	0	9	4	13	3.9	moderately aware
School Head	46	80	187	226	347	886	3.7	moderately aware
MDRRMO	0	1	0	0	1	2	3.5	moderately aware
Average Weighted Mean					3.9	Moderately Aware		

\*4.2-5.0 highly aware; 3.4-4.1 moderately aware; 2.6-3.3 aware; 1.8-2.5 less aware; 1.0-1.7 not aware

**Table-3b: Impact on Knowledge**

Respondents	Frequency					N	Weighted Mean	Interpretation
	*level of Knowledge							
	1	2	3	4	5			
NGO	0	0	1	0	1	2	4.0	moderately knowledgeable
Students	0	1	4	5	4	14	3.9	moderately knowledgeable
School Head	26	81	194	359	248	908	3.8	moderately knowledgeable
MDRRMO	0	1	0	1	1	2	3.0	knowledgeable
Average Weighted Mean		3.7	Moderately Knowledgeable					

\*4.2-5.0 highly knowledgeable; 3.4-4.1 moderately knowledgeable; 2.6-3.3 knowledgeable; 1.8-2.5 less knowledgeable; 1.0-1.7 not knowledgeable

**Table-3c: Impact on Skill**

Respondents	Frequency					N	Weighted Mean	Interpretation
	*level of Skill							
	1	2	3	4	5			
NGO	0	0	1	1	0	2	3.5	moderately skilled
Students	0	0	1	1	0	2	3.5	moderately skilled
School Head	63	120	269	254	160	866	3.4	moderately skilled
MDRRMO	1	2	6	5	1	15	3.4	moderately skilled
Average Weighted Average			3.7		Moderately Skilled			

\*4.2-5.0 highly skilled; 3.4-4.1 moderately skilled; 2.6-3.3 skilled; 1.8-2.5 less skilled; 1.0-1.7 not skilled

**Table-3d: Impact on Motivation**

Respondents	Frequency					N	Weighted Mean	Interpretation
	*level of Motivation							
	1	2	3	4	5			
NGO	0	0	4	8	2	14	3.8	highly motivated
Students	0	0	1	4	0	2	3.5	highly motivated
School Head	65	133	265	238	169	870	3.4	moderately motivated
MDRRMO	0	0	2	0	0	2	3.0	motivated
Average Weighted Average					3.4	Moderately Motivated		

\*4.2-5.0 highly motivated; 3.4-4.1 moderately motivated; 2.6-3.3 motivated; 1.8-2.5 less motivated; 1.0-1.7 not motivated

**Table-3e: Impact on Attitude**

Respondents	Frequency					N	Weighted Mean	Interpretation
	*level of Attitude							
	1	2	3	4	5			
NGO	0	0	0	2	0	2	4.0	moderately positive attitude
Students	0	1	4	9	0	14	3.6	moderately positive attitude



School Head	65	99	216	290	221	897	3.5	moderately positive attitude
MDRMO	1	0	1	0	0	2	2.0	negative attitude
Average Weighted Average	3.3			Neutral Attitude				

\*4.2-5.0 highly positive attitude; 3.4-4.1 positive attitude; 2.6-3.3 neutral attitude; 1.8-2.5 negative attitude; 1.0-1.7 very negative attitude

## RECOMMENDATIONS SUGGESTED BY THE RESPONDENTS-GROUPS

The following matrix (Table 4) lists the range of recommendations that were put forward by the concerned groups of respondents in the hope of enhancing the involvement children in DRRM programs. Of the 10 recommendations, the students' group gave the top most urgency to "motivate students that they can save others and self" and was rated rank 1. The second urgent recommendation is "budgetary support from the government". The "more promotion of the existence of the DRRM programs" ranked third among the range of recommendations. Interestingly, the students group elicited the highest number of recommendations over the other groups of respondents. This may reflect their understanding of the importance of DRRM and that they have started to embrace their potential roles in the program.

## 5. RECOMMENDATIONS

The following are the specific inferences based on the problems presented:

1. In terms of proponent agencies and its collaborators, what can be gleaned is the lack of resourcefulness that had been exerted by respondent agencies in securing funding support from external sources. Specifically, there was over-reliance by the schools on its MOOEs and/or PTA funds which in essence impinges on the sustainability of DRRM programs.

That the current institutional DRRM budgets of the schools, local government units, and non-governments were very inadequate in relation to the total funding needs for their respective targeted DRRM activities. The limitation in budget has resulted in the weak or non-implementation of several of these DRRM activities which may have constrained children's involvement or participation.

Those programs with minimal budget were often ran on a yearly (to continuing) basis while those with big budget or established funding were ran on a 5-year term (to indefinite termination period). The respondents-school heads disclosed that this is based on the DRRM School Plan with is to be complied with on a yearly basis. Otherwise, clearances and/or salaries may be put on hold by the DepEd. In economic terms, minimal to zero budget is a threat to the sustainability of the programs.

The disinterest in conducting assessment and evaluation on the accomplished programs and activities in indicative of the needs for transparency and accountability mechanisms that are requisites for a more rights-based and sustainable undertaking.

2. That schools have a good number of DRRM-related activities in comparison with the LGUs and NGOs, and the most of these activities have some built-in incentive or protection component catering to children in particular. The very limited number of activities engaged in by the LGUs and NGOs may have something to do with their priority programs or thrusts at the time the study was conducted. Moreover, the low ranking received by "representation in decision-making in DRRM activities" from the students spoke of their perceptions that they should be more involved in decision-making for DRRM-related activities. It can be gleaned from the foregoing that children were made to be involved in the "physical" component of DRRM activities, rather than the character-shaping or personality-defining or empowerment aspect of DRRM. The former set activities simply require physical involvement of children such as tree planting, Earth Day celebration, among others. The latter activities have to do with the development of children's capability and disaster preparedness. These agencies should as much as possible accord priority to these kinds of activities that would cultivate empowerment and at the same time enhance children's rights.

As duty bearers, the schools, LGUs and NGOs have failed to allow the children to make a meaningful participation within the context of the RBA. The children, for their part, have filed to demand entitlement to such a right (to participation). Even the SK, the representatives and alter-ego of the children within the political process went remiss in its obligation to be: 1) accountable to the children with is failure to ensure that DRRM programs and activities were fully institutionalized; and 2) assert participation (as a matter of right)e.g. selection of programs to funs/implement.

3. That despite several moderately institutionalized DRRM-related activities, only a few are actively participated in by the children groups. Also, the majority of these activities have been found to have limited number of children actually participating. This finding further strengthens the clamor among students for more

DRRM projects and activities. There were only a few, interesting DRRM-related activities that children can participate in. children find the campaigns to be lacking in appeal since promotion of and awareness campaigns for these activities or programs were poorly executed.

4. That the impact of children's participation in DRRM-related activities upon themselves was still at a relatively moderate level which implies the necessity to increase or enhance their awareness, knowledge, skills, and attitude in relation to DRRM in general.

Their heightened level on these parameters are necessary measures of their degree of empowerment and can immensely contribute as to how they will value their future involvement in DRRM-related activities.

5. That this study has provided some leads as to its contribution to child-based rights literature which generally embraces the inalienable rights of children in all circumstances including disasters when they are at their most vulnerable and the right to participate in decisions that ultimately affect them. The present state of the local DRRM with reference to children's participation is still relatively low in terms of institutionalization and resource-support and that serious efforts and allocation of the much-needed resources by the concerned government agencies and people's organizations have to be given top-most priority. Disaster risk reduction children about disaster risk and empowering them to use the knowledge that support life, survival and their development. Further, this study has specifically identified some kinds in the existing DRRM policies which have to be addressed through policy recommendation meant to ensure viable and sustainable participation of children in disaster in risk reduction efforts.

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**A STUDY OF INDIAN TRIBES AND THEIR RIGHTS, LAND-ALIENATION AND CONSTITUTIONAL SAFEGUARDS**

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**ABSTRACT**

*Tribal community in India has been most vulnerable community in the in equal, domination and exploitation ridden society. They are on the breadline of their socio-economic and political rights. Even after centuries, the unchanged condition of Tribal communities is leading in India. The violation of fundamental human rights and the state brutality has been perpetrated on them, particularly on tribal women. Tribal communities have faced isolation and social discrimination like that of Dalits from the mainstream society. Understanding of current Tribal societies need a basic respect to the historical processes, which have determined the course of consecutive changes in ideological, political, economic and socio-cultural life of the Tribal communities. The Indian democratic state accords several statutes in the constitution where the rights of Tribal communities are protected and social justice is determined for. However, the democratic experiment has not been successful in this respect. Therefore, there is a surge of Tribal movements in the country for their rights. All tribal people of India have a thing in common- they all share a history of injustice. The present paper explores within the larger framework of human rights in general and how tribal rights violated in particular, in India.*

*Keywords: Constitution of India, Discrimination, Human Rights, Indian Society, Social Justice and Tribal Communities*

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**I. INTRODUCTION****Tribal People: Indian Context**

The Tribal people in India have a long history even before the arrival of the colonial government. The Tribal societies that existed prior to the colonial intervention had their own rights and duties within their autonomous sovereign framework. Apart from the encounter of the Tribals with the various civilizations, there was also the influence of the foreign missionaries in the past and of the dominant society through the fundamentalist forces in the recent past (Minz, 1993) There is a little doubt that Tribal communities continue to be the most marginalized group in India. Social indicators of developments tell that Tribal people have life expectancies that are decades shorter than the Non-Tribals are. Any other social indicator, be it standards of health facilities education opportunities and attainment, level of employment or standard of housing, sees Tribal communities enjoying fewer opportunities, and suffering greater burdens, than the rest of the Indian population.

**II. RIGHTS OF TRIBAL COMMUNITIES ARE AT STAKE**

Human rights are the birth rights of every human being and they form an integral part of the socio-cultural fabric of humanity all over the world. However, they are vulnerable to abuse and violation. Human rights can be understood as abstract norms and values protected in laws, constitutions, and international conventions. At the same time, human rights are cultural concepts that are slowly evolving in response to social change or contestation (Nair Ravi, 2006). The paper explores how human rights have become applicable to the realities of Tribal lives, and how we can build on the international conventions and agreements that have accomplished this task to understand the dimensions of Tribals 'Human Rights' in the Indian society. Tribals 'Human Rights' provide fundamental insights into the causes, manifestations and consequences of human rights violations experienced by Tribal communities.

In India, the last quarter of the 20th century has been a witness to the growing recognition of the place and relevance of human rights due to pressure from various collective movements. It is obvious that this concern in human rights is rooted in the denial of life and liberty that was a pervasive aspect of the emergency (1975– 77). The mass arrests of the leaders of the opposition and the targeted apprehension of those who could present a challenge to an authoritarian state are some of the dominant images that have survived. The civil liberties movement was a product of the crisis. Preventing subjective detention, imprisonment, the use of the judicial process non-transparently and custodial violence were on the agenda of the civil liberties movement. For past two decades, movements of Peasants, Tribals, Dalits, Women, students and working class movements have highlighted human rights concerns (Shah, 2004)

Thus, human rights have become prominent on the national and international agenda. Coinciding with the United Nation Declaration, the Indian Constitution also replicates that, the State will not distinguish against any citizen on grounds of birth, place, ethnic, religion, caste and agreed that the promotion and protection of all

human rights is a legitimate concern of the State. These include basic survival rights to health care, shelter, food and social security; the right to work; the right to education; and the right to participate in the cultural life of one's society. However, there is a huge gap between the ideal of the human rights laws and the reality of continuing gross human rights violations of Tribal communities in India (Poutler, 1998)

#### **i. Tribal land**

Land is not only a tangible asset but is the mainstay of most of the rural folks as they are dependent on agriculture and allied activities. The tribal economy is also primarily agro-based and they have emotional attachment to land. But, with the opening of the tribal areas, the tribal land is being alienated to the non-tribals. Consequently, a large number of tribal cultivators have been rendered landless labourers. Decrease in the number of cultivators and increase in the number of landless labourers indicates the disturbing trend of land alienation. Shifting cultivation as the earliest form of agriculture continues to be predominantly practiced by the tribals. Though it has its own merits and demerits, it has become a way of life with them.

#### **ii. Land Alienation**

The incidence of land alienation varies from state to state. Laws have been enacted in all the states to deal with the problem of land alienation to the tribals in the past, an average tribal family had a fair size of land-holding which supported it even with primitive methods of cultivation. The increasing pressure of population on land particularly from the advanced section of society has forced the tribals to leave their land.

#### **Historical perspective of the problem**

The tribal areas remained outside the land management system for a long time because of their inaccessibility. They developed their own traditional system of land management. The land ownership among the tribals broadly fell under three categories namely, (i) community land, (ii) land belonging to clans and (iii) individual holdings. Some of the tribal areas were also covered by the British system of land revenues and some of them were parts of Indian princely states. These states had no uniform land tenure system. Thus, due to the absence of a regular land settlement system or up to date record of land rights, the tribals were at the mercy of the petty revenue officers, Forest Departments and the landlords. With the introduction of commercial orientation of land as a resource, there was a substantial increase in the pressure on the tribal land. The problem of land alienation started with the opening of the tribal areas as a result of developmental processes and setting up of various irrigation, power, industrial and mining projects. The tribals could not take advantage of the legal remedies on account of illiteracy and poverty. In the post-Independence period the reorganization of the States and Scheduling of the areas had far-reaching implications on the tribal land. Many predominantly tribal areas which had remained outside the scheduled areas did not get the benefit of protective land-laws for quite some time. Apart from alienation of tribal land to the non-tribals, its acquisition for various public and private purposes has also been allowed. The incidents of land alienation is more in areas which are rich in mineral and other natural resources and where there are possibilities of increased agricultural production.

#### **iii. Causes of Land Alienation**

A sizeable area of the tribal land has been alienated. The causes are:

- Indebtedness
- Lacunae in the land laws
- Acquisition of land for public purposes by the Government and other institutions
- Encroachment and forcible eviction of tribals from their land.

#### **iv. Methods of land alienation**

The general methods of land alienation have been through

- Sale
- Mortgage
- Lease
- Benami Transfers
- Collusive decrees
- Fraudulent methods and land grabbing

Sometimes land has been taken in lieu of the money loaned. Such land transfers have been affected in the form of mortgage, share cropping, marriage with a tribal woman, in the name of a tribal farm servant, adoption of a nontribal by a tribal, etc.

Apart from alienation of land to private persons, the Government has acquired substantial tribal land for various developmental projects such as irrigation, power, industrial and other projects.

#### v. Deficiencies in laws and Remedial Measures

Land alienation has been caused either due to inadequate legal provisions or lack of implementation of the existing legal provisions. Some of the inadequacies noticed are:

- Legal provisions are applicable in some states only to Scheduled Tribes living in Scheduled Areas or Notified Areas.
- Wide disparity in the application of limitation period
- The law of evidence may be suitably amended for the purposes of land alienation to give primacy to oral evidence over the documentary evidence.
- The term transfer should be comprehensive so as to include illegal and benami transfers of land
- No tribal should be allowed to transfer, surrender or abandon ownership or interest in his immovable property in favour of a non-tribal
- The state laws should be reviewed to restrict the judicial intervention at the High Court level.
- Provisions should be made to deal with cases of occupation of the tribal land through deceit and force.
- Specific time limits not exceeding three months may be fixed for restoration of land to the tribals.
- It is necessary to have some provisions for regulation of intra-tribal transfer of land.
- Many states have provided transfer of tribal land to the non-tribals with the permission of the Collector. In case of distress sale, the Government should purchase it and distribute it among landless tribals.
- The protective provisions have been relaxed in respect of tribal lands mortgaged to Scheduled Banks and financial institutions. This has been done to extend credit facilities to the tribal landowners for development purposes.

#### vi. Failure to ensure Forest Rights

After the emergence of private property and the emergence of modern nation states, as Tribal communities have no legal rights over the lands they have been living on and cultivating for generations, it became easy for the non-tribals to acquire the land of Tribal people. Often, the law declares these unregistered lands as reserved or protected forests, or sanctuaries and national parks. The access of Tribal communities to forest produce or to the grazing of cattle is rendered illegal, they are threatened and penalised for entering into the forest. A large number of these people belong to the Tribal communities. They live every day under the unpredictable threat of being evicted from their homes; the only legal protection they have is the due process of law. Over the years, when these people have protested against oppression by the forest department or raised their voices to demand legal rights, the State has used force to suppress them—to the extent of denying them the right to life.

The National Forest Policy of 1988 recognizes symbiotic relationship between forest and Tribal communities yet; the Tribal people have been systematically victimized under the Forest Act of 1927. When the Forest Conservation Act of 1980 came into implementation, thousands of acres of land of Tribal communities were encroached over night. In 2006, the government of India brought the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. The Act is aimed at undoing the age-old injustice done to Tribal communities by restoring and recognizing their pre-existing rights (Tipper, 2014). The recognition and restoration has been, however passing through rough weather in respect of its implementation. The Government of India till today has failed to notify the Rules of Procedures of the Forest Rights Act of 2006. In the meanwhile, Tribals continue to be prosecuted for accessing minor forest produce. There were 2,57,226 forest cases pending against 1,62,692 Tribal communities between 1955 and 30 June 2006 under different Sections of the Forest Act of 1927.

#### vii. Violation of PESA Act in India

To reinforce the constitutional provisions for protection of the Tribal communities, this important *Panchayat (Extension to the Scheduled Areas) PESA Act 1996*, has been enacted in recent years. The act empowers the scheduled Tribes to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution through the Gram Sabha. Interestingly, the provisions of the Panchayat Act hardly find its due place in letter and spirit. However, there are extensive violations of the PESA Act, 1996, in mining and land acquisition in the Scheduled Areas of Andhra Pradesh,

Chhattisgarh, Jharkhand and Orissa. Clause 4.e.(1) of the Panchayats (Extension to the Scheduled Areas) Act, 1996, provides that — every Gram Sabha shall approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation. Again, clause 4.(i) says that—the Gram Sabha or the Panchayat at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects. And before resettling or rehabilitating persons affected by such projects in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level (Memorandum, 2010). Despite the above provisions for the rights of the Tribal communities, no necessary initiations are taken up during any developmental project to take the opinion and consent of the Gram Sabha, which constitutes people's opinions. The recommendations of Gram Sabha are not made mandatory prior to granting prospecting license or mining lease in many cases. For example in the case of Polavaram a multipurpose project, Gram Sabhas are not conducted in villages and peoples consent has not been taken. This process is neither followed in Andhra Pradesh nor in the neighboring states like Orissa and Chattisgarh. Even though this project did not get environmental clearance, construction of project has been initiated.

The Constitution entrusts the Governor the task of ensuring peace and good governance in Schedule Five Areas, with absolute powers over the state government towards this end. Governors were also required to submit an annual report to the Parliament, which was meant to be an independent assessment on administration in Schedule Five Areas. However, since the enactment of PESA, Governors have slowly but surely been neglecting their duties towards the law, and towards the welfare of the Tribal communities. Even The government of India has also failed to materialize Tribal sub plan in the country.

#### **viii. Administrative and Socio-Economic Measures**

The tribal community and its traditional institutions like tribal panchayats exercise an enormous social and moral authority over its members. These should be effectively involved for protection of the tribal interests in land. Survey, settlement and updating of land records should be completed within a timeframe. Special courts with summary procedures should be set up for disposal of land alienation cases. A central model law should be enacted by the Government of India to provide protection to tribal interest in land. The problem of land alienation is closely linked with lack of credit facilities. Unless the tribals are provided easy credit and loan facilities, their lands will continue to be lost to the non-tribals. Protective land laws and easy availability of loan facility through Government financial institutions would effectively protect the tribal interests in land.

#### **ix. Constitutional Safeguards**

The Constitution provides various safeguards in favor of Scheduled Tribes. These may be broadly divided into two parts, viz., (1) Protection and (2) Development. Protection of interests of Scheduled Tribes is very essential for their developments.

The protective provisions are contained in Articles 15(4), 16(4), 19(5), 23, 29, 46, 164, 330, 332, 334, 335, 338, 339(1), 371(A), 371(B), 371(C), Fifth Schedule and Sixth Schedule. Articles 15(4), 16(4) and 19(5) are exception to the fundamental rights of equality and freedom guaranteed under Part III of the Constitution. Provisions for development of Scheduled Tribes are contained in Articles 275(1) first proviso and 339(2).

#### **PROTECTIVE PROVISIONS**

##### **Article 15(4): Promotion of Social, Economic and Educational Interests.**

Article 15 prohibits any discrimination on grounds of religion, race, caste, sex, or place of birth. Clause 4 of this Article empowers the state to make any special provision for advancement of the Scheduled Castes and Scheduled Tribes.

##### **Article 16(4): Reservation in Posts and Services**

Article 16(4) is another exception to the right of equality of opportunity in the matters of public employment laid down in clauses 1 and 2 of Article 16.

##### **Article 19(5): Safeguard of Tribal Interest in Property**

While the rights of free movement and residence throughout the territory of India and of acquisition and disposition of property are guaranteed to every citizen, special restrictions may be imposed by the State for the protection of the interests of the members of the Scheduled Tribes under Article 19(5).

##### **Article 23**

Article 23 prohibits traffic in human beings, beggars and other similar forms of forced labor. This is significant for the Scheduled Tribes as many of them are employed as bonded labor.

**Article 29: Cultural and Educational Rights**

This Article provides protection to Scheduled Tribe communities to preserve their languages, dialects and cultures. **Article 46**

This Article provides for promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

**Article 164**

This Article provides for a Minister in charge of tribal welfare in the states of Bihar, Orissa and Madhya Pradesh. **Article 320(4)**

Article 320(4) provides that Public Service Commissions need not be consulted as respects the manner in which any provision referred to in Clause 4 of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335.

**Articles 330, 332 and 334**

Seats shall be reserved in the House of People for Scheduled Castes and Scheduled Tribes (Article 330). Seats shall also be reserved for Scheduled Castes and the Scheduled Tribes in the Legislative Assembly of every state (Article 332). Such reservation shall cease to have effect if it expires a period of 40 years from the commencement of the Constitution, i.e., in 1990 (Article 334).

**Article 335: Limits of Reservation**

The claims of members of Scheduled Castes and the Scheduled Tribes shall be taken into consideration in the matter of appointment to the services and posts under the Union and the States as far as may be consistent with maintenance of efficiency of administration.

**Article 338: Special Officer**

There shall be a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

**Articles 371(A), 371(B) AND 371(C)**

The Constitution contains special provisions under Articles 371(A), 371(B) and 371(C) with respect to the State of Nagaland, Tribal Areas of Assam and the State of Manipur respectively.

**Article 339(1): Appointment of a Commission**

The President may, at any time and shall, by order appoint a Commission to report on the administration of Scheduled Areas and the welfare of the Scheduled Tribes in the States (Article 339-1).

**ECONOMIC DEVELOPMENT****Article 275(1)**

Article 275(1) first proviso envisages provisions for grants-in-aid for meeting the cost of such schemes of development as may be undertaken by a state with the approval of the Government of India for the purpose of promoting the welfare of its Scheduled Tribes or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of the state.

**Article 339(2)**

Article 339(2) empowers the Union Executive to issue directives to a state as to the drawing up and execution of schemes specified in the directive to be essential for the welfare of the Scheduled Tribes in the state

**III. CONCLUSION**

Violation of human rights creates many economic and emotional problems. It affects the nature and welfare of human beings, and creates many disorders. It is possible to imagine the life chances of Tribal communities improving through the implementation of practical measures along with considering the rights accorded. However, silence on rights will always carry with it the danger of a return to paternalism and the treatment of an identifiable group of people as a problem worthy of charity, not as a group of human beings to whom society has responsibilities and duties. Although the Constitution has made elaborate provisions for safeguarding the interests of Scheduled Tribes, the enforcement of the same has not been of desired level. Unsatisfactory implementation of the Constitutional Safeguards is one of the important factors of discontent among the Tribals. The constitutional guarantee, which governs and protects the rights and sovereignty of Tribal communities, need an immediate implementation. Otherwise, this would lead to a disappearance of the various Tribal communities from the human picture. The Tribal communities' sovereignty is at stake by the intervention of non-tribes in their area. Therefore, there is an immediate need to constitute Tribal autonomy councils so that the Tribal communities themselves can look after the rules, implementation and development of the localities.



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**EXPERIENCE OF ELECTORAL PARTICIPATION BY WOMEN OF SC/ST AT ELECTIONS TO  
LOCAL SELF GOVERNMENT IN KARNATAKA WITH SPECIAL REFERENCE TO DR. B.R.  
AMBEDKAR THOUGHTS ON SOCIAL JUSTICE**

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Dr. B.R. Ambedkar advocated social and economic democracy and insisted that without them there would be no peace, happiness and progress. He wanted to ensure social equality between man and man, but also status and dignity between man and women. Further he opined the effort of Lord Buddha was the beginning of a revolution and liberation of women in India.

The implementation of Constitutional 73<sup>rd</sup> and 74<sup>th</sup> amendment has opened a new door of hope for retro-participation of women belonging to SC/ST along with women belonging to backward classes at the level of local self-government elections as members of local bodies and also as the chairman, Vice- Chairman and that of the president and Vice- President of Panchayat's and the municipalities.

**CONCEPT OF SOCIAL JUSTICE**

As quoted by Dr. Babasaheb Ambedkar "So long as you do not achieve social liberty, whatever freedom provided by the law is of no avail to you."<sup>1</sup>

The term Social Justice is quite comprehensive. According to Dias, "Justice is not something which can be captured in a formula once or for all; it is a process complex and shifting balance between many factors."<sup>2</sup>

Justice may be natural or distributive in nature. Social justice is basically a term which provides substances to the rule of law. It has a wider connotation in the sense that it includes economic justice also.

Dr. Ambedkar had firm belief that in the exiting cast ridden society, the only way to 'social justice' for the down trodden lots was through their progress in educational, social and economic fields.

**THE CONCEPT OF WOMAN LEADERSHIP AND CONTROL UPON THE SAME IN PANCHAYATS**

Woman in general and dalith woman in particular are eligible to contest elections at Panchayath levels for all the positions due to the constitutional 73<sup>rd</sup> and 74<sup>th</sup> amendments.

The Government of Karnataka has already established by Government Order Women, children, the schedule caste and schedule tribe, the backward class, linguistic minorities, sexual minorities, senior citizens, the dis enfranchised migrants and the differently abled, need their own space to discuss issues particular to them and their communities and design plans to address them.<sup>3</sup>

However due aforesaid reasons elected Panchayat women members are subject to one or the other type of control in discharge of their Panchayat functions.

**STATEMENT OF THE PROBLEM**

All women are allowed to contest elections in local self-governments by way of implementation of affirmative action. Yet, the electoral participation in many Panchayat's and municipalities represented by women in different capacities is dominated by the will of the men for taking free decisions by women and the local self-governments. Therefore due to over interference of men by the working of women in local self-governments, the electoral representation through affirmative action is struggling out to be not so useful for women. Therefore, there is a need to address these types of problems which restrict the working of women in local self-governments.

**OBJECTIVES OF THE STUDY**

To study the practical implementation of reservation for women in local self-governments in the villages of Tumkur Taluk

To study about the level and degree of interference in functioning of women by men in local self-governments

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<sup>1</sup> Report of the Karnataka Panchayat Raj Act Amendment Committee pg. 127

<sup>2</sup> Surendra Singh, Dr. Ambekar's Contribution to Social Justice, Published in B.R. Ambedkar, Study in Law And Society (1977), edited by Prof. M. Shabbir Rawat Publication, Jaipur, pp,78-79.

<sup>3</sup> Ibid FN 2 pg. 43

**SIGNIFICANCE OF THE STUDY**

The study is significant for one reason that it enables to understand the practical application and implementation of 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments for electoral participation of women in local self-governments.

**SCOPE OF THE STUDY**

The scope of the study is limited to five villages in the jurisdiction of Tumkur Taluk for carrying out an empirical research.

**HYPOTHESIS**

1. Men interfere with elected women functionaries at local self-government.
2. Affirmative action is becoming irrelevant for electoral participation of women at local self-government.

**METHODOLOGY OF RESEARCH**

The author as a researcher adopts doctrinal and non-doctrinal methods for carrying out the research on the topic of this paper.

The researcher for the purpose of non-doctrinal research selected a very small sample of five Village Panchayats of Tumkur taluk Panchayat and analyzed the position of five elected members functioning and interference into their functions by their husbands and other members of the Panchayats. The data of the same was collected by administering questionnaire to the elected women members of the Panchayat.

The analysis of data is mentioned in tabular format as under:

**ANALYSIS OF CATEGORY OF WOMEN ELECTED TO PANCHAYAT****Table: No.1 Women Member elected under Category for Gram Panchayat:**

SI No.	Name of Candidate	Name of Village	Category
1	Mrs.Puttarangamma	Changavara	2A
2	Mangalamma	Kundhere	2A
3	Jayalakshmma	Bidaragere	2A
4	Kallamma	Nettekere	C-1
5	ManjulammaT	Talakulura(sira)	3A

Table. No1 Show that Major women Gram panchayat are from Category of 2A and one each of C-1 And 3A

**Table No. 2 : % of Women members elected to Panchayats**

Name of Gram Panchayat	Women Member	Total Elected Member	% of women member
Changavara	06	13	46.15
Belagumba	10	18	55.5
Bidaragere	13	23	56.6
Changere	06	12	50
Talakulura(sira)	04	08	50

Table No. 2 shows that more than 50% of women members are elected to Panchayat out of the total number of elected members. In Changavara Gram Panchayat the percentage of elected women to Panchayat is 46.15%, whereas the percentage of women members elected for other gram panchayats is 50% and above.

**Table No. 3: Education Qualification & Age of Women in Gram Panchayat:**

Sl. No.	Name of the women member	Name of Gram Panchayat	Age	Education Qualification
1	Mrs.Puttarangamma	Changavara	48	High School
2	Mangalamma	Belagumba	30	SSLC
3	Jayalakshmma	Bidaragere	35	SSLC
4	Kallamma	Changere	57	No
5	ManjulammaT	Talakulura(sira)	38	3 <sup>rd</sup> Std

The educational qualification of elected women members is sufficient to read and write. However two elected members age is above 40 years and other three women member's age is within 40 years.

**Table No. 4: Level of Interference by Husband and other members of Gram Panchayat into the functions of Elected women members:**

Sl. No.	Name of the women member	Position of the Husband	Level of Interference in the functioning of women members
1	Mrs.Puttarangamma	Farmer and Contractor	There is no interference
2	Mangalamma	Farmer	There is no interference
3	Jayalakshmma	Farmer	There is no interference
4	Kallamma	Farmer	There is interference
5	ManjulammaT	House hold	There is interference

Table No.4 show that the position of husbands of elected women members to Panchayats is farmers whereas the husband of elected women member is a contractor and farmer whereas the other elected women member husband is taking care of house hold. Further out of 5 women elected members to Panchayat, husband's and other members of Panchayat interfering into two women elected Panchayat members. Whereas there is no any interference by anybody into the functioning of three women elected members to Panchayat.

#### **REFORMS IN LAW FOR AVOIDING PROXY INTERFERENCE OF PERSONS IN THE DISCHARGE OF FUNCTIONS BY WOMEN MEMBERS IN PANCHAYAT**

There is a need for separate amendment for penalizing and sentencing for punishment by treating proxy "interference" into woman functions at Panchayat as an "offence of atrocity against the woman" by way of inserting amendments to Panchayat raj legislations.

Any man and woman who deliberately involve in proxy interference into women functions at Panchayats should be suspended from membership of Panchayat for period of six months.

There should be compulsory training for woman for a period of one year for filling confidence to function independently without any fear or favour. Suitable rules must be framed for training elected woman Panchayat member.

#### **CONCLUSIONS**

The researcher respectfully concludes that the concept of social justice as enunciated by Dr. B.R. Ambedkar in the area of democratic participation of women at Panchayats is gradually delivering the results for positive participation. However, there is surely an element of interference into the functions of women elected members of Panchayats by their husbands and other members of the panchayat. If this interference is stopped the women members will be able to function effectively.

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**A GLIMPSE ON ILO STANDARDS ON MIGRANT LABOURS AND THEIR RIGHTS IN INDIA**

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**INTRODUCTION**

With the advent of Industrial Revolution in Europe, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, a new class of factory workers was emerged in the world economy. Capital and labour were main factors of production in the production processes of industrial revolution. Consequently, producers or owners and workers were emerged in the private economy. So far as welfare of the society is concerned, it was necessary to maintain labour standards for workers and provide them welfare facilities as per labour standards. Therefore, the International Labour Organization was established in 1919, under the treaty of Versailles. After the second war period, the United Nations General Assembly adopted the Universal Declaration of Human Rights. The most important fundamental international instrument informing much social, economic and political policies of many developed and developing countries in the world is the Universal Declaration of Human Rights, December 10, 1948. However, the human rights have been incorporated in the constitutions of many countries in the world. According to International Labour Organization's principles and rights at work, core rights are important for working class in the world economy. India is a developing country. India adopted new economic policy in 1991, which is known as liberalization, Privatization and Globalizations (LPG). New economic policy has changed the face of the country. Globalisation brings in its wake restructuring of production processes, and employment relations. (Mishra, 2001). In the era of globalization, it is necessary to discuss relevant aspects of labour standards and labour rights, dimensions of decent work in respect of migrant workers in the developing countries like India.

**CONCEPT OF DECENT WORK**

According to Reddy, (2005), Decent work refers to work wider than job or employment including wage employment, self employment and home working and is based on the core enabling labour standards viz, freedom of association, collective bargaining, freedom from discrimination and child labour. Besides, Rodgers (2001) observes that the word decent too involves some notion of the normal standards of society, lack of decent work therefore has something common with concepts of deprivation or exclusion, but of which concerned with social and economic situations, which do not meet social standards. Decent work is a broad concept which is related to overall development of the society and workers. Rodgers (2001) says that decent work is a way of capturing interrelated social and economic goals of development. Development involves the removal of unfreedoms such as poverty, lack of access to public infrastructures or the denial of civil rights. Decent work brings together different types of freedoms. such as labour rights, social security, employment opportunities etc. Therefore, there are four dimensions of decent work, (i) work and employment itself (ii) rights at work (iii) security (iv) reprehensive at work dialogue. The goal of decent work is based on sound ethical principles of ILO. The main goal of decent work is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security, and human dignity. Mishra (2001) pointed out position of the population in the global economy, about three billion people today live on less than 2 dollars a day. It means that half of the global population is not even close to a decent standard of living. More than a billion people do not have enough to eat every day.

**LABOUR RIGHTS**

Let us discuss aspect of labour rights, which is concerned with decent work. Social security is a fundamental right of labour, which is guaranteed by law to all human beings, who live their own labour and who find themselves unable to work temporarily or permanently for their control. In terms of social security, the first beginnings were made at the time of French Revolution when a Declaration of the Rights of man was proclaimed. It served as a preamble to the French Constitution of 1793. Which stated; inter-alia public assistance is a sacred duty (singh, 1997). According to Article 22 of the Universal Declaration of Human Rights, every member of society has a right to social security. The ILO declaration on fundamental principles and rights at work is a major step in this direction. Development must bring about an improvement in the living conditions of people. It should, therefore, ensure the provision of basic human needs at all. (Nayar, 2003).

The international covenant on economic social and cultural Rights of the United Nations is another international instrument bestowing workers with economic social and cultural rights. So that they enjoying these rights of self-determination can freely pursue their economic, social and cultural development (shyamsundhar, 2004). The Indian Constitution (GOI, 1991) provides for citizenship rights in part II. Citizenship rights are regarded as fundamental, because they are most essential for the attainment by the individual of his full intellectual moral

and spiritual status. The guarantee of the minimum rights at the workplace will enable people to claim and realize a fair share of the wealth. The guarantee of these rights will ensure a process of translating economic growth into social equality. The development thus becomes synonymous with the agenda of integrated development. (Mishra, 2001).

According to the Directive Principles of State Policy of the Indian Constitution, (GOI 1991) The state is required to secure for the citizens, both men and women to right to an adequate means of livelihood, equal pay for equal work for both men and women, protection against abuse and exploitation of worker's, economic necessity, protection of their health and strength, to secure for children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and protect children and a youth against exploitation and moral and material abandonment. The state is also required to secure equal justice and free legal aid, to make effective provisions for right to work, to education and to public assistance in cases of undeserved want, to ensure just and human conditions of work and maternity relief, to secure work, a living wage and a decent standard of life to participation of workers in the management of industries.

However, citizenship rights are essential for the development of the citizens of the country. According to Thorat, (2008), in complete citizenship or denial of civil rights (freedom of expression, rule of law, right to justice) political rights (right and means to participation in the exercise of political power), and socio-economic rights (right to property, employment, and education) are key dimensions of an impoverished life. Besides, Mishra (2001), states that we need to recognize that the right to move freely from one part of the territory of a country to another or one part of the globe to another is a basic right which should not be denied to workers.

### **LABOUR STANDARDS**

The International Labour Organization (ILO) has played a significant role in promoting International Labour Standards. (ILS's). The ILO has formulated international labour standards at various conferences. In 1944, the conference of Philadelphia adopted the Declaration of Philadelphia, which restated the fundamental aims and purposes of the ILO. Several acronyms have been used to describe labour standards such as fair labour standards, minimum labour standards, basic or core labour standards etc. Several factors have also been attributed to non-observance of labour standards such as unfair trade and labour practice, state of underdevelopment, absence of work place co-operation and so on (Mishra, 2001). With a view to improve labour conditions through the forum of tripartite committees, the international labour organization passed the convention on June 1976. The preamble of the last ACP-EEC (African Caribbean and Pacific States) convention signed at Lomé in 1984. Besides, the world summit on social development held at Copenhagen in March 1995 had tried to establish the basis for such a minimum level of social protection by creating an international consensus on fundamental minimum labour standards. Since its inception the international labour organization has adopted 181 legally binding conventions and 188 recommendations aimed at improving labour standards across the globe. There are eight core labour standards. There are four categories such as:

- i) Right to freedom of Association and collective bargaining
- ii) Elimination of forced labour
- iii) Elimination of child labour
- iv) Elimination of discrimination in matter of occupation and wages. (Mishra, 2008).

However, there are important seven conventions. (convention No's 29, 87, 98, 100, 105, 111, and 138) (Mitra, Kaushal, 1998). These Conventions are also known as social clause, labour clause, social concerns etc. These are the instruments in the hands of ILO in to improve the living and working conditions of working class in the third world. (Nath, 1998). The ILO provides for a tripartite arrangements between employers, workers and state to legislate and execute the international labour standards in the member countries. The international labour standards protect workers in various sectors. They include freedom of association, equal pay for equal work, safe working conditions, abolition of forced labour and sex based discrimination, employment protection, provision of social security, protection of migrant workers, elimination of sexual harassment of women workers and others. These international labour standards were formulated and few of them were amended by the international labour organization between 1919 and 1978 with a view to protect the material and moral interests of the workers. (Singh, 1998).

### **LABOUR STANDARDS FOR WORKERS IN INDIA**

Now, we are going to discuss relevant aspects of international labour standards and the position of India. regarding labour standards. India is a founder member of the ILO. India has ratified 37 of the 181 conventions. The constitution of India upholds all the fundamental principles envisaged in the seven core international labour standards. Out of the seven core labour conventions, India has ratified three, they are (i) forced labour No. 29,

equal remuneration No.100. and discrimination No.111. The government of India has ratified some conventions such as hours of work industry convention 1919, night work (women) convention 1919, minimum age convention 1919, Right to Association (Agricultural workers), workmen's compensation, 1925, Equal Remuneration convention 1951, (Venata Ratam, 1998). However, freedom of association and Right to collective bargaining (convention No.87 and 98) both conventions are not ratified by India due to technical difficulties involving trade union rights for civil servants. Freedom of Association is guaranteed as a fundamental right in the Indian constitution, Trade Union Act 1926 meets with part of the objectives of the convention.

The Indian Constitution, (GOI, 1991) upholds the principle equality between men and women. Laws have been enacted fixing the hours and minimum wages of labourers and to improve their living conditions. Various security schemes have been framed. Besides, there are various labour laws, like Trade Union Act 1926, The Minimum Wages Act 1948, Employees State Insurance Act 1948, Industrial Disputes Act 1949, Industrial Disputes Decision Act 1955, Payment of Bonus Act 1955, Personal Injuries, (compensation insurance) Act 1963, Maternity Benefits Act 1967, Contract Labour (Regulation and Abolition) Act 1970, Bonded labour Systems (Abolition) Act 1976, Equal Remuneration Act 1976, Interstate Migrant Workmen (Regulation of Employment) Conditions of Service Act 1979, The Child Labour (prohibition and Regulation) Act 1986 etc. However, these labour laws and policies are applicable for workers in the organized sector only. What is the present position of unorganized workers in India? Have they got basic rights of labour as per labour standards in India? Have they been protected by various labour laws in India? What is the status of migrant workers in India? These are main issues of unorganized workers in India. They constitute 92 percent of the total workforce in the country. As against this an estimated 8 percent of the labour force in India falls in the formal or organized sector, which is protected by compressive labour laws covering Industrial Disputes, Unfair dismissal trade union rights, wage and working conditions, health, insurance, security schemes etc.

### **DETERMINANTS OF MIGRATION**

Now, we can discuss about the concept of migration. The problems of migrant workers have become very important in many developing countries of the world. The process of theorization of migration began in the 19<sup>th</sup> century. It has been discussed by many researchers, who have emphasized social and cultural, distant and economic factors as causes of migration. Migration of labour started in India during the period of British colonial rule. It was aimed at meeting the requirements of capitalist's development both in India and abroad. The labour was moved from the hinterland to the sites of mining, plantation and manufactories. It was recruited from the rural areas and regulated in such a manner that women and children remained in the villages while males migrated to the modern sector. (Gill, 1998). Generally, there are two basic factors of migration: i) Distance ii) Duration. From the distance point of view, migration can be classified under four categories:

i) Rural to Rural ii) Rural to Urban iii) Urban to Rural iv) Urban to Urban.

Besides, migration can be divided into following categories:

i) Intra-district, ii) Inter-district iii) Intra-state iv) Inter-state v) National and International.

From the duration point of view migration can be studied under three categories:

i) Casual-temporary ii) Periodic- seasonal iii) Permanent.

Todaro (1969), tried to explain migration in developing countries in terms of push and

pull factors respectively. Therefore, the motives of migration are classified as push factors (which emphasize on the situation at the origin, that is, place from which migration started) and pull factors (which emphasize on the situation at the destination). Unemployment, flood, earthquake, drought, (i.e., natural calamities) etc, are the push factors. Pull factors that determine migration such as attraction of city life, for education, health, development of backward community, job opportunities and training facilities and so on. The push and pull factors of migration among a tribal and lower income groups of population are categorized under the following heads

(i) Ecological factor (ii) Demographic factor (iii) Social and Cultural factors.

### **MIGRATION OF LABOUR IN INDIA**

The problem of seasonalisation in agro-based industries can be found in a large number of countries. Firstly, we have to define seasonal factory, seasonal factory is one which normally works for more than half the days of the year. The main feature of nearly all the seasonal factories is that the workers are still agriculturists and the great majority live in their village homes. The workers are generally quite unorganized and wages tend to be low. (GOI, 1931). There are some of the important key questions, we need to seek answers like, (i) who are the

migrant workers? (ii) Why do they migrate from their native places? (i) Where do they migrate? What is the status of migrant labour in respect of labour standards in India? Do they know about their labour rights?

For the purpose of migration, some studies and reports have tried to seek answers of these questions, and they have discussed the problem of migrant workers in India. Agriculture is the main source of the population of India. The agriculture on which the bulk of the rural population in our country has to depend for the main source of livelihood. Which is itself largely dependent on the precipitation and distribution of rainfall; failure of rain and consequent failure of agriculture greatly reduce the purchasing power of this large segment of population, recurrence of such situation called as drought.

In India, droughts occur once in every five years in some parts of India (MEDC, 1974), viz., West Bengal, Madhya Pradesh, Kerala, Coastal parts of Andhra Pradesh, some parts of Maharashtra state, like Marathwada, east and west parts of Maharashtra, interior of south Karnataka, Bihar, Orissa, Rajasthan and other parts of India. At present, Cultivators, small and marginal farmers, agricultural labourers, landless labourers etc, have to face the problems of natural calamities in India. According to Desarda (1987), drought is not caused by niggardliness of nature, but failure of the system properly plan and use the resources of land and water, he further emphatically stressed that water resources of India are colossal but they are seasonally, regionally distributed and very compressive water resources, planning is reduced to combat recurrent droughts and raving floods. However, the problem of chronic under employment in rural areas is thus essentially due to the event of a failure of seasons and lack of resources. (Gadgil, 1972). At present, about 27.5 percent of the population is below the poverty line in India, (in which section of the society is unable to fulfill its basic necessities of life like food, cloths and shelter etc) The planning Commission of India in its Approach to the 11<sup>th</sup> Five year Plan, 2006 estimated that 27.8 percent of population was below the poverty line in 2004-05. Datt and Sundharam (2008) have shown state level data on poverty ratios during 2004-05. States with poverty of less than 15 percent were Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh, Delhi, Andhra Pradesh. As against them. States with poverty ratios above 30 percent were Maharashtra, Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chattisgarh, Uttarakhand, and Orissa.

The problem of poverty is directly related to the existence of unemployment, underemployment and low productivity. (NIRD, 1984). Agriculture is a seasonal occupation, which can not open job opportunities round the year to all (Powar, 1983). In the absence of irrigation facilities permitting multiple cropping, the monsoon agriculture enjoins on a majority of the rural labour force on a extended period of seasonal unemployment (Myrdal, 1970). These help less dispirited unemployed labour leave their village homes and join to swell the already over populated areas not only in India but also in other parts of the developing and developed countries, whose agricultural labourers are shifting to industrial sector (ILO, 1960).

The marginal productivity of the members of the family is negligible or zero from agriculture, their continuance in agriculture would add no food to the total. (Singh, 1965). The majority of the agricultural labourers, small and marginal farmers do not get enough work during the off season, consequently, they migrate from insufficient food and limited sources of geographical areas to job opportunities areas. (Vakil 1978, Galbraith 1958). Therefore, we can say that agricultural labourers and other workers are migrating from drought prone areas to irrigated and industrially developed areas for part time work or seasonal types of jobs. Especially. Workers migrate from their native places to urban areas or other places of work due to various reasons.

### **STATUS OF MIGRANT LABOUR IN INDIA**

The National Commission on Rural Labour in India (NCRL, 1991) estimates more than 10 million circular migrants in the rural areas alone. These include an estimated 4.5 million inter-state migrants and 6 million intra-state migrants. The Commission pointed out that there are large number of seasonally migrant workers in the agriculture and plantations, brick kilns, quarries, construction sites and fish processing. The problem of seasonal migrant workers in the sugar industry and other agro-based industries is not a new phenomenon in India. There are more than 500 sugar factories in India. (Datt, Sundharam, 2008) The average crushing season of the sugar factories varies from 116 to 165 days. In the country, Agricultural workers migrate from drought prone areas of Maharashtra state to irrigated areas or industrially developed areas of the state for seasonal work in the sugar factories. There are about 12 lakh sugar cane cutters, transporters, sugarcane harvesting seasonal migrant workers in the Maharashtra state. The majority of seasonal workers or poorer live in the rural areas and belong to the categories of landless labourers, small and marginal farmers, scheduled castes and scheduled tribes and other backward classes. (Salve, 1990). These people have either no assets with very productivity, a few relevant skills and no regular time or very low paid jobs seasonal. Besides, migrant workers are engaged in different types of jobs such as brick kilns, salt pans, stone quarries, construction (irrigation, canals, dams, road building) in agri-



business like harvesting of sugarcane. Large numbers of bonded labourers nowadays are seasonal migrants (Bremar, 2008).

Srivastava's study (1998) shows state wise data of migrant workers in different sectors of India. Haryana state provides employment to a large number of migrant workers from Uttar Pradesh and Bihar. Some workers migrate to Tea and coffee plantations in Karnataka states, West Bengal and Assam states employ migrant labourers from Tamilnadu, Andhra Pradesh and Bihar. Besides, and more than 12 lakh inter-state migrant workers work in the agricultural sector. Brick kilns provide temporary employment to around 10 lakh. Seasonal migrant workers. Various construction workers, road, railway, buildings, dams. Canals etc seem to employ nearly 20 lakh inter-state migrants. Around 45 lakh inter-state migrant workers work for temporary periods in different sectors. Besides, large numbers of seasonal migrants work in the urban informal manufacturing, construction services or transport sectors as casual labourers and so on.

In Maharashtra state, there are 10 lakh handloom and power loom workers, 8 lakh workers who are engaged in building and construction sectors. In the Western Maharashtra state, sugar factories engage near about six lakh seasonal migrant workers from drought prone areas of the state. Agriculturally developed regions in West Bengal and Madhya Pradesh draws labourers from other districts within the state or other states. (NCRL, 1991). So far as recruitment process is concerned, in the agricultural sector, migrant workers are recruited directly by the farmers themselves or through a chain of middlemen like contractors or mukkadams or thekeddar etc. The recruitment process in the non-agricultural sector is also organized through contractors or middlemen in a number of industries. Loans and advances to migrant workers are adjusted through them. Expenses and transportation or other costs etc are deducted from their payments in the few months.

#### **QUALITY OF LIFE AND LABOUR STANDARDS FOR MIGRANT LABOUR**

After independence, many labour laws have enacted by the government of India. Besides, the government also adopted various labour policies in order to improve wages and working conditions of workers in the organized and unorganized sectors. We need to discuss about the quality of life and labour standards for the migrant workers in India. In terms of wage policy in India, it has been observed that male and female migrant workers get lower wages than minimum wages. They do not get minimum, wages stipulated under the minimum wages Act, 1948. Long and flexible working hours, combined with low wages are reported in the case of most seasonally migrant workers in India. (Singh and Iyer 1995, Krishnaiah, 1977, Salve, 1990). There is no fixed time of work for migrant workers; they work more than 12 hours a day instead of 8 hours a day. Harvesting of sugarcane by migrant workers, sugarcane cutters, transporters and brick kiln workers work for 12 or more hours per day (Srivastav 1998, Salve 1990). So far as wage rates of women workers are concerned, it has been observed that migrant women workers are paid lower wages than male workers in certain operations.

Therefore, it should be noted that 'the principle of equal pay for equal work' is not also strictly adhered to the fixation of wage rates for contract basis male and female seasonal migrant workers as per the Equal Remuneration Act of 1976. Most of the migrant workers are illiterate, ignorant and belong to scheduled castes, scheduled tribes and others socially, economically, weaker sections of the society. The Disadvantaged Groups of the Society, Handicapped people, who can not earn a decent living as other normal people. (Mishra, 2001). Bremen (2008) shows that recruitment for work in brick kilns, stone quarries or salt pane takes place in the off season, when workers are offered an advance payment for making their labour power available later on. This is most clearly demonstrated in the case of seasonal migration.

It has been observed that migrant workers are not aware of their rights or labour rights, like right to equality, right to work, right to secure work, a living wage and a decent standard of life, security scheme, health, right to form association, right to freedom, cultural and educational rights, etc. There are various workers in the unorganized sectors such as bamboo cutters, salseed collectors in orissa state, the fisherman and women, the leather flayers and tunners, the salt workers, the beedi workers, the hand loom weavers, the hand crafts men and women, the workers in brick kilns and stone quarries etc. All these workers. Who all victims of the same situation. This handiwork of a system, which breeds inter-mediaries or middlemen who reap a lot of unmerited benefits at cost of the labour of these people. They are victims of both unfair labour practices as well as a state of underdevelopment. (Mishra, 2001).

#### **SOCIAL SECURITY FOR MIGRANT LABOUR**

The ILO is constitutionally bound to promote social security programmes and measures providing basic income to all in need of protection. Social security systems provide nine types of benefits as defined in the social security (minimum standards) convention, 1952 (102) namely, medical care, sickness and maternity, medical care, sickness and maternity benefits, family benefits, unemployment benefits, employment injury, invalidity

and survivor's benefits, old age benefits. Therefore, social security is the very foundation of a decent society, it is the primary source of social legitimacy. (Mishra, 2001).

Singh (1997) observes that in most of the developing countries there are no bilateral agreements and no national legislation, specifying the rights of migrant workers, who do not therefore, enjoy the benefits of social security schemes in the countries to which they have migrated. In the era of globalization, there has been growing casualisation of workers, therefore, workers are struggling for their labour rights and their dignity of life. Generally, unorganized workers, have been suffered from the problem of unemployment, lack of social security.

The ILO estimates suggest that 150 million people are fully unemployed. Many more are forced to eke out a living in casual or occasional jobs, low productivity self, self employment or other forms of unemployment. Unemployment has growing millions as a result of the financial crisis in Asia and other parts of the world; more than 50 percent of the world's population is excluded today from any form of social security. (Mishra, 2001). Bremen's study (2008) shows that the employers are only interested in maximizing their material profits, which they do by paying low and piece-rated wages without accepting any responsibility for the basic security. Most of the migrant workers do not have adequate shelter, drinking water or toilet facilities.

It has been observed that seasonal migrant workers in sugar factories in the Maharashtra and other states, they have to stay in make shift shacks, huts or in the open and have no access to safe drinking water. The Factories Act of 1948 makes it obligatory on the employers to provide drinking water, washing, bathing facilities for workers and latrines and urinals for workers etc. It was found from the surveyed sugar factories that drinking water, washing and bathing facilities, other facilities were totally absent for contract basis seasonal migrant workers in the premises of the sugar factories (Salve, 1990). Health hazards are a serious problem for the migrant workers in various sectors. Construction and brick kiln migrant workers suffer from a number of diseases which are a result of their occupation or working conditions. Accidents and lung diseases are common among construction workers. (Srivastav, 1998) The ILO estimates suggest that only 10 percent of the world's workers have truly adequate social protection (Rodgers, 2001).

So far as women workers are concerned, women constitute a significant part of the workforce in India. However, the work participation rate of women's still very low. In 1993-1994, the percentage of women in the workforce was 28.6 against 54.5 for males. The work participation rate of women is low as compared to U.S.A. 42.7 percent and Italy 53.8 percent. More than 90 percent of the total workforce of the country is engaged in the unorganized sector. Of the total employment of women, they comprise only 4 percent of the organized sector, and 96 percent women are employed in the so called unorganized or informal sector, which is unorganized, non-unionized, low waged and with unhealthy almost inhuman working conditions. It is true that women labour is predominant in the unorganized sector.

In 1997, the ILO introduced convention about sexual harassment of women workers at the work places. The definition of sexual harassment adopted by ILO has been accepted by the government of India. But the growing informalisation or casualisation or marginalization of women at work places serious threats regarding the ILO convention. Women workers in unorganized sectors are, generally, sexually exploited. (Heggade, 1998).

Migrant women workers are exposed to the risk of sexual harassment and exploitation. (Acharya, 1987, Sardamoni, 1995, Teerink, 1995,) So far as women migrant workers are concerned, women workers work in various factories, like sugar factories, handlooms and power looms and cotton ginning mills for the nature of temporary, seasonal, part time work. However, migrant women workers in India, who are often in low skilled occupations in sectors not efficiently covered by national labour laws and standards, and vulnerable to various forms of exploitation including sexual harassment at the places of work (Mishra, 2001).

Besides, India has the largest number of world's working children which is almost 40 percent of the number of children in the world force. The incidence of child workers in the unorganized sector is much higher than those in the formal organized sector. (Nath, 1998).

Among four core labour standards the deplorable violation in India is practice of child labour. Uniform labour standards in the context of child labour can not be implemented in rural and urban areas of India. Unevenness of economic development makes it difficult to apply uniform labour standards. (Kothari, 1998).

In terms of bondage labour system, bondage and servitude has been reported in the brick kilns, stone quarries, building and road constructions, agriculture and plantations, and other unorganized sectors in different forms (Nath, 1998). The proportion of bonded labour is more among migrant workers, who belong to backward community i.e. Scheduled castes and scheduled tribes. (Daily Samarth, 10th may, 2009.) According to

Bremen's study (2008), the new forms of labour bondage can also be found in rural or urban based industries like rice mills, small-scale carpet workshop, gem processing ateliers etc. In all these cases, labour bondage is a feature of the employment modalities of vulnerable segments of the workforce in the informal sector of the economy. So far, action taken by the state to end labour bondage has remained ineffective (Bremen, 2008). It should be noted that Child Labour Prohibition and Abolition Act 1986, Bonded Labour System (Abolition) Act 1976, Maternity Benefits Act, 1967, Equal Remuneration Act, and other labour laws have not been implemented effectively in order to improve working conditions of migrant workers, these labour laws have not also covered workers in the unorganized sectors in the country.

Bremen (2008) found that certainly the abolition of Bonded Labour Act (1976) was introduced to fight strictures on the freedom to work as a legal right. The enactment failed to release this objective because it did not go beyond addressing forms of agrarian bondage, which still lingered on the different parts of India. Besides, the maternity benefits are not available for contract based migrant women workers and employed in agriculture, construction, brick kilns and other temporary, seasonal, part time work, because they come under the unorganized sector.

In the sugar factories of Maharashtra state, it was observed that pregnant migrant women workers were found to be suffering from sickness like toxemia, nutritional anemia, trichomoniasis etc. In the case of illness arising out of pregnancy, miscarriage migrant women workers, none of the served sugar factories had provided medical facilities to seasonal migrant women workers in pre natal and post natal stages. (Salve, 1990). There is significant disparities in the provision of maternity benefits. The violation of the Maternity Act goes unchallenged because there is no strong organization of contract basis seasonal migrant workers in India.

### **COLLECTIVE REPRESENTATION OF MIGRANT LABOUR**

The international covenant on civil and political rights shows about the freedom of association of workers. It declared that no restrictions should be placed on exercising the rights of workers other than those which are necessary in a democratic society. (Shaym sundhr, 2004). India is a founder member of the ILO. India has ratified 39 of the 182 conventions; however, it has not ratified the conventions relating to two subjects. Freedom of organization and collective bargaining (No. 87 and 98). It has been observed that the employees have not fundamental, statutory and moral or equitable right to strike in the country. The Supreme Court of India pronounced that even the case of legal or justified strike, the principle of 'no work no pay' could be applied (Shyam sundhr, 2004). In the Indian Constitution, Article 19 and Article (1-c) have given the right to association. But for diverse reasons the Supreme Court has consistently held that the right. (Rama swamy, 2004). So far as Tamilnadu case is concerned, the government employees and teachers in Tamilnadu went on strike in July 2003 to protect against the changes in the conditions of service. The Tamilnadu Government imposed the Tamilnadu Essential Services Maintenance Act (TESMA), 2002, the employees who were united under eighteen different trade unions, were dismissed without given them a chance to be heard. This is in complete violation of all the principles of natural justice. The judgment also reflects the ideological domination of neo-liberal agenda in the national policies. The agenda claims to bring in labour flexibilization through the policies of 'hire and fire' (Pandhe, 2004). Mishra's study (2001) shows that globalization has adversely affected the exercise of the rights of freedom of association and collective bargaining.

As a matter of fact, any citizen of the country should have the right to express his grievances. It is his fundamental right. It has been observed that only the workers organized under the trade unions have the right to express grievances and to fight for rights. But what about the workers in the unorganized sector, workers who are not organized under any trade unions? Certainly, they belong to lower strata of the society in comparison to the organized workers, who will protect the interests of the unorganized workers? like migrant workers and contract based workers in different industries. Today, migrant workers as well as unorganized workers are struggling for labour rights and labour standards. There are various problems of migrant workers like the abolition of contract labour system, implementation of the provisions of the labour laws, an eight hours working day, payment of minimum of wages, social security schemes, insurance, labour welfare amenities.

Therefore, National Commission on Labour report (GOI, 1969), pointed out that there is wide disparity in the wages and working conditions of direct labour and contract basis labour, Wage Boards Constituted for different industries have recommended extension of uniform Wage rates for both direct and contract labour. But in the absence of an effective implementation machinery, contract basis labour is generally paid wages below the rates prescribed for regular workers in industry.

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**CONCLUSION**

Decent work is a broad concept which is related to social and economic goals of development. It brings together different types of freedoms. There are four types of dimensions of decent work, such as work and employment itself, rights at work, security, and representative at work dialogue. The International Labour Organization has played a significant role in promoting International Labour Standards. India has advocated the promotion of labour standards within the frame work of the ILO Constitution. More than 90 percent of the total workforce is engaged in the unorganized or informal sector, like migrant labour and other workforce.

Migrant workers, those workers, who migrate from one area to another area within the state or country in order to get seasonal or temporary or part time work in different sectors. Migrant workers, who are not organized under any trade unions and their labour standards, are not protected by the government as well as trade unions, these migrant workers are illiterate, ignorant, and belong to backward community. They do not get minimum wages stipulated under the Minimum Wages Act. Today, the real issue is how to extend human rights to all segments of the labour market. There are many groups of workers in the unorganized sector or informal economy, like migrant workers in agriculture, building and road construction, brick kilns, sugar factories and others, for whom decent work is a very distant goal.

There are also various labour laws for these workers. Intact, its implementation is mostly ineffective. Therefore, migrant workers and workers in the unorganized sector are struggling for their labour rights and to implement the provisions of various labour laws as per International labour standards. Therefore, the government of India should ratify all the relevant international covenants that respect the dignity of labour, especially important ILO Conventions No.87, the freedom of association and protection of the right to organize convention, and the ILO convention 98, the right to organize and collective bargaining convention. Workers, whether industrial workers or employed with the government should have an inalienable right resort to strike. Uniform labour standards in the context of unorganized sector workers, like migrant workers, should be implemented in rural and urban areas of India. It is necessary to protect migrant and other workers in the unorganized sector by International labour standards.

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**A STUDY ON THE IMPACT OF DECENTRALISED POWERS IN KERALA**

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**ABSTRACT**

*Kerala has a three tier PRI system with Gram Panchayats, Block Panchayats, and District Panchayats; urban areas have separate single tier local government institutions. The 73rd and 74th constitutional amendments in 1993 marked a watershed in India's quest for democratic development within a pluralistic, parliamentary, electoral framework. This, despite the dismal performance of many states in the country in decentralization of administration and devolution of powers. The constitutional mandate in establishing and institutionalizing a third tier of government is a guarantee against walking away from this responsibility, as has been the tendency in the past. Decentralization was thought of, if not as a panacea for all ills, as a way out of this logjam. It was expected to facilitate local level development by mobilizing both people and resources to strengthen the productive base, especially in the primary sector by creating and maintaining public and collective goods such as in land and water management and agricultural extension. Decentralized planning in the State operated mainly through the following institutions and instruments like Grama Sabha, Neighbourhood Groups, Resource Persons, and Committee System etc. This topic deals with the impact that made in Kerala through the decentralised planning and experience.*

*Keywords: decentralization, grama panchayats, grama sabha, municipality.*

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**INTRODUCTION**

The State of Kerala in the southern part of India has certain distinguishing features in terms of socio-economic and political characteristics. The process of development witnessed in the State is by now well known as the Kerala Model of Development. The State has been able to attain high levels of social sector development - in literacy, health care etc - even at a relatively low level of per capita income. Consequently, the quality of life indices - based on life expectancy, educational attainment etc - for the State have been high, mostly on par with the middle-income countries. The latest move towards decentralisation in the State is the People's Campaign for Decentralised Planning, or People's Planning in short, was initiated in August, 1996.

**SIGNIFICANCE OF THE STUDY**

Kerala is one of the few states in the country considered to have taken serious efforts in transferring powers to Local Self Government (LSG) institutions for strengthening the decentralisation process. The high rate of urbanization in the state calls for powerful LSG institutions in urban areas. More than 47 per cent of the state's population live in urban areas. In such a scenario, institutions such as municipalities and corporations have an important role to play, as most of the urban issues can be best handled at the local level.

**STATEMENT OF THE PROBLEM**

Local Self Government or LSG is the smallest unit of governance and administration in a country. The system upholds the true spirit of democracy by transferring the authority of governing a village, town or city to the locally elected representatives. The origin of LSGs in India is traced to the Indus Valley Civilisation that dates back to 3000 BC. The present study tries to understand about the impact of decentralization in Kerala.

**OBJECTIVES OF THE STUDY**

- Identifying the constraints and catalysts in effective decentralization of powers and smooth functioning of rural local bodies in Kerala
- Analyzing the success stories of decentralization and identifying the factors contributing to success.

**RESEARCH METHODOLOGY**

Only secondary data are used for the study. They are collected from the publication of government and other agencies, including different websites.

**FINDINGS OF THE STUDY**

1. Decentralized planning will become effective only if it regains its mass movement character. Considering the size of Grama panchayats wards in Kerala, sub- systems of Grama Sabhas of some form (like Neighbourhood Groups) consistent with watershed based development strategy must be developed and sustained.

2. In addition, channelizing beneficiary selection fully through Grama Sabhas or their sub-systems, and pre-empting alternative, stand-alone, channels for this would boost GS participation.
3. Efforts should also be made to improve the participation of educated youth (who felt that only politicians have a role in GSs) in the GSs.
4. The problems of information failure (aired mostly by scheduled tribes and fishermen) and clash of work timings with GS meetings (scheduled castes) must be urgently corrected. Grama Sabha meetings should be conducted on common work holidays in the village.

### CONCLUSIONS

Democratic decentralisation is the process of devolving the functions and resources of the state from the centre to the elected representatives at the lower levels so as to facilitate greater direct participation by the citizens in governance. The basic principle governing the devolution of functions and resources should be that of subsidiarity: what can be done best at a particular level should be done at that level and not at higher levels. All that can optimally be done at the lowest level should be reserved to that level. Only the residual should be passed to the higher levels. The different tiers while functioning in ways complementary to each other, should have functional, financial and administrative autonomy. The concept of democratic decentralisation proposed here also requires a movement beyond representative democracy. Appropriate institutions and opportunities but also necessary capabilities have to be created at the lower levels in order for ordinary citizens to participate in the decision making, implementation, monitoring and sharing of the benefits and responsibilities of governmental activities. Such popular participation would make the elected representatives continuously accountable to the citizens and would facilitate a transparent administration.

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## A STUDY ON IMPACT OF GST ON SMALL RETAIL TRADERS WITHIN BANGALORE DISTRICT

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**ABSTRACT**

On July 1, 2017 government of India implemented a revolutionary taxation system called Goods & Services Tax replacing Indirect Taxation in India. GST is a destination-based single tax on the supply of goods & services from the manufacturer to the consumer. GST is expected to reduce the overall tax burden on empower citizens and development of a harmonised national market for goods and services called "ONE NATION & ONE TAX". GST already crossed two years of its implementation even though still there was negative perception among various communities. Small scale industries play a very important role in the economic development of the country. Small scale industries account for 95 percent of industrial units in India. Retail business enterprise engaged in the sale of goods & services directly to the ultimate consumers. This paper aims to brings out the overview of the concepts of GST & its impact on small retail traders within Bangalore district.

**Keywords:** Gst, Retail Traders, Tax Burden, Development.

**I. INTRODUCTION**

GST is a tax on goods and services with value addition at each stage having comprehensive and continuous chain of set of benefits from the producer's/service provider's point up to the retailer's level where only the final consumer should bear the tax. GST is expected to improve the ease of doing business in tax compliance, reduction in overall tax burden, no hidden taxes, harmonised national market for goods and services. The GST has replaced 17 indirect taxes i.e, 8 central taxes and 9 state taxes and 23 cess.

The last dealer in the supply chain passes on the added GST to the consumer, making GST a destination-based consumption tax. The provision of availing input credit at each stages of value chain helps in avoiding the cascading effect. The goods and services tax network (GSTN) a self-regulating mechanism helps to bring down tax frauds and tax evasion and increases more and more businesses into the formal economy.

The Indian Retail industry is one of the top five retail industries in the world and has emerged as the most dynamic and fast-paced industry. The small retail traders dealing in different products, including consumer durables and non-durables. Retailers has greater credibility in the minds of customers and provide greater services to the customers.

**OBJECTIVE OF THE STUDY**

- To study the various aspects of goods and services tax GST)
- To analyse the impact of GST on small retail traders.

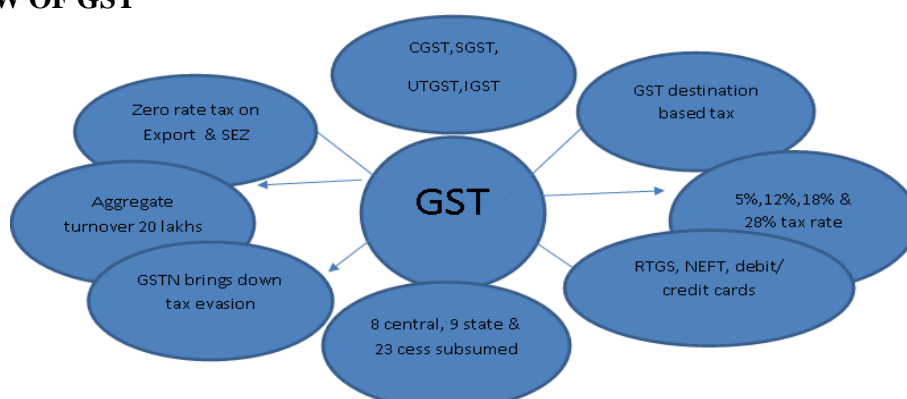
**II. RESEARCH METHODOLOGY**

The study is intended to identify the impact and aspects of GST. The study is descriptive in nature, based on primary data and secondary data.

**Primary sources:** It is gathered information using questionnaires about the study within Bangalore district.

**Secondary data:** The secondary data is collected from various books. Journals, reports, publications and websites.

**Sample size:** Considering the time constraints it was decided to conduct the study based on sample size of 30 people.

**AN OVERVIEW OF GST**

- ❖ GST comprises Central goods and services tax (CGST), State goods and services tax (SGST), union territory goods and services tax (UTGST), Integrated goods and services tax (IGST).
- ❖ GST is based on the principle of destination -based consumption tax.
- ❖ GST slab rates are namely 5%, 12%, 18% and 28% for all goods and services.
- ❖ Aggregate turnover of tax liability for taxable person is 20 lakhs and 10 lakhs in the case of north-eastern states.
- ❖ Under GST 149 type of goods are considered as non -taxable supply of goods. 48 type of services are considered as non- taxable services as per notification no.2/2017-central tax (rate) New Delhi.
- ❖ Export of goods and services and SEZ are under Zero rated supply.
- ❖ Import of goods and services is treated as inter-state supplies i.e, IGST and addition to customs duties are applicable.
- ❖ Goods and services tax network (GSTN) a non-profit organization provide IT infrastructure and services. It is a trusted national information utility providing reliable, efficient and robust IT backbone for the smooth functioning of GST in India.
- ❖ Modes of payment of tax available to the tax payer are internet banking, debit/credit card, National Electronic Funds Transfer (NEFT) and Real Time Gross Settlement (RTGS).
- ❖ Alcoholic liquor for human consumption, tobacco products, crude petroleum, high speed diesel, motor spirit, natural gas, aviation turbine fuel are kept out of GST.

## 2.1 INTERPRETATION AND ANALYSIS

The Results of the Study are as Follows

**Table-1.1: Age wise response**

Age	Frequency	Percentage
<25	2	8
26-35	8	26
36-50	12	40
51>	8	26

out of 30 respondents the majority population falls under the age group of 36-50 which is 40% of total sample. 26-35 & 51plus were stands next by 26%. Only 8% of the population under the age of 25 below (Table:1.1).

**Table-1.2: Education Qualification of Respondents**

Qualification	Frequency	Percentage
SSLC	7	23
PUC	2	7
UG	18	60
PG	3	10

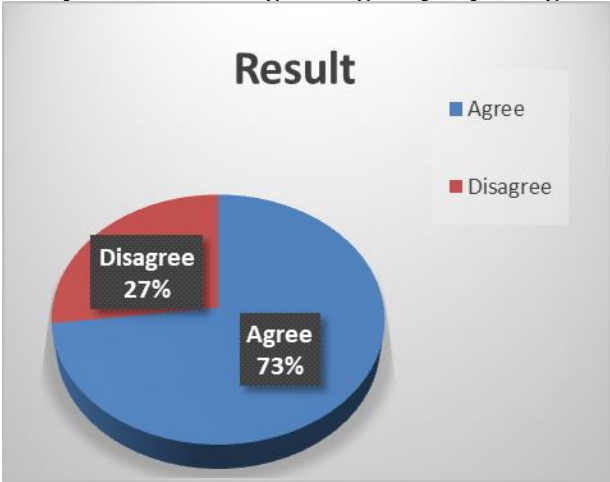
The above table shows the education qualification of the respondents. It shows that majority respondents are graduates representing 60%, 23% are SSLC & 10% are post graduates & remaining 7% are PUC level.

**Table-1.3: Tax rate of majority goods sold by retailer**

Tax Rate	Frequency	Percentage
5%	15	50
12%	6	20
18%	7	23
28%	2	7

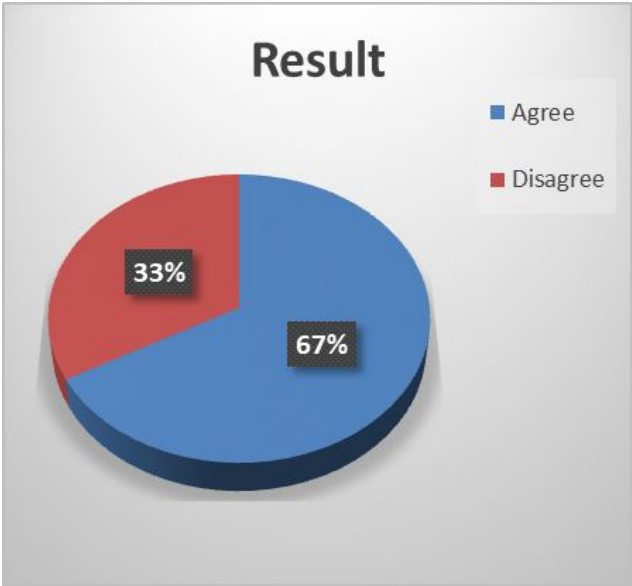
To the above question 50% of respondents reveals that 5% tax rate slab goods are sold by them. 23% of respondents sold tax rate of 18% & 20% respondents reveals 12% of tax rate & remaining 7% are sold goods at 28% tax rate.

Chart-2.1: Implementation of gst is right by replacing old taxation.



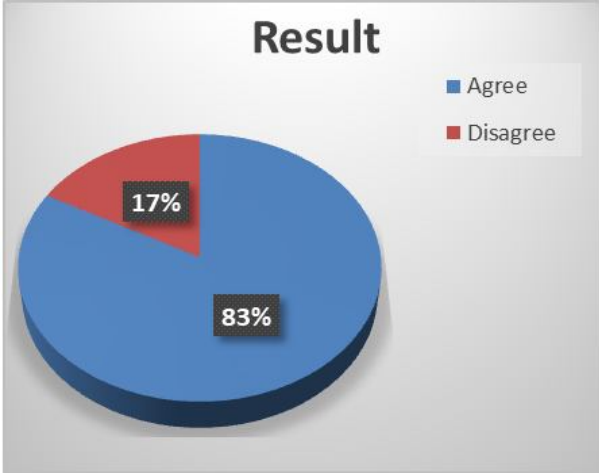
Out of 30 respondents 73% agree implementation of GST is right by replacing old taxation but 27% disagree the same(chart:2.1).

Chart-2.2: GST reduced tax burden on common people



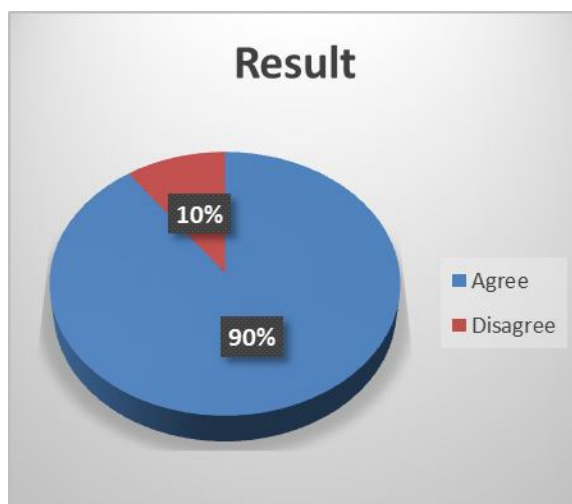
Among 30 respondents 67% agrees that GST reduced tax burden on common people where as 33% respondents disagree it (chart: 2.2).

Chart-2.3: Gst is transparent in collecting tax.



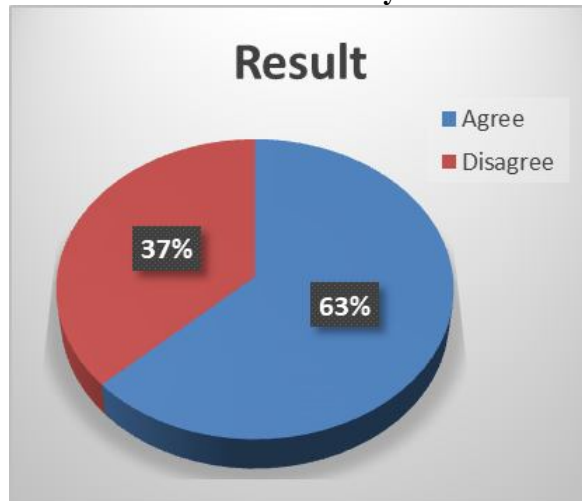
Majority of respondents agrees GST is transparent in collecting tax that is 83% &17% disagree the same (chart: 2.3).

**Chart-2.4: Gstin Is Helpful To Pay The Tax Easily**



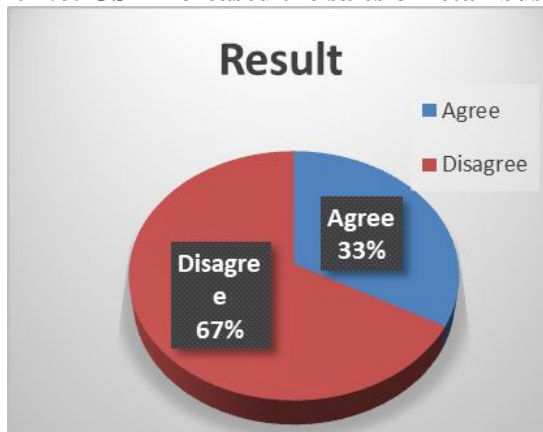
Majority of respondents agrees GSTN (goods & service tax network) helpful to pay the tax easily that is 90% of total respondents. But 10% denies it (chart 2.4).

**Chart-2.5: Methods Of Tax Payment Under Gst**



Among 30 respondents 63% pay the tax by self assessment and 37% pay the tax by the help of tax authority (chart:2.5).

**Chart-2.6: GST increased the sales of retail business.**



Majority of respondent disagree that GST increased the sales of retail business that is 67% but 33% agree the same (chart:2.6).

### III FINDINGS FROM THE ANALYSIS & INTERPRETATION OF PRIMARY DATA

- ❖ Majority of the respondents are falls under the age group of 35-50 this indicates maximum population are having knowledge in the field of retail business & taxation.

- ❖ Education qualification of the respondents are majority of graduates this indicates maximum population are literates.
- ❖ Majority of goods sold by the retailers are comes under 5% tax rate slab that is 50%, it indicates maximum goods are under 5% only.
- ❖ 73% of respondents accepts GST.
- ❖ 67% agrees GST reduced tax burden on common people.
- ❖ 83% accepts GST is more flexible and less compliance in tax paying.
- ❖ 90% accepts GSTN and it indicates success of GSTN system and trust on the system.
- ❖ 63% of respondents pay the tax by self-assessment it indicates flexibility of the system.
- ❖ 67% of respondents disagree impact of GST on increasing sales volume of the small retail business.

#### **IV CONCLUSION**

From the above findings it clears that implementation of GST impacts on small retail traders in both ways, positively & negatively, ignoring negative aspects considering positive aspects improve the economy of the country. The government of India taking various step to reduce the negativity by taking proper awareness about GST though proper communication among tax payers & GST council to reduce pitfalls. Overall GST is a right decision from the government for effective taxation that ensures the public funds in fulfilling social objectives for sustainable development.

#### **SCOPE OF THE STUDY**

- The respondent of the study is only 30 respondents.
- The respondent of the study is only from Bangalore urban and & not include respondent from Bangalore Rural.

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**A STUDY ON FINANCIAL TECHNOLOGY (FINTECH) IN BANKING SECTOR IN INDIA**

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**ABSTRACT**

*The Banking sector in India has seen enormous revolutions and innovations in providing services to customers. There are many phases that has evolved in banks like digitalization, internet and mobile banking are some of the services that is been in existence. There is strong modification with the connection of technology. The Reserve Bank of India has bought new approaches and modes to give aid in restructuring the banking industry. There is a huge advantage to improve and synergies towards cost, plan and diverse the risks associated in the banking sector. FinTech are companies providing computer programs and technologies used to support and enable banking financial Services. FinTech analyze the need of customers and creates an impact in forecasting demand and provide services to the clients by using the technology. This has created alternative changes in methods of transactions carried on and handling the money. As the banking sector is developing in a greater pace with startups and support from the government. There is demand for the transactions and services to be simple and speedy process. The objective of this paper is know the impact of FinTech growth and developments in banking sector in the country. In order to be a lead in technology adoption with setting up standards and improvements in various depths of skill, training, developments and creating jobs.*

*Keywords: FinTech, Need, Growth, Developments and Methods.*

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**INTRODUCTION**

FinTech are commonly known as Financial Technology and it is an integration of financial and technology. This is applied to develop the technology in order to assist consumer and institutions to delegate financial services with simple and speedy process. Fin Tech companies are active backbone for banking and payments infrastructure in the country. Banks depend on innovative technical support system developed by Fin Tech in providing better services to the existing customers.

**OBJECTIVE OF THE STUDY**

- ❖ To understand the importance and need of FinTech.
- ❖ To recognize the methods and modes.
- ❖ To know the adoption and developments.

**METHODOLOGY**

This paper is based on secondary data which is collected from newspaper, magazines, journals, articles, and website and government publications.

**FIN TECHS AND SOME OF THE INNOVATION**

- **Peer to Peer (P2P) Lending:** Peer to Peer (P2P) Lending associate lenders and borrowers using progressive technologies to process loan acceptance. P2P are arranged to give greater efficiency and minimize the time to access loans.
- **Block Chain Technology:** Block chain is an arrangement ledger for transactions stored as blocks or groups to execute the transactions at same point of time in computers that are linked to the networks.
- **Artificial Intelligence:** Artificial Intelligence are the reflection of human intelligence in machines that are organized to understand like humans in learning and problem solving. There are sub set technologies used in artificial intelligence called as cognitive technologies which includes:
  1. **Machine Learning (ML):** It is a design of data discovered to make forecast.
  2. **Natural Learning Processing (NLP):** Computers perform with text as humans do.
  3. **Speech Recognition:** Interpret human speech
  4. **Computer Version:** Identifying objects, scenes and images
  5. **Robotics:** Automated outline with tiny, greater enforcement sensors, actuators, designed hardware. Flexible to perform many different tasks.

- **Biometrics:** Biometrics provide authentication to ensure security to customers account from cyber-attacks, hacking and fraud activities.
- **Open Banking:** Allows user to give financial institutions data with network through Application Programming Interfaces (APIs) for better security with other financial institutions.

#### FIN TECHS USED BY INDIAN BANKS

1. **SBI :** Multi-Option Payments Device(MOPD) is a start up to co create cash less transactions with integration of Point Of Sale machine by eradicating operational inconvenience.
2. **ICICI:** Application Programming Interfaces (APIs) used for validation of documents on Know Your Customer (KYC) documents.
3. **Axis Bank:** Ripple block chain network used for cross border payments.
4. **HDFC:** Uses 30 minute paper less Auto Loans using biometric technologies.

#### ARTIFICIAL INTELLIGENCE USED BY INDIAN BANKS

BANK NAME	ARTIFICIAL INTELLIGENCE NAME	DETAILS
SBI	SIA(SBI Intelligent Assistant)	Chat bot that manages customer queries and guide customers through retail products and services
HDFC	EVA (Electronic Virtual Assistant)	EVA understands the user query and provide the relevant information from possible sources.
YES	Yes Robot	Check balance, transactions, transfer money, payment of bills, loan eligibility on loans and also provide 60 plus products and services
ICICI	Software Robotics	Automates, regulates and performs tasks with high density and volume that needs to carry out over multiple apps. It uses facial and voice recognition. Its helps to generate customers need to get faster and more efficient services
City Union	Humanoid Lakshmi	Robot which speaks in English, its gesture turn around and engage in very life like manner in conversations. It is able to do multitasking financial information.
Kotak Mahindra	Keya	Bilingual voice bot which is merged with kotak phone banking help line with Interactive Voice Response (IVR) combines conventional intelligence with human like dialogue in English and Hindi languages.
Axis	Aha	Chat bot which help the customers to execute transactions, answer queries through voice or chat and also bill payments and recharge.

#### ANALYSIS AND INTERPRETATION

The Fin Tech growth is increasing in various dimension with its applications supporting many services in banking.

Peer to Peer (P2P) Lending by banks is Rs 26,041 billion as loans towards Micro and Small Sized Enterprises (MSEs). MSEs requires credit facility to manage working capital. The P2P provides loans with competitive rates. The loans are granted within one hour with discount of 50% on processing fee. P2P growth is from 100% to 400 % in medical loans which is quicker and requires one to two days to get credit loan given by banks. And also there increase in P2P lending during festival seasons.

The Block Chain technology is utilized for Know Your Customer (KYC) procedures.

SBI ,Axis, HDFC, ICICI are using block chain technology for providing KYC procedures, track, trace, digital identity and validation for quick process than traditional system followed in banks. Biometric technology is used by HDFC bank in providing paperless auto loans within 30 minutes.

Application Programming Interface (APIs) is used by yes bank to digitalize Business to Business (B2B) supply chain to integrate corporate clients with Enterprise Resource Planning (ERP) systems securely.

Artificial Intelligence by SBI SIA (SBI Intelligent Assistant) has handled 10,000 enquires per second in a day. HDFC bank EVA (Electronic Virtual Assistant) has addressed 207 customers' queries, interacted with 5, 30,000 unique users and held 102 million conversations. ICICI Software Robotic has 200 business process across various functions and one million banking transactions per day.

There is a wide range of developments in handling huge queries and process of transactions. This all is possible with technology collaboration which makes faster and better solutions provided by banks. All this is cannot be handled by employees and function well in traditional system of banking. The merging of technology companies in providing technology to banks and also associating in ecosystem with participative working system has gained the greater advantage to customers, Fin Tech Companies and banks in rendering the services.

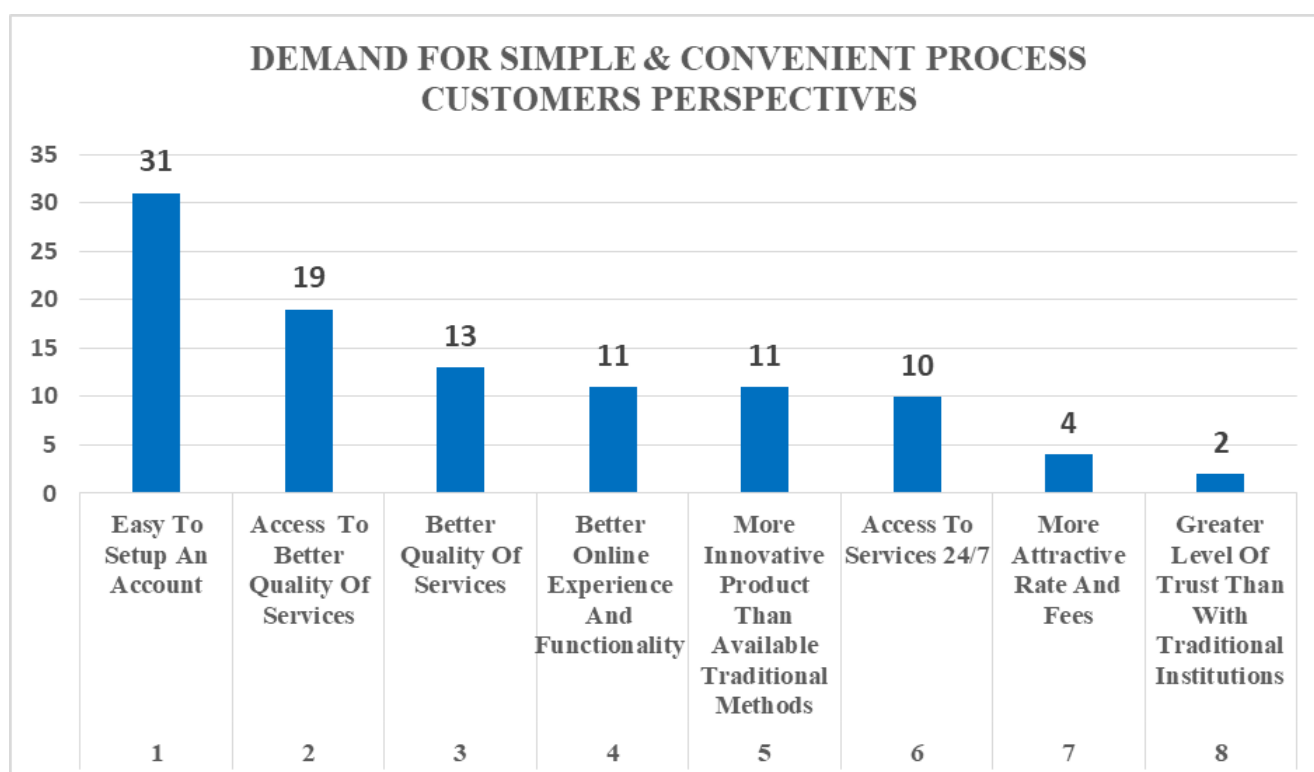
In the above mentioned information the FinTech are used mainly in first level on the field on artificial intelligence with chat bot and robots providing services. Fin Tech and banks are also focusing towards rural population for transfer of money from one person to another over phone using encryption technology. There is facility for offline payment solutions without internet connection. The other technologies are in accelerating phase. There are other kind of technologies are also in preliminary process for better outcomes to benefit the banks and customers accessing the services. Some of technologies are enabled with existing system and some are combination of existing and new methods.

#### THE CONSUMER'S PERSPECTIVE DEMAND FOR SIMPLE AND CONVENIENT PROCESS

There is demand from consumers in motivating the adoption of fin Tech for faster and better services than the traditional system which has been the motivators for adoption of FinTech. The below table represents that 31% of consumers want quick process in opening an account in banks followed by quality of services and access to other functionalities provided by banks.

SI NO	LIST OF DEMAND FOR SIMPLE AND CONVENIENT PROCESS	PERCENTAGE
1	Easy To Setup An Account	31
2	Access To Better Quality Of Services	19
3	Better Quality Of Services	13
4	Better Online Experience And Functionality	11
5	More Innovative Product Than Available Traditional Methods	11
6	Access To Services 24/7	10
7	More Attractive Rate And Fees	4
8	Greater Level Of Trust Than With Traditional Institutions	2

Source: Ernst and Young LLP 2017





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**CONCLUSION**

There is tremendous development in banking sector in India. The need for FinTech has opened many ways to provide technology for speedier process and to manage transactions and procedures to be hassle free and convenient. There is already existing technologies in banks from digitalization, internet and mobile banking. The payment process in banks which has payment gateways, companies and apps as third parties associating for efficient system of handling improvised services. Along with the existing system some of them are added, modified and some are totally new methods involved to provide better services. There are few challenges in terms of managing operations, but these challenges can be balanced with more systematic way with support from Fin Tech, Banks, regulatory bodies working together for ecosystem to support and improvised process.

The current generation has more access towards smart phone and internet have also approached for the Fin Tech. FinTech dimensions is giving raise to startup companies in developing technology, research and training students in university levels. The banks have already invested and continue to invest in the field of Fin Tech.

There is also raise in entrepreneurs to shape the Fin Tech with new innovations and investments. There is collective merging with technology companies in form of joint ventures, partnerships and labs for up gradation of the Fin Tech used in banking.

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**A STUDY OF SOCIAL AND ECONOMIC VALUES AND THEIR RELATIONSHIP WITH  
ATTITUDE TOWARDS TEACHING PROFESSION**

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**ABSTRACT**

*The purpose of the study is to find the Relationship with Attitude towards teaching Profession of Theoretical values and Economic values. The study adopts Descriptive survey method for investigation. The sample of the present study was selected from Haveri district. The random sampling technique used to select 500 secondary schools teaches from Haveri district. From the analysis, it is concluded that, There is a significant positive relationship between attitude towards teaching profession and social value, economic values and their dimensions of secondary school teachers.*

*Keywords: Social Value, Moral Value, Economic Value, Children's and Teachers*

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**INTRODUCTION**

The development of an adequate program of teacher education and the evaluation of the effectiveness of existing programs require the recognition and definition of the existence and function of value-pattern in the educative process. Through some would admit the existence of values in classrooms of the formal public school, many would reject the necessity or legitimacy of concern for the study of values in the education of teachers. In addition there are those who fail to see the ways in which values necessarily are involved in the very nature of teaching itself.

Yet it is clear that values are a part of the "reality" of the classroom and that teachers necessarily must deal with them at an operational level. Teachers, therefore, are equipped to teach to the extent that they are prepared to cope more adequately and intelligently with the realities of classroom situations. Such preparation requires concern for values as a necessary aspect of teaching within programs of teacher education

**DEVELOPING VALUES IN CHILDREN AND TEACHERS**

Values per se are rarely a part of the specified curriculum of the only infrequently are the objects of deliberate, formal instruction. Values exist in the classroom, however, by virtue of the fact that children are present. One must recognize, first of all, that children possess values –values which perhaps are not fully developed, which are frequently inconsistent, and which are often unconsciously held but which are values nonetheless and as such are important stepping stones to a deeper and more integrated value system.

These values per se are unseen by the casual observer and frequently are not apparent most of the time to the teacher; yet they are exhibited upon occasion by students in their attitudes and other forms of behavior in the immediacy of situations which evoke them. Thus exhibited and objectified, teachers must deal with them. Pupil's behaviors which reflect values that are socially desirable and compatible with the school's purposes will be acceptable to the teacher; consequently, those behaviors which coincide with the school's objectives will be rewarded and encouraged. Those, however, which reflect values which are socially undesirable and in conflict with the purpose of the school will be met with some degree of social disapproval or rejection. ( It must be recognized that "to ignore" is an alternative means of dealing with pupils' value-oriented behaviour and that it represents the with-holding of social approval.)

It is in this way and at this level that teachers of necessity are concerned with values. The teaching process assumes implicitly, however, that pupils should be changed for the better and not for the worse.

**CLASSIFICATION OF VALUES**

Values have been classified into six categories by Allport and Vernon on the basis of Spranger's six types of men. The six types of values are theoretical value, economic value, aesthetic value, social value, political value, and religious value.

**THEORETICAL VALUE**

The dominant interest of theoretical man is the discovery of truth; it is truth as sought by amateur of great fortune for its own sake since this involves the use of rational, critical and empirical processes. The theoretical man is an intellectual often a scientist or a philosopher.

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**ECONOMIC VALUE**

It is the wealth for its own sake as sought by amateur of speed fortune. An economic man is characteristically interested in what is useful. An object has economic value if it commands money price. This value is instrumental rather than intrinsic. Coleman (1971) says economic value is concerned with business world or other practical affairs involving the production, marketing consumption of goods. Tangible wealth and material possession are of central interests.

**AESTHETIC VALUE**

It refers to the beauty for its own sake as sought by artist of composers. An aesthetic man sees highest values on form and harmony. It is defined by Allport (1961) as 'the value whenever we perceive an object as a unified expression of meaningful feeling. This value stands for appreciation of beauty, harmony, grace, symmetry and system'. The people possessing high aesthetic value have their main interest centered in the aspect of life. They love neatness and style in arrangement of things. They like fine arts, drawing, painting, music, dance, sculpture, poetry and architecture.

Broudy (1961) says 'perceived object to which adjectives beautiful and ugly are relevant give rise in the observers to the kind of experience called aesthetic'.

**SOCIAL VALUES**

The highest value for this type is affiliation and love of people. The welfare of other person is sought by humanitarians and social workers. This value is defined by Verma (1972) in terms of clarity, love, kindness, sympathy, sacrificing personal comforts and gains to relieve the needy and afflicted of their misery. The satisfaction got from friendship; love, family and membership in groups are included in social values. Ideal social man values other persons as individuals and tends to be kind and sympathetic.

**POLITICAL VALUES**

It is the power for its own sake as sought by leaders in any sphere who seek control over others. Coleman (1971) says 'Ideal political man's activity may not be restricted to narrow range of politics but his primary focus in personal relationships is on power, influence, active competition to maintain and expand his power'.

**RELIGIOUS VALUES**

The highest value for religious man may be called unity. As Spranger says religious value related to a musical unity with the super natural world as sought by persons primarily concerned with main relationship to God. According to Broudy (1961) 'If an object by virtue of its relationship to, divine can be called holy or sacred, it is said to have a religious value'.

**NEED AND SIGNIFICANCE**

Moral values are interwoven in all aspects of teaching: in the curriculum, in the school culture, and as moral examples in teachers' behavior. Working with values is an essential part of teaching. Educating students to become teachers requires the teachers to learn how values are embedded in education; how they themselves, as reflective practitioners, can consciously create moral-based practices in education; and what different philosophical, pedagogical, and political theories and religious and cultural traditions say about moral development and the role of education. We distinguish the following perspectives on moral values in teacher education: value transfer, reflective practitioner, moral sensitivity, participation and dialog, and moral politics.

Holistic development of an individual is incomplete if moral values are neglected. Recent increase in the number of assault cases and increasing number of old people home are pointing fingers towards wrong in the society and its mindset. Most of the people do not have any respect for elders and females, speaking lies has become their habit and there is corruption and jealousy everywhere depleting the much desired moral values. But what are the moral values? Do you think moral values are directly related to the sort of clothes we wear and type of life we spend? I do not think so. I personally feel that if you do not indulge in any kind of bad habit, if you respect your elders in every sense then you are moral person. To be a moral person every belief and thought should be strong and determine. We must have the courage to do right and fight for the right.

One must be trained in the same from the beginning of life. Therefore moral values must be taught and should be an indispensable part of our education system. Teachers should train every child for his or future responsibilities. Apart from education, schools should indulge in activities to generate the feeling of brotherhood and love. Schools must participate in social causes through schools kids.

Apart from teachers and schools, parents must play an active role in teaching moral values to their children. As society around us is dishonest to a great extent to expecting too much just from institutions won't solve the problem. Students must be taught the importance of honesty, hard work, respect for others, co-operation, and

forgiveness. Parents must keep this in mind that children look upon their parents and consider them as their role model. They should display and set an example of disciplined life.

School managements must not make education system a business. Teachers should work hard to bring the desired change in the society as they mold the future. Hence school education system must include moral, social and economic values.

### OBJECTIVES OF THE STUDY

1. To study the relationship between social value of teachers with attitude towards teaching profession and its dimensions.
2. To study the relationship between economic value of teachers with attitude towards teaching profession and its dimensions.

### HYPOTHESES

1. There is no significant relationship between social value of teachers with attitude towards teaching profession and its dimensions i.e. teaching profession, class-room teaching, child centered practices, pupil, teachers and educational process of secondary school teachers.
2. There is no significant relationship between economic value of teachers with attitude towards teaching profession and its dimensions i.e. teaching profession, class-room teaching, child centered practices, pupil, teachers and educational process of secondary school teachers.

### METHODOLOGY

The study adopts Descriptive survey method for investigation

### SAMPLE

The sample of the present study was selected from Haveri district. The random sampling technique used to select 500 secondary schools teachers from Haveri district.

### Tools

- i. Job Satisfaction Scale – by Meera Dixit (1993)
- ii. Teacher Attitude Scale – by S. P. Ahluwalia (1978)

### STATISTICAL TECHNIQUES

Simple Correlation

### ANALYSIS AND INTERPRETATION

**Hypothesis No.:** There is no significant relationship between social value of teachers with attitude towards teaching profession and its dimensions i.e. teaching profession, class-room teaching, child centered practices, pupil, teachers and educational process of secondary school teachers.

To test this hypothesis, the Karl Pearson's correlation coefficient technique has been applied and the results are presented in the following table.

**Table No-1: Correlation Coefficient between Attitude towards Teaching Profession and its Dimensions with Social Value of Teacher**

Variables	Correlation coefficient between Social value of teacher with			
	Correlation coefficient	t-value	p-value	Signi.
Attitude towards teaching profession	0.7706	26.9785	<0.05	S
Teaching profession	0.5342	14.1035	<0.05	S
Class-room teaching	0.3919	9.5049	<0.05	S
Child centered practices	0.4361	10.8158	<0.05	S
Pupil	0.5542	14.8583	<0.05	S
Teachers	0.3964	9.6344	<0.05	S
Educational process	0.5106	13.2526	<0.05	S

From the results of the above table, it can be seen that,

1. A positive and significant correlation was observed between teachers attitude towards teaching profession and social value ( $r=0.7706$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's attitude towards teaching profession increases or decreases with increase or decrease in their social value.

2. A positive and significant correlation was observed between teachers teaching profession and social value ( $r=0.5342$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's teaching profession increases or decreases with increase or decrease in their social value.
3. A positive and significant correlation was observed between teachers class-room teaching and social value ( $r=0.3919$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's class-room teaching increases or decreases with increase or decrease in their social value.
4. A positive and significant correlation was observed between child centered practices and social value ( $r=0.4361$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the child centered practices increases or decreases with increase or decrease in their social value.
5. A positive and significant correlation was observed between pupil and social value ( $r=0.5542$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the pupil increases or decreases with increase or decrease in their social value.
6. A positive and significant correlation was observed between teachers and social value ( $r=0.3964$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teachers increases or decreases with increase or decrease in their social value.
7. A positive and significant correlation was observed between educational process and social value ( $r=0.5106$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the educational process increases or decreases with increase or decrease in their social value.

**Hypothesis :** There is no significant relationship between economic value of teachers with attitude towards teaching profession and its dimensions i.e. teaching profession, class-room teaching, child centered practices, pupil, teachers and educational process of secondary school teachers.

To test this hypothesis, the Karl Pearson's correlation coefficient technique has been applied and the results are presented in the following table.

**Table No. 2: Correlation Coefficient between Attitude towards Teaching Profession and its Dimensions with Economic Value of Teacher**

Variables	Correlation coefficient between Economic value of teacher with			
	Correlation coefficient	t-value	p-value	Signi.
Attitude towards teaching profession	0.7056	22.2234	<0.05	S
Teaching profession	0.5076	13.1473	<0.05	S
Class-room teaching	0.4616	11.6110	<0.05	S
Child centered practices	0.4047	9.8764	<0.05	S
Pupil	0.3566	8.5181	<0.05	S
Teachers	0.4869	12.4407	<0.05	S
Educational process	0.4492	11.2208	<0.05	S

From the results of the above table, it can be seen that,

1. A positive and significant correlation was observed between teachers attitude towards teaching profession and economic value ( $r=0.7056$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's attitude towards teaching profession of increases or decreases with increase or decrease in their economic value.
2. A positive and significant correlation was observed between teachers teaching profession and economic value ( $r=0.5076$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's teaching profession of increases or decreases with increase or decrease in their economic value.
3. A positive and significant correlation was observed between teachers class-room teaching and economic value ( $r=0.4616$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teacher's class-room teaching of increases or decreases with increase or decrease in their economic value.

4. A positive and significant correlation was observed between child centered practices and economic value ( $r=0.4047$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the child centered practices of increases or decreases with increase or decrease in their economic value.
5. A positive and significant correlation was observed between pupil and economic value ( $r=0.3566$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the pupil of increases or decreases with increase or decrease in their economic value.
6. A positive and significant correlation was observed between teachers and economic value ( $r=0.4869$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the teachers of increases or decreases with increase or decrease in their economic value.
7. A positive and significant correlation was observed between educational process and economic value ( $r=0.4492$ ,  $p<0.05$ ) at 0.05% level of significance. Hence, the null hypothesis is rejected and alternative hypothesis is accepted. It means that, the educational process of increases or decreases with increase or decrease in their economic value.

### **DISCUSSION AND CONCLUSION**

In this study, the researcher aimed to analyze the Study of Theoretical and Economic Values and their Relationship with Attitude towards Teaching Profession

From the analysis, it is concluded that, There is a significant positive relationship between attitude towards teaching profession and social value and their dimensions of secondary school teachers. There is a significant positive relationship between teaching profession, teachers classroom, child centered practices, pupil, educational process and social value and their dimensions of secondary school teachers. There is a significant positive relationship between teachers attitude towards teaching profession and economic value of secondary school teachers. There is a significant positive relationship between teachers teaching profession, teachers classroom teaching, child centered practices, pupil, teachers , educational process and economic value of secondary school teachers.

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**ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT IN INDIA**

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**ABSTRACT**

*The environmental protection, economical growth and the social development are the three main pillars of the sustainable development. The life and the term environment are interrelated with each other. It would not be wrong to say that we are totally depend on natural resources and the destruction of environmental sources threatens survival of human beings such as loss of clean water etc. The term sustainability is understood differently with different contexts. The paper deals with the very concept of sustainable development and the involvement of Supreme Court of India in ascertaining the basic principles of sustainability for the government and with that of the environmental promotion and protection. Sustainability in development has been a challenge to the human community hence the paper high lights the principles which are applied by it in achieving sustainable approach in developmental activities.*

*Keywords: environment, sustainable development, principles, judiciary, etc..*

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**INTRODUCTION**

"Environmentalism" is a new movement in the world. It is acquiring such an importance in national plans and policies in developed as well as developing countries that nowadays no development is approved unless and until competent authority assesses its impact on environment. From the Vedas, Upanishads, Smritis and other ancient literatures we find that man lived in complete harm.<sup>1</sup> It is a matter of great surprise that in spite of such a rich reverence shown to the earth and its environment, as depicted in the ancient Indian scriptures, the Constitution of India, as enacted and adopted in 1949, hardly averred to natural environment of earth and its vitality for human health. The makers of the Constitution did not appear to be in this regard so as to give a constitutional mandate for pre protection of the natural environment. It is submitted that the movements in global level on environment have made great impact in India.<sup>2</sup> In the same manner, Sustainable development is necessary and most important in all cases of environment and also in all of the Nations of the world. Now a day's sustainable development has protected environment and world. It makes balance between environment and development. Extricating itself from the principles of locus standi<sup>3</sup> and using the instrument of public interest litigation to the maximum effect, the apex court has laid down that sustainable development is a legal obligation of every government. In the first instance, before the Supreme Court itself in the case of *Municipal Council Ratlam v. Vardhichand*<sup>4</sup>, it was held that no municipality could put forth lack of money as a ground for not discharging its primary duty of looking after the health and safety of its residents.

It would not be wrong to mention that, the environmentally sound economy is an important part of sustainable growth. The Supreme Court in *M.C. Mehta v. Union of India*<sup>5</sup>, given important judgment laying the foundation of environmental jurisprudence holding that there was need for engineering the interests.

The interest of the people lies in the environmentally sound economy and not in haphazard and unsystematic economic growth. The synthesis of environment and economic imperative popularly called sustainable development must become a reality and not just remain a slogan. Man has to tap natural resources for economic, scientific, social and industrial development. The larger interests of the nation in industrial growth necessitate such exploitation but economy must not be at the cost of ecology. Industry must not mean genocide but human

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<sup>1</sup> I. A. Khan, Environmental Law, 22 (2002)

<sup>2</sup> Bhaskar Kumar Chakravarty, Environmentalism: Indian Constitution and Judiciary, *Journal of the Indian Law Institute*, Vol. 48, No. 1 (January-March 2006), pp. 99-105

<sup>3</sup> Locus Standi means, 'A place of standing; standing in court. A right of appearance in a court of justice. A right of

appearance in a court of justice, or before a legislative body, on a given question', Black's Law Dictionary, 6th Edn, West Publishing Company.

<sup>4</sup> AIR 1980 SC 1622

<sup>5</sup> AIR 1987 SC 965

good. There is need for striking a proper balance between development and protection of environment.<sup>1</sup> Further, in the case of *BSES Limited v. Union of India*<sup>2</sup>, Bombay High Court held that: Environmental issues are relevant and deserve serious consideration. But the needs of the environment require to be balanced with the needs of developing countries.

### PRINCIPLES AND THE DOCTRINES WHICH ARE EVOLVED BY THE COURTS

The principles which are emerged from the courts are the noteworthy contribution with regard to environmental jurisprudence. The Article 253 of the Constitution of India itself indicates that all international conventions are incorporated into the legal system. The implementation and application of the principles in the judicial process for the promotion and protection of environment and sustainable development are the outstanding milestones in the course of environmental law in India. Some of the remarkable Principles are:

1. Precautionary Principle.
2. Polluter Pays Principle
3. Public Trust Doctrine.
4. Doctrine of Sustainable Development

### PRECAUTIONARY PRINCIPLE

The precautionary principle traces its origins to the early 1970s in the German principle 'Vorsorge', or foresight, based on the belief that the society should seek to avoid environmental damage by careful forward planning. Basically this principle is based on the adage that 'it is better to be safe than sorry. It is noted here that there no accepted definition of this, but the one of the definitions can be found in the EU Communication i.e., The precautionary principle applies where scientific evidence is insufficient, inconclusive or uncertain and preliminary scientific evaluation indicates that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the high level of protection chosen by the EU (EU, 2000).<sup>3</sup>

In *Vellore Citizens Forum Case*<sup>4</sup>, the apex court has developed the three basic concepts for the purpose of establishment of precautionary principle, i.e., firstly the measures with regard to environment should anticipate, prevent and attack the causes of environmental degradation. Secondly lack of scientific certainty should not be used as a reason for postponing measures. And lastly onus of proof is on the actor to show that his action is benign.

In *Vijayanagar Education Trust v. Karnataka State Pollution Control Board, Karnataka*<sup>5</sup> the Court accepted that the precautionary doctrine is now part and parcel of the Constitutional mandate for the protection and improvement of the environment.

### POLLUTER PAYS PRINCIPLE

The Polluter pays principle was first referred to at the international level explicitly in 1972 in a Council Recommendation on Guiding Principles Concerning the International Economic Aspects of Environmental Policies of the Organisation for Economic Co-operation and Development (OECD).<sup>6</sup> The Polluter pays Principle in the Indian context includes environmental costs as well as direct costs to people or property.. the Supreme Court of India inexplicitly applied the principle in the case of *M C Mehta v. Union of India*<sup>7</sup>

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<sup>1</sup> Shamsher Singh, Sustainable Development and Environment Protection Laws in India, visited at <http://hdl.handle.net/10603/109618>, on 19-02-2019

<sup>2</sup> AIR 2001 Bom. 128 (DB).

<sup>3</sup> Mapping Environmental Justice, available at <http://www.ejolt.org/2015/02/precautionary-principle/> visited on 19-02-2019

<sup>4</sup> AIR 1996 SCC 212.

<sup>5</sup> ILR 2002 KAR 1231

<sup>6</sup> Available at <https://www.legalbites.in/polluter-pays-principle-economic-legal/> visited on 19-02-2019

<sup>7</sup> AIR 1986 SC 1086



Polluter Pays Principle has become a very popular concept lately. 'If you make a mess, it's your duty to clean it up' - this is the fundamental basis of this slogan. It should be mentioned that in environment law, the 'polluter pays principle' does not allude to "fault." Instead, it supports a remedial methodology which is concerned with repairing natural harm. It's a rule in international environmental law where the polluting party pays for the harm or damage done to the natural environment. The Supreme Court has declared that the polluter pays principle is an essential feature of the sustainable development.<sup>1</sup> In *Subhash Kumar v. State of Bihar*<sup>2</sup>, for the first time, the court is of the opinion that the right to life under Art 21 includes the right to clean water and air. Similarly in *Oleum Gas Leak case*, it was held that absolute liability for pollution by hazardous industries was reaffirmed, and direction for the closure of industry given and further the polluter pays principle was explicitly applied for the first time in *Bichhri Industrial Pollution Case*.<sup>3</sup>

### PUBLIC TRUST DOCTRINE

The ancient Roman Empire developed a legal theory known as the "Doctrine of the Public Trust. It was founded on the ideas that certain common properties such as rivers, sea- shore, forests and the air were held by Government in trusteeship for the free and unimpeded use of the general public. Under the Roman law these resources were either owned by no one (*res Nullius*) or by everyone in common (*Res Communis*). Under the English common law, however, the Sovereign could own these resources but the ownership was limited in nature, the Crown could not grant these properties to private owners if the effect was to interfere with the public interests in navigation or fishing. Resources that were suitable for these uses were deemed to be held in trust by the Crown for the benefit of the public.<sup>4</sup>

The Modern Public Trust Doctrine is found in a concept that received much attention in Roman and English Law, that is the nature of property rights in rivers, the sea and the seashore. But two points should be emphasized, First, certain interests, such as navigation and fishing, were sought to be preserved for the benefit of the public; accordingly, property used for those purposes was distinguished from general public property which the sovereign could routinely grant to private owners. Second, while it was understood that in certain common properties – such as the seashore, highways, and running water – "perpetual use was dedicated to the public,"<sup>5</sup>

The state is under a legal duty to protect the natural resources. In *M.C. Mehta v. Kamal Nath*<sup>6</sup>, the Supreme Court of India applied this principle for the first time to an environmental problem. According to the apex court, the public trust doctrine primarily rests on the principle that certain resources like air, sea waters and forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership

### DOCTRINE OF SUSTAINABLE DEVELOPMENT

With the ever growing economies and the need and greed for more, the doctrine of Sustainable Development becomes the most relevant principle in today's times. The doctrine of Sustainable Development has most commonly been defined as development that meets the needs of the present, without compromising the ability of future generations to meet their own needs. The sustainable development contains two basic concepts, they are, firstly, the concept of needs, in particular, the essential needs of the world's poor, to which overriding

<sup>1</sup> Available at <https://www.lawctopus.com/academike/role-indian-judiciary-protection-environment-india/> visited

on 19-02-2019

<sup>2</sup> AIR 1991 SC 420

<sup>3</sup> *Indian Council For Enviro-Legal Action v. Union of India*, (2011) 8 SCC 161

<sup>4</sup> Vijay K Sondhi, The Doctrine of Public Trust, available at <http://www.oakbridge.in/the-doctrine-of-public-trust->

[an-article-by-mr-vijay-k-sondhi/](http://www.oakbridge.in/the-doctrine-of-public-trust-) visited on 19-02-2019

<sup>5</sup> *Ibid.*,

<sup>6</sup> (1997) 1 SCC 388

priority should be given; and secondly, the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.<sup>1</sup>

This definition emanates from *Our Common Future*<sup>2</sup>, also known as the Brundtland Report published by World Commission on Environment and Development in 1987. For the first time, the doctrine of "Sustainable Development" was discussed in the Stockholm Declaration of 1972. Thereafter, in 1987, the World Commission on Environment and Development submitted its report, which is also known as Brundtland Commission Report wherein an effort was made to link economic development and environment protection. In 1992, Rio Declaration on Environment and Development codified the principle of Sustainable Development.

The doctrine of Sustainable Development was implemented by the Supreme Court in the case of *Vellore Citizen Welfare Forum v. Union of India*<sup>3</sup>. The petition was filed in public interest under Article 32 of the Constitution of India against the pollution caused by discharge of untreated effluent by the tanneries and other industries in the river Palar in the State of Tamil Nadu. In the instant case, the Supreme Court held that the precautionary principle and polluter pays principle are a part of the environmental law of India. The court also held that: "*Remediation of the damaged environment is part of the process of 'Sustainable Development' and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.*"

Thereafter in a number of judgments, the Apex Court implemented the doctrine of Sustainable Development. The Supreme Court of India in *Narmada Bachao Andolan v. Union of India*<sup>4</sup> observed that "*Sustainable Development means what type or extent of development can take place, which can be sustained by nature or ecology with or without mitigation*". In *T.N. Godavaraman Thirumulpad v. Union of India*<sup>5</sup>, the Court said "*as a matter of preface, we may state that adherence to the principle of Sustainable Development is now a constitutional requirement*". In *Indian Council of Enviro-Legal Action v. Union of India*<sup>6</sup>, the Apex Court held: "*while economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments*". Hence, importance has been given both to development and environment and the quest is to maintain a fine balance between environment and economic development.<sup>7</sup>

A foundation for the application of the Precautionary Principle, the Polluter Pays Principle and Sustainable Development, having been laid down, the three principals were applied together for the first time by the Supreme Court in *Vellore Citizens Welfare Forum v. Union of India*, a case concerning pollution being caused due to the discharge of untreated effluents from tanneries in the state of Tamil Nadu. The Court, referring to the precautionary principle, polluter pays principle and the new concept of onus of proof, supported with the constitutional provisions of Art.21, 47, 48A and 51A (g) and declared that these doctrines have become part of the environmental law of the country.

## RELATIONSHIPS IN SUSTAINABLE DEVELOPMENT – ENVIRONMENTAL, SOCIAL AND ECONOMIC CONCERNS

Environmental governance advocates sustainability as the supreme consideration in managing all human activities – political, social and economic. The concept of sustainability relies on sustainable development. Sustainable development is based on the three pillars of sustainability: economic,

<sup>1</sup> Pragya Ohri, India: Need for Sustainable Development, available at <http://www.mondaq.com/india/x/559702/>

Clean +Air+Pollution/Need+For+Sustainable+Development, visited on 29-02-2019

<sup>2</sup> Our Common Future, United Nations General Assembly, 1987

<sup>3</sup> AIR 1996 SC 2715

<sup>4</sup> (2000) 10 SCC 664

<sup>5</sup> (2008) 2 SCC 222

<sup>6</sup> 1996 (5) SCC 281

<sup>7</sup> Pragya Ohri, India: Need for Sustainable Development, available at <http://www.mondaq.com/india/x/559702/>

Clean +Air+Pollution/Need+For+Sustainable+Development, visited on 29-02-2019

environmental and social sustainability. It is only achieved when there is balance or a trade-off between these three aspects. It is most important to understand that sustainable development is a holistic, integrated approach, meaning that in order to achieve sustainable development, there needs to be a balance between different spheres of life<sup>1</sup>.



Source: <http://macaulay.cuny.edu/eportfolios/akurry/files/2011/12/SDspheres.jpg><sup>2</sup>

At the United Nations Sustainable Development Summit in 2015, world leaders adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 Sustainable Development Goals (SDGs) aimed at ending poverty, fighting inequality and injustice and tackling climate change by 2030. These 17 goals, listed below, are all accompanied by specific targets – 169 in total.

### SUSTAINABLE DEVELOPMENT GOALS<sup>3</sup>

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

<sup>1</sup> Available at <https://sisu.ut.ee/env-intro/book/1-1-sustainable-development> visited on 19-02-2019

<sup>2</sup> Available at <https://eportfolios.macaulay.cuny.edu/akurry/files/2011/12/SDspheres.jpg>

<sup>3</sup> Available at <https://www.un.org/development/desa/disabilities/envision2030.html> and also see <https://sisu.ut.ee/env-intro/book/1-1-sustainable-development>, visited on 19-02-2019

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14. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
  15. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
  16. Strengthen the means of implementation and revitalize the global partnership for sustainable development

**CONCLUSION**

After analyzing the cases mentioned above, it is worth to note that the apex court of the country at present extends the different legal provisos which are relating to the protection and promotion of the environment by this, it would not wrong to say that, the judiciary is trying to fill up the gaps when there is a lack of proper legislation. All these new inventions in our country through judicial activism would open the approaches to helping the country further, courts tried to give a balance decisions in environmental issues. As it is known fact that, environment and the concept development are the two sides of the same coin and any of these cannot be surrendered for the other. On the other hand there are recommendations that need to be considered. For effective and successful implementation, it is essential to have public awareness is a crucial thing. At the end it would not wrong to quote that "Earth provides enough to satisfy every man's needs, but not every man's greed."<sup>1</sup>

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<sup>1</sup> Mahatma Gandhi, available at <https://quantumsobriety.com/gandhi-didnt-quote-that/> visited on 19-02-2019

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**APPLICATION OF ENVIRONMENTAL COST ACCOUNTING- A LITERATURE ANALYSIS**

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**ABSTRACT**

*Most entrepreneurs have come to a consensus that the main objective for the economy is sustainable development. The concept of environmental costs is an addition to a cost accounting concept and it is one among the different types of cost. These costs have to abide by the environmental laws. As pollution level is increasing which is hazardous to the environment. There many environmentalists are cautioning the companies to take measures in order to protect the environment. Though there are many articles studying the factors which determine the environmental costs, but the review papers on the application of the same are limited. Therefore the objective of the study is to conduct a systematic literature analysis on the application of environmental cost accounting. This study has classified the application of cost accounting in to two stages past (upfront) and future (backend). The study found that the concept of environmental accounting is applied simultaneously during implementation phase and the completion phase. The managerial implications, theoretical contribution, future research gaps and limitations have been explained.*

*Keywords: Environment costs, upfront, backend, systematic review.*

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**INTRODUCTION**

Firms need information for both financial and managerial accounting. On the financial side, information is required to evaluate the performances, financial planning, to assess the creditworthiness and the payment of taxes. On the management side, the main aim is to reduce the cost and keep it within its limits. The relationship between the environment and managerial accounting are two variables which aim to reduce the various elements of cost. This is because managerial accounting emphasizes the use of accounting information helps the business manager to take capital budgeting decisions, costing determinations, process/product design decisions, performance evaluations, and variance analysis (EPA, 1996: 28). Most entrepreneurs have come to a consensus that the main objective for the economy is sustainable development. The concept of environmental costs is an addition to a cost accounting concept and it is one among the different types of cost. These costs have to abide by the environmental laws. There are many environmentalists who are cautioning the companies to take measures in order to protect the environment. Though there are many articles studying the factors determining the environmental costs, but the review paper on environmental cost application is found to be less in number. Therefore, the objective of the study is to conduct a systematic literature analysis on the application of environmental cost accounting. This study has classified the environmental cost into two categories upfront cost and backend cost and the application of environmental cost accounting. We focus on accounting for internal managerial decision-making rather than accounting for reporting to external shareholders and other stakeholders. It is known that environmental costs can be substantial, from five to twenty percent of the total costs of business activities according to Ditz et al.(1995:15).

**REVIEW OF LITERATURE**

Environmental accounting started through a period of improbability. The development of environmental accounting in four stages, are as follows:

**From 1970 to 1980:** is the beginning of the first researches in the area of environmental accounting, which had a more illustrative character, as studies from that period (Vasile and Man, 2012).

**From 1981 to 1994:** there are debates regarding the role of accounting in the disclosure of information regarding environmental activities (Vasile and Man, 2012). During this period, this area of environmental accounting has increased the curiosity of the researchers; the managers and even accountants start to pay more attention to the issue of environmental accounting (Vasile and Man, 2012).

**From 1995 to 2001:** the maturation of environmental accounting; environmental information is starting to be taken into consideration, environmental audit is launched; environmental accounting, both theoretically and practically, is beginning to be widely discussed, especially in developed countries (Vasile and Man, 2012). The studies from this period are starting to grow, this period being named the "cornerstone" of environmental accounting and the researchers of this area are starting to pay increased attention to this field, the number of studies is beginning to grow considerably, and the environmental reports remain the main sub-field approached by researchers and this sub- field is starting to gain interest due to the implementation of standards regarding environmental management, standards that also include a part of audit or verification (Vasile and Man, 2012)

**From 2002 to 2010:** guides regarding the reporting of environmental information and regulations about environmental accounting are issued (Vasile and Man, 2012). The number and quality of articles about environmental accounting continue to grow and the studies in this field are more numerous, more ample, and bring important contributions to the development of this research area (Vasile and Man, 2012).

**From 2011 to present:** Much research has been done on sustainability accounting and corporate performance in deferent perspectives with different views such like Bassey, Oba and Onyah (2013); Okoye, Oraka & Ezejiofor, (2013); Schaltegger and Wagner (2006); Okoye and Ezejiofor (2013); Lee, Pati & Roh (2011); Kasum and Osemene (2010). For organizations to develop environmental price responsiveness and to disclose in annual financial report environmental information has become imperative. The standard approaches of accounting have become inadequate since conventional accounting practices have unheeded necessary atmospherically prices and activities impacting consequences on the environment. Corporate neglect and avoidance of environmental costing leave gap in financial information reporting (Bassey, Obal & Onyah, 2013).

## ENVIRONMENTAL ACCOUNTING

Environmental accounting terminology uses such words as full, total, true and life cycle to emphasize that traditional approaches were incomplete in scope because they overlooked important environmental costs (and potential cost savings and revenues). In looking for and uncovering relevant environmental costs, managers may want to use one or more organizing frameworks as tools. This chapter presents examples of environmental costs as well as a framework that has been used to identify and classify environmental costs. There are many different ways to categorize costs. Accounting systems typically classify costs as: (1) Direct materials and labor. (2) Manufacturing or factory overhead (i.e., operating costs other than direct materials and labor), (3) Sales, (4) General and administrative (G&A) overhead, and (5) Research & development (R&D) (6) High air pollution (7) Loss of ozone layer (8) Destroying water, ponds, sacred rivers and species (9) Deforestation caused less rainfall (10) Acid rain (11) Reduction of limited natural resources, (12) Soil corrosion and ground water loss, Costs imposed by the environment are 1) excessive climatic changes 2) floods and droughts 3) cyclone storms, tornado and hurricane 4) earthquakes and tsunami 5) Famine and epidemics etc. Benefits received from the environment are 1) fresh air 2) water 3) sand and clay 4) imperative source and renewable energy 5) important raw material 6) rain and snowfall Benefits rendered by organizations are 1) green lawns, gardens and forestation 2) water and river purification projects

## UP FRONT COST –PAST STAGE

### *Potentially Hidden Cost*

Collects many sorts of environmental prices that will be doubtless hidden from managers initial area unit direct environmental prices, that area unit incurred before the operation of a method, system, or facility. These will embrace prices associated with sitting, style of environmentally desirable products or method, qualifications of suppliers, analysis of other. Pollution management instrumentation and so on, whether or not classified as overhead or R&D, these prices will simply be forgotten once managers and analysts target in operation prices of processes, systems and facilities. Second area unit restrictive and voluntary environmental prices incurred in operation a method, system, or facility; as several firms historically have treated these prices as overhead, they'll not receive applicable attention from managers and analysts to blame for regular operations and business choices. The magnitude of these prices conjointly is also tougher to work out as results of their being pooled in overhead accounts. Third, whereas direct and current in operation prices is also obscured by management accounting practices, back-end environmental prices might not be entered into management accounting systems the least bit. These environmental prices of current operations area unit prospective, which means they'll occur at a lot of or less well outlined points within the future.

Examples embody the longer term price of decommissioning a laboratory that uses authorized nuclear materials, closing a lowland cell, substitution a vessel accustomed hold fossil fuel or venturous substances, and yielding with laws that don't seem to be nevertheless in impact however are promulgated. Such back-end environmental prices is also unmarked if they're not well documented or accumulated in accounting systems.

Upfront Environmental cost: those prices are incurred prior to the operation of a manner, device, or facility. Those can encompass fees everyday sitting, designing of environmentally optimal merchandise or techniques, qualifications of suppliers, assessment of alternative pollution control gadget and so forth. Normally those fees are blanketed within the overhead or R&D, day-to-day which those expenses are not segregated.

### **Upfront Costs Are**

1. Site studies
2. Site preparation

3. Permitting R&D
4. Engineering and
5. Procurement
6. Installation

## BACK END COST-FUTURE STAGE

### *Back-end Environmental Costs*

While direct and operative expenses are obscured by accounting practices, these forms of prices might not notice an area within the method of accounting. These are prospective prices which can occur within the well-defined future. These prices is also unmarked if they're not well documented or accumulated. Samples of back-end environmental prices are closure/decommissioning, disposal of inventory, post-closure care and website survey etc.

The conclusion which will be drawn is that researches in environmental accounting have big significantly because of the importance that environmental problems began to have over entities and over society. New sub-fields of environmental accounting are developing, specifically environmental audit and environmental management accounting. Back-End Closure

1. Decommissioning
2. Disposal of inventory
3. Post-closure care
4. Site survey

## APPLICATION OF ENVIRONMENTAL ACCOUNTING

### **Cost Allocation**

Environmental accounting brings environmental prices to the limelight for all those who concerned into it, thus on change and encourage them to spot other ways to cut back value and to boost quality of the setting. Overhead value may be a collective value within which the environmental value is hidden. By allocating environmental value to a method or a product that generates them, an organization motivates the managers and staff of the organization to seek out higher ways that so as to regulate setting the pollution by lowering the price for the corporate and thereby raising the standards of the environment. If this overhead value isn't allotted properly to an organization that produces multiple merchandise then, one product can bear additional spare burden as compared with its contribution, whereas the opposite can have but actual contribution, whereas the third might bear some load with none such contribution. Underneath these circumstances, manager cannot understand the particular value of manufacturing the merchandise. (Spitzer et al., 1993).

### MISALLOCATIONS OF ENVIRONMENTAL COSTS UNDER TRADITIONAL COST SYSTEM

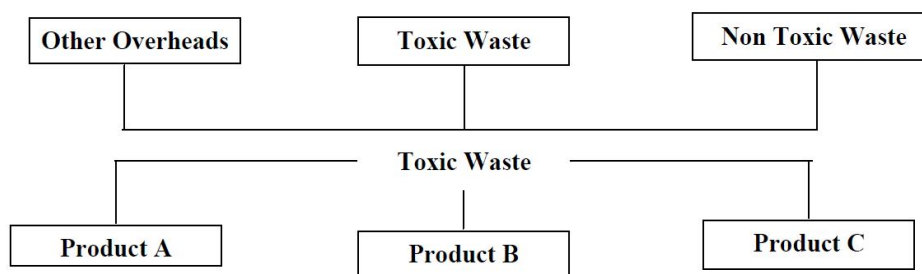


Fig 1: shows misallocation of environmental costs- Spitzer (1993, January)

In a multi-product company, allow us to assume that there are three products, A, B and C. A has non-toxic waste, whereas B has toxic industrial waste, and C has non-toxic waste. In traditional price system, as represented within the chart environmental price is wrongly allotted, whereas in environmental accounting identical are allotted in step with their contribution, as a results of that, actual cost accounting of various product are done. Any within the new technique, where there's Associate in nursing addition of price because of identification of environmental price, the managers explore the likelihood of reducing the prices and innovating new processes wherever the environmental prices are either eliminated or reduced. Specific environmental price application within the case of Product B and C will change the managers to grasp the particular position, and

can enthruse them to require steps for cut through the reduction of environmental prices and by up the process, etc. Similarly, wherever environmental price results from many processes through complex analysis and mathematical/statistical ways, correct allocation will be created to individual accountable traits. Some environmental prices which can accrue in future might have to be amortized and allotted to correct price centers. In a very similar fashion, the revenues on account of disposal or sale of bi-products or recyclables ought to be attributable to the relevant product, or price cent.

### **CAPITAL BUDGETING**

Capital Budgeting could be a very important method of developing the planned capital investment of a firm. It generally entails examination on the anticipated price and revenue streams of current operation and different investment as it comes against money benchmarks, in lightweight of the costs of capital to the firm. With the mixing of environmental value in capital budgeting, higher choices have become obtainable before any business entity to acknowledge the financially engaging investments in pollution hindrance and clean technology. Thus, whereas evaluating a possible capital investment at the grass root level, it's wiser to contemplate total environmental prices, cost savings and revenues, pollution hindrance investments vis-à-vis alternative alternatives. (Lee et al., 2011). After identifying the price and revenues of every investment possibility, its comparison may be created with the monetary viability of a cleaner technology investment. within the method, there are a unit bound data and problems that cannot be quantified, like probably less tangible edges of pollution hindrance investments that area unit to be qualitatively analyzed.

Collection of knowledge may be done directly and at the same time, environmental information may be developed from the prevailing accounting. Just in case there's environmental accounting system fashionable within the organization, then the inclusion of environmental value within the capital budgeting are going to be a far easier method. The environmental value and edges area unit to be quantified, once that a similar area unit to be allotted and projected. Varied parameters like cost savings, potential revenue to the merchandise, processes, systems or facilities, which form the specific focus of capital budgeting call, area unit to be meticulously came across. Reasonable time horizon within which environmental edges can accrue is to be mounted. (Lee et al., 2011). Easier estimations of cost and revenue area unit to be tried initial, and thenceforth we are able to proceed to estimate additional difficult and complicated calculations of environmental prices and edges, such as contingencies, potential less tangible edges etc.

The good issue regarding improved company image and relationship due to pollution investments can impact costs and revenues which will not be quantified in terms of money.

The potential less tangible advantages of pollution interference investment are going to be manifold.

- Increased sales thanks to increased image of the merchandise or company.
- Better access to borrowing and terms.
- Equity become additional enticing to investors.
- This might cause price saving within the field of health and safety.

### **ENVIRONMENTAL ACCOUNTING AS A FLEXIBLE TOOL**

Environmental accounting may be a versatile tool, because it is employed for varied purpose is it scale or purpose. Scale isn't a hindrance for the appliance of environmental accounting. whether or not the organization is tiny, medium or massive, whether or not it's one method, system, product, facility, division or the complete company, environmental accounting are often applied. Betting on the dimensions of application, pertinent problems or challenges regarding such associate application area unit to be taken care of. (Gale, R. J., & Stokoe, P. K., 2001) Regardless of scale, there's each scope for environmental accounting. Right from the preliminary stage of beginning the unit up to the post closure care, at every step, there's scope for environmental accounting. From regulative aspects to image and relationship building prices, there's scope for environmental accounting. In an exceedingly shell, the scope of environmental accounting refers to the type of prices enclosed. It's to be noted that with the enlargement of the scope of environmental value, the assessment and menstruation of bound environmental prices becomes relatively harder.

### **CONCLUSION**

Improved management of environmental cost is usually smart for trade and society, and accountants are used to measure accustomed acknowledge of opportunities for the reduction of environmental cost or to support environmental initiatives that make revenue streams. Afterward, pursuit a lot of granular value knowledge typically results in higher management of resources once it involves environmental accounting. Environmental



accounting principles and practices are mainly used by organizations to more accurately trace environmental costs back to specific activities.

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## AN EVALUATION OF THE FOOD SAFETY ISSUES IN INDIA

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## INTRODUCTION

Health is a basic right of the human beings. Food is a concept which doesn't require any introduction in ensuring right to health. It is one of the most essential requirements for all living beings to survive.<sup>1</sup> The application of scientific methods and industrial technologies drastically changed the scale and productivity of farming and food processing. Established practices in rearing animals and cultivating crops, the sourcing, processing, and distribution of agricultural produce, and the purchase, preparation, and consumption of food were all fundamentally transformed. These changes are reflected as a significant impact on the environment, on landscapes, soil, water resources, biological diversity, and the global climate system. As regards human health, food is now cheaper in terms of availability, price, and variety. India, being a developing country has come out with various legislations to address the issues relating to food security and food safety. Despite the existence of these legislations, the ground realities of the country with respect to food-related issues are shocking and disgraceful. *Food Safety and Standards Act, 2006* is a laudable legislation enacted by the Parliament of India to revamp and rejuvenate the food sector of the country, which was passed with the objective to 'consolidate the laws relating to food, for laying down science-based standards for articles of food, to regulate their manufacture, storage, distribution, sale and import, and to ensure availability of safe and wholesome food for human consumption'

## RIGHT TO FOOD AS A HUMAN RIGHT

Right to food has been given International recognition as a human right and it is recognized by the Constitutions of several countries.<sup>2</sup> It is one of the most basic human rights, closely related to the right to life.<sup>3</sup> The right to food protects the right of all human beings to live in dignity.<sup>4</sup> Even after the enactment and implementation of a plethora of International Conventions and Municipal laws the fact remains that right to food is still a dream for many. There is no effective mechanism and no firm commitment on the part of the world community with regard to the human right to adequate food. In a recent report published by the UN says that there is a rapid growth of number of hungry people in all over the world<sup>5</sup>. The number of hungry people over the world is on an increase which shows that the development and progress of eradication of poverty and malnutrition is on ascending rate. It also warns that in this state of affairs it is difficult to achieve the Sustainable Development

<sup>1</sup>. See, Report of a Joint WHO/FAO Expert Consultation, WHO Technical Series 916., Geneva: WHO, 2003. Available at

[http://apps.who.int/iris/bitstream/handle/10665/42665/WHO\\_TRS\\_916.pdf;jsessionid=1EFD33AE6A332E0617DA3BB185EECC71?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/42665/WHO_TRS_916.pdf;jsessionid=1EFD33AE6A332E0617DA3BB185EECC71?sequence=1) (last visited 10/09/2018).

<sup>2</sup> See Section 27 of the South African Constitution provides that everyone has the right to have access to sufficient food and water. Article 44 of the Colombian Constitution, Article 227 of the Brazilian Constitution and Article. 8 of the Cuban Constitution recognizes the right to food, especially for children. Article.19 of the Constitution of Ecuador also provides for "the right to standard of living that ensures the necessary health, food, clothing, housing, medical care and social services". Article.16 of Nigeria, and Article.27 of the Sri Lankan Constitution also provided for the right to food.

<sup>3</sup> See Article.6 of the International Covenant on Civil and Political Rights recognizes the inherent right to life of every human being. It says that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" See also, Article.3 of the Universal Declaration of Human Rights- Right to life, liberty and security of person.

<sup>4</sup> Human dignity forms the conceptual basis of human rights.

<sup>5</sup>. The state of food security and nutrition in the world 2018 has been prepared by the FAO Agricultural Development Economics Division in collaboration with the Statistics Division of the Economic and Social Development Department and a team of technical experts from FAO, IFAD, UNICEF, WFP and WHO. See Global hunger continues to rise, new UN report says, <http://www.who.int/news-room/detail/11-09-2018-global-hunger-continues-to-rise---new-un-report-says> (last visited on 11.06.2019).

Goal of Zero Hunger<sup>1</sup> that is to be achieved by 2030. When analyzing the Right to food as a basic Human Right, there are International Covenants and Constitutional provisions which deal with the mankind's right to be free from hunger.

### RIGHT TO FOOD - INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK

A number of International Instruments have committed states to uphold this basic human right. The first notion of right to food under International Law is found in the Universal Declaration of Human Right, 1948,<sup>2</sup> which was unanimously proclaimed by the UN General Assembly as a common standard for all humanity.<sup>3</sup> The Preamble of the Constitution of the Food and Agricultural Organization of the United Nations, 1965<sup>4</sup> and the International Covenant on Economic, Social and Cultural Rights, 1966<sup>5</sup> says about the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions and also directs the State parties to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent. Similarly, in the United Nations Convention on the Rights of the Child, 1989<sup>6</sup> requires the State Parties to take appropriate measures to combat disease and malnutrition through the provisions of adequate nutritious food. The World Food Summit Plan of Action, 1996<sup>7</sup> as its objective's states about the right to food. All these international instruments speak about food as an essential right to survival. So, the basic idea behind the safe and standard food is to ensure the safety and wellbeing of the people who consumes food. All these International Conventions postulates this idea by ensuring and directing the State parties a dignified life to its subjects.

India is a signatory to many of the international instruments involving right to food. Hence there is an obligation to respect, protect and fulfill the right to food for every citizens of India.<sup>8</sup> The Constitution does not expressly recognize the right to food. The comparable human right provisions in the Constitution of India are found in the preamble, Fundamental Rights as well as Directive Principles of State Policy. Article 21 of the Indian

<sup>1</sup>. End hunger, achieve food security and improved nutrition and promote sustainable agriculture. The Sustainable Development Goals (SDGs) aim to end all forms of hunger and malnutrition by 2030, making sure all people – especially children and the more vulnerable – have access to sufficient and nutritious food all year round. This involves promoting sustainable agricultural practices: improving the livelihoods and capacities of small scale famers, allowing equal access to land, technology and markets. It also requires international cooperation to ensure investment in infrastructure and technology to improve agricultural productivity. See, Sustainable development Goals, SDG 2, <http://www.sdgfund.org/goal-2-zero-hunger> (last visited on 11.06.2019).

<sup>2</sup> Here in after referred as UDHR, 1948. See Article.25(1) of the UDHR-Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

<sup>3</sup> See, United Nations General Assembly Resolution 217 A(III)A, New York.

<sup>4</sup> here in after referred as FAO, 1965-See the Preamble –The nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of raising levels of nutrition and standards of living and securing improvements in the efficiency of the production and distribution of all food and agricultural products.

<sup>5</sup> herein after referred as ICESCR, 1966, See the Article.11 of the ICESCR.

<sup>6</sup> here in after referred as (UNCRC), 1989, See Article.10 of the UNCRC.

<sup>7</sup> Adopted by the World Food Summit, Rome, 13 to 17 November 1996. See Objective 7.4. “to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant International and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all.”

<sup>8</sup> India joined the UN on October 30, 1945 and was involved with the UDHR proclaimed on December 12, 1948. The framers of the Indian Constitution were influenced by the concept of human rights and guaranteed most of the human rights contained in the UDHR. The Civil and Political rights have been incorporated in part III of Indian Constitution. India ratified the ICESCR on April 10, 1979.

Constitution provides the fundamental right to protection of life and personal liberty. It guarantees the right to live with human dignity.<sup>1</sup> Article.39 (a) of the Directive Principles of State Policy requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Moreover Art. 47 of the Indian Constitution spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary responsibility.<sup>2</sup> So it is clear that the specific right to food is nowhere mentioned in the Constitution. It has to be interpreted from the provisions mentioned above..

### FOOD SAFETY ISSUES IN THE PRESENT SCENARIO

Food safety is a concerned with the scientific handling, preparation and storage of food through ways that prevent food borne illness. The chemicals used in the growing or processing of food are frequently alleged to cause adverse effects in humans and animals. It is concerned with acute and chronic hazards that make food injurious to the health of the consumer<sup>3</sup>. Consumer confidence in the safety and quality of the food supply is an important requirement and consumers are demanding protection for the whole food supply chain from primary producers to the end consumer<sup>4</sup>. Foods Standards have been formulated in the interest of the general public to protect them from consuming improperly handled food and thereby prevent food-borne illnesses from spreading<sup>5</sup>. Standards are yardsticks established by an authority for measuring quantity, weight or quality<sup>6</sup>. The Food Standards ensures that each food stuff is what it claims it to be and its label exhibits and assures that standards. Food Safety is not simply a matter of concern to consumers and food industry. Right to food and food safety are fundamental rights that are emanated from other well-established fundamental rights like right to life, human dignity, right to health etc.

Food is also adulterated to increase the quantity and make more profit. The technical definition of food adulteration according to the Food and Safety Standards Authority of India (FSSAI) is, “the addition or subtraction of any substance to or from food, so that the natural composition and quality of food substance is affected.” Many of the food articles like rice, vegetables, meat, fish, milk, fruits available in the market contain insecticides or pesticides residues, beyond the tolerable limits causing serious health hazards. Milk is adulterated with detergent; Rice is with red oxide, Meat and fish with phenol which causes cancer and other serious health problems. Fruit based soft drinks available in various fruit stalls, contain such pesticides residues in alarming proportion, but no attention is made to examine its contents. Children and infants are uniquely vulnerable to the effects of pesticides because of their physiological immaturity and greater exposure to soft drinks, fruit based or otherwise. There are legislations to prevent adulteration and to ensure the safety and standards of food. Still adulteration in food is increasing.

### FOOD SAFETY AND STANDARDS ACT, 2006

The *FSS Act*, 2006 is the primary law for regulation of food products. This Act also establishes the formulation and enforcement of food safety standards in India. Until then the *Prevention of Food Adulteration Act*, 1954. regulated the laws of the food industry along with six other laws- *The Fruit Product Order*, 1955, the *Meat Food Products Order* of 1973, *The Vegetable Oil Products (Control) Order* of 1947, the *Edible Oil Packaging (Regulation) Order* of 1998, *The Solvent Extracted Oil, De Oiled Meal and Edible Flour (control) Order* of 1967 and the *Milk and Milk Products Order* of 1992. However due to the changing requirement of the food industry, the *Food Safety and Standards Act* was enacted in 2006. This law overrides and repealed all prior laws. The Act was established to bring uniformity and a single reference point for all matters relating to food safety

<sup>1</sup> See Article. 21 of the Indian Constitution: No person shall be deprived of his life and personal liberty except according to procedure established by law.

<sup>2</sup> “the duty of the state to raise the level of nutrition and the standard of living and to improve public health-the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”.

<sup>3</sup> Federation of Hotel & Restaurant Association of India, Food Safety & HACCP Manual for Hotels & Restaurants in India, (Federation of Hotel & Restaurant Association of India, Bombay, 2005) p.8

<sup>4</sup> . *ibid*.

<sup>5</sup> . Sunetra Roday, *Food Hygiene and Sanitation with case studies*, 2<sup>nd</sup> ed; (McGraw Hill Education India, New Delhi, , 2011). p.311.

<sup>6</sup> . *Ibid* at p.313.

and standards. It was a move from multi-departmental and multi-level control to a single line of command. This Act is enforced by two statutory authorities Food Safety and Standards Authority of India and State Food Safety Authority.

### DEFINITION OF THE TERM FOOD

It is defined as any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food, genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used in to the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or Processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances<sup>1</sup>. As per the definition food includes everything which is used for human consumption and also includes bottled drinking water. It is interesting to note that according to section 2 of the earlier Prevention of Food Adulteration Act, 1954, "food means any article used as food or drink for human consumption other than drugs and water and included any article which ordinarily enters in to or is used in the composition or preparation of human food, any flavoring matter or any other matter the Central government may declare as food". The FSS Act, 2006 has widened the scope and meaning of the term food.

The authorities responsible for the enforcement of this Act are the Food Safety and Standards Authority of India<sup>2</sup> and the Food Safety Commissioners in each State. They are supposed to monitor and verify that the relevant requirements of law are fulfilled by FBOs at all stages of food business from farm to the table<sup>3</sup>. The FSS Act, 2006 prescribes qualifications, the mode of selection of Chairperson and members of food authority, term of their office and removal from their post<sup>4</sup>. It is the duty of the Food Authority to regulate and monitor the manufacture, processing, distribution, sale and import of food to ensure safe and wholesome food to the consumers<sup>5</sup>. It also regulates the standards and guidelines in relation to articles of food, the limits of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, irradiation of food, accreditation of certification bodies, the quality control of imported food, procedure for the accreditation of laboratories, the method of sampling, food labelling standards and the manner and subject to which the risk analysis, risk assessment, risk communication and risk management shall be undertaken.

The FSS Act, 2006 has prescribed international standards for the food articles. This is to protect people from health hazards arising from food adulteration. The standards impose control and check over the quality of food available to consumers. As per the Act it is the duty vested with the FSSAI to set standards of food articles<sup>6</sup>. The standards have to conform with the International standards of food safety. The Codex Alimentarius Commission was created in 1963 by FAO and WHO to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme<sup>7</sup>. The FSS Act also prescribes stringent punishments for the violations of the provisions of the Act.

While analyzing the decision of the courts after the implementation of the FSS Act, 2006 it can be seen that Judiciary is keen to implement the provisions of the Act. In *Centre for Public Interest Litigation v. Union of India and Others*<sup>8</sup> the Hon'ble Supreme Court ordered to strictly follow the provisions of the FSS Act, 2006 as well as the Rules and Regulations framed there under. The Court observed that enjoyment of life and its attainment, including right to life and human dignity encompasses, with its ambit availability of articles of food,

<sup>1</sup>.Section 3(1)(j) of the FSS Act, 2006.

<sup>2</sup>.*ibid* Section 4.

<sup>3</sup>.The Food Authority consists of a Chairperson and members, representing the ministries or departments of the Central Government dealing with agriculture, commerce, consumer Affairs, Food Processing, Health, Legislative Affairs, and small Scale Industries.

<sup>4</sup>. *ibid* Section 6, 7 and 8.

<sup>5</sup>.Section 16 of the FSS Act, 2006.

<sup>6</sup>.*ibid* .

<sup>7</sup>.See [https://www.who.int/foodsafety/areas\\_work/food-standard/en/](https://www.who.int/foodsafety/areas_work/food-standard/en/) (Last visited on 10.12.2018).

<sup>8</sup> AIR 2014 SC 49

without insecticides or pesticides residues, antibiotic residues solvent residues etc. The Court also emphasized that any food article which is hazardous or injurious to public health is a potential danger to the right to life guaranteed under Article 21 of the Constitution of India. A paramount duty is cast on the States and its authorities to achieve an appropriate level of protection to human life and health which is a fundamental right guaranteed to the citizens under Article 21 read with Article 47 of the Constitution of India.

In *Nestle India v. Union of India*, Maggie, a product of international brand Nestle, and also a favorite dish of kids and youths all over the world, is caught for adding more than the permitted levels of lead. The amount of lead found was over 1,000 times more than what Nestle India Ltd. had claimed. It also contained Monosodium Glutamate (MSG) even though the pack said it didn't. The result was that Nestle forced to recall and collected 27,000 tons of Maggie noodles from retail stores, and destroyed them by first crushing the noodles and then mixing them with fuel and burning in incinerators at 11 cement plants across the country. The judiciary has taken a firm stand to uphold the provisions of the Act and thus to protect the right to life of the masses.

### **BOTTLENECKS IN THE ENFORCEMENT OF THE ACT**

Even though the Act has come up with novel features and international standards, it is sad to say that in India, still it is in the infancy stage. There are many factors contributes to that

Improper implementation of the Act- the main lacuna is with regard to the implementation. The well drafted legislation with all its forces remains in paper only. The vastness of the country and the diverse cultural and other factors makes it difficult to bring about uniformity in implementation. Still confusion exists with regard to many of its provisions: The FSS Act has repealed all other previous laws of food adulteration and has come in to effect after a wide gap. Therefore, there are confusion existing with regard to the many of the provisions of the Act. Lack of awareness among people: adulteration is the result of a greedy mind. But sometimes ignorance and lack of awareness also constitute the same. Still common people are not well informed about the hygiene and safety measures to be adopted in the manufacture of the food items till it reaches to the dining table. Another problem is with regard to the implementation of the Act. The shortage of accredited labs has to be rectified.

### **CONCLUSION**

Recently the report published by the Parliament Committee with regard to the functioning of FSSAI strongly recommended for the mobile food labs. That is a suggestion to be welcomed and implemented soon. The Food safety and standards Act is a well drafted enactment with stringent punishment prescribed for the violators. Still there are certain confusions with regard to its implementation stage. The Ministry or FSSAI may take steps to expeditiously notify the recruitment regulations and fill up vacancies. The Ministry is also required to ensure accreditation of all State food laboratories, and ensure that State food laboratories and referral laboratories are fully equipped and functional. The provisions of the Act have to be implemented in letter and spirit. Consumer has the right to obtain safe and nutritious food.

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## A REVIEW ON THE EFFECTS AND BENEFITS OF HATHA YOGA ON EMOTIONAL BALANCE AND PHYSICAL WELL BEING

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### ABSTRACT

*In the current scenario of the busy life, emotional balance is not only comprised of controlling negative symptoms, such as mental stress or depression, but also it triggers positive symptoms, such as happiness and self-realization. Yoga is one of the greatest way to work on your flexibility and strength. Among the various types of Yoga, Hatha Yoga is branch of Yoga which alludes the system of physical techniques and mental capabilities earlier studies have explored the impact of yoga on mental health and physical wellbeing, but the studies on confirming the cellular and psycho physiological effects of Hatha Yoga is sparse. Therefore, in this study we have conducted a literature analysis on the various beneficial factors and effects of Hatha Yoga. The findings of the study suggest that psycho physiological effects of the Hatha Yoga has more beneficial impact on emotional balance and physical wellbeing of a human compared to the cellular effects of it. The implications, future directions have been explained.*

*Keywords: Hatha Yoga, Emotional balance, Cellular effect, Psycho physiological effect, Physical wellbeing.*

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### INTRODUCTION

The word 'Hatha' comes from the Sanskrit terminology "Ha" and "Tha" representing the 'Sun' and 'Moon' respectively. Hatha Yoga is one of a science of balancing the solar-lunar and pair of opposites that exists within every individual for more intimate relationship to the Self. And, according to the sacred texts on Hatha Yoga, it is the art of opening the Sushumna Nadi, thus awakening the Kundalini that is the path to higher consciousness. The style of Hatha Yoga consists Yoga postures (asanas) and breathing exercises (Pranayama). These exercises assist in improving the intellectual and bodily advantages to the human frame for religious practices together with meditation. For a strong and wholesome body this style of Yoga turned into developed as a fixed of techniques for a robust and healthful frame to develop in instruction for religious exercise. Many humans have a false impression about Hatha Yoga is that it's far an exercise technique but the actual fact is this yoga technique is a discipline not an exercise technique. Hatha'-this phrase can be interpreted in two unique elements symbolically. The primary part is 'ha' (sun) that stands for movement and the second component 'tha' (moon) that stands for internalization. Hatha Yoga stands for the union of this particular energies of the solar and moon which might be also referred to as sun and lunar-sun (male, right nostril, pingala) and lunar electricity (lady, left nostril, ida). The time period 'Hatha Yoga' is typically translated because the Yoga that unites 'of the pairs of opposites'. Hatha Yoga is like an adventure toward inner-self that starts off evolved by making self-purification that we are able to do by way of performing some Hatha Yoga workouts.

This sort of exercise will assist us to realize the actual nature of our obstacles and be given those with recognize, it additionally allows us to conquer the ones boundaries and get benefited in every element of our lifestyles physical, mental, emotional and non-secular. This precise style of Yoga method is based totally in large part on asanas (physical postures) and also on Pranayama (breathing physical activities). All sort of Yoga has the same purpose-to make enlightenment and Hatha Yog is the precise technique that assist us to gain this intention thru the frame in place of the thoughts. So it could be stated that Hatha Yoga is a robust physical method of Yoga and is referred to as the Yoga of bodily area. It has additionally another meaning-'energy' and 'force'. There are a selection of workout routines in Hatha Yoga so it is able to also be said as the yoga of 'pressure'.

### THE SCIENCE OF HATHA YOGA

Hatha yoga isn't exercising. Understanding the mechanics of the body, creating a certain ecosystem, after which using body postures to pressure your strength in particular guidelines is what hatha yoga or yogasanas are approximately. "Asana" means a "posture." That kind of posture which allows you to attain your better nature is a yogasana. There are different dimensions to this, but to put it in the simplest manner, simply by means of gazing the manner a person is sitting, you could nearly recognize what's occurring with him, when you have known him enough. If you have discovered yourself, when you are irritated, you move away and be unhappy, in case you are depressed, you sit down any other way. For every different degree of attention or intellectual and emotional state of affairs which you move via, your body naturally has a tendency to count on your postures.

## REVIEW OF LITERATURE

The word “yoga” comes from the Sanskrit root yug, which means “union.” within the non-secular experience, yoga way union of the thoughts with the divine intelligence of the universe. Yoga targets through its practices to free up a person from the conflicts of duality (frame-thoughts), which exists in every dwelling element, and from the influence of the gunas, the traits of time-honored power which can be found in every bodily aspect. (Ordinary power has 3 traits, referred to as gunas, that exist collectively in equilibrium: Sattva [purity]; Rajas [activity, passion, the process of change]; and Tamas [darkness, inertia]).

One of the yoga practices, Hatha Yoga, is based totally on the know-how, improvement, and stability of psychophysical energies in the body and be known as the “psychophysical yoga.” The 3 primary elements utilized in Hatha Yoga to acquire its purposes are the mind, the subtle part; and the element that relates the body with the mind in a special way, the breath. Hatha Yoga gives special techniques for every elements. For the bodily component, or body, it offers the asanas (“postures”), techniques for physical conditioning, called kriyas (“actions”), mudras (“seals”), bandhas (“locks”), as well as techniques for total and conscious physical relaxation. Although a small part of the practice of yoga, the capacity of kriyas, mudras, and bandhas to deepen awareness and consciousness should not be overlooked. A kriya is an action or effort to direct movement of energy up and down the spine, transforming the meditator’s state of being until spiritual realization occurs; a mudra is a gesture or a seal, a body movement to hold energy, or concentrate awareness; and a bandha is an energy lock, using muscular constriction to focus awareness.

All the techniques are taken into consideration one by one due to their discrete benefits. For the mental or subtle part, Hatha Yoga offers awareness in specific parts of the body, or in subtle forms or abstract ideas. Ultimately, for that hyperlink between the body and the mind, which is breathing, Hatha Yoga has evolved a variety of specific strategies, known as pranayamas. (Pranayama in a physiological feel includes breath control [inhalation, exhalation, and suspension] that strengthens the respiratory muscle mass and improves ventilation). Those are the strategies for activation of prana (“energy”) this is contained in the breathing. Inside the practice of yoga, the whole lifestyles-strength of the universe is known as prana. In Hatha Yoga, therefore, prana is absorbed by the breath, through the breathing. The way wherein we breathe units off strength vibrations that affect our entire being. Controlling and understanding breathing in Hatha Yoga will control energy flow.

## 3. BENEFITS OF HATHA YOGA ON EMOTIONAL BALANCE AND PHYSICAL WELL BEING

### 3.1 Benefits Of Hatha Yoga On Emotional Balance

Yoga has additionally been related to perceptual improvements. The various consequences which have been evaluated are nicely-being (Malathi and Damodaran, 1999), anxiety (Malathi and Damodaran, 1999), perceived strain and mood (Berger and Owen, 1988; Netz and Lidor, 2003). Possibly in reputation that yoga can also effect the frame on each a bodily and psychological stage (Ives and Sosnoff, 2000), some studies have covered perceptual and qualitative data alongside goal tests of the situation underneath study. Those research had been illuminating and generally supportive of the use of a combined evaluation model in yoga studies. For instance, a look at of women with hyperkyphosis determined no big enhancements in practical fitness or postural assessment, however members said progressed body consciousness, properly-being, and perception of bodily functioning (Greendale et al., 2002). moreover, at the same time as the qualitative findings were not large in a have a look at of changed hatha yoga in sufferers with low returned ache, the exams included purposeful attain and trunk flexibility together with scales measuring despair and incapacity (Galantino et al., 2004). Contributors on this take a look at stated in journals that they felt prompted by way of the yoga class, and that the sessions had a wonderful impact on feelings of relaxation and self-focus. Several problems in yoga studies stay tricky. A primary problem is that research pronounced under the umbrella time period “yoga” can consist of interventions that use handiest non-bodily aspects of yoga. Studies on meditation and yoga-inspired strain discount strategies has recommended tremendous results (Bishop, 2002; Kerr, 2000). A further trouble is the constrained generalizability of maximum of the yoga research. Regardless of the popular notion that yoga is exercise (Horrigan, 2004), lots of the studies regarding yoga has targeted on illness or disorder-related outcomes (Raub, 2002). Not a whole lot is known about how and why humans practice yoga, inclusive of whether or not it is for physical exercising or treatment of illness or sickness. Ultimately, one of a kind types of the physical exercise of yoga (asana) are recognized to differ in bodily intensity (Ives and Sosnoff, 2000), yet to date there has been little studies evaluating yoga asana patterns.

### 2.1. Depression

We found four applicable courses, inclusive of two evaluations on the consequences of yoga on depression, an outline of research on yogic respiratory for despair, and one “precise”. The reviewing authors have mentioned



that the research reviewed confirmed a big form of diagnoses starting from “important depression or some other sort of diagnosed despair” to “expanded depressive symptoms”. Despite the fact that several randomized managed trials (RCTs) mentioned beneficial outcomes of yoga interventions for treating depressive signs, the quality and amount of the statistics from these studies seem inadequate to conclude whether or not there may be giant scientific justification to recall yoga as a treatment of despair. In comparison to passive controls, the yoga interventions seem to be effective; whilst as compared with lively controls, no longer noticeably, the effects are less conclusive (Brown, and Gerbarg, (2005). The take a look at consequences are to date now not enough in quantity and exceptional to decide whether research with a focal point at the asanas are extra effective compared to studies with meditation-focused or pranayama-focused patterns. For that reason, there's a sturdy need to conduct greater conclusive research with high methodological fine and large affected person samples. Whether or not motivation of depressed sufferers could be a hassle or no longer remains to be clarified. There has been an attempt to discover mechanisms of movement and to recognize the entire image of the outcomes of yoga in despair looking at electrophysiological markers of attention, and neurotransmitters which had been observed to alternate with yoga.

## 2.2. Anxiety And Anxiety Disorders.

There is one systematic evaluate analyzing the results of yoga on tension and tension disorders, a Cochrane review on meditation remedy for anxiety disorders(citing one yoga observe), a description of research on yogic breathing (which can be also addressed within the systematic review), and one precise. Maximum research described beneficial consequences in favor of the yoga interventions, especially while compared with passive controls (i.e., exam tension), however also as compared with active controls which include relaxation reaction or as compared to traditional drugs. But, there are currently no metaanalyses available which would genuinely differentiate this critical issue. As a minimum the AHRQ report stated that “yoga changed into no higher than Mindfulness-based totally pressure reduction at decreasing anxiety in patients with cardiovascular sicknesses” (Raub, 2011). One systematic assessment describes the outcomes of yoga on stress-associated signs. Chong et al. recognized 8 managed trials, 4 of which were randomized, which fulfilled their selection criteria. Maximum studies described useful effects of yoga interventions. Although not all research used good enough and/or consistent gadgets to measure pressure, they although suggest that yoga might also reduce perceived strain as effective as other active manage interventions which includes relaxation, cognitive behavioural remedy, or dance. Also the AHRQ record stated that “yoga helped lessen strain”.

## 3.2 BENEFITS OF HATHA YOGA ON PHYSICAL WELL BEING

### 3.2.1. Physical Wellbeing.

There was one critical evaluation which evaluated whether yoga can engender fitness in older adults. With recognize to physical health and characteristic, the studies stated moderate impact sizes for gait, stability, frame flexibility, body power, and weight reduction. However, there is still a want for added studies trials with adequate manage interventions (active and specific) to confirm these promising findings (Pilkington, 2004). One can also anticipate that maintaining physical fitness and improving bodily functioning can have a high-quality effect on useful capabilities and self-autonomy in older adults. Further studies ought to address whether or no longer individuals' self-esteem and self-belief will increase at some stage in the guides, and whether or not or no longer regular classes may enhance social competence and involvement. (Brown, & Gerbarg, (2005b). A hassle with studies enrolling elderly subjects can be compliance with the study protocol leading to low levels of take a look at completion and long-term follow-up facts. Destiny research have to look into the most appropriate period of yoga intervention and the most suitable postures and yoga fashion for the aged.

### 3.2. Sympathetic/Parasympathetic Activation.

There have been forty two research at the yoga effects on sympathetic/parasympathetic activation and cardio vagal characteristic, that is, 9 RCTs, 16 non-RCTs, 15 out of control trials, and 2 move-sectional trials. Maximum studies offered “a few evidence that yoga promotes a discount in sympathetic activation, enhancement of cardiovagal function, and a shift in autonomic apprehensive gadget balance from usually sympathetic to parasympathetic”. But, a number of the research blanketed within the overview confirmed much less even contrasting, results. Because maximum of these outcomes are brief-time period phenomena, greater rigorous work is needed. Every other lacuna is that there are very few research that have studied plasma catecholamine stages and maximum of them are early studies (Kirkwood, 2005)

### 3.3. Cardiovascular Endurance.

Raub's literature assessment, which blanketed 7 managed studies, suggested “significant improvements in standard cardiovascular staying power of younger subjects who have been given varying intervals of yoga education (months to years)” (Jayasinghe, 2004). Final results measures blanketed oxygen consumption, work

output, anaerobic threshold, and blood lactate for the duration of exercising trying out. As expected, physical fitness multiplied in youngsters or teenagers (athletes and untrained individuals) compared to different styles of exercise, with a longer period of yoga practice resulted in higher cardiopulmonary endurance.

## CONCLUSION

Hatha Yoga is the unique thoughts body medicine and is one of the greatest treasures of the particular Indian cultural historical past. As both an artwork and technological know-how it has a lot to offer humankind in phrases of a knowledge of each the human thoughts as well as all components of our multilayered existence. Hatha Yogic life-style, Yogic eating regimen, Yogic attitudes and numerous Yogic practices help man to bolster himself and develop advantageous health accordingly allowing him to withstand stress better. This Hatha Yogic “health insurance” is executed via normalizing the belief of stress, optimizing the reaction to it and by freeing it successfully through numerous practices. Yoga is actually a healthful and necessary science of existence that offers with multidimensional aspects of fitness in both the person and society. Hatha Yoga allows us to take the best mindset closer to our challenges and consequently tackle them efficiently and correctly. “To have the will (iccha shakti) to trade (kriya shakti) that which may be changed, the electricity to simply accept that which cannot be modified, and the expertise (jnana shakti) to realize the distinction” is the mind-set that desires to the cultivated. An mindset of letting move of the concerns, the problems and a greater know-how of our mental method allows to create a concord in our frame, and mind whose disharmony is the principle cause of ‘aadi – vyadhi’ or psychosomatic problems. “Health and happiness are your birthright, declare them and expand them on your most ability” (Giri, 1995). This message of Swamiji Gitananda Giri Guru Maharaj is a company reminder that the intention of human life isn't always health and happiness however is moksha (liberation). The genal public these days are so busy trying to find health and happiness that they forget about why they are here in the first region. Hatha Yoga is the great way for us to regain our birthrights and attain the purpose of our human life.

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**SUSTAINABLE TOURISM AND CONTRIBUTION TO INDIAN ECONOMY – AN ANALYSIS****Dr. Shivakumar M. A**

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**INTRODUCTION**

To increase and facilitate travel to India, the government has placed significant emphasis on ground transportation and international openness. Stronger visa policies and an e-tourist visa have produced an increase in arrivals in 2017-18. Addressing tourist service infrastructure, security and environmental sustainability concerns are also key to achieving India's travel and tourism potential.<sup>1</sup> This tourism may be based on cultural, historic, and social attractions of an urban or rural centric on the appeal of different environment. It is now one of the most important emerging industries of India. Tourism in India is an important foreign exchange earner. Tourism not only fetches foreign exchange, it has great potential to provide employment to the trained, skilled, and unskilled workers. Tourism is recognized as a powerful engine for economic growth and employment generating in the country. India's travel and tourism sector ranks 7<sup>th</sup> in the world, tourism contributed 10.4% of world GDP and generated 10% of the world jobs. In India, tourism contributes about 5.92% to the GDP and generates 9.24% (around 49.8 million) jobs as per the Karnataka vision group report, if the State invests Rs. 85,000 cr. in the next 10 years, it can generate 4.3 lakh jobs in the tourism sector. Tourism's impact on environment is very minimal and it creates jobs and entrepreneurial opportunities for the people at the bottom of the pyramid, especially women, youth and rural people. Tourism is one of the main driving forces behind the preservation and conservation of heritage, culture and ecology.<sup>2</sup>

The sector accounts for 9.3% of the country's total jobs. India's Travel and Tourism sector was also the fastest growing amongst the G20 countries, growing by 8.5% in 2016. A further 6.9% growth is forecast for 2018. World Tourism and Travel Council (WTTC)<sup>3</sup> said India's figures are predominantly generated by domestic travel, which accounts for 88% of the sector's contribution to GDP in 2019. Visitor exports, money spent by foreign travelers in India, only represents 12% of tourism revenues and in 2016 totaled Rs 1.5 trillion (USD22.8bn).<sup>4</sup>

**THE CONCEPT AND DEVELOPMENT OF TOURISM IN INDIA**

Tourism in its modern form is not the same as travels of the early periods of human history. In the language of Jews, the word 'Torah' means study or search and 'tour' seems to have been derived from it. In 'Latin' the original word 'Tornos' stands close to it. 'Tornos' was a kind of round wheel-like tool hinting at the idea of a travel circuit or a package tour. In Sanskrit, 'Paryatan' means leaving one's residence to travel for the sake of rest and for seeking knowledge. 'Deshatan' is another word which means travelling for economic benefits. 'Tirthatan' is the third equivalent which means travelling for religious purposes. Tourism refers to a temporary and voluntary movement of people mainly for holidaying, seeking pleasure or business collaboration.<sup>5</sup> India, is a place of infinite variety, is fascinating with its ancient and complex culture, dazzling contrasts, and breathtaking physical beauty. The World Travel and Tourism Council has identified India as one of the foremost growth centers in the world in the coming decades. Domestic tourism is estimated to be much higher than that of International tourism has been rising rapidly.<sup>6</sup>

<sup>1</sup> World Economic Forum, committed to improved the State of the World "Incredible India 2.0" [http://www3.weforum.org/docs/White\\_Paper\\_Incredible\\_India\\_2\\_0\\_final\\_.pdf](http://www3.weforum.org/docs/White_Paper_Incredible_India_2_0_final_.pdf)

<sup>2</sup> The Hindu Daily English New Paper, "Tourism can help communities build a better future by offering them jobs" p.no.2, dated 28.09.2019

<sup>3</sup> The World Travel & Tourism Council (WTTC) is the body which represents the Travel & Tourism private sector globally. Our Members include over 170 CEOs, Chairs and Presidents of the world's leading Travel & Tourism companies from all geographies covering all industries. more information available at: <https://www.wttc.org/> last visited on 27.09.2019.

<sup>4</sup> The Economic Times (Travel) by Anumeha Chaturvedi, dated 4<sup>th</sup> April 2018, available at [http://economictimes.indiatimes.com/articleshow/58011112.cms?from=mdr&utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://economictimes.indiatimes.com/articleshow/58011112.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst) visited on 22.08.2019

<sup>5</sup> Tourism – Concept, Resource and Development, Geography of Tourism in India, by National Institute of Open Schooling, <https://www.nios.ac.in/media/documents/316courseE/E-JHA-30-10B.pdf>

<sup>6</sup> Majid Husain 'Geography of India' Mcgraw Hill Education (India) Private Limited, Chennai, 7<sup>th</sup> edn, 2017, page no. 11.58

## TRENDS IN TOURISM STATISTICS



Source: Ministry of Tourism, Government of India

## FOREIGN EXCHANGE EARNINGS THROUGH TOURISM IN INDIA



Source: Ministry of Tourism,<sup>1</sup> Government of India

## DOMESTIC TOURIST VISITS TO DIFFERENT STATES/UTS OF INDIA



Source: Ministry of Tourism, Government of India

## FINANCIAL PERFORMANCE DURING 2017-18

SL No	Scheme/Head (Revenue)	Final Grant (Amount in Crore)	Expenditure (Amount in Crore)
1	Information and Communication Technology	24.16	24.15
2	Capacity Building for Service Providers	39.95	39.83
3	Domestic Promotion in Publicity including Hospitality	90.00	89.84
4	Overseas Promotion in Publicity including MDA	273.37	271.46
5	Swadesh Darshan	943.95	943.78
6	PRASAD	99.95	99.93
	<b>Total</b>	<b>1691.00</b>	<b>1687.06</b>

Source: Ministry of Tourism, Government of India.

<sup>1</sup>Ministry of Tourism, Govt. of India, [http://tourism.gov.in/Digital\\_book\\_MOT/HTMLPage.htm#features/7](http://tourism.gov.in/Digital_book_MOT/HTMLPage.htm#features/7) last visited on 30.07.2019

**CONCEPT OF SUSTAINABLE TOURISM**

Sustainable tourism seeks to meet three over-arching goals: to improve the quality of life for host communities; to achieve visitor satisfaction; and to protect natural resources in destination countries, sustainable tourism as that which meets the needs of present tourists and host regions while protecting and enhancing opportunities for the future. It is envisaged as leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, and biological diversity and life support systems.

Above definition shows the influence of the Brundtland Commission's Report to the United Nations in 1987. The Brundtland Report *Our Common Future* (World Commission on Environment and Development [WCED] 1987) focused business and government attention on the need to address global environmental issues and related economic-social factors, using a long-term perspective.<sup>1</sup> In Johannesburg in 2002,<sup>2</sup> which defines responsible tourism as having the following characteristics,

- (a) Minimizes negative economic, environmental, and social impacts;
- (b) Generates greater economic benefits for local people and enhances the well-being of host communities, improves working conditions, and access to the industry;
- (c) Involves local people in decisions that affect their lives and life chances;
- (d) Makes positive contributions to the conservation of natural and cultural heritage, to the maintenance of the world's diversity;
- (e) Provides more enjoyable experiences for tourists through more meaningful connections with local people, and a greater understanding of local cultural, social, and environmental issues;
- (f) Provides access for physically challenged people; and
- (g) Is culturally sensitive, engenders respect between tourists and hosts, and builds local pride and confidence.<sup>3</sup>

Another area of strong research interest that is closely related to sustainable tourism and responsible tourism is ecotourism, a practice that is argued to be oriented towards the achievement of sustainability.<sup>4</sup> Tourism is a major phenomenon of the modern society, which has emerged as an economic immense global importance. Tourism has found a niche for itself as an effective instrument generating employment, earning revenue and foreign exchange, enhancing environment preservation, rejuvenation of the culture and tradition and thereby facilitation overall development.<sup>5</sup>

The UN World Tourism Organization defined sustainable tourism as 'leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems'. Later in 1992, the 'Earth Summit'<sup>6</sup>

<sup>1</sup> United Nations Report of the World Commission on Environment and Development on "Our Common Future 1987 (A Global Agenda for Change) (WCED, 1987: 49) chaired by Gro Harlem Brundtland, report available at <https://sustainabledevelopment.un.org/milestones/wced> last visited on 02.08.2019.

<sup>2</sup> The World Summit on Sustainable Development (Johannesburg Declaration) held in 2002 issue on environmental degradation caused by human actions to achieve speedy growth. For more information available at <http://www.sulabhinternational.org/the-world-summit-on-sustainable-development-johannesburg-2002/> last visited on 27.09.2019

<sup>3</sup> The concept of Sustainable Tourism, indicators and its impacts on tourism defined by UNWTO, available at <http://www.greentourism.eu/en/Post/Name/SustainableTourism> last visited 27.09.2019

<sup>4</sup> Joseph E. Mbaiwa & Amanda L. Stronza "The Challenges and Prospects for Sustainable Tourism and Ecotourism in Developing Countries" p.2 (The SAGE Handbook of Tourism Studies) London, 2009 available at [http://iproxy.inflibnet.ac.in:2063/reference/download/hdbk\\_tourism/n19.pdf](http://iproxy.inflibnet.ac.in:2063/reference/download/hdbk_tourism/n19.pdf) last visited on 1.08.2019.

<sup>5</sup> S Venu Kumar and K.S Chandra Shekar "Sustainable Dimensions of Tourism Management" Mittal Publications, New Delhi, 2006, at p.no. 75

<sup>6</sup> The United Nations Conference on Environment and Development (UNCED), also known as the Rio de Janeiro Earth Summit, the Rio Summit, the Rio Conference, and the Earth Summit, held in Rio De Janeiro from 3 to 14 June 1992.

in Rio established the triple principles of environmental, economic and social sustainability. Since then, the principles of sustainable tourism have been adopted by the tourism industry worldwide. Sustainable tourism implies minimizing the negative and maximizing the positive impacts (social, cultural, economic, environmental and governance related) of all forms and activities of tourism on

- (i) Environment
- (ii) Local Communities (including marginalized and vulnerable communities like adivasis, dalits, children and women)
- (iii) Heritage (cultural, natural, built, oral, intangible) and
- (iv) Inclusive economic growth.<sup>1</sup>

### **CLASSIFICATION OF TOURISM PLACES IN INDIA**

The tourist's places are of many types because of their location in different geographical regions, diverse characteristics of their sites, and a scope for a variety of tourist activities. These are classified to sum up their attractions and amenities as the bases of tourism. However, there are many tourist centers which are multifunctional and offer a combination of attractions in their environment, general classification of Tourism places such as (a) Nature Tourism, (b) Hill Stations, (c) Historic Monuments and Archaeological Sites (d) Cultural and Religious Tourism, (e) Sea Beaches, (f) Adventure Tourism, (f) Rural Tourism,<sup>2</sup> and (h) Medical Tourism.<sup>3</sup>

### **GOVERNMENT OF INDIA INITIATIVE TO DEVELOPMENT OF TOURISM**

The Ministry of Tourism is the Nodal agency for the formation of national policies and programmes and for the coordination of activities of various Central Government Agencies, State Governments/UTs and the private sectors for the development and promotion of tourism in India. The following schemes initiated by the Ministry for the development of tourism in India those are follows,<sup>4</sup>

### **INCREDIBLE INDIA**

An international marketing campaign was initiated by the Tourism Ministry to promote tourism in India for the global audience in 2002. The campaign projected India as an attractive tourist destination by showcasing different aspects of Indian culture and history like yoga, spirituality etc. The campaign was conducted globally and was highly appreciated. In 2009, To educate the local population regarding good behavior and etiquette when dealing with foreign tourists, a special campaign was launched by the Ministry. The famous T.V. Advertisement title 'Atithi Devo Bhava'.

Since its inception, the slogan 'Incredible India' has been widely applied for describing not only India's spectacular tourism resources, but also the economic miracle of GDP growth surpassing 7%. Ministry of Tourism launched the new Incredible India website<sup>5</sup> on 14<sup>th</sup> June 2018, and the Incredible India Mobile App on 27<sup>th</sup> September 2018. The website and app showcases India as a holistic destination, revolving around major experiences, such as, spirituality, heritage, adventure, culture, yoga, wellness and more. The website follows the trends and technologies of international standards with an aim to project India as a "must-visit" destination.

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<sup>1</sup> Ministry of Tourism, Government of India, Report of the Working Group on Tourism for 12<sup>th</sup> Five Year Plan (2012-17) at [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wgrep\\_tourism.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wgrep_tourism.pdf) last visited on 27.07.2019

<sup>2</sup> The Ministry of Tourism explains Rural Tourism as "Any form of tourism that showcases the rural life, art, culture and heritage at rural locations, thereby benefitting the local community, economically and socially, as well as enabling interaction between the tourists. For further information, available at Prof. K Vijaya Babu and Mr. Jayaprakashnarayana Gade, 'Tourism in India' Zenon Academic Publishing, Hyderabad, p.89, (2014 )

<sup>3</sup> Majid Husain 'Geography of India' Mcgraw Hill Education (India) Private Limited, Chennai, 7<sup>th</sup> edn, 2017, page no. 11.59

<sup>4</sup> Press Information Bureau, Ministry of Tourism Government of India, information available at <https://pib.gov.in/newsite/PrintRelease.aspx?relid=186799> last visited on 20.08.2019

<sup>5</sup> Incredible India website launched by Ministry of Tourism, Government of India, to access information at <https://www.incredibleindia.org/content/incredible-india-v2/en.html> last visited on 19.09.2019

**SWADESH DARSHAN YOJANA**

The Ministry of Tourism (MoT) launched the Swadesh Darshan Scheme on 9<sup>th</sup> March 2015, for integrated development of theme-based tourist circuits in the country.<sup>1</sup> This scheme is envisioned to synergies with other Government of India schemes like Swach Bharath Abhiya, Skill India, Make in India etc., with the idea of positioning the tourism sector as a major engine for job creating, driving force for economic growth, building synergy with various sectors to enable tourism to realize its potentials. Under the scheme, 15 thematic circuits have been indentified, for development namely North-East India Circuit, Coastal Circuit, Krishna Circuit, Desert Circuit, Tribal Circuit, Eco Circuit, Wildlife Circuit, Rural Circuit, Spiritual Circuit, Ramayana Circuit, Heritage Circuit, Trithankar Circuit and Sufi Circuit. 67 projects across different States/UTs worth 5638.87 Crore have been sanctioned till 2017-18.<sup>2</sup> A total number of 07 projects have been sanctioned during 2018-19 for a total amount of Rs.384.67 Crore.

**SPECIAL TOURISM ZONE**

The main objective of the scheme is to creation of 'Special Tourism Zone'. It partnership with the States was announced in the Budget for 2007-18. Creation on Special Tourism Zones would lead to overall development of the areas and offer diverse tourism experience which would help in creating livelihood and improve standards of local communities living in those areas.

The States including Kerala, Goa, Gujarat and Maharashtra etc. have been identified as Special Tourism Zones for the growth of the regions Bekel, Malabar and Wayanad regions in Kerala, Kevadia in Gujrat, Commonwealth village in Delhi, Kundil Manesar-Palwal in Haryana, Gorai-Manori-Uttan, Manandargarh and Sindhudurg in Maharashtra, Manali and Kullu in Himachal Pradesh. The implementation of Tourist Visa on Arrival system by the government contributed to the enormous growth rate of the foreign tourist arrivals to the country. This system enabled with Electronic Travel Authorisation (ETA) Scheme was launched on 27-11-2014. This is for citizens of 43 countries to travel to India for tourism for a short stay of 30 days.

**INTERNATIONAL BUDDHIST CONCLAVE (IBC) 2018**

Ministry of Tourism organized the International Buddhist Conclave-2018 (IBC-2018) on the theme "Buddha Path—The Living Heritage" in collaboration with the State Governments of Maharashtra, Bihar and Uttar Pradesh. The Hon'ble President of India inaugurated the International Buddhist Conclave-2018 (IBC-2018) at Vigyan Bhawan, New Delhi on 23<sup>rd</sup> August, 2018 at New Delhi. The event was followed by site visits to Ajanta (Maharashtra), Rajgir, Nalanda & Bodhgaya (Bihar) and Sarnath (Uttar Pradesh). Japan was the 'Partner Country at IBC-2018. Panel discussion on 'Role of Living Buddhist Heritage in the Contemporary Society', the Ministry of Tourism launched its website [www.landofbuddha.in](http://www.landofbuddha.in). As a result "Investing in the Buddhist Circuit" was launched on 17th July 2014. In the 2014- 15 Budget two new schemes were announced for the promotion of Tourism.

**PARYATAN PARV**

The Ministry of Tourism and collaboration with other Central Ministers, State Governments and Stakeholders organized a Paryatan Parv., it was organized from 5<sup>th</sup> October to 25<sup>th</sup> October with the objectives to focus on the benefit of tourism, showcasing cultural diversity and reinforcing the principle of 'Tourism for All'. The programme focused on encouraging Indians to explore their own country (Dekho Apna Desh). Tourism events such as interactive sessions and workshops on skill development and innovation in the sector would be conducted across all states. Paryatan Parv culminated in a Grand Finale at the Rajpath Lawns, New Delhi from 23<sup>rd</sup> to 24<sup>th</sup> October 2017.

**ADOPT A HERITAGE SCHEME**

The 'Adopt' a Heritage Scheme of the Ministry of Tourism was launched on World Tourism Day i.e. 27<sup>th</sup> September 2017 by the President of India. Thereafter, Ministry of Tourism invited Private Sector Companies, Public Sector Companies and Corporate individuals to adopt the sites and to take up the responsibility for making our heritage and tourism more sustainable through conservation and development. This scheme is envisages developing monuments, heritage and tourist sites across India and making them tourist friendly to enhance their tourism potential and cultural importance, in a planned and phased manner.

<sup>1</sup> Swadesh Darshan: Scheme Guidelines for Integrated Development of the Theme – Based Tourist Circuits in the Country, Ministry of Tourism, Government of India, available at <http://tourism.gov.in/sites/default/files/Other/Guidelines%20final.pdf> last visited 02.08.2019

<sup>2</sup> Ministry of Tourism, Government of India, for more information available at [http://tourism.gov.in/Digital\\_book\\_MOT/HTMLPage.htm#features/7](http://tourism.gov.in/Digital_book_MOT/HTMLPage.htm#features/7) last visited on 31.07.2019



The Ministry of Tourism is close collaboration with Ministry of Cultural and Archaeological Survey of India (ASI) which envisages developing monuments, heritage and tourist sites across India and making them tourist friendly to enhance their tourism potential and cultural importance, in a planned and phased manner. The project primarily focuses on development and maintenance of world-class tourist infrastructure and amenities which includes basic civil amenities and advanced amenities like cleanliness, public Conveniences, Ease of access, secure environment, illumination and night viewing facilities for an overall inclusive tourist experience that will result in more footfall from both domestic and foreign tourists. Seven shortlisted companies were given 'Letter of Intent' for 14 monuments under 'Adopt a Heritage Scheme' for development of 'Monuments Mitras'.

#### **(G) Prasad (Pilgrimage Rejuvenation And Spiritual, Heritage Augmentation Drive (PRASAD) Scheme**

Pilgrimage Rejuvenation and Spirituality Augmentation Drive (PRASAD) was launched in 2015. It was to identify and develop pilgrimage tourist destinations on the principles of high tourist visits, competitiveness and sustainability to enrich the religious tourism experience. Originally 12 cities were selected for the same but it was increased to 25. Recently Gangotri, Yamunotri, Amarkantak, Parnashan have been included in the list of sites under PRASAD scheme bringing the number of sites under the scheme to 41 in 25 states. 24 projects in different States/UTs worth 727.16 Crore have sanctioned till 2017-18.<sup>1</sup> It aims at integrated development of pilgrimage destinations in planned, prioritized and sustainable manner to provide complete religious tourism experience. It focuses on the development and beautification of the identified pilgrimage destinations.

#### **(6) Sustainable Tourism And Sustainable Development Goals (Sdgs)**

The year 2015 has been a milestone for global development as governments have adopted the 2030 Agenda for Sustainable Development, along with the Sustainable Development Goals (SDGs).<sup>2</sup> The bold agenda sets out a global framework to end extreme poverty, fight inequality and injustice, and fix climate change until 2030. Building on the historic Millennium Development Goals (MDGs),<sup>3</sup> the ambitious set of 17 Sustainable Development Goals and 169 associated targets is people-centered, transformative, universal and integrated. Tourism has the potential to contribute, directly or indirectly to all of the goals. In particular, it has been included as targets in Goals 8, 12 and 14 on inclusive and Sustainable Use of Oceans and marine resources, respectively. Sustainable Tourism is firmly positioned in the 2030 Agenda. UNWTO developed the 'Tourism for SDGs platform' with aimed to policy makers, international organizations, academia, donors, companies and all tourism stakeholders and encourages them to engage in SDG implementation strategies.<sup>4</sup>

Goal-8, Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work For All. Tourism is one of the driving forces of global economic growth, and currently accounts for 1 in 11 jobs worldwide. By giving access to decent work opportunities in the tourism sector, society-particularly youth and women- can benefit from enhanced skills and professional development. Goal-12, **Ensure sustainable Consumption and Production patterns.** A tourism sector that adopts sustainable consumption and production (SCP) practices can play a significant role in accelerating the global shift towards sustainability. The Sustainable Tourism Programme (STP) of the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns (10YFP) aims at developing such SCP practices including resource efficient initiatives that result in enhanced economic, social and environmental outcomes.

Goal-14, **Conserve and sustainably use the oceans, seas and marine resources for sustainable development.** Coastal and maritime tourism, tourism's biggest segments, particularly for Small Island Developing States' (SIDS), rely on healthy marine ecosystems. Tourism development must be a part of

<sup>1</sup> Ibid.,

<sup>2</sup> The Sustainable Development Goals (SDGs), 17 goals also known as the Global Goals, were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. For more information available at <https://www.undp.org/content/undp/en/home/sustainable-development-goals.html> last visited on 22.08.2019

<sup>3</sup> The United Nations Millennium Development Goals are eight goals that all 191 UN member states have agreed to try to achieve by the year 2015. The United Nations Millennium Declaration, signed in September 2000 commits world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. For more information available at [https://www.who.int/topics/millennium\\_development\\_goals/about/en/](https://www.who.int/topics/millennium_development_goals/about/en/) last visited on 20.08.2019

<sup>4</sup> Tourism and Millennium Development Goals, published by United National World Trade Organization <http://icr.unwto.org/en/content/tourism-millennium-development-goals-mdgs> last visited on 20.09.2016

integrated Coastal Zone Management in order to help conserve and preserve fragile ecosystems and serve as a vehicle to promote the blue economy, in line with target 14.7: **"by 2030 increase the economic benefits of SIDS and LCDs from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism"**.

Tourism's role in achieving the 17 Sustainable Development Goals (SDGs) can be significantly strengthened when sustainable development becomes a shared responsibility and moves to the core of policies and business decision-making within the tourism sector. The World Tourism Organization (UNWTO) and the United Nations Development Programme (UNDP) are committed to inspire leadership and facilitate collaboration among all stakeholders to advance the contribution of tourism to the SDGs and the targets of the 2030 Agenda. The United Nations General Assembly designation of 2017 as the International Year for Sustainable Tourism for Development sets the ideal stage for the sector to reflect on its role and embark on a common journey towards 2030; a journey guided by the SDGs as reflected in the commitment of all UNWTO member states at the 22<sup>nd</sup> UNWTO General Assembly to the Chengdu Declaration<sup>1</sup> on Tourism and the Sustainable Development Goals. As an early initiative to examine how tourism is portrayed in national SDG strategies, a frontier research on countries' efforts on the implementation of the 2030.<sup>2</sup>

### (7) Tourism And Its Impacts

Tourism and its impacts on various sectors, including positive and negative impact on Economic, Commercial, Physical environment, Social/ Culture and Psychological, the following table demonstrate the trends of impacts on above factors,

#### Possible Impacts Of Tourism

Type of Impact	Positive	Negative
Economic	(a) Creation of employment (b) Increase in labour supply (c) Increase in standard of living (d) Generating income (e) Sources of foreign exchange earnings (f) Preservation of National heritage and Environment (g) Developing infrastructure (h) Promoting peace and stability	(a) Price increases during event (b) Real estate speculation (c) Failure to attract tourists (d) Better alternative investments (e) Inadequate capital (f) Inadequate estimation of costs of event
Commercial	(a) Increased awareness of the region as a travel/tourism destination (b) Increased knowledge concerning the potential for investment and commercial activity in the region (c) Creation of new accommodation and tourist attractions (d) Increase in accessibility	(a) Acquisition of a poor reputation as a result of inadequate facilities, (b) improper practices or inflated prices (c) Negative reactions from existing enterprises due to the possibility of new competition for local manpower and government assistance.
Physical/ environmental	(a) Construction of new facilities (b) Improvement of local infrastructure (c) Preservation of heritage	(a) Ecological damage (b) Changes in natural processes (c) Architectural pollution (d) Destruction of heritage (e) Overcrowding

<sup>1</sup> World Tourism Organization (UNWTO) Member States, gathered at 22<sup>nd</sup> session of the General Assembly of the in Chengdu, China, on 13-16 September 2017, endorses the outcome document of the UN Conference on Tourism and Sustainable Development Goals, for more information available at [http://cf.cdn.unwto.org/sites/all/files/pdf/13.09.17\\_unwto\\_ga22-hl\\_chengdu\\_declaration\\_final\\_clean\\_pdf](http://cf.cdn.unwto.org/sites/all/files/pdf/13.09.17_unwto_ga22-hl_chengdu_declaration_final_clean_pdf) last visited on 20.08.2019

<sup>2</sup> Tourism for SDGs Platform Strategies by available at <http://tourism4sdgs.org/tourism-for-sdgs/tourism-in-national-sdg-strategies/> last visited on 23.08.2019

Social/ Cultural	(a) Increase in permanent level of local interest and participation in types of activity associated with event (b) Strengthening of regional values and traditions	(a) Commercialization of activities which may be of a personal or private nature (b) Modification of nature of event or activity to accommodate tourism Potential increase in crime (c) Changes in community structure Social dislocation
Psychological	(a) Increased local pride and community spirit (b) Increased awareness of non-local perceptions	(a) Tendency toward defensive attitudes concerning host region (b) Culture shock (c) Misunderstanding leading to varying degrees of host/visitor hostility. <sup>1</sup>

## (8) NATIONAL TOURISM POLICIES AND DEVELOPMENT OF TOURISM

The First Tourism policy was announced by the Government of India on November 1982.<sup>2</sup> The mission of First Tourism Policy was to promote sustainable tourism as means of economic growth, social integration and to promote the image of India. This policy also gives importance to conservation of heritage, natural environment, development and promotion of tourist products. The Government of India introduced new Tourism Policies under various five years plans for development of Tourism, generating income and protection environment including sustainable tourism. Five years plans including Seventh Five Years Plan (1985-1989), Eight Five Years Plan (1992-1997), National Tourism Policy, 2002,<sup>3</sup> Tenth Five Years Plan (2002, 2007) Eleventh Five Years Plan (2007-12) Twelfth Five Years Plan (2012-2017) and 13<sup>th</sup> Five Years Plan (2017-2022).

## (9) CONCLUSION

Tourism is a major driver of economic growth globally. India's tourism industry is experiencing a strong period of growth, driven by the burgeoning Indian middle class, growth in high spending foreign tourist and coordinated government campaigns to promote 'incredible India'. For a developing country like India which is on the path of modern economic growth through structural transformation of the economy, tourism is the right vehicle.

Tourism is a major driver of economic growth globally. India's tourism industry is experiencing a strong period of growth, driven by the burgeoning Indian middle class, growth in high spending foreign tourist and coordinated government campaigns to promote 'incredible India'. For a developing country like India which is on the path of modern economic growth through structural transformation of the economy, tourism is the right vehicle.

Tourism is a major driver of economic growth globally. India's tourism industry is experiencing a strong period of growth, driven by the burgeoning Indian middle class, growth in high spending foreign tourist and coordinated government campaigns to promote 'incredible India'. For a developing country like India which is on the path of modern economic growth through structural transformation of the economy, tourism is the right vehicle.

Thus to conclude, that Indian tourism has a vast potential for generating income as well employment and foreign awareness, since it is multi-dimensional oriented and it should be promoted by all divisions of the Central Government and State Government, Private sector and voluntary organizations become active partners in the attempt to attain sustainable development of tourism of country, at the same time government should

<sup>1</sup> Shiji.O "Economic Impact of Tourism in India" International Journal of Social Science Vol.5, Issue 1, 35-46 March 2006, available at <http://ndpublisher.in/admin/issues/IJSSV5N1f.pdf> last visited on 11.08.2019

<sup>2</sup> A National Policy on tourism highlighting the importance of the sector and the objectives of tourism development in the country was presented in the parliament in 1982.

<sup>3</sup> National Tourism Policy 2002 published by Ministry of Tourism, its available at <http://tourism.gov.in/sites/default/files/policy/National%20Tourism%20Policy%202002.pdf> last visited on 26.08.2019

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formulate and design policies, laws, and commitment at national and international level related to development of sustainable tourism industry as well as generation of economic and employment growth throughout in India. The tourism industry in India is confronted with many problems some of the problems of the tourist industry are given below

- (i) Lack of adequate infrastructure (transport, banking, and hotels)
- (ii) Complex visa formalities
- (iii) Multiplicity of taxes
- (iv) Safe and security of the tourists
- (v) Lack of qualified tourist guides; and
- (vi) Absence of participation of the people.

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**CORPORATE SOCIAL RESPONSIBILITY IN INDIA WITH REGARD TO TOURISM – ISSUES AND CHALLENGES**

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**ABSTRACT**

*Emerging economies like India have also witnessed a number of firms actively engaged in CSR activities, and the Ministry of Corporate Affairs has come up with voluntary guidelines for firms to follow. Companies in India have quite been proactive in taking up CSR initiatives and integrating them in their business processes. Corporate Social Responsibility originates from the concept of firms and regions that balances the market with the making of profit along with an element of social responsibility attached to it. Basically Corporate Social Responsibility brings into effect the ethical values and respects the society along with its people thereby keeping in mind the environment and the local population of the society. This paper deals with the objectives and the significance of the CSR as a whole and its development in India. CSR also further develops the relationship between the companies and its members such as stakeholders and the shareholders. It permits a continuous improvement with regard to new inventions and modernisations in the corporate sectors in the society. The introduction of this concept turns a company into a socially responsible company. Further this paper frames its statement of problem through the key issues and challenges in implementing the CSR guidelines and clearly specifies that most of the tourism firms tend to ignore the CSR activity even though they have an intention to do so. And therefore the biggest task is to bring a change in the society through fostering all these principles in the society for its good will.*

*Keywords: Corporate social responsibility, corporate sectors, tourism, environment, society, stakeholders, shareholders.*

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**INTRODUCTION**

The main importance of CSR developed and emerged most importantly through the last decade when there was an increase in the economic and social sector of the society and the awareness among them began to increase to a particular extent. Along with this this concept also started to cover the concept of socio-economic interests of the people in the corporate sectors in the society. At present it can be noted that the companies and their functioning have become more clear and transparent to a greater extent for the purpose of providing the accounts and exhibiting the accounts and the auditing details of the company and this resulted due to the pressure from the present stakeholders as well as the shareholders from the companies because they being the internal players in a company always exercises a right for seeking the transparency and clarity in the functioning of the companies and the business organisations thereon<sup>1</sup>. And this is the reason that at present the concept of CSR has been incorporated even in the annual reports of the company. Emerging economies like India have also witnessed a number of firms actively engaged in CSR activities, and the Ministry of Corporate Affairs has come up with voluntary guidelines for firms to follow. Companies in India have quite been proactive in taking up CSR initiatives and integrating them in their business processes Corporate Social Responsibility, originates from the concept of firms and regions that balances the market with the making of profit along with an element of social responsibility attached to it. Basically Corporate Social Responsibility brings into effect the ethical values and respects the society along with its people thereby keeping in mind the environment and the local population of the society. Argandona in 2014 stated that all the firms carrying business in the society are responsible towards their shareholders as well as their in-house stake holders that would be inclusive all the members in the community those are also involved in the business. The members in the business would include the customers, vendors, shareholders and the employees themselves those are involved in the business activities<sup>2</sup>. The business organisations and firms are also similarly liable towards their

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<sup>1</sup> Csr : Issues And Challenges In India

Chand Singh

[https://s3.amazonaws.com/academia.edu.documents/42453789/csr\\_challenges.pdf?](https://s3.amazonaws.com/academia.edu.documents/42453789/csr_challenges.pdf?)

<sup>2</sup> An Evaluation of Corporate Social Responsibilities of the Tourism Industry in India towards Pro Poor Tourism Samzodhana – “Journal of Management Research” ISSN 2347 - 4270 Vol 6 Issue 1, April 2016

Dr. Sherry Abraham &amp; Dr. C Rajesh Kumar

external members thereby including the citizens i.e. the exterior and the peripheral stake holders in the business society because they are also impacted to a certain extent by the organisational activities and these exterior members would include the customers, vendors and the future generations of the society as well as the environment in which they are dependant of the further future. Therefore when we talk about the impact of Corporate Social Responsibility in the tourism sector in the society it can be stated and mentioned that the part of tourism play a great role in enhancing the economic flow in our country and thereby the business organisations should not only aim towards maximising their profits through the tourism sector rather it should also bear a responsibility towards the internal and the external members those are to be effected because the sector of tourism is the third large sector in the society that counts on the economic growth of the country and as per one of the survey it has been mentioned that in 2015 it contributed towards the Indian economy resulting in the growth of the GDP<sup>1</sup>.

#### **ORIGIN OF CORPORATE SOCIAL RESPONSIBILITY IN INDIA- AN OVERVIEW**

The Preamble of the Constitution of India thereby ensures us the citizens of India a developed country and furthers its development. But after the liberalization since the year 1991, it can be noticed that there has been an increase in the privatisation of the economy that was largely managed and controlled by the state. And therefore at present after the introduction of the Corporate Social Responsibility and thereby its increasing acceptance by the citizens of India there has been introduction of the term “socialist”. It can be further said that the Government of India in the year 1977 has inserted the term socialist. The concept of Corporate Social Responsibility was first introduced and came into existence in the year 1953 when it was accepted and introduced in an academic topic in Howard R Bowen’s book named thereby as “Social Responsibilities of the Business” book. The concept of CSR has been defined by the World Business Council as the “continuing commitment by the business to behave in an ethical manner and contribute towards the economic development while improving the quality of life to the workforce and their families as well as the local community and society at a large pace”. Therefore the concept Corporate Social Responsibility is all about the process that how the companies manage the proceedings and the initiatives of a business company to run and manage the company.

#### **THE OBJECTIVES OF CSR IN INDIA ARE AS FOLLOWS**

- To fulfil the concentrative elements and interests of the company and the organisations.
- To bring about and inaugurate a better public image that is advantageous for the society.
- To avoid any kind of misuse mishandling of the resources of the organisation.
- To limit and minimise the damages of the environment.
- For promoting the welfare in the economic and social sphere of the community.

#### **THE IMPORTANCE OF CSR IN INDIA ARE AS FOLLOWS**

CSR also further develops the relationship between the companies and its members such as stakeholders and the shareholders.

It permits a continuous improvement with regard to new inventions and modernisations in the corporate sectors in the society.

The introduction of this concept turns a company into a socially responsible company.

It provides an inspiration to the employees to work more and in a good ambience.

It alleviates and diminishes the risk factor in the company as a result of the presence of corporate governance.

It fulfils and manages the expectations of the stakeholders in the company.

And finally it can be said that the importance of the concept of CSR can be increased with globalisation as both the sides of investors as well as the customers are very delicate elements of the environment to handle.

#### **MAJOR RESPONSIBILITIES OF THE CSR CAN BE ENUMERATED AS FOLLOWS**

**Philanthropic responsibilities** – This kind of responsibility says that it increases a relationship with the local communities through promoting a responsible behaviour towards the same.

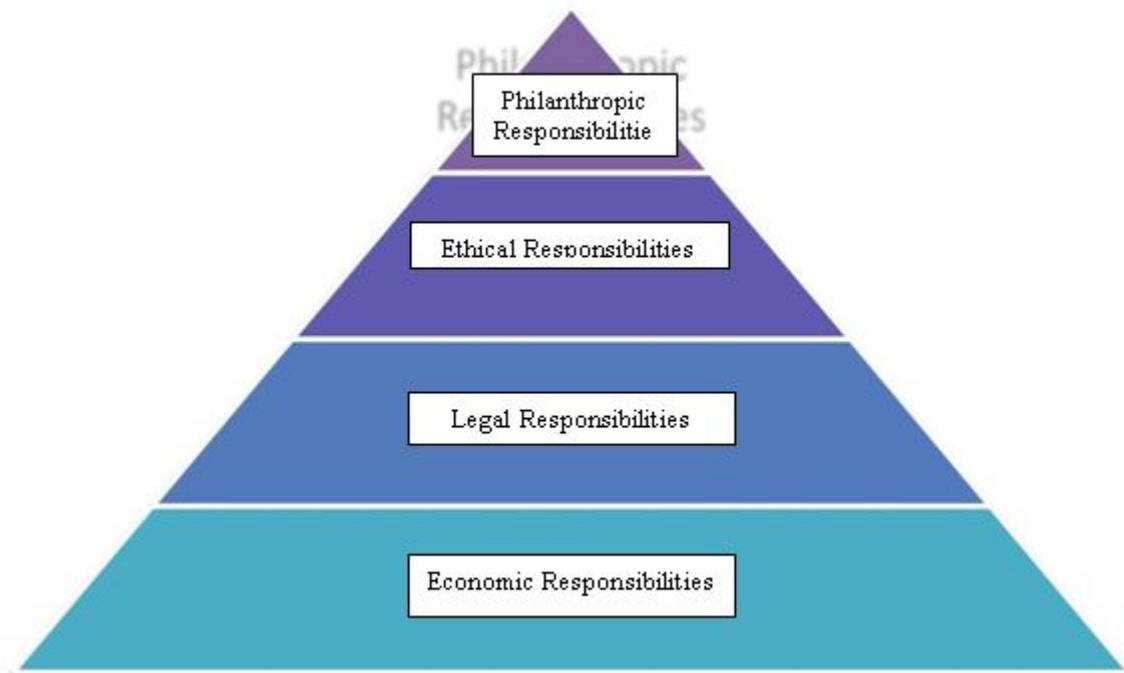
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<sup>1</sup> Hall and Brown in 2013 pointed that the introduction of the concept of CSR contributes towards the better scope of income, a healthy environment and promotes the benevolence in providing higher rate of respect for the customers in the market.

**Ethical Responsibilities** – It promotes a good and an accountable image for themselves in the society by working through social responsibility.

**Legal responsibilities** – This provides for an increased image of the corporate societies and diminishes the negative impact of the business activities thereby creating wealth and more value for the shareholders in the company.

**Economic Responsibility** – It improves the branding image of the companies by inculcating the elements of the corporate social responsibility as well as corporate governance thereby resulting in an increase of the economic condition of the market.



### CORPORATE SOCIAL RESPONSIBILITY – A CONTRIBUTION TOWARDS THE ENVIRONMENT

We all know, rather it can be said that environment is considered to be one of the subtle and a tantalising subject and any irretrievable and a irreparable damage to it may result in a gushing effect that may lead to more damage to the environment either that would be more cost effect then the profit that is gained through the business in the environment. And this is how the environmental damage is considered to be i.e. however big the damage is done to the environment that can be never compensated by anyone at any cost because once a wrong is done is already done. Thus it would be model to think that laws should be made a stricter level, the implementation of which would reduce the degradation of the environment. The reason for such is that after such laws have been implemented once, the following legal policies can be applied further for preventing the damage to the environment at its earliest<sup>1</sup>. It can be further said that there has been no proper implementation of laws for the purpose of protecting the environment, even if there has been implementation then there has been a lacuna and loopholes in the proper direction and guidance of the laws in their enforcement for protecting the environment. The major driving factor of the legal principles behind the protection of the environment is the New Economic Policies that was enunciated in the year 1991 but unfortunately even after its enunciation it made a great social impact on the environment<sup>2</sup>. Just for the sake of making more and more profits, the environmental standards have been ignored by the big business enterprises very frequently and very commonly. And one more aspect that puts forward an impact of CSR into the environment is that due to the present era of nationalisation and privatisation in the country at the modern times, there has been an automatic reduction in the investment done by the government as well as the public authorities and therefore this has led to a lower rate of conservation and regeneration of the natural resources in the environment. Therefore all these factors have resulted into a very carefree attitude of the corporate houses towards the conservation and protection of the natural resources in the environment within a period of decade. This has also resulted into the spoiling of the natural habitants all around the environment just for the purpose of gaining profits from the business within a short span of time.

<sup>1</sup> M.C. Mehta v. Union of India, (1997) 2 SCC 353

<sup>2</sup> Ibid 4

There has been a continuous discussion and deliberation about the construction of the industries that has dragged a controversy about the company Tata Steel into an unpleasant clash with the environmentalist and the conservationists of the environment<sup>1</sup>. There has been many rare species in our society and for the conservation of the same it is essential that there is an element of sustainable development that is maintained in our environment and for the purpose of achieving it, it becomes essential that even the corporate business personalities hold certain responsibilities towards the development of the environment and the protection of the same. The main factor of concern is that the corporate sectors are not strictly subjected to the international appliances to a greater extent and that is the reason that they play a great role in the destruction of the environment through its negligence towards the sustainability<sup>2</sup>. In the present scenario, almost most of the top economic sectors are the results of the big industries and the corporations that carry on their business only for the purpose of gaining more amounts of profit and their behaviour specially outside the jurisdiction of the domestic areas need to be regulated and further requires to be kept a check on the same so that the Corporate Social Responsibility towards the society as well the environment is made at a greater pace<sup>3</sup>. Therefore, when we speak about the contribution of the corporate social responsibility towards the environment, it can be stated that the voluntary contribution towards the society is probably the best and the most favoured method and even if its potentiality is still doubtful in the present society but it can be still regarded to be the most acceptable method amongst the citizens of India. Therefore one of the most preferred methods of voluntary corporate responsibility can be numerated in the form of Coalition of Environmentally Responsible Economies Principles that can be considered to be the first institute to adopt the voluntary principles of responsibilities in the year 1989<sup>4</sup>.

#### People, Planet and Profit



#### CORPORATE SOCIAL RESPONSIBILITY AND TOURISM – AN INDUSTRY

At the present scenario, tourism contributes largely towards the GDP through bringing benefit in the social and economic grounds. But even with bringing a positive effect the concept of tourism brings an element of negativity into the society. In 2005, the United Nations World Tourism Organisation along with United Nations

<sup>1</sup> <http://www.greenpeace.org/india/tata-port-threatens-sea-turtle>

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Environment Program has outlined the goals for the purpose of Sustainable Tourism Development. Now these goals have been framed for the purpose of providing economic feasibility, local opulence, qualitative employment, equity in the social sector, fulfilment of the needs of the tourists all around, local control, abundance of culture, truthfulness and veracity in the physical state, multiplicity in the biodiversity, efficiency in the availability of the resources and a pure environment<sup>1</sup>. There have been many grounds those can be considered to be a bit difficult to regulate the sustainable development in the society and this paper shall deal with all the issues and the key challenges in contributing the proper sustainable development of the environment and will further provide with suggestions that would lead to better implementation of CSR in the tourism sector thereby contributing toward the economic sector on the same line. Therefore the following grounds in the CSR shall be given a ready approach –

- a. The transports used for the purpose of tourism shall be given an importance.
- b. The quality of the tourism jobs shall be adhered to those results in the involvement of many people into the same.
- c. The prosperity and the maintenance of the lives of the people shall be taken into account.
- d. The wastage of the production and the resources must be minimised so that it renders a better environment tomorrow to the citizens.
- e. The concept of tourism, lastly but not the least must contribute towards a better sustainable environment that would contribute towards a better society.

### **CSR AND CONSUMERS IN THE TRAVEL INDUSTRY**

There has been a continuous increase among the customers looking always for a responsible business to carry on in the society along with responsible activities. Protection of the environment and wise use of natural resources of the environment serves here to be one of the most important factors to be considered in effective implementation of the CSR. Therefore protection of the rights of the human workers, fair working conditions and rendering social justice to them serves a topic of utmost interest to the tourists. Therefore it becomes essential to notice at a point that customers pay heed to those businesses only in the society which contributes towards the social activities and equally counterparts with the goals of the company those are actually not meant to meet the stratagem of the company but aims towards attainment of the values those are necessary to sustain in oneself for the protection of the environment<sup>2</sup>. Where the customers are continuously looking into fulfilling their needs, on the contrary it shall also be noted that all the customers are not of the same thinking. Studies have said that those customers being interested in the tourism from nature based point of view only pay importance to a responsible environment and contribute towards the improvement in the society whereas the section of the society consider such activities to be of utmost importance but fail to perform those activities in reality. Studies have shown that consumers at a younger age are more pertaining towards the payment for the products and services at a more responsible manner and also prefer those companies only those invest in the opportunities in a responsible manner. The operators of the tourism those who particularly deal with the transports and the facility of the accommodation in tours also play an important role through contributing towards the CSR in business<sup>3</sup>.

### **KEY ISSUES AND CHALLENGES IN PROPER IMPLEMENTATION OF THE CORPORATE SOCIAL RESPONSIBILITIES**

It can be seen that most of the big corporate sectors usually focus on the profit making ambitions of the company and fail to pay proper importance to the corporate responsibility in the society. The main concerns for the corporate members are only to provide maximum satisfaction to the consumers. But in achieving this the

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<sup>1</sup> UNEP and UNWTO 2005

<sup>2</sup> The Evolution of Green Standards for Tourism. In Honey, M. (Ed), Ecotourism & Certification: Setting Standards in Practice (pp. 33 – 72).

Honey, M., Stewart, E. (2002).

Washington: Island Press.

<sup>3</sup> Corporate Social Responsibility in Tourism

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business persons usually tend to ignore the responsibility that they owe towards the environment and therefore the few reasons for the failure of the corporate responsibility in the society are as follows –

**The lacuna in the participation of Government** – The initiatives taken by the Government in implementing these responsibilities has been very reluctant and mainly they rely on the legislations and the regulations passed by the legislature in the form of the statute those are used to regulate the society. And this is also coupled with absence of participation and involvement by the business communities. These further results in the outcome that there is no awareness spread among the members of the society with regard to the CSR.

**Demands for a greater transparency about the working of the business sectors** – The demand for the increase way of functioning of the companies including the role of the shareholders, stakeholders and all types of employers and suppliers has been also responsible for the proper implementation of CSR to a particular extent. The lack of production of proper documents as to the functioning of the companies gives space for a dispute between the Companies and the local members of the society as a result of which the companies and the tourism sectors tend to deviate from the ethical thinking that they owe towards the society<sup>1</sup>.

**Absence of non-governmental organisations** – There has been an absence of NGO's for proper implementation that puts an impartial impact especially in the rural areas. Therefore a lacuna on this part results into the failure of proper implementation of CSR. The absence of NGO's usually puts a negative impact because people in the backward areas remains unaware as a result of which many development projects are further undertaken for this purpose.

**No clear guidelines for CSR** – There are clear absence with regard to the clear guidelines about the following of the CSR principles in the company. Studies have shown that in tourism sector the Corporate Social Responsibility is much higher as the profile of the business is the tourism is also high. Therefore in a nutshell it can be stated that bigger the business higher the level of CSR concern lies with the members. Therefore lack of proper harmony between the tourism sector and the local people at whole, adulteration and duplication of activities takes place with regard to the business activities in the society. This further reduces the initiative and the possibilities of the company to act on their own conscience for the society.

**Pressure of an Investment** – Companies continuously face a pressure for the purpose of investing more and more into their business and as a result this effects and put an influence into the decision of the customers for the purpose of their purchasing. So onto the pressure of investment the companies into the tourism usually forget to pay importance to their duty towards the corporate responsibility as a whole.

**Lacuna in the role of media and a tapered outlook to the CSR initiatives** – The role of the media in spreading the awareness about the concept of Corporate Social Responsibility is always expected as it results in according the maximum population in the country about the CSR inventiveness in the country. Therefore such a lack of performance and coverage by the media is however responsible to a particular extent about the non-implementation of the CSR as a result there are also many NGO's those perceive a narrower and a tapered thinking about the initiatives of the CSR<sup>2</sup>.

## SUGGESTIONS

Firstly, companies must arrange for big awareness programmes all round for a greater impact on the environment. The programs would include the seminars and training to the employees of the corporate sector and to render an individual understanding to all the members with regard to their CSR responsibilities.

There should be great participation as well as support from the Government to finance such awareness programs.

Moreover, the concept of CSR should be made one of the core and compulsory course in schools so that it would impart an inner conscience among the students themselves in colleges and universities level. Such kind of an initiative would leave an important imprint in the minds of the young blood and that would attain acceleration at a greater pace if members from corporate sectors are themselves involved in guiding the young people in such initiative.

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<sup>1</sup> Csr : Issues And Challenges In India

Chand Singh

<sup>2</sup> Corporate Social Responsibility – Issues and Challenges in India

Nilesh R. Berad

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There must be a relation established between the government, non-governmental organisations and the private sectors to come together in forwarding a mission that would focus on the protection of the environment and any kind of misadventure in the society.

It is taken into note that many medium and large corporate sectors have been taking the concept of CSR responsibly and therefore they are restricted to a particular geographical area. Thus in order to reach out to the geographical locations in a wider ambit it is essential that campaigns must be introduced to reach out to maximum population.

Lastly, but not the least there is an immediate requirement about the pellucidity and opacity in the working of the companies because lack of such transparency acts as a barrier in the proper implementation of CSR because the corporate sectors do not make enough determination in the disclosure of the strategies and assessments of their accounts and funds. Therefore, bigger the business profile, the bigger is its CSR responsibilities.

### **CONCLUSION**

Therefore in tourism sector, the concept of CSR is considered to be now one of the most important elements for operating the business of tourism in the near future. In order to be a successful tourism sector, it is very essential that proper CSR rules are enacted by the corporate sectors. Therefore, good conditions of working of the employees and fair involvement of the members for the protection of the environment serves as a good approach towards the CSR. Tourism is considered to be a large industry in India and thus the concept of CSR should be interpreted only to provide benefit to the weaker and the unprivileged sections of the society. Instead of all these essentials, this paper clearly specifies that most of the tourism firms tend to ignore the CSR activity even though they have an intention to do so. And therefore the biggest task is to bring a change in the society through fostering all these principles in the society for its good will.

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**ROLE OF COMMERCIAL BANKS IN THE ECONOMIC DEVELOPMENT OF INDIA**

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**ABSTRACT**

*Banks are said to play vital role in the development of the position of the country's economy. The banks are the main reason for the development of industries, trade and commerce. They are the custodian of the wealth of the country and also resources of the country, are the main reasons for economic development of a nation. The role of commercial banks provide for the monetary service to general business public which ensures economic stability.*

*Commercial banks in India consists of State Bank of India and its subsidiaries are nationalized banks, foreign banks and other scheduled banks, regional rural banks and non-scheduled commercial banks. The number of branches of commercial banks are more than 50,000 and the regional rural banks are approximately 8,000 and it is covered by 280 districts in the countries.*

*Commercial banks mostly provide short term loans and medium term loans to small scale units. They create new demand deposits in the process of granting loans and purchasing investment securities. They facilitate trade both inside and outside the country by accepting and discounting bills of exchange. Banks also increase the mobility of capital. In a country like India which is still in the initial stages of economic development. Commercial banks are the most effective way to generate the credit flow of money in markets.*

*The banks can play an important role in promoting capital formation. In controlling speculation in maintaining a balance between requirements and availabilities and the commercial banks play an important and active role in the economic development of the country, if the banking system is effective and efficient, it brings the rapid growth in various sectors of the economy. Research is based on secondary data sources which provide findings on commercial banks and how it is helpful in commercial banks are helpful in credit flowing, employment creation in rural areas and how it will contribute in development of Indian economy.*

*Keywords: Rapid, GDP, Credit, Economic development.*

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**INTRODUCTION**

Commercial banks in India expanded its activities during the period of post Independence. In recent years commercial banking system focus much attention towards the growth of the most sectors. Commercial banks are the institutions that accept deposits from the people and advance loans. Commercial banks established in accordance with the provisions of the Banking Regulation Act, 1949. Commercial banks may be scheduled banks and non scheduled banks.

A banking company is a company which transacts the business of banking in India according to section 5(c) of Banking Regulation Act, 1949.

**WHAT IS COMMERCIAL BANK?**

A Commercial bank is defined by many bankers and economists in different way.

According to Kent:

“ An Organization whose principal operations are concerned with the accumulation of the temporarily idle money of the general public for the purpose of advancing to others for expenditure.”

According to Banking Companies Ordinance, 1962:

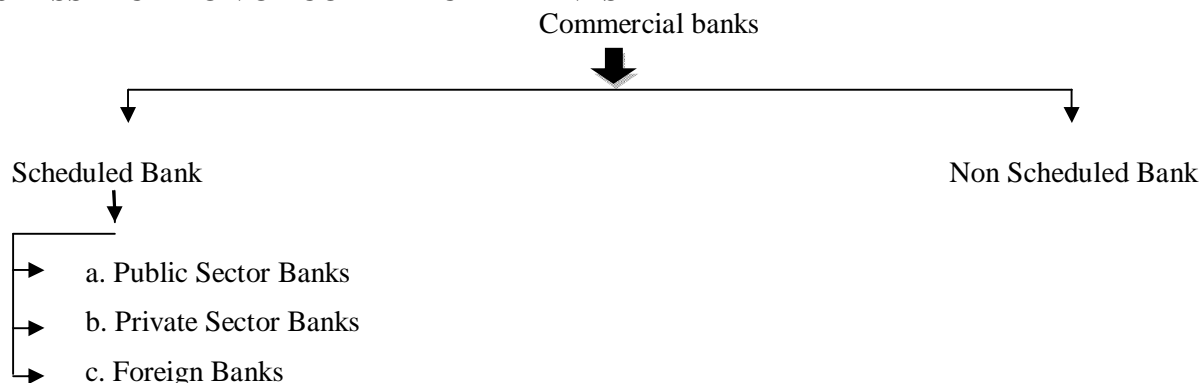
“ Banking means the accepting for the purpose of lending or investing of deposits of money from the public repayable in demand or otherwise and withdrawable by cheque, draft or otherwise.”

From the above definitions we come to know that bank is an institution which deals with many works such as depositing, withdrawing and borrowing money.

**What is Economic Development?**

It is a process where the services and supply of goods of the society increases and which leads for the standard of living to be improved.

## CLASSIFICATION OF COMMERCIAL BANKS



1. **Scheduled Banks:-** Banks which have been included in the second schedule of RBI Act, 1934. They are categorized as follows:
  - a. **Public Sector Banks:-** Majority of stake are held by the government. Eg, SBI, PNB, Syndicate Bank, Union Bank of India etc.,
  - b. **Private Sector Banks:-** Majority of stake are held by private. Eg. ICICI bank, IDBI bank, HDFC, AXIS bank etc.
  - c. **Foreign Banks:-** Head office outside the country. Eg. Citi Bank, Standard Chartered Bank.
2. **Non Scheduled Commercial Banks:-** Banks which are said to be not included in the second schedule of the RBI Act, 1934.

## THE OBJECTIVE OF THE STUDY

- a. The central objective of the study is to empirically investigate the role of Indian banks in Capital formation and economic growth.
- b. To evaluate and analyze the contribution of financial inclusion on the economic development .
- c. To study the various measures and initiatives taken by commercial banks for financial inclusion.

## FUNCTIONS OF COMMERCIAL BANK:

The main function of bank may be classified as under:

1. **Accepting Deposits from public:** Accepting deposits is the primary function of a commercial bank. By receiving deposits from the public commercial banks mobilize savings of the household sector. Deposits are considered to be the life blood of banks.

**Current Account:** Current accounts are also called deemed deposits or demand liabilities.

These accounts generally maintained by traders and firms who have to make number of payments every day. Normally no interest is paid on these accounts. Cheque facility is available.

**Savings Account:** Saving accounts are maintained for encouraging savings of households. Restrictions on the amount to be drawn. Banks pay a rate of interest.

**Fixed Account:** It is a time deposits. They cannot withdrawn before the expiry of that fixed period. The role of interest on this account is higher than other types of deposits.

**Recurring Account:** These accounts are intended to encourage regular savings by the public, particularly by the fixed income group.

2. **Lending of Funds:** After keeping certain cash reserves, the banks lend their deposits to the needy borrowers against approved securities such as gold, stocks and shares etc.,
3. **Use of cheque system:** The banks accepts two types of cheques, they are, a) Bearer Cheque and b) Crossed Cheque. The bearer cheque is immediately encashable and crossed cheque has to be deposited only in the payees account.
4. **Remittance of funds:** Facilitate remittance of funds from one place to another for their customers.
5. **Agency Services:** Today banks render a host of agency services i.e., as agent of the customers such as to collect or make payments for bills, cheques, promissory notes, interest, dividends, rents, subscription,

insurance premium, remit funds, act as executor, work as correspondents etc., and for these services some charges are usually levies.

6. General utility services: Modern commercial banks usually perform certain general utility services for the community such as:
  - a. Letter of credit may be given by the banks at the behest of the importer in favour of the exports.
  - b. Travellers cheques and bank drafts issued.
  - c. Accepting foreign exchange.
  - d. Banks acts as referees, locker facility, compute stats and business information relating to trade, commerce and industry.

## **COMMERCIAL BANKS TOWARDS ECONOMIC DEVELOPMENT**

### **1. CAPITAL FORMATION**

These banks mobilize the savings of the people scattered through their branches all over the country and make it available for the productive purposes. Many new schemes have been introduced to attract the people to save their money with them.

### **2. CREATION OF CREDIT**

These banks create credit for the purpose of providing more funds for development projects. Production, employment, sales and prices are increased by the credit creation.

### **3. CHANNELIZING THE FUNDS TO PRODUCTIVE INVESTMENT**

Pooled savings are distributed among the various sectors of the economy in order to increase the productivity of the nation, then only it can be said that it has performed for the economic development.

### **4. FULLER UTILIZATION OF RESOURCES**

Savings accumulated by the banks are used for the development purposes of various regions in the country.

### **5. ENCOURAGING RIGHT TYPE OF INDUSTRIES**

The banks help in the development of the right type of industries by giving loan. These banks not only industries but also to other sectors which are the main cause for the development of the country.

### **6. BANK RATE POLICY**

The rate policy keeps on changing with respect to the regulation of the RBI in our country.

### **7. BANK MONETIZE DEBT**

This refers to the purchase of the government bonds by the central bank to finance the spending needs of the government. Since the central bank creates the fresh money to purchase the bonds in the open market. The debt monetization leads to an increase in the total money.

### **8. FINANCE TO THE GOVERNMENT**

Government is acting as the promoter of the industries and other sectors in under developed countries. Banks provide long term and short term finance to the government by investing in the funds in government securities and by purchasing treasury bills.

### **9. BANKS ARE EMPLOYERS**

Sectoral division of employment suggests that banks were seen to employ highest number of employees in FY17, roughly around 21 percent. Top 5 sectors with highest number of employment are banks, IT, mining, healthcare and textiles, collectively accounting for nearly 60 percent of the total employment.

### **10. BANKS ARE ENTREPRENEURS**

The importance of entrepreneurship has magnified in today's economic climate. It introduces a crucial element of dynamism, particularly into an economic system. Entrepreneurs are often regarded as national assets who are motivated and rewarded to the greatest possible extent mainly because they contribute in terms of innovation, jobs and improve the conditions for a prosperous society.

The Indian government is also pushing and encouraging young Indians to start their own business or undertake ventures which have increased the role of a financial institution. Now the banks have to meet the need of financial assistance to a new startup company.

**ROLE OF COMMERCIAL BANKS IN ECONOMIC DEVELOPMENT:**

- a. These banks provide financial support for small business.
- b. commercial banks help the flow of capital investment.
- c. The commercial banks are now considered as the nerve system of all economic development in the country.
- d. The banks are not only the store house of the country's wealth but also e.provide financial resources necessary for the economic development.
- e. Investment in new enterprises, the bank provides short term and long term and medium term loans to entrepreneurs.
- f. Promotion of trade and industries expansion by the commercial banks.
- g. The commercial banks particularly provide credit for the development of agriculture and small scale industries.
- h. The commercial banks provides for the balanced development in different regions of the country. They help in transferring surplus capital from developed regions to the less developed regions.
- i. The commercial banks increase the money circulation through creation of credit and less rates applicable.
- j. The commercial banks have made monetary policies implementation.
- k. The commercial banks have spread its branches in all the rural and backward areas.
- l. The commercial banks provide export promotion cells in order to increase the exports in the country.

**PROBLEMS**

Commercial banks makes loans to business or individuals based on the credit score, debt level factors. But because of the risky borrowers, commercial banks lessen the risk of financial losses. Most of the rural branches are running at loss as barter system is still practiced in the rural parts of India. These banks suffer due to high proportion of non-performing assets or outstanding due to banks from the borrowers. The commercial banks have been facing stiff challenges from non banking financial intermediaries such as mutual funds, housing finance corporation and investment companies etc., All these institutions compete closely with commercial banks in taking away public deposits. These banks needs to develop excellence in management. Need for bank to conform to the priority sector lending target.Need to improve credit administration and management and need to improve customer services.

**RESEARCH METHODOLOGY**

It is the secondary data. Various books, journals and periodicals have been considered. In order to carry out the present study the following methodology is taken into consideration. The study is the result of search of literature in this field. The main source of information is annual reports of all Indian books. Secondary information was gathered from the published annual reports, financial statements, text books, websites etc.,

**CONCLUSION**

From very long time countries started to process for the development. The above description shows that significant and constructive role of commercial banks in promoting development and growth in a developing economy. These banks has met a good response in terms of service and quality. Development of the rural economy is essential in order to ensure a balanced economic growth. The various problems faced by the rural sector such as: illiteracy, lack of access to basic services of electricity, sanitation, drinking water etc. can be overcome if adequate credit facilities are provided. The rural credit structure consists of priority sector and the non-priority sector. There has been tremendous achievement in disbursing loans to both the sectors.

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**ARTICULATING THE BUSINESS VALUE OF EMPOWERING EMPLOYEES – A  
DEVELOPMENTAL STRATEGY IN ORGANIZATIONS TODAY**

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**ABSTRACT**

*With the advent of globalization, empowerment of employees has become a developmental strategy that leads to organizational prosperity. It has an impact on organizational achievement and growth. Today the varied employee empowerment practices has added value in the organization and made the employees responsible and efficient. A descriptive research has been conducted with cross sectional survey through structured questionnaire. Multistage sampling has been used. Primary data has been collected from employees working in different manufacturing industries of West Bengal. Exploratory factor analysis has been conducted on the hypothesized research model. The findings of the study showed that empowering practice of job enrichment and job enlargement has a significant positive influence and impact on organizational performance.*

*Keywords: Empowerment, performance, job enrichment, job enlargement*

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**PRELUDE**

Employee empowerment is crucial in an organization to make the employees highly motivated, committed and innovative. It improves their critical thinking, boosts their morale and self confidence to make a strategic move in the organization (Elnaga & Imran, 2014). Empowering of employees bestows autonomy and responsible decision making. This augments an employee to improve their quality of work, be more productive, loyal and committed (Rathore, 2015). An empowerment practice builds a culture of involvement in a firm. It helps an employee to understand the quality management in organization that can be done only through a collaborative culture. It enhances the work processes and reinforces self efficiency perception among the employees. It strengthens the competitive advantage of the firm and brings a positive impact on continuous involvement and performance of the organization (Mustafa & Bon, 2012, Jung, Wang, & Wu, 2009). Empowerment of employees helps in reducing conflicts and building teams that makes the best possible use of employee thoughts. Such participation enhances the endeavor of employees and their faithfulness gets multiplied which has an immense effect on organizational structure, method, work behavior, belief and performance. Such practices improve performance through introspection method and hone the capabilities and competencies of employees and drives organizational productivity (Paynevandy, 2016).

**RELATED REVIEW OF LITERATURE**

Job enrichment facilitates an employee with flexibility, autonomy and personal growth that lead to job satisfaction. This helps in harmonizing the work process and boost organizational performance. It helps an employee to take necessary challenging tasks and prove their creativity and critical thinking skills where they can deliver fruitful performance. Employees remain committed to bring in competitive advantage for the firm (Salau, Adeniji & Oyewunmi, 2014). Employees themselves discover the meaning of work themselves when their jobs are enriched. They understand the shortcomings in their work process. They become more involved and try to increase their skills which infuse in them a sense of capability to perform varied tasks. The autonomy creates a sense of responsibility within them. They remain committed to drive their efforts towards achievement of the organizational goals (Vijay & Indradevi, 2015). Job enlargement and enrichment ensures employee participation in operational decisions that empowers them to undertake challenging tasks. They become responsible in their actions that make their performance better. Job enlargement elevates the motivational level of employees that make them willing to accomplish their assigned task and invigorate organizational performance (Saleem, Shaheen & Saleem, 2012). Employee participation in management decision provides them an opportunity to behold their ideas, expertise, problem solving capabilities and suggestions. It facilitates involvement of employees in the organizational planning process in order to achieve better decision making and improved corporate flexibility. It keeps the employees informed which instills a sense of trust. It also helps the management to better control the employees. The intensity of participation of employees in management board helps employees to face the uncertainties and competition. This ingrains confidence in them to be productive for accomplishing organizational goals (Butali, Njoroge, 2018). Participation of employees in management facilitates them with useful insights of organizational strategy, norms, innovation and technology and they remain embedded with the organization for long. Such an involvement is essential for economic bottom line of financial and social performance of the firm (Farooq, Farooq & Reynaud, 2019). Employee participation in managerial decision making leads to job satisfaction with affective commitment. It increases their effort,



efficiency and productivity at a reduced cost. It generates a positive attitude among employees and brings flexibility and quality at work. It empowers them to cultivate morale and helps to share basic leadership qualities and brings positive result in firm's performance (Verma, 2017). Employee involvement through Quality Circle (QC) diminishes employee turnover and absenteeism that contribute significantly towards firm's performance. It provides the employees opportunities for improving working conditions, analyzing situations and proposing solutions. It fosters successful innovation and productivity index (Marks, Mirvis & Hackett, 1986). Involvement through QC improves the overall output of the company with respect to quality of work, performance and production. Employees get an experience to learn the work better and make an effort to bring certain positive changes in their work life that would improve system performances. It ingrains solidarity and confidence among the employees to perform better (Kannan & GovindaRajan, 2011). Participation of employees through QC programs helps in identification of problem and selection of a best solution. It would continuously help in making a proactive decision that enriches the communication better which can reap long term benefits of having a better performing firm (Rohilla & Chaudhary, 2016). Empowering employees through rewards and recognition positively affects the attitude and behavior of employees and makes them collaborative, satisfied and motivated to deliver their best for the organization. It removes an employee's emotional distress and supports their developmental activities that lead towards better organizational yield (Ndungu, 2017). Recognition and rewards for employees acknowledges their hardships and rigorous effort. Such gestures act as a positive reinforcement to build the feeling of confidence and satisfaction among employees. It also assists in driving out the underestimated efficiency of employees so that they can contribute towards organizational intent. It gives them a feeling of self worth and boosts their morale towards goal setting, trust and accountability (Tessema, Ready & Embaye, 2013). Rewards and recognition leads towards better business functionality and motivates employees that generate performance outcomes. It ensures commitment of employees towards creating a sustainable competitive firm that would promote desired results. It keeps them in high spirit and augments productivity (Ibrar & Khan, 2015). Training and development of employees in the organization effectively augments growth and productivity of the organization. It directs employees towards organizational goal and makes them conscious about their performance delivery style. It develops in them the managerial skill and competency to handle situations better and compete well. This improves organizational performance (Khan, Khan & Khan, 2011). When the skills and abilities of the employees in a firm are refined through training and development activities, the organization achieves a competitive edge. Such activities are linked towards prospective mission, vision and goals of the firm that boosts a firm's performance and employees feel that they are an integral part of it (Raza, 2014). Employee training and development activities help in improving specific managerial, leadership, technical and administrative skills that is essential to improve competitiveness and performance of the company (Samwel, 2018).

### **HYPOTHESIS DEVELOPMENT**

From delving deep into the related review of literature, the underneath mentioned hypothesis can be established for employee empowerment practices:

- H<sub>1</sub> There is a significant impact of job enlargement and enrichment on organizational performance
- H<sub>2</sub> There is a significant impact of employee participation in management decision on organizational performance
- H<sub>3</sub> There is a significant impact of employee participation through quality circle on organizational performance
- H<sub>4</sub> There is a significant impact of rewards and recognition on organizational performance
- H<sub>5</sub> There is a significant impact of employee training and development on organizational performance

### **RESEARCH OBJECTIVE**

The following are the objectives of the study:

1. To analyze the affect of elements of employee empowerment on organizational performance.
2. To identify which one of the employee empowerment practices affect organizational performance the most

### **RESEARCH METHODOLOGY**

The study involves understanding of the problem, formation of hypotheses, and collection of data (Bajpai, 2013) and is carried with a particular objective to derive a well defined conclusion (Panneersevam, 2016). A descriptive research has been conducted with a cross sectional survey. The current study is based on the primary data which is collected from different officers and middle level managers (respondents) from different

manufacturing industries of West Bengal, India. The period of the study in which the survey was conducted was from February 2019- June 2019. In our study 24 variables has been identified and refined for the survey. 24 close ended questions have been formed for better tabulation. A 5 point Likert scale has been used to measure the degree of favorable or un-favorableness towards the issue. A pilot test has been conducted with the questionnaire. 50 questionnaires were distributed among the respondents out of which 40 respondents have provided positive feedback. The response rate is 80% and the reliabilities of the dimensions through Cronbach's alpha and was found to be 0.779. Four divisions have been chosen randomly from among the five divisions of Bengal and the study is restricted to these four divisions namely, *Burdwan, Medinipur, Presidency and Jalpaiguri*. Only the manufacturing companies within these divisions are chosen for the survey. The sampling technique used here is the multistage sampling. Using the statistical formula for population being infinite, we derived the sample size is 246. The researchers distributed 300 questionnaires and received 249 properly filled up responses (3districts x 5 cities x 5 companies from each division, i.e.,  $75 \times 4 = 300$ )

### DATA ANALYSIS AND INTERPRETATION

Validity of the research instrument has been done through construct validity. Construct validity has been assessed through convergent and divergent validity. The correlation coefficient value of the variables for each factor is greater than 0.50 which is quite significant. Thus it proves that the convergent validity exists. Again there is a weak correlation between variables of one factor and that of another factor that proves discriminant validity exists. For internal reliability testing Cronbach alpha has been used. Coefficient value of 0.6 or less is considered unsatisfactory (Bajpai, 2013). In our study the coefficient level is 0.887 [Table 1] which is satisfactory. The KMO and Bartlett's test shows the adequacy of the data for factor analysis. The KMO Measure of Sampling Adequacy is showing 0.826 [Table 2] which is quite suitable to conduct the factor analysis. In the Bartlett's Test of Sphericity, the p value is .000 which is less than 0.05. Thus there is a statistically significant interrelationships between variable (taking a 95% level of significance,  $\alpha = 0.05$ ). Principal Component Analysis was employed for deriving the factors based on Latent Root Criterion (i.e. Eigen value > 1). The factors with an Eigen value of 1.0 or above have been considered for our analysis. Total variance explained by them is 75.93% [Table 3] which is quite adequate to perform the study. From the analysis it has been 24 variables have been found which has been divided into 6 components.

**Table: 1 Reliability Statistics**

Cronbach's Alpha	N of Items
.887	24

**Table: 2 KMO and Bartlett's Test**

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.826
Bartlett's Test of Sphericity	Approx. Chi-Square	3167.462
	Df	135
	Sig.	.000

**Table 3: Rotated Component Matrix**

Variables	Factors					
	JE&E	PMD	PQC	R&R	T&D	OP
Q5	.855					
Q9	.731					
Q16	.717					
Q18	.698					
Q22	.652					
Q1		.900				
Q11		.886				
Q15		.851				
Q19		.829				
Q21		.781				
Q3			.819			
Q8			.802			
Q13			.781			

Q20			.743			
Q4				.916		
Q7				.865		
Q14				.837		
Q23				.771		
Q2					.848	
Q10					.834	
Q12					.825	
Q17					.794	
Q6						.849
Q24						.783
<b>Variance Explained</b>	<b>16.847</b>	<b>14.675</b>	<b>13.279</b>	<b>11.861</b>	<b>10.756</b>	<b>8.512</b>
<b>Cumulative</b>	<b>16.847</b>	<b>31.522</b>	<b>44.801</b>	<b>56.662</b>	<b>67.418</b>	<b>75.93</b>
<b>Cronbach's Alpha</b>	<b>.894</b>	<b>.903</b>	<b>.913</b>	<b>.879</b>	<b>.886</b>	<b>.911</b>

From the Exploratory Factor Analysis, six factors have been extracted and these are named as Job Enlargement & Enrichment [JE&E], Participation in Management Decision [PMD], Participation through Quality Circle [PQC], Rewards & Recognition [R&R], Training & Development [T&D] and Organizational Performance [OP].

#### Regression Analysis

**Table: 4 Model Summary<sup>b</sup>**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.710 <sup>a</sup>	.507	.500	.835	1.760

a. Predictors: (Constant): JE&E, PMD, PQC, R&R, T&D

b. Dependent Variable: OP

**Table-5: Coefficients<sup>a</sup>**

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
	B	Std. Error	Beta			Tolerance	VIF
(Constant)	1.055	.320		3.197	.002		
1							
JE&E	.682	.041	.676	15.974	.000	.811	1.218
PMD	.018	.025	.028	.776	.008	.972	1.029
PQC	.015	.029	.020	.533	.004	.878	1.139
R&R	.084	.038	.085	2.227	.027	.822	1.217
T&D	.015	.030	.019	.536	.002	.986	1.014

a. Dependent Variable: PERF

From the above analysis it has been found that Job enrichment and enlargement plays a significant role in augmenting organizational performance. Job enrichment and enlargement is one of the pivotal employee empowerment programs that ingrains a sense of trust and elevates their self esteem. It empowers them to take decisions that would have a long term impact on the firm. This reinforces their decision making skills, upholds their capabilities and competencies to perform much better in future. Such empowering practice instills loyalty among them and they are driven by the organizational mission and intent.

#### CONCLUSION

Employees need to be empowered in an organization. It is a greater initiative on the part of the organization and result in better performance of the firm. It instills loyalty among the employees and helps in embracing change and collaboration. It helps in building trustful relationships in organization and develops employees' innovation capability and performance. Such empowering practices improve organizational systems and processes in the long run.

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**IMPACT OF GLOBALISATION ON INDIAN POLITICS WITH SPECIAL REFERENCE TO CULTURAL DIVERSITY**

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**ABSTRACT**

*Cultural heritage of our Country is depending upon our Traditions and customs. These aspects bring out identity and recognition amidst the vast rising modernism. India is rich in cultures that are distinct in language, dressing, and several activities. Religion is one such key among the cultures inherent in India. The major religions in our Country are Buddhism, Jainism, Hinduism, and Sikhism. Globalization is a dynamic process which affects on various cultures around the world. The relationship between globalization and cultural identity crisis underlying assumption that globalization is manifested in the intercultural penetration processes which have substantial effects on the cultural identities. At the time of independence it was widely believed that India with its enormous cultural diversity was unlikely to sustain democratic governance and national unity. The indicators of an identity crisis are; politicization of cultural differences, lack of compromise, totality of identity claims, and the vague political outcomes of these conflicts. Young people are now making of new information and communication technologies and global media may possess the potential to transform their cultural identity and how educational institutions should understand and respond to this evolving cultural reality.*

*Keywords: cultural Aspects, Identity crisis, Criminalisation, Indian Democracy, globalization.*

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**INTRODUCTION**

Cultural diversity creates uniqueness and enriches a country's history and social set ups with creativity in art and architectural aspects arising from such diversity. Politically and economically, cultural differences act as a disengagement factor, especially on civic levels. Some cultures are disadvantaged on income levels leading to a rise in evident separation between the rich and poor identical to specific subcultures. This is particularly evident in India where the poor caste remains so over generations as the wealthy maintain their noble class intergenerational. Moreover, colour and race that forms part of culture identification have led to increased discrimination and these people live at the periphery of villages excluded from mainstream society.

India is perhaps the largest and most plural society in the world where people speak an array of languages and use a wide range of scripts. All the major religions – Buddhism, Christianity, Hinduism, Islam, Sikhism and Zoroastrianism – have an enormous number of followers in India. India is the world's most complex and comprehensively pluralistic society, home to a vast variety of castes, tribes, communities, religions, languages, customs and living styles. India was thus among the first major democracies in the world to recognize and provide for the right of cultural collectivises – diverse religious and linguistic communities living in the country. The Constitution created an institutional structure and principles that would allow diverse people to live together as citizens of India. India's federal system has helped to keep cultural and ethnic peace. State autonomy and statehood for territorially based regional/linguistic identities remains the most comprehensive method of political recognition of identity in India, and the key to India's multicultural federalization. Cultural identity is an individual's sense of self derived from formal or informal membership in groups that transmit and inculcate knowledge, beliefs, values, attitudes, traditions, and ways of life. Because of the rapid innovations in information and communication technology (ICT), it is important to examine how identity construction has become increasingly complicated. ICT have minimized geographic limitations and have enabled virtual relationships and new social identities through instantaneous global communications.

**COMPONENTS OF THE TOPIC****INDIAN DEMOCRACY**

India is the largest democratic country in the world. Democracy is defined as a government of the people, by the people and for the people. So, in democracy the people are the ultimate source of power and its success and failure depend on their wisdom, consciousness and vigilance. Democracy is a form of government in which the rulers are elected by the people. Democracy enhances the dignity of citizens. Democracy is considered the finest form of government in which every individual participates consciously and in which the people remain the sovereign power determining their destiny. So, in democracy the people are the ultimate source of power and its success and failure depend on their wisdom, consciousness and vigilance.

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**CRIMINALISATION**

Criminalisation of politics means rising participation of criminals in the electoral process and selection of the same as elected representatives of the people. The direct entry of criminals into the political parties and legislature, including parliament through elections and the use of criminal methods and tactics to influence political processes and procedures is an attempt to criminalize politics of a society. Criminalisation of political process is really a disturbing development for the successful working of Indian democracy.

**CULTURAL ASPECTS**

Culture consists of the beliefs, behaviours, objects, and other characteristics common to the members of a particular group or society. Through culture, people and groups define themselves, conform to society's shared values, and contribute to society.

Thus, culture includes many societal aspects: language, customs, values, norms, mores, rules, tools, technologies, products, organizations, and institutions. Every society has its own culture and ways of behaving. It is not uniform everywhere but occurs differently in various societies. Every culture is unique in itself is a specific society. For example, values, customs, traditions, ideologies, religion, belief, practices are not similar but different in every society.

**GLOBALIZATION**

Globalization broadly refers to the expansion of global linkages, the organization of social life on a global scale, and the growth of a global consciousness, hence to the consolidation of world society. Globalization, according to sociologists, is an ongoing process that involves interconnected changes in the economic, cultural, social, and political spheres of society. As a process, it involves the ever-increasing integration of these aspects between nations, regions, communities, and even seemingly isolated places. Politically, it refers to the development of forms of governance that operate at the global scale, whose policies and rules cooperative nations are expected to abide. *Cultural globalisation refers to the rapid movement of ideas, attitudes, meanings, values and cultural products across national borders.*

**ASPECTS INCREASING CRIMINALIZATION IN INDIAN POLITICS**

Many factors pose as challenge to the election system in India; some of them are as follows:

- Illiteracy - The problem of widespread illiteracy causes ignorance and prevents adequate understanding of various democratic practices and processes. With illiterate population democracy based on adult franchise cannot serve the people properly.
- Corruption - Widespread and increasing corruption is responsible for the rapid fall in moral value and distortion of the Indian polity. In Indian elections, money has acquired a vital place. In spite of adopting several measures, the Election Commission has been unable to compel the political parties to keep its expenditures on campaigning within the legal limit. During elections a large sum of money is spent on the election campaigning and wooing the voters. But while filling returns most of the political parties quote false returns to the Commission.
- Criminalisation of politics – This is a serious problem in India. A person is debarred from contesting election if he or she has been convicted of any criminal charges according to Indian law. This provision has been evaded by many in the past and such instances are still taking place. Numerous people charged with serious offences such as murder, rape, blackmailing, extortion etc, contested and won elections. This "criminalization of politics" has become a peculiar as well as a regular phenomenon of Indian politics. Such kind of situation leads to an unwanted situation where criminal element shape public policies and become destiny makers of people.
- Communalization - Communal politics in India has led to enormous bloodshed and misery to the vast majority of the people belonging to different religions. There should be strict laws to stop the political parties from exploiting caste, communalism and regionalism to fulfil their ambition of holding political power. The tendency of exploiting caste, communal, religious sentiments of people would affect national unity and integrity and also communal harmony. Political parties having secular character should alone participate in the elections to presume and promote secular fabric of the Constitution.
- Evading Code of Conduct - Code of Conduct is a broad guideline for the political parties and contesting candidates. It mentions how political parties and contesting candidates should conduct themselves during the election campaign and otherwise. It aims at maintaining peaceful election campaigns, avoiding incidence of violence and clashes among contesting political parties and candidates and ensure peace and order during the campaign period and also afterwards until results are declared.

- Money - The elections in India are becoming increasingly expensive. In order to woo voters candidates are spending excessively on campaigning, bribing poor people, spending on gun man, publicity, transport, and many other essential items of election campaign etc. Huge amounts are collected through illegal means by political parties and their candidates. the political parties to spend more than their rival parties which have led to soaring of expenses beyond any limit.
- Muscle power - Criminalisation of politics and politicization of criminals are responsible for the manifestation of muscle power at elections. Through violence, force, threatening, creating fear in the mind of voters the political parties try to collect maximum vote in order to win elections.
- Caste – Caste plays an important role in Indian society and this is very much visible during elections. In India, there are many places where local patterns of caste and affiliations decide the voting behaviour. People belonging to a particular caste tend to support or oppose a contesting candidate depending upon caste affiliations and local politics.
- Politicization of the Police – Politicization of Police has emerged as another serious problem in our democracy. Political leaders very often misuse police agencies in order to sort out personal problems and intimidate their opponents. The politicization of police has led to bad performance of police in its role as neutral broker during elections. Sometimes partisan attitude of police encourages ruling parties to abuse executive power and also compromises the electoral process.
- Booth Capturing - Booth capturing refers to the use of force to cast votes in favour of a particular candidate. It is a very serious as well as a common problem for many states in India like Bihar, Uttar Pradesh, West Bengal etc where voters are prevented from exercising votes according to their own choice by use of force and violence. Booth capturing is also carried out by dividing villagers on caste basis.

### **THE IMPACTS OF ICT (INFORMATION COMMUNICATION TECHNOLOGY) AND GLOBALIZATION ON IDENTITY FORMATION IN INDIAN POLITICS**

In contemporary academia, it has become a commonplace to emphasize that our world is undergoing an identity crisis. The development of these relationships and identities radically increases the number of interfaces between people and provides increased opportunities for cultural, social and political exchanges between and among people on a global level regardless of geographic location and time zone. In prevalent and traditional approach, especially before the industrial revolution, identity is defined as a constitution based on the recognition of familiar and shared derivations including but not limited to ethnic, linguistic, religious, historical, territorial, cultural and political attributes with other people, groups or ideal.

Technology is more than a machine and can very well convey information and embody social and cultural dimensions that shape society. Technology can bring substantial changes to culture along with it that manipulate the way people communicate both at the material and virtual level, and also how they see the world. Technology is also a driving force behind the process of internationalization and globalization of economy, science and culture; indeed, they have mutually reinforced each other. The decentralizing and liberating nature of information and computer technologies encourage individuals to participate in a “global village” or “network society” a condition characterized by the interconnectedness of economic, social, political and cultural activities as well as regions, cities and individuals.

One can argue that the rapid developments in ICT catalyzing and accelerating the dissemination of information, values, beliefs, and the spread of global culture have far-reaching effects on the development of identities and communities. Some of them may be positive whereas others may be negative. The reduction of time and energy for the information, and the increased communication between cultures of different geographical areas and ethnic backgrounds may be deemed positive and therefore desirable.

However, the disruptive and disintegrative effects of global culture on the changing patterns of socio-cultural identities and institutions, such as youth, families, languages, educational settings and religions, may be considered negative and undesirable. This cultural invasion becomes threatening and causes serious problems for some conservative states by virtue of the fact that such openness to foreign content can erode the traditional values and indigenous cultural identity.

Some societies are struggling with a dilemma: on the one hand they worry about their traditional social and cultural values and their youth's sense of cultural heritage and identity being negatively affected; on the other hand, they want youth generations to grow up being in contact with the rest of the world and become prepared

for and adapt themselves to the economic challenges of affiliation with globalization, the information society and the knowledge and skills they demand.

### **MEDIA, GLOBALIZATION OF CULTURE, AND IDENTITY CRISIS IN INDIAN DEMOCRACY**

According to survey results, it is clear that in societies which are not efficient in reinforcing and strengthening their communication infrastructures and which are unable to compete with the new methods of communication and information exchange, identity formation gains political, economic and culturally adverse and asserts an unrepeatably damage. Globalization, which also has been called global construction, global orientation and global expansion by various schools of thought, is the latest phase process in an old process rooted in the expansion of modern capitalism and encompassing the political, economic and cultural realms worldwide. "Globalization is a complex phenomenon, marked by two opposing forces. On the one hand, it is characterized by massive economic expansion and technological innovation. On the other hand, there is increased inequality, cultural and social tumult, and individual alienation."

The notion of cultural globalization has prompted various reactions, reflecting contradictory implications. Some perceive this phenomenon as an instrument for establishment of universal unity and democracy based on a global culture signified as the "global village."

"The cultural globalization that we are witnessing today is not the net result of human endeavours and experiences and even it has not equitably benefited from cultural diversities. Rather it is the manifestation of dominance of a certain overpowering culture".

Doubtless, globalization has affected certain values rooted in major religions and cultures of the world. Concepts of good and evil, right and wrong, individualism and pluralism, individual interaction with the society and the very meaning of life are all warped and corrupted by global capitalism, international markets, mass media and the promotion of excessive consumption.

Even some local languages and valuable traditions are on the verge of disappearance as the result of globalization. Global consumerism is now forming a homogeneous global culture where indigenous cultures of the South are being replaced by Western cultures.

Cultural identity is not a mere collection of thoughts, beliefs, traditions, languages and behaviours accumulated through time. Rather it is a cultural selection on how to respond to an outside stimulant in various time frames. As a result, cultural identity is a work plan created by people for their future activities based on past experiences. Some sociologists believe "the combination of economic participation and cultural identity is made possible not by a choice between equality and difference, but by the desire to construct or reconstruct a personal or collective experience which combines both universes and a desire to be a social actor."

### **MEDIA AND IDENTITY CHALLENGES OF GLOBALIZATION**

The assessment of mass media and its role in the age of information on the issue of identity and cultural crisis in the network society, which itself is the inevitable by-product of globalization, has become vitally important. The subject of globalization and the function of mass media are so intertwined that it is impossible to imagine globalization without the presence of media. Some scholars go even further in emphasizing the significance of media and consider the mass media as the main player in the globalization process. They regard the media not just as a mere instrument, rather as an identity in its own right, which could compete with national governments in respect to its power and influence to alter the nature and essence of human societies

The information and communication revolution and the emergence of new technologies have redefined the meaning and realm of politics and power structure within societies. Thus, power is entrusted to those who produce, control and disseminate information more effectively.

Many theoreticians hold that power magnates and moguls prepare the news, information, science and political decisions at the national and international levels and then inject them to the societies through the media. Therefore, mass media is an instrument in the hand of the ruling class that not only justifies its authority it gains the support of its audiences.

Some scholars promoting globalization praise the positive impact of mass media, there are many experts who criticize the negative role of media in weakening the identity of various societies. Moreover, many other scholars argue that one of the prominent tasks of the media in the globalization process has been its pursuit in developing a single cultural world.

It is possible to divide the mass media in the globalization process into two categories, namely the aggressive media and the resistive media. The aggressive media are the colossal information institutions with countless audiences.



Although they provide a diverse range of news and information, they pursue a limited set of objectives. These objectives include entertainment for leisure and pleasure as well as education for greater uniformity and harmony of audiences. These institutions tend to remove spatial and temporal boundaries in order to eliminate identity barriers. The successful implementation of this task would pave the way for the strategic goal of the capitalist tycoons and giant industrialists to conquer the world market through exploitation of minds, the draining of brains in the developing countries and injecting a superficial sense of happiness and satisfaction.

On the other hand, the resistive media tends to utilize the open atmosphere in the global information system in order to disseminate its own culture and ideology. However, these information institutions generally do not comprehend the depth and dimensions of the prevailing tragedy and insist on promoting their local and national aspirations instead of finding a broader message for the vast global audiences. Thus, they always fail to compete with the aggressive media in absorbing potential audiences. It is important to point out that technical and practical methods used in presenting the contending culture, is its Achilles heel, not the culture itself.

### **STEPS TO PREVENT CRIMINALIZATION IN INDIAN POLITICS**

Criminalization of politics has greatly vitiated the socio-political fabric of our country. Elections in the world's largest democracy have been attracting an ever larger number of criminal elements and this trend is discernible across all political parties. It is ironical that while Indian citizens have the power to change their government democratically, they have not been able to stem the criminalization of politics and the consequent erosion of civil liberties. Despite all the agitation of the civil society over this issue, political parties tend to succumb to the temptation of enlisting the support of criminal elements and accord primacy to their "winnability" factor and electoral clout. The pursuit of power has become the *raison d'être* of every political party. Hence, the brazen recourse to money and muscle power and divisive politics based on communal identity and caste.

The Supreme Court of India sent out a strong message against criminalization of politics by dismissing Sanjay Dutt's plea to stay his conviction in the 1993 Mumbai blasts case. The apex court thus lent its support to the continuing struggle for cleansing the electoral and political system. The Bench observed that its powers to set aside the disqualification provision in the electoral law could be exercised only in very exceptional circumstances and it did not think this was a fit case where not only the sentence but also the conviction could be stayed. It also noted that Navjot Singh Sidhu's case was different, as he was a sitting M.P. when he was convicted and had voluntarily resigned his seat to seek re-election.

It would be recalled that the issue of convicted candidates being allowed to contest elections had come to the fore when the cricketer-turned politician, who had been elected to the 14th Lok Sabha, was convicted by the Punjab and Haryana High court in December 2006 under section 304 of the IPC and sentenced to imprisonment for three years. Although the law allowed Sidhu to continue as M.P. during the pendency of his appeal against conviction, he chose to resign on moral grounds and seek re-election from the same constituency. But for contesting an election, he needed a special dispensation and the apex court gave him the desired reprieve by temporarily staying his conviction, enabling him to contest the by-election.

In the recent general elections, a number of candidates with a record of conviction had approached various courts seeking similar exemptions. It is in this context that the Supreme Court's decision to treat Sidhu's case as an exception must be celebrated for the simple reason that it would otherwise have opened a Pandora's box and encouraged convicted felons of all descriptions to seek greener pastures in various legislatures.

In an earlier landmark judgment delivered on March 13, 2003, the Supreme Court had made it mandatory for all candidates contesting elections to the Parliament and state legislatures to submit, along with their nomination forms, an affidavit disclosing details about their criminal, financial and educational backgrounds. This judgement came as the result of a four year long campaign by several civil society groups for greater transparency and accountability in the electoral processes.

One of the suggestions to decriminalize polity emerges from the National Commission to Review the Working of the Constitution (NCRWC)'s recommendation that "Representation of the People Act be amended to provide that any person charged with any offence punishable with imprisonment for a maximum term of five years or more, should be disqualified for being chosen as, or for being, a member of Parliament or Legislature of a State on the expiry of a period of one year from the date the charges were framed against him by the court in that offence and unless cleared during that one year period, he shall continue to remain so disqualified till the conclusion of the trial for that offence. In case a person is convicted of any offence by a court of law and sentenced to imprisonment for six months or more the bar should apply during the period under which the convicted person is undergoing the sentence and for a further period of six years after the completion of the period of the sentence. If any candidate violates this provision, he should be disqualified.

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**CONCLUSION**

The rapid development and expansion of globalization, the dominance of a prevalent culture and the ensuing consequences are inevitable. At the same time it is irrefutable that such dominance will result in cultural disorders and upheavals in value systems, especially in the South countries, which ultimately will manifest in an identity crisis in these states. Scholars in developing societies must come up with reasonable and practical solutions to this problem and not only preserve and protect their identity, but also provide means to integrate into the globalization process.

The most effective method of combating the aggressive cultures and preserving the cultural identity of nations is to rationally utilize the new telecommunication technologies and have a clear plan of action for peaceful coexistence with other cultures, races and nations.

Criminalisation of politics and influence of money and muscle power have been the bane of Indian democracy and remain the major stumbling blocks in the path of political reforms. It is in the best interests of the political parties to cleanse the system so that professionals from various walks of life can join politics and bring fresh ideas to the table. The Supreme Court's directive to the Central government to set up special courts across the country to exclusively try criminal cases involving politicians is a welcome step. This will help restore public faith in electoral democracy.

On its part, the Election Commission (EC) has also favoured banning politicians convicted of serious crimes from contesting elections for the rest of their lives. The existing rules of the Representation of Peoples (RP) Act disqualify politicians sentenced to a jail term of two years or more from contesting elections for six years from the date of release from the prison while those under trial continue to be eligible to contest elections. As an independent constitutional authority responsible for conducting free and fair polls, the Election Commission is well within its rights to make any recommendation to de-criminalise politics. However, any reforms must come from within and it is Parliament, which must take the initiative in this regard.

The Election Commission has already recommended to the Centre to amend the law to incorporate a life ban provision against the convicted lawmakers. Curbing the influx of criminals into the political arena and cleaning up of political financing are the two key areas that need attention to usher in genuine reforms. In the interests of probity in public life, political parties should themselves refuse tickets to the tainted aspirants. The RP Act must be amended to debar persons against whom cases of a heinous nature are pending from contesting elections. The Supreme Court has repeatedly voiced concern over criminalisation of politics. In 2002, it made it mandatory for all candidates to file an affidavit before the returning officer disclosing their financial assets and liabilities and pending criminal cases, if any.

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**ANALYSIS OF TRENDS AND PATTERNS OF INVESTMENTS AMONG THE NRIS LIVING IN MUSCAT CITY**

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**ABSTRACT**

*The financial terminology of investments represent a monetary asset purchased with the end goal being that the asset will generate wealth or income in the future or will later be sold at a higher price than it was acquired for to generate profits. The objective of investment depends on the different factors like income levels, consumption patterns, saving habits and family backgrounds etc. The fast changing and innovative life trend has necessitated proper financial planning for meeting the financial goals of individuals. In the process of financial planning invest activities are the important components which need to be cautiously designed to gain the ultimate objective of wealth creation and future uncertainty management*

*There are many NRIs living in foreign countries who prefer to send part of their earnings to India to invest in the Indian market for various reasons. Also, the Number of NRIs leaving India to work abroad has also been increasing rapidly, with more and more Indians looking to go abroad to work. Thus, it is an important task to analyse the investor behaviour and trends of the Indian Diaspora. A significant part of the Indian population resides abroad, which is signified by the fact that India is the largest receiver of foreign remittance. Since there is a significant amount of capital flowing in from such NRIs it is important to observe such trends, for researchers, as well as for investors ,and individuals working in the finance industry, as this can help in the determining the financial awareness and knowledge of the Indian diaspora*

*This study is an attempt to analyse the trends and patterns of such NRIs living in Muscat City to understand the basic needs of such investors and guide them in the process of investment decisions.*

*Keywords: Avenues, Investment, Monitor, NRIs, and Objectives*

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**1.1 INTRODUCTION**

Investment is an asset or product that has been acquired with the view to generate an increase in income, or increase in wealth. When looked at from an economic point of view, an investment is the purchase or acquiring of goods or products that are not consumed today but can be used in the future to create or generate wealth. The financial terminology of investments represent a monetary asset purchased with the end goal being that the asset will generate wealth or income in the future or will later be sold at a higher price than it was acquired for to generate profits.

The fast changing and innovative life trend has necessitated proper financial planning for meeting the financial goals of individuals. In the process of financial planning invest activities are the important components which need to be cautiously designed to gain the ultimate objective of wealth creation and future uncertainty management. The choice of investments depends upon the objectives of investment. The objective of investment depends on the different factors like income levels, consumption patterns, saving habits and family backgrounds etc.

There are many NRIs living in foreign countries who prefer to send part of their earnings to India to invest in the Indian market for various reasons. The study focus on analysing the trends and patterns of such NRIs living in Muscat City to understand the basic needs of scuh investors and guide them in the process of investment decisions.

**1.2 BACKGROUND OF THE STUDY**

Many NRIs although living in a foreign country, prefer to send at least a part of their earnings back to India, and invest them in Indian investments. There are various reasons for this such as: One of the main reasons for India, have a stable economic situation over a significant period of time, is that the country has a relatively stable political situation. In 2017, Moody's after a long period of 13 years, upgraded India's Sovereign ratings to Baa2 from Baa3, based upon the significant reforms and structural changes that had happened in India in the recent times. India's ranking in the World Bank report on "the ease of doing business has also rapidly surged from the 130<sup>th</sup> position last year to the 100<sup>th</sup>, which has boosted the trust and confidence of the investors in a significant manner.

Also, the Number of NRIs leaving India to work abroad has also been increasing rapidly, with more and more Indians looking to go abroad to work. Thus, it is an important task to analyse the investor behaviour and trends of the Indian Diaspora.



Figure 1.1

Another reason is also that, since there are so many NRIs living abroad, India is the highest receiver of foreign remittance in the world. In states such as Kerala, 1/6<sup>th</sup> of Kerala's economy is dependent on foreign remittance. This foreign remittance more often than not is invested into Indian investment avenues.

Source: Economic Times

Another reason could be that, India is often termed as the fastest growing economy in the world. However, in 2017, India momentarily lost this precious tag of the fastest growing economy in the world to China due to the whole GST transition process, as well as the sudden demonetisation process. However, in 2018, the economy recovered rapidly after, risking from the shocks of GST transition and demonetisation.

However, the movement to GST regime had initially slowed down the economy, but now there are estimates that GST could lead to an increase of about 2% in the GDP of India.

Also, in the last couple of years, the stock markets of India have been growing at a rapid pace, with more and more investors turning their focus towards the Indian Stock Market. The Indian capital markets are highly regulated by the SEBI as well as the RBI, which ensures the deep capital markets, standing on the back of a highly resilient economy.

There has also been an increase in the number of IPOs in the Indian Stock Market, with more and more companies deciding to go public. This has ensured that more and more investors take advantage of this rapid growth, and the Indian capital market is one of the many Indian investment avenues available to the NRI investors.

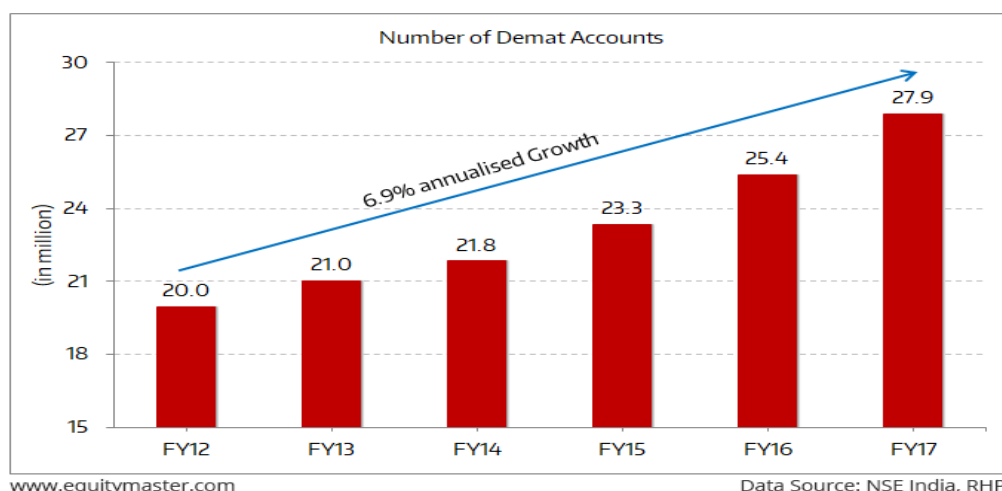


Figure 1.2 Number of Demat Accounts

Among Indians who settle abroad, for various different reasons, many of them, especially NRIs settled in the Middle East, continue to invest in the various different avenues of investment available in India. There can be various different reasons for this:

1. Resilience of the Indian Economy
2. Well-regulated and deep capital markets
3. Return to India at some point of time

Since NRIs continue to provide a significant amount of capital to Indian Investment avenues, it is important to analyse the investment behaviour of the NRI population of Muscat City as well.

#### 1.4 SCOPE OF THE STUDY

A significant part of the Indian population resides abroad, which is signified by the fact that India is the largest receiver of foreign remittance. Since there is a significant amount of capital flowing in from such NRIs it is important to observe such trends, for researchers, as well as for investors, and individuals working in the finance industry, as this can help in the determining the financial awareness and knowledge of the Indian diaspora. This analysis can also prove useful to the managers of these investment avenues, in order to understand the NRI customers better to examine or better their strategies on, how they can market their products better among NRI investors, in order to achieve better results.

#### 1.5 OBJECTIVES OF THE STUDY

1. Analyse the various factors considered by the investors before investing
2. To examine the preference of levels of risk and return acceptable to the investors
3. To examine whether various demographic factors influence or have a relation with, the percentage of income that the investors are ready to invest
4. To analyse whether various demographic factors play a role in determining the risk appetite of an investor

#### 1.6 METHODOLOGY OF THE STUDY

The fundamental goal of the study is to examine the factors that influence the investment behaviour of NRI Indian investors living in Muscat city. For this purpose a questionnaire shall be used to receive responses from different investors, residing there.

After receiving the responses to the questionnaire, from the respondents, the data obtained shall be analysed, in order to achieve the objectives of the study.

Data Two types of data are used for the study, these are:

Primary data: Primary data will be collected through a questionnaire from 176 investors across Muscat City. The primary data collected will be the core element of the study.

Secondary data: Secondary data shall be collected from scholarly articles, books and journals. The secondary data will help to understand the different facets of the subject and identify the key variables for the study.

#### SAMPLING TECHNIQUE

The technique of sampling adopted will be stratified sampling, wherein NRI individuals living in Muscat will be divided into various strata, depending upon their gender, age and profession. Each stratum will be divided equally, and will be given equal importance. The sample size shall be restricted to a size of 176 individuals, which can allow more accurate results.

#### DATA COLLECTION METHOD

Primary data required for the research will be collected from the individuals through a survey. Secondary data required will be collected from online sources.

#### 1.7 ANALYSIS AND INTERPRETATION OF DATA COLLECTED SAVINGS OBJECTIVES

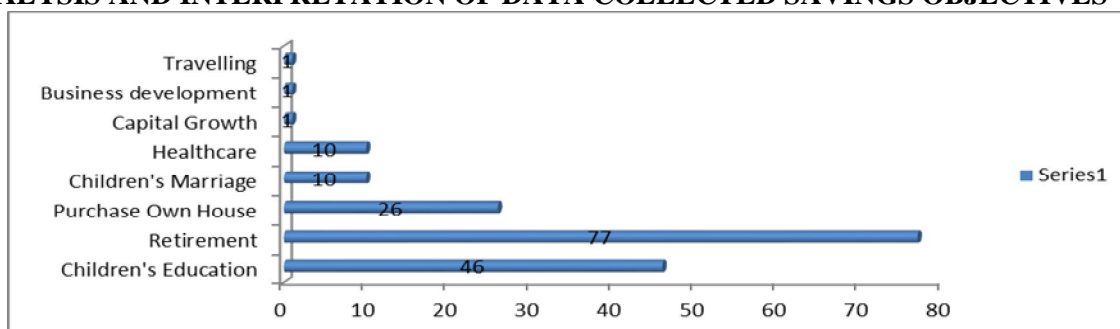


Figure-1.3: The Investors Savings Objective

Out of the 176 respondents who filled out the questionnaire, 77 said that their savings objective was to save for their retirement, while 46 of them said that their savings objective was to save up for their children's education. 1 respondent said that he was saving up to travel, another claimed that the savings objective was to focus on business development, and one more respondent replied that his savings objective was capital growth

### INVESTMENT OBJECTIVES

	Frequency	Percent	Cumulative Percent
Long Term Growth of Income	97	55.1	55.1
Short Term Growth of Income	44	25.0	80.1
Preservation of Your Income and Capital	35	19.9	100
Total	176	100	

Table-1.1: Investment objectives of the investors

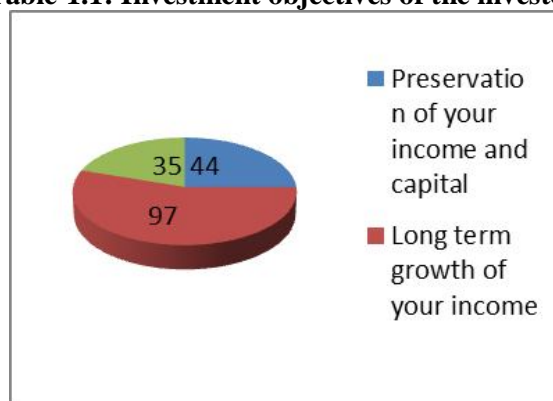


Figure-1.4: Investment objectives of Investors

Out of the 170 respondents who filled up the questionnaire, 97 said that their savings objective is for long term growth of their income that they have invested while 44 said that it was for preservation of their income and capital, and only 35 said that their savings objective is for gaining short term growth of their invested income. This shows that even NRI investors, similar to the investors located in India, prefer long term growth of their savings as compared to the short term growth of the income, and savings.

### INVESTMENT TARGET AMOUNT PER YEAR

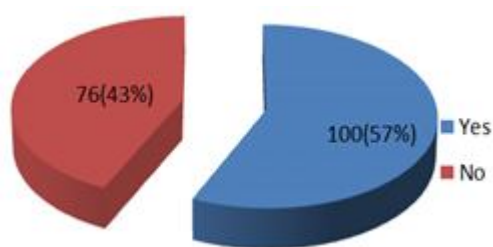


Figure-1.5: Frequency Table Showing the Investment Target Amount per Year

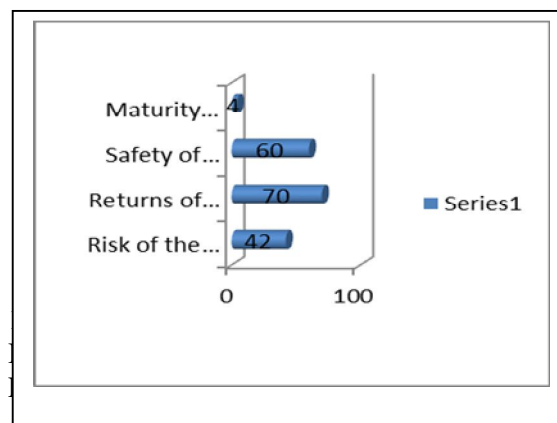
Out of the 176 respondents, 100 of the respondents said that have a target amount which they aim to invest every year, while 76 of the respondents said that they do not have a target amount which they aim to invest every year.

This shows that, most respondents do not take the process of investing lightly, and show that investing is quite a time consuming, process done with thought. However, for some investors, it is not easy to invest the same amount in every month of the year, some month they might have less savings, some months they might have more savings.



## FACTORS OF THE INVESTMENT TAKEN INTO ACCOUNT BEFORE INVESTING

	Frequency	Percent	Cumulative Percent
Maturity period	4	2.27	2.27
Safety of Principal Amount	60	34.09	36.36
Returns of the Investment	70	39.77	76.13
Risk of the Investment	42	23.86	100
Total	176	100	



Investors: Considered by the

### INVESTORS

Out of the 176 respondents, 70 of the respondents replied that they consider returns of the investment as the most important factor, before they invest in any investment while 60 said safety of principal amount is the most important factor, 42 considered risk as the most important factor and only 4 said that the most important factor is maturity period of the investment. Thus, safety of principal amount and returns provided by the investment, are the two most important factors taken into consideration by the investors.

## HOW OFTEN THE RESPONDENTS PREFERRED TO MONITOR THEIR INVESTMENTS

	Frequency	Per cent	Cumulative Per cent
Monthly	73	41.4	41.4
Daily	18	10.22	51.64
Occasionally	85	48.29	100
Total	176	100	

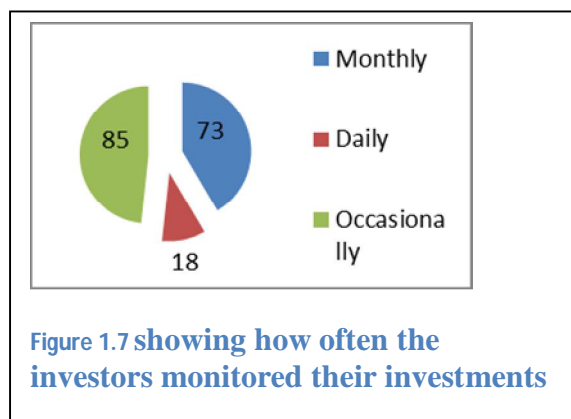


Figure 1.7 showing how often the investors monitored their investments

### 1.3 Frequency Table showing how often the investors monitored their investments

Out of the 176 respondents, 85 of the respondents said that they preferred to monitor their investments only occasionally, while 73 of the respondents said that they monitor their investments monthly and only 13 of all the respondents said that they monitor their investments daily.

## WHAT PERCENTAGE OF THEIR INCOME THEY PREFERRED TO INVEST

	Frequency	Per Cent	Cumulative Per cent
0 – 15%	40	22.72	22.72
15 – 30%	82	46.59	69.31
30 – 50 %	54	30.69	100

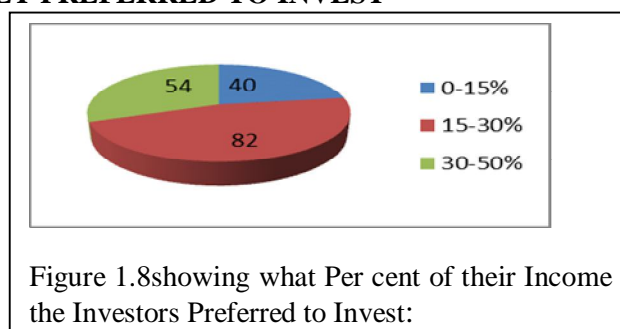


Figure 1.8 showing what Per cent of their Income the Investors Preferred to Invest:

### 1.4 Frequency Table showing what Per cent of their Income the Investors Preferred to Invest:

Out of the 176 respondents, 82 replied that they invest about 15 – 30% of their income, 54 replied that they invest 30 – 50% of their income, while 40 of the respondents replied that they invest 0 – 15% of their income. This shows that, different NRI families have a differently thought out process for each of their investments, and the percentage of their income that would prefer to invest or add to savings, is also dependant on various factors.



### TIME PERIOD FOR WHICH THEY PREFER TO INVEST

	Frequency	Per cent	Cumulative Per cent
Long Term	49	27.8	27.8
Medium Term	113	64.20	92
Short Term	14	7.9	100
Total	176	100	

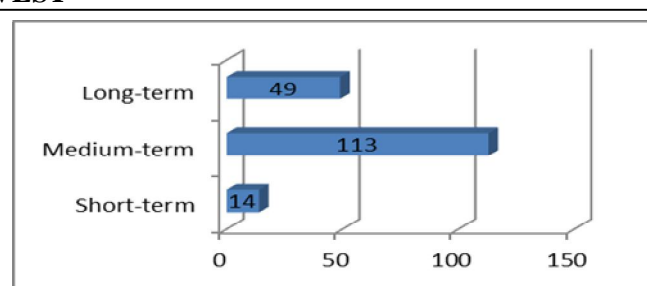


Figure 1.9 Frequency Table showing the distribution of time Period for which the Investors preferred to invest

### 1.5 Frequency Table showing the distribution of time Period for which the Investors preferred to invest in an investment:

Out of the 176 respondents, 113 respondents responded that they prefer for a time period of medium term or 5 to less than 5 years, while 49 of the respondents said that they prefer to invest for the long term that is more than 5 years. However, only 14 of the respondents said that they prefer to invest for a short term period of less than year.

As seen from a previous question, more number of investors seems to prefer long term growth of their income over short term growth of their income. However, in contrast to the previous question, most number of investors seem to prefer to invest in one particular investment for about a medium term of less than 5 years. WOULD THE RESPONDENT TAKE THE RISK OF LOSING THEIR PRINCIPAL AMOUNT FOR EXPECTED FUTURE RETURNS

Frequency Table showing the Distribution of Respondents willing to take the risk of losing their principal amount:

	Frequency	Percent	Cumulative Per cent
Yes	31	17.61	17.6
No	145	82.38	100
Total	176	100	

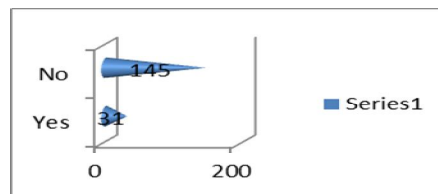


Figure 1.10 Frequency showing the Distribution of Respondents willing to take the risk of losing their principal amount:

Table -1.6: Frequency showing the Distribution of Respondents willing to take the risk of losing their principal amount:

Out of the 145 respondents, 145 of them responded that they would not take the risk of losing their principal amount, while only 31 of the respondents replied that they would take the risk of losing their principal amount.

The main reason this question was added to the questionnaire was for the investor to decide, his risk appetite and whether he was willing to take the risk of losing the principal amount of investment, in expectation for future returns.

### AGE OF RESPONDENTS

	Frequency	Per cent	Cumulative Per cent
Below 20	2	1.13	1.13
20 – 30	26	17.8	18.93
30 – 40	59	33.5	52.43
40 – 50	48	27.3	79.73
Above 50	41	20.29	100
Total	176	100	

Table 1.7 Frequency Table showing Age distribution of the Respondents:

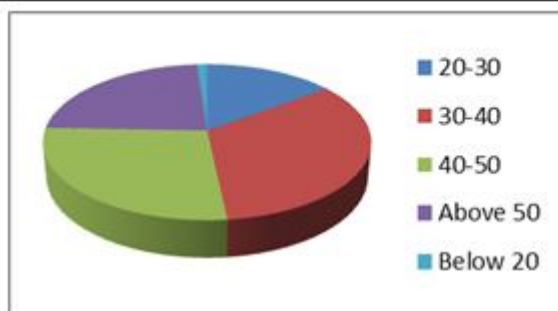


Figure: 1.11 Age distribution of the Respondents:

Respondents:

Out of the 176 respondents, 59 of the respondents replied that they were between 30 – 40 years of age, 48 of the respondents were between 40 – 50, 41 of the respondents were above 50 while 26 of the respondents are between 20 – 30 and only 2 of the respondents are below 20.

#### ANNUAL INCOME OF THE RESPONDENTS

	Frequency	Per cent	Cumulative Per cent
Below Rs. 3,00,000	14	7.95	7.95
Rs 3,00,000 – 7,00,000	47	26.70	34.65
Rs 7,00,000 to 10,00,000	45	25.56	60.21
Above 10,00,000	70	39.77	100
Total	176	100	

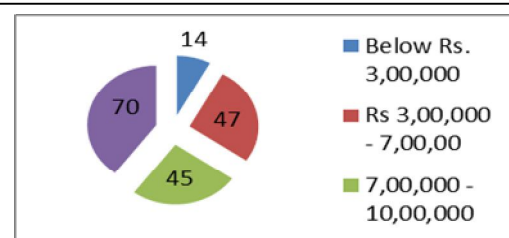


Figure 1.12 Frequency Table showing the distribution of Annual Income of the Investors:

Table 1.8 Frequency Table showing the distribution of Annual Income of the Investors:

Out of the 176 respondents, 47 of the respondents have income between 3,00,000 to 7,00,000, 45 of the respondents have income between Rs 7,00,000 – 10,00,000 and 70 of the respondents have income above 10,00,000.

#### TIME PERIOD FOR WHICH THE RESPONDENTS HAVE BEEN RESIDING IN OMAN

	Frequency	Per cent	Cumulative Per cent
1 – 3 Years	20	11.36	11.36
3 – 6 years	41	23.29	34.59
6 – 10 Years	51	29	63.59
Greater than 10 Years	64	36.36	36.4

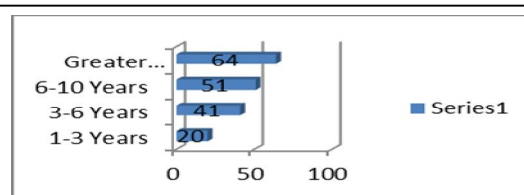


Figure 1.13: Frequency Table showing the distribution of how long the investors have been residing in Muscat:

1.9 Frequency Table showing the distribution of how long the investors have been residing in Muscat

Out of the 176 respondents, 64 respondents have been residing in Oman for more than 10 years, 51 of the respondents have been residing in Oman for 6 – 10 years, 41 of the respondents, have been living in Oman for 3 – 6 years and only 20 of the respondents have been living in Oman for 1-3 years.

#### HYPOTHESIS TESTING

1. Null Hypotheses – There is no significant relationship between annual income and the percentage of their income that they invest.

Alternate Hypotheses – There is a significant relationship between annual income and the percentage of their income that they invest.

Table Showing Chi Square Test values between Annual Income and The Percentage of Income Invested

### Chi-Square Tests

	Value	df	Asymp. Sig. (2- sided)
Pearson Chi-Square	25.345 <sup>a</sup>	14	.031
Likelihood Ratio	24.320	14	.042
Linear-by-Linear Association	1.436	1	.231
N of Valid Cases	176		

The above table shows the relationship between annual income and percentage of income invested. The p value shown is 0.031 which is less than, 0.05 as the test was conducted at 5% level of significance.

Thus, we reject the null hypotheses and accept the alternate hypotheses. Therefore, there is a significant relationship between annual income and what percentage of their income they invest or have mostly invested.

2. Null Hypotheses – There is no correlation between the Time Period of residence in Muscat and The percentage of Income Invested.

a. 3 cells (1.7%) have expected count less than 5.

The minimum expected count is 3.8.

Alternate Hypotheses – There is a correlation between the Time Period of residence in Muscat, and the percentage of Income invested

Correlation:

	Time Period	What percentage of your income do you invest? ( Or have mostly invested)
Time Period	Pearson Correlation	.353
	Sig. (2-tailed)	.000
	N	176
What percentage of your income do you invest? ( Or have mostly invested)	Pearson Correlation	.353 <sup>**</sup>
	Sig. (2-tailed)	.000
	N	176

Table Showing Correlation Between Time Period Of Residence In Muscat And Percentage Of Income Invested

The above table shows the correlation, between time period that the respondents have stayed in Oman and the percentage of income that they invest. The Pearson's correlation between the two variables is at 0.353 with the significance value at 0.000 which is less than 0.005. Therefore, there is a fairly strong positive relationship between the two variables. Therefore, we accept the alternate hypotheses and reject the null hypotheses.

Thus, this shows that there is a significant relationship between Time period of residence in Oman and percentage of income invested.

## FINDINGS

- When asked about the investment avenues that they were aware of, maximum of the respondents opted for Bank Fixed Deposits, Gold and Real Estate, which shows that there is a higher awareness of the relatively safer investment avenues rather than, the riskier options. This is similar to the surveys conducted on local investors within India.
- However, in contrast to the surveys conducted locally, there was a high level of awareness among the respondents of Mutual Funds and Life Insurance as well as other insurance avenues.
- When asked about the investment avenues, that the investors have invested in previously it was found that maximum number of investors have invested in relatively safer investment avenues, as compared to the riskier investment avenues. These findings are in accordance with surveys conducted previously domestically on Indian investors.

- However, the findings also suggest that, the NRI investors are also more adaptive towards the modern investment avenues, with a large number of them having invested in Mutual Funds and Insurance avenues before.
- The survey also suggests that most of the investors are quite calculated towards the investments that they make, and take rational decisions, as many of the investors agreed that they have a target amount of investment for each year as well as a formal budget for family expenditure, in order to maintain a certain amount of savings amount.
- The analysis of the study also suggests that, there is a significant correlation between, the time period that the respondents have resided abroad, and the amount of money that has been invested in savings.
- There is also a significant relationship between, annual income and the percentage of income that has been invested, in any investment avenue. Thus, this suggests that higher annual income can result in a higher percentage of the income invested.

### **SUGGESTIONS**

Investment meant either to earn income or to gain capital appreciation or for any other purpose. Employment generation increases in NSDP, industrial development, enhanced average standard of living are some of the expected output of investment. Despite India receiving the highest foreign remittance maximum percentage of this amount is misrouted to unproductive and dead investment sectors. To tackle this, the following suggestions radiate from the findings of the study on Investment behaviour of NRIs residing in Muscat City

- Government and related agency should frame policy measures and mechanisms to direct NRI remittances to productive investment venues.
- Government should offer incentives and tax benefits to those NRI investors who take part in public infrastructural development activities of the state.
- Government and public Companies/corporations should engineer new securities and instruments which specifically suitable for NRI investors.
- State Government should take measures to bring investment in residential property, real estate and other conventional venues into regulatory frameworks.
- We know that most of the NRIs are well educated but have less investment attitude and experience. So in order to inculcate investment habits in youngsters as early, schools and colleges should set up "Investment Club" as functioning of ED club.
- Government and other investment related agencies has to provide more value added services to NRIs investors and should resort single window clearance system to solve problems related to NRI's investment.
- Efforts should be taken to design a flexible investment options to cater the need of various segment of NRI investors like religious segment, age segment, educational segment, gender segment etc.

### **CONCLUSION**

The study is carried out on the topic "Analysis of Trends and Patterns of Investments among the NRIs Living in Muscat City". Adhering to the technique of multi-stage stratified random sampling data was collected through a questionnaire from 176 respondents, who were living in Muscat City. As per the data that has been collected, a lot of investment behaviour and investment pattern of NRIs living in Muscat City. There are number of investment opportunities open to investment from NRIs which consists of conventional investment venues and relatively modern avenues. However, similar to studies conducted locally in India, most of the NRI investors are using conventional or traditional investment alternatives like residential property, real estate, bank deposits, etc. However, among the news or relatively modern investment avenues, Mutual Funds have gained wide acceptance among the NRI respondent investors. It was also established that how long the investors have resided abroad, as well as their Annual Income has a direct relation to the percentage of income the investors prefer to or are ready to invest in such investment avenues.

It is widely agreed that the role of NRIs in the development of Indian economy is not negligent. However to recognize such a large amount of remittance with due consideration and channelize it towards productive investment sectors some important suggestions are offered as an output of this study.

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**A STUDY OF ACADEMIC ACHIEVEMENT WITH LEARNING MOTIVATION AND ITS CORRELATES AMONG ADOLESCENT GIRLS IN A RURAL AREA OF BELGAUM DISTRICT**

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**INTRODUCTION**

Motivation is the heart of teaching and learning process. It is usually defined as an internal state that arouses, directs and maintains behavior a certain period of time. Definition of motivation varies greatly partly due to the complexity of the concept and partly because many authors tend to define motivation in terms of specific disciplines theories. However, it is the process of arousing, sustaining and regulating activities, to be precise a concept limited to some aspects such as the energetic behavior or purposive regulation. The entire human behavior triggers in response to some kinds of internal (physiological) or external (environmental) stimulation. Varying behaviors are, thus purposeful or goals directed and hence are the direct result of the arousal of certain motives. In other words motivation can be defined as the process of activating, maintaining and directing behaviour toward a particular goal. The process is suspended after the desired goal is obtained. Thus motivation refers to the state in which a harnesses his person behaviour for certain goals. However, motivation is one of the most important components of learning. It holds a pivotal role in the learning process. Though a teacher's level of motivation occupies a very important position it always depends on the students' level of motivation which plays even more role in the cycle of teaching learning process.

Motivation is typically defined as the forces that account for the arousal, selection, direction, and continuation of behavior. Nevertheless, many teachers have at least two major misconceptions about motivation that prevent them from using this concept with maximum effectiveness. One misconception is that some students are unmotivated. Strictly speaking, that is not an accurate statement. As long as a student chooses goals and expends a certain amount of effort to achieve them, he is, by definition, motivated. What teachers really mean is that students are not motivated to behave in the way teachers would like them to behave. The second misconception is that one person can directly motivate another. This view is inaccurate because motivation comes from within a person.

**THE PROBLEM**

The present investigation is titled as: “**A study of Academic Achievement with Learning Motivation and its Correlates Among Adolescent Girls in a Rural Area of Belgaum District**”.

**OBJECTIVES OF THE STUDY**

1. To study the significant correlation between academic achievement and learning motivation of adolescent girls of pre- university colleges in rural area.
2. To study the significant correlation between academic achievement and learning motivation of adolescent girls of government pre-university colleges in a rural area.
3. To study the significant correlation between academic achievement and learning motivation of adolescent girls of private pre-university colleges in rural area.

**NEED AND IMPORTANCE OF THE STUDY**

Importance of the learning motivation of adolescent girls in pre-university college situation has been discussed above at length. To emphasize it again, students of pre-university college level owes a great responsibility to the nation in setting right the temples of learning where future of the youth is shaped. They play an important, predominant role in the making of educational institutions. This suggests that there is an immediate need for research in this field. It is however, noted that in India, adequate attention

has not so far been given to the adolescent girls learning motivation in relation to academic achievement of girl students at pre-university level in rural area.

Therefore there is a need to study the learning motivation of adolescent girl students at pre-university level in rural area as majority of them usually drop out at this stage and seek employment assistance. As they are passing through psycho-physiological stresses associated with the adolescent period it becomes all the more necessary to assist them in vocational planning.

**VARIABLE OF THE STUDY**

In the present study the following variables were considered:

**INDEPENDENT VARIABLE**

- Learning Motivation

**DEPENDENT VARIABLE**

- Academic Achievement of students

**MODERATE VARIABLE**

- Types of Management (Government and Private)
- Types of area (urban and rural)

**HYPOTHESES OF THE STUDY**

**Hypothesis:** No significant correlations between academic achievement learning motivation of adolescent girls of pre- university colleges in Rural area of Belgaum District.

**Hypothesis:** No significant correlations between academic achievement and learning motivation of adolescent girls of Government pre-university colleges in Rural area of Belgaum District.

**Hypothesis:** No significant correlations between academic achievement and learning motivation of adolescent girls of private pre-university colleges in Rural area of Belgaum District.

**RESEARCH TOOLS USED**

The following tool has been employed for collecting data for the present study.

1. Learning Motivation Scale –developed by the investigator
2. Academic Achievement questionnaire prepared by the investigator

**RESEARCH METHODOLOGY**

In the present study, the descriptive survey method was used. The research design specifies the questions were investigated, the process of sample selection, methods of procedure were followed, measurements were obtained and comparison and other analyses were made.

**POPULATION AND SAMPLE**

The population of the study was consisted of adolescent girls who are studying in pre-university colleges located in Rural place of Belgaum District.

The sample of the study was 1000 adolescent girls selected from 100 pre-university colleges in Rural area of Belgaum district. The investigator was used the stratified random sampling technique.

**DATA COLLECTION**

The investigator was collected the data from adolescent girls at pre-university colleges in Belgaum district. Girl students were personally administered the tools. Clear-cut instructions were given to fill up the responses to the items in the tools. The filled in performs and tools were collected. The confidentiality of the responses was assured. The collected data was systematically pooled for analyses.

**STATISTICAL TECHNIQUES**

For the analysis of data collected, correlation analysis was used.

**DATA ANALYSES**

**Table-1: r-value, Degrees of Freedom, t-value and p-value between Academic Achievement and Learning Motivation of Adolescent Girls of Pre-university Colleges in rural area.**

Variables	Product moment correlation coefficient (Karl Pearson's) between			
	r-value	Df	t-value	p-value
Academic achievement and learning motivation	0.8269	998	46.4525	0.0001*

\* $p < 0.05$

The results of the above table revealed clearly that,

- A significant and positive relationship was observed between academic achievement and learning motivation scores of adolescent girls of pre- university colleges in rural area ( $r=0.8269$ ,  $p=0.0001$ ) at 5% level of significance. The chance for the wrong rejection of null hypothesis is zero. Therefore, we may reject  $H_0$ . Hence, it may be concluded that, the academic achievement and learning motivation of adolescent girls of pre-university colleges in rural area are dependent on each other.

**Table-2: r-value, Degrees of Freedom, t-value and p-value between Academic Achievement and Learning Motivation of Adolescent Girls of Government Pre- university Colleges in rural area.**

Variables	Product moment correlation coefficient (Karl Pearson's) between			
	r-value	Df	t-value	p-value
Academic achievement and learning motivation	0.8153	498	31.4248	0.0001*

\*p<0.05

The results of the above table revealed clearly that,

- A significant and positive relationship was observed between academic achievement and learning motivation scores of adolescent girls of government pre-university colleges in rural area ( $r=0.8153$ ,  $p=0.0001$ ) at 5% level of significance. The chance for the wrong rejection of null hypothesis is zero. Therefore, we may reject  $H_0$ . Hence, it can be concluded that, the academic achievement and learning motivation of adolescent girls of Government pre-university colleges in rural area are dependent on each other.

**Table-3: r-value, Degrees of Freedom, t-value and p-value between Academic Achievement and Learning Motivation of Adolescent Girls of Private Pre- university Colleges in rural area.**

Variables	Product moment correlation coefficient (Karl Pearson's) between			
	r-value	Df	t-value	p-value
Academic achievement and learning motivation	0.8359	498	33.9887	0.0001*

\*p<0.05

The results of the above table revealed clearly that,

- A significant and positive relationship was observed between academic achievement and learning motivation scores of adolescent girls of private pre-university colleges in rural area ( $r=0.8359$ ,  $p=0.0001$ ) at 5% level of significance. The chance for the wrong rejection of null hypothesis is zero. Therefore, we may reject  $H_0$ . Hence, it is concluded that, the academic achievement and learning motivation of adolescent girls of private pre-university colleges in rural area are dependent on each other.

## FINDINGS OF THE STUDY

1. The academic achievement and learning motivation of adolescent girls of pre-university colleges in rural area are dependent on each other.
2. The academic achievement and learning motivation of adolescent girls of Government pre-university colleges in rural area are dependent on each other.
3. The academic achievement and learning motivation of adolescent girls of private pre-university colleges in rural area are dependent on each other.

## IMPLICATIONS OF THE STUDY

Any educational research is worthwhile if the results produce fruitful educational implications. As so far the present investigation is concerned, it can be claimed that useful information obtained could be useful in enhancing the educational success of the college students.

There are a few incidences in pre-university colleges in rural area cannot fill their enrollment, which is a waste of social resources. Meanwhile, a considerable number of college students cannot find employment. Searching for the causes, we find problems in low-birth rate, student learning motivation, peer-assisted learning, and quality teaching. Therefore, the encouraging factor of this research helps understand the effect of learning motivation, quality teaching and peer-assisted learning on the academic achievement of the pre-university college rural area students, so that we may explore how to resolve the existing problems in the future.

## CONCLUSION

The present study found that there was significant correlation between the academic achievement of the Government and Private pre-university adolescent girl students in rural area. The results of the study also reflected that the academic achievement and learning motivation of adolescent girls of pre-university colleges in rural area are dependent on each other and better academic achievement. From the above results, the finding is: 1. Student's learning motivation has significant positive effect on academic achievement. This study finds that



the most influential factor to study achievement is *learning motivation*. It means that a student's personal learning motivation, whether intrinsic or extrinsic, is the most important deciding factor on academic achievement, in terms of motivation, and it has the highest correlation to achievement (see Table 1). This means the self-actualization of a student's inner drive is greater than the attraction of and the demand for the external incentives. Hence, student's learning motivation has significant positive effect on academic achievement. The result is similar to the viewpoint, "the participation of learning activities is affected by a combination of several factors such as the needs for accomplishments, the expectation of success, external incentives", proposed by Li Yong-Yin (1995).

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**ANALYSIS OF CASE LAWS - ON BIODIVERSITY INTERNATIONAL AND NATIONAL REGIME**

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**“In Wildness is the Preservation of the world.”**

Henry David Thoreau

**I INTRODUCTION**

Biodiversity is a modern term which simply means “the variety of life on earth”. Biodiversity is defined as, ‘all of the hereditary variation in organisms, from differences in ecosystems to the species composing each ecosystem, thence to the genetic variation in each of the species’. Of the many confusing concepts in biodiversity conservation, few demand greater definition and scrutiny than “conservation through use,” also commonly termed “compatible” or “sustainable” use. These terms are often used to imply that certain types or levels of human use incur little or no loss of biodiversity, that these uses are ecologically benign. Biodiversity refers to the natural variety and variability among living organisms, the ecological complexes in which they naturally occur, and the ways in which they interact with each other and with the physical environment.<sup>1</sup>

According to Jones and Stokes Associates, natural diversity, as used in this report, is synonymous with biological diversity. To the scientist, natural diversity has a variety of meanings. These include: 1) the number of different native species and individuals in a habitat or geographical area; 2) the variety of different habitats within an area; 3) the variety of interactions that occur between different species in a habitat; and 4) the range of genetic variation among individuals within a species.

This variety can be measured on several different levels. Extinction is a fact of life. Species have been evolving and dying out ever since the origin of life. However, species are now becoming extinct at an alarming rate, almost entirely as a direct result of human activities. Previous mass extinctions evident in the geological record are thought to have been brought about mainly by massive climatic or environmental shifts. Mass extinctions as a direct consequence of the activities of a single species are unprecedented in geological history. The loss of species in tropical ecosystems such as the rain forests, is extremely well-publicized and of great concern. Species have a right to exist apart from the use of these species for the benefit human beings and that humans have no right to cause the extinction of native species across their habitat.<sup>2</sup>

All strategies for conservation of biodiversity involve relationships between local residents who live in the critical habitat of threatened and endangered species, government agencies, international organizations, and scientists, especially conservation biologists. The protection of regional biodiversity requires that priority for the protection of individual areas be based on the contribution, which the area can make to represent overall biodiversity. The impacts of globalization are being experienced not only by domesticated varieties but by wild relatives of food plants. In all biodiversity is a concern of all the species on the earth, be it an animal, or a plant or the galaxy.

**II CASES PERTAINING TO BIODIVERSITY BY INTERNATIONAL COURTS**

Biodiversity in arid regions is often rated as poor and less valuable than biodiversity in other biogeographic regions, based on the commonly applied structural criteria of forms of life (i.e. plants, animals and microorganisms) and levels of organization (i.e. genes, species, and ecosystems). The root causes of biodiversity impoverishment are population growth, inequity, and inadequate economic policies and institutional systems. In addition, habitat degradation and fragmentation, overexploitation of biological resources, introduction of alien species, and agricultural practices.

Population pressure has had serious impacts on the fragile ecosystems and biological resources of arid zones especially in the Old World. Ownership and control of land and biotic resources, and all the benefits they confer, are distributed in ways that work against biodiversity conservation and sustainable living. Countries lack an adequate system of environmental laws and other instruments to ensure the protection of biodiversity and the sustainable use of resources.

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<sup>1</sup> Kent H. Redford and Brian D. Richter, ‘Conservation of Biodiversity in a World of Use’, *Conservation Biology*, vol. 13, No. 6, December 1999, p. 1248.

<sup>2</sup> Bill Devall, ‘Conservation of Biodiversity: Opportunities and Challenges’, *Human Ecology Review*, vol. 13, No. 1, 2006, p. 62.

The rise of environmental consciousness in international law has been accompanied by another phenomenon: the growing number of international *fora* within which environmentally related disputes can now be addressed. It used to be the case that the International Court of Justice was just about the only permanent international tribunal around. Since it was established in 1946 it has been joined by a large number of other international judicial and quasi-judicial bodies such as the dispute settlement mechanisms established under the 1982 United Nations Convention on the Law of the Sea, such as the International Tribunal for the Law of the Sea and Annex VII arbitral tribunals, the International Center for the Settlement of Investment Disputes, which is now beginning to faced with environmental issues in a foreign investment context, etc.

As we can point out here, the ICJ's advisory opinion on the Legality of the Use of Nuclear Weapons,<sup>1</sup> its judgment in the Case concerning the *Gabcikovo/Nagymaros dispute* (Hungary/Slovakia) concerning the construction of barrages on the Danube (September 1997),<sup>2</sup> and its provisional measures order in the case concerning Pulp Mills on the River Uruguay, brought by Argentina against Uruguay (July 2006)<sup>3</sup> also known as *Shrimp Turtle case*, concerning the circumstances in which the United States was able to impose conservation measures under its laws on shrimping activities taking place in four Asian countries and the WTO Panel decision in the EC-Biotech case brought by Argentina, Canada and the United States challenging the European Community's import regime for genetically modified organisms and in the International Tribunal for the Law of the Seas provisional measures orders in the Southern *BlueFin Tuna cases*<sup>4</sup> brought by Australia and New Zealand against Japan, addressing Japan's unilateral scientific experimental fishing.

In the *Gabcikovo/Nagymaros case*<sup>5</sup> at the International Court of Justice, for example, concerning the construction of barrages on the Danube river, Hungary treated the case as primarily an environmental case, whereas for Slovakia the case was about economic development and the law of treaties. For this reason the Environmental Chamber of the International Court of Justice, which was created in 1993 and was never invoked, seems recently to have been dispensed with.<sup>6</sup> The mere characterization of a dispute as an environmental dispute will have implications for a case. For this reason it is most unlikely that there will be established in the foreseeable future the International Environmental Court for which some observers have called. It would be preferable to follow the effort, for example, of the Permanent Court of Arbitration to develop model rules on arbitration of disputes relating the environment and natural resources, which rules take into account the particular characteristics of environmental disputes.

This issue is one with which human rights lawyers will be familiar, where the potential conflict is between the protections of individual property rights, on the one hand, and environmental requirements of a community character on the other hand. This issue has arisen often in the case law under the First Protocol to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 1 (1) of the Protocol provides, "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law." There are two conflicts one individual rights and the environmental protection.

In the recent Award of an Arbitral Tribunal in *Compania del Desarrollo de Santa Elena SA v Republic of Costa Rica*<sup>7</sup> this issue arose, not so much in terms of determining the legality of an act of expropriation, but rather in terms of determining the methodology for valuing the environmental resource – in this case an area of rain forest which is rich in biological diversity – which the host State was seeking to protect for the creation of a national park. The arbitral tribunal ruled that environmental protection objectives, even if an application of international environmental norm, did not have any bearing on the matter, including in relation to the

<sup>1</sup> Case concerning the Gabcikovo-Nagymaros Project (Hungary / Slovakia), ICJ Reports 1997, 7.

<sup>2</sup> 1997 ICJ. 7.

<sup>3</sup> Shrimp Turtles case, AB-1998-4, 12 October 1998; 38 ILM (1999), 118.

<sup>4</sup> 38 ILM (1999), 1624.

<sup>5</sup> *Supra* 5

<sup>6</sup> See ICJ Press Release of 16 February 2006 (The judges of the International Court of Justice elect the members of the Chamber of Summary Procedure and of various Committees of the Court), in which no mention is made of the Environment Chamber

<sup>7</sup> Case No. ARB/96/1.

methodology of traditional valuation based on full and fair market value.<sup>1</sup> In other words, for this arbitral tribunal, comprising a most distinguished group of individuals, the international rules for the protection of foreign investment appear to take precedence over any rules of environmental protection however national or international.

General principles of international law call for a balanced approach, in which the societal objective of encouraging foreign investment (as reflected in numerous international instruments) is treated in a balanced manner with the societal objective of protecting the environment (as also reflected in numerous international instruments), and vice versa. This need to treat developmental needs with environmental needs is now often referred to as the principle of “sustainable development”, as reflected in the Rio Declaration on Environment and Development, and as invoked by the International Court of Justice in the Case concerning the *Gabcikovo-Nagymaros*.<sup>2</sup>

### III INDIAN CASES

After signing the Biodiversity convention, India has enacted *Biological Diversity Act*,<sup>3</sup> 2002 and the Rules namely Biological Diversity Rules, 2004. The main objects of the Biological Diversity Act, 2002 are to take appropriate action for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources. Neither the Act nor the Rules made there under, has defined the term ‘conservation’, ‘use’ or ‘utilization’. The term ‘commercial utilization’ defined in this Act excludes ‘conventional breeding or traditional practices in use in any agriculture’. The continuous climate change of the world, the random deforestation, and habitat loss of biological species, urbanization race, world-wise expansion of concept of patent rights, day-to-day technical development of genetic resources etc. are to be considered in this respect.

It has been felt for long time by the Government of India to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution. India, being one of the participating countries in the United Nations Conference on the Human Environment held at Stockholm in June, 1972 and the United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, aims to set up specialized environmental courts in the country namely ‘National Green Tribunal’ for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. Accordingly, the Indian Legislature enacted the *National Green Tribunal Act*,<sup>4</sup> 2010.

In an environmental matter<sup>5</sup>, Supreme Court of India had to interfere in the policy decision of Government as to whether the Government of West Bengal did not pay attention to the ecological considerations, particularly the question of the migratory birds and whether has shown such lack of awareness in making an allotment of land to boost tourism by construction of Five Star Hotel to the detriment of Zoological garden. Honorable Supreme Court stated, ‘Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Art. 48 A of the Constitution of India, which enjoins that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country, and Art. 51A (g) which proclaims it to be the fundamental duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wild life, and to have compassion for living creatures the Court is called upon to give effect to the Directive Principle and the fundamental duty, the Court is not to shrug its shoulders and say

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<sup>1</sup> The Tribunal said (at para. 71): “While an expropriation or taking for environmental reasons may be classified as a taking for a public purpose, and thus may be legitimate, the fact that the Property was taken for this reason does not affect either the nature or the measure of the compensation to be paid for the taking. That is, the purpose of protecting the environment for which the Property was taken does not alter the legal character of the taking for which adequate compensation must be paid. The international source of the obligation to protect the environment makes no difference.”

<sup>2</sup> *Supra* 5.

<sup>3</sup> Act No 18 of 2003.

<sup>4</sup> Act No 19 of 2010.

<sup>5</sup> *Sachidananda Pandey v. State of West Bengal & Ors*, AIR 1987 SC 1109.

that priorities are a matter of policy and so it is matter for the policy making authority. The least that the court may do is to examine whether appropriate considerations are borne in mind.

In *Ambica Quarry Works & Anr. v. State of Gujarat & Ors*<sup>1</sup>, the Supreme Court of India had given the direction in favour of the preservation and protection of the environment of India. Dismissing the appeals, the Court stated thus, 'all interpretations must sub-serve and help to implement the intention of the Act. The primary purpose of the Act is to prevent further deforestation and ecological imbalances'. Then in *M.C. Mehta –Vs– Union of India & Ors*,<sup>2</sup> the matter under consideration was regarding the power of the Supreme Court to issue appropriate directions under the provisions of constitution of India, *Water (Prevention and Control of Pollution) Act, 1974* and *Environment (Protection) Act, 1986*: if it finds public nuisance being committed and statutory authorities not taking adequate steps to rectify the grievance.

#### **IV CONCLUSION**

The environmental pollution has assumed a gigantic figure in recent years due to random deforestation, establishment of industries and unplanned urbanization, decaying of ozone sphere, increasing global warming etc. This is evidenced from excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, extinction of many aquatic species and mangroves, loss of vegetal cover and biological diversity causing threat to eco-balance and life support systems. From the analysis of the previous chapters, it has been observed that our rich biodiversity is under constant threat and the existing legislations and legal mechanism are not equipped enough to combat those threat in its entirety. It attracts revamping of existing machineries and modification of existing legislations.

'Biological Diversity' is concerned, it may be stated that the biodiversity is the source of existence of biological organism. In ecosystem, it provides essential economic benefits and services to human society. Soil is the significant medium for variety of organism. It provides a large habitat for microbes, micro-fauna, meso-fauna and macro-fauna. A large number of fungi, bacteria, insects, millipedes, termites, earthworms etc. are the major biological species found inside soil. Similarly various flowering and non-flowering plants, sedges and grasses, mangroves and other floral species enrich our biological resources. Beside rich biodiversity, India has various geo-climatic zones. A large number of bacteria, viruses, insects, air-birds, butterflies, flies, bees, amphibians, fish, microorganisms and species are found in the house of aerial biodiversity. Apart from gases, dust particles and water vapour, air contains micro-organisms such as vegetative cells and spores of bacteria, fungi and algae, viruses and protozoan cysts.

Enormous consumptive and non-consumptive social values have arisen from the conservation of components of biological diversity. Population and lack of proper legal mechanism has led to this situation. Unless some steps are taken by all the stake holders the danger is soon approaching.

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<sup>1</sup> AIR 1987 SC 1073.

<sup>2</sup> 1988 (1) SCC 471.

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**THE EFFICACY AND FUNCTIONING OF THE SPECIAL COURTS IN KARNATAKA  
CONSTITUTED UNDER THE SCS & STS (PREVENTION OF ATROCITIES) ACT, 1989**

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**INTRODUCTION**

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (No 33 of 1989) came into force from 30-1-1990. The Act is a special legislation seeking to impose strict punishment for crimes committed against SCs/STs, redressed through Special Courts set up for the purpose thus ensuring speedy disposal of cases. While the larger vision under the enactment is creative and progressive, several studies have indicated that administrative problems, financial bottlenecks and a lack of sensitivity on the part of the police and the judiciary hamper the realization of objectives of the enactment. Thus, the enactment has several areas that need further review but this research is limited to examining the functioning of the Special Courts set up under the Act in Karnataka.

**SPECIAL COURTS IN KARNATAKA****Special Court: Belgaum**

The Third Additional District Court in Belgaum is the Court designated to function as the Special Court under POA. The Court is not an exclusive Special Court and is the largest in north Karnataka. It adjudicates on matters other than POA, such as NDPS, Electricity Act and Lokayukta Act. The Court records are maintained in an orderly fashion and it was found that the Court was equipped with good infrastructure.

An interesting, although disturbing point is that, cases that are booked under POA and also charged under other sections of the IPC such as 302, 376 and 307, were treated as regular Sessions cases and not as POA cases. It was found that disposing a Session case would earn a judge 1 point, whereas disposing a case under POA would only earn him/her 0.25 point. Thus an inbuilt institutional discriminatory practice was noticed. A Special Public Prosecutor need to be appointed to prosecute cases under POA, and is however burdened with prosecuting matters other than POA.

**Special Court: Bijapur**

The II Additional District Court is the Court designated as a Special Court in Bijapur to try POA cases. The Court is not an exclusive Special Court and adjudicates on matters other than POA, namely NDPS Act, Electricity Act and Lokayukta Act. The Court was found lacking in infrastructure. The record room of the Court was 2k.m. away from the main Court premises, causing unnecessary hardship, delays and inconvenience to lawyers and general public in accessing records. The rate of conviction was found to be low.

**Special Court: Gulbarga**

The II Additional District Court is the Court designated as a Special Court in Gulbarga under POA, where the largest number of convictions, including 3 life sentences in north Karnataka were recorded for the study period. The Court is not an exclusive Special Court- it adjudicates on matters other than POA, namely NDPS Act, Electricity Act and Lokayukta Act. A Special Public Prosecutor has been appointed to prosecute cases under POA, but is however burdened with prosecuting matters other than POA. The Court has good infrastructure. Records are maintained in an orderly fashion.

**Special Court: Raichur**

The I Additional District Court is the Court designated as a Special Court in Raichur under POA. The Court is not an exclusive Special Court. The Court's infrastructure is not adequate. Court files/records are not well maintained. It adjudicates on matters other than POA, namely NDPS Act, Electricity Act and Lokayukta Act. A Special Public Prosecutor has been appointed to prosecute cases under POA, but is however burdened with prosecuting matters other than POA. The jurisdiction of the Special Court extends to 5 taluks of Raichur, Manvi Devadurga, Sindhanur and Lingasugur.

**Special Court: Kolar**

The II Additional District & Sessions Court in Kolar is the District Special Court established under POA. The Court is exclusive Special Court to try only atrocities cases filed under POA. The Trial Register of this Court is maintained separately and is not legible. More than 10 administrative staff works in a congestive room without computer and printer. There is no separate classification for SCs and STs cases. All the documents of this Court are maintained manually by the staff, with only recent judgment copies available on the computer. Both the Principal Judge and Principal Public Prosecutor have separate chambers to work within the Court premises. The

Principal Public Prosecutor works 3 days in Kolar and 3 days in Tumkur District Session Court. This Special Court is officiated by the Principal District & Session Judge. An exclusive Principal Public Prosecutor is appointed to prosecute on POA cases. The Court's staff consists of a Senior Typist, Bailiff, Process Server, Attender and Peon.

**Special Court: Mysore**

The VI Additional District & Session Court is the Mysore District Special Court established under POA. The Court is an Exclusive Special Court to try atrocities cases filed under POA. The Trial Register of this Court is maintained separately by the Court and is not legible. There is no separate classification for SC and ST cases. All the proceedings of the Courts documented manually and only 2012 Judgment copies are stored on a computer. The officiating Judge of the Court is the Principal District & Session Judge. An exclusive Principal Public Prosecutor has been appointed to try POA cases. Both, the Judge and Principal Public Prosecutor have been given separate chambers to work within the Court premises. The Principal Public Prosecutor works 3 days in Mysore and 3 days in Hassan District Session Court. The Court's staffs consist of a Senior Typist, Bailiff, Process Server, Attender and Peon.

**Special Court: Tumkur**

The Special Court in Tumkur is an exclusive Special Court. The Court has good infrastructure with an exclusive Court building and staff. Records are maintained in an orderly fashion. At the time of the study however, all the cases under the POA were being adjudicated upon by the III Additional Judicial Magistrate due to retirement of the special judge. POA cases were clubbed with other matters before the Court such as NDPS, Electricity Act and Lokayukta Act. The entries of Trial Register from 2006 to 2012 reveal that no separate registers/records of POA are maintained. All the records were maintained manually. The Court hall is very small and congested. Conviction rates were found to be low. There is a special Public Prosecutor appointed, but was burdened with prosecuting other matters.

**FINDINGS AND ANALYSIS**

The two main questions that this article seeks to address are:

1. How do Special Courts in Karnataka contribute to delays in disposal of cases and why is there a low conviction and high acquittal rate?
2. Whether Special Courts in Karnataka function in light of the objective of the PoA Act, 1989?

Delays in disposal of POA cases have adverse effect on the delivery of justice -the perpetrators of atrocities, being the dominant caste are likely to use their money and muscle power to influence the outcome of cases,<sup>1</sup> delays in disposal and having backlogs create distrust among public towards the judiciary as an institution and may often result in victims settling out of Court, not necessarily in the most just manner, given the low bargain power of SC/STs in society. Deteriorating health and deaths of key witnesses due to lapse of time may significantly alter the outcome of cases. In effect, the very purpose of enacting the POA is defeated.

Karnataka, accounts for the largest number of notified Scheduled castes in the country, despite this, the state lags behind in cases being booked under the POA. Compared to the crimes rates on SC/STs, the number of cases that reach the Court under POA are abysmal. For example, the number of crimes recorded in 2011 against SC/STs were 2766<sup>2</sup>(SCRB 2011) whereas cases instituted under POA were only 403 The Trial registers studied in the 7 districts of Karnataka reveal that an average of 3197 cases are instituted under the POA in a year.

Gulbarga Special Court has recorded the highest number of cases admitted -811 for the study period 2006-2012, followed by Bijapur with 609 and Tumkur with 601 respectively. Mysore Special Court has recorded the lowest with 138 cases, followed by Belgaum in the second lowest position with 283 cases. A striking fact that emerges from the data collected is that, Kolar district, which is declared an atrocity prone area with the highest population of SCs in the State has recorded an abysmal 399 cases between 2006-2012. One possible explanation to this could be fear of reappraisal from the dominant Reddy community.

One is reminded of the ghastly killings in Kambalapalli in Kolar district, which brought to fore the socio-economic and political overtones of "untouchability." A close examination of the social, economic and cultural

<sup>1</sup> Kambalapalli carnage (CA 539/2013/386/2007). The witnesses in this case were pressurized to withdraw their statements.

<sup>2</sup> Kambalapalli carnage (CA 539/2013/386/2007, S.C. No.114/2000 State of Kencharlahalli Police Station Vs. Narasimhappa & 31 Others, popularly known as Kambalapalli Case).

milieu in which SC/STs find themselves reveals that, despite the existence of political organizations such as the Dalit Sangharsha Samiti (DSS) that take up cudgels on their behalf, the overarching and abiding factors such as loss of livelihood, threats to life and property posed by the upper castes, social boycotts at the behest of upper caste members as well as intimidation by police are some of the contributory factors in low admission rates under POA. For example, in the course of the Kambalapalli trial in Kolar,<sup>1</sup> many of the key witnesses, who also lost their family members withdrew their statements and settled for money because of their financial needs.

Speedy justice to victims of caste atrocities is a necessary prerequisite given the dire social and economic circumstance in which they live. Section 14 of the POA specifically provides for the creation of Special Courts for the purpose of achieving speedy trials.<sup>2</sup> In the words of the Supreme Court of India, “the right to speedy trial in all criminal prosecutions is an inalienable right under Article 21 of the Constitution. This right is applicable not only to the actual proceedings in Court but also includes within its sweep, the preceding police investigation as well.”<sup>3</sup>

### **AVERAGE TIME TAKEN TO DISPOSE CASES**

The data reflects an overall pendency rate of 20.54%. On an average 3196 cases under POA have been admitted during the period of 2006-12 out of which 2553 have been disposed off and a total of 643 cases are pending before the Courts. Although on the face of it, the disposal rate is an attractive 79.45%, painting a rosy picture about the apparent efficiency of working of the Special Courts in Karnataka, a close examination of the case load factor reveals that in 2010, against an admission rate of 423 cases, 652 were disposed off and in 2011, against an admission of 403 cases, 483 were disposed of.

Thus, the data suggest that cases from previous years have been carried forward to the year 2010 and 2011 respectively. This analysis helps to understand the anomaly that reliance on a mere disposal rate in a particular year can create. By 2008, the number of admissions increase significantly where as the number of disposals in that year and the following year do not increase proportionately, resulting in the sudden load of 652 disposals against 423 admission in a year, taking the case load to 154% in 2010.

The average time taken from admission to disposal is anywhere between 12 months and 24 months. Delays at the trial level happen at various stages, including at the evidentiary and argument stages. Witnesses turning hostile and police themselves backing out from their statements are all factors that go into prolonging the trial. As noted above, in Belgaum, for example, due to a system of allocation of points, Sessions Court cases tend to get prioritized over cases under POA. The two cases considered for case study, Kambalapalli case, where the incident took place in 2000 and the decision came out in 2007 and Badanavalu, where the incident took place in 1990 and the Court's decision was rendered in 2010, reflect unconscionable delays, defying the legislative intent and logic of speedy trial. Ultimately the lapse of time results in reduced sentences, thus, setting a wrong precedent.

### **CASE LOAD FACTOR**

Case load factor is a reflection of not only cases that have been carried forward from the past years, but also the cases instituted in the particular year. A comparison of admission rates with disposal rates in each year in all districts reveals that there is a spike in the disposal rate in 2010 being 20.1% although the admission rate is only 13% for that year. This occurrence is an outcome of cases that are carried forward from the previous year. Similarly, 2011 witnessed a disposal rate of 14.9 % whereas the admission rate was only 12.4%.

This phenomenon leads to a substantial load on the Courts, affecting both efficacy and efficiency of working of Special Courts. Although the overall disposal rate based on the data analysis of all the 7 districts reveals a promising 79.45%, one must bear in mind the case load factor that would ultimately affect the quality of outcome in any given year. Another significant contributory reason for the case load factor is the non-exclusivity of Special Courts. Although created for the sole purpose of addressing POA cases in atrocity prone areas, the Special Courts adjudicate on matters other than under POA, thereby burdening themselves and affecting the cause of justice.

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<sup>1</sup> CA 539/2013/386/2007. (S.C. No.114/2000, State of Kencharlahalli Police Station Vs. Narasimhappa & 31 Others, popularly known as Kambalapalli Case)

<sup>2</sup> Also see section 21 of the PoA Act.

<sup>3</sup> <http://indiatoday.intoday.in/story/Right+to+speedy+trial+a+constitutional+right:+SC/1/11270.html>



The graph and percentage depiction below reflect the congestion rate from all districts. The author notices a surge in 2011 and 2012. Congestion rate is the rate of backlog cases from previous years and the total number of cases admitted in the present year.

### **RATE OF ACQUITTAL AND RATE OF CONVICTION IN SPECIAL COURTS OF KARNATAKA**

Acquittal rate of cases under POA in Karnataka is 69.7 percent as against a conviction rate of 2.6 percent. High rates of acquittals can be attributed to several reasons, both institutional and social. At the institutional level, connivance on the part of the police/delays and non-action resulting in improper filing of charges, including the non-application of POA, requirements of strict burden of proof, stereotypes such as cases being brought under POA are primarily for the purpose of monetary gains etc.

An overall hesitancy on the part of the judges to convict serious offences under POA is noticed as 3(1) (x) is the section widely used, prescribing a minimum conviction of 6 months imprisonment and a fine, perhaps because of non-sensitization of judges towards the objectives of POA. Cases that are prolonged over many years most often result in acquittals than in convictions. At the social level, since most of the cases are set in a rural background and there is a strong interdependence of all the communities, key witnesses turning hostile due to several social and economic pressures is common place, resulting in high acquittal rates. The most commonly charged section under the POA both by the police and the judiciary is Section 3(1)(x)<sup>1</sup> for an offence punishable for not less than 6 months and a fine. The graph below reflects that 82.2% of POA cases are charged under this section and contribute to the high acquittal rates.

### **CASE STUDIES OF KARNATAKA**

#### **Kambalapalli Carnage (CA 539/2013/386/2007)**

##### **Caste composition of the village**

Kambalapalli is a village 40 kms north of Chintamani, in Kolar district of Karnataka. At the time of the incident more than 40% of the population of the village consisted of SC's- about 70 families belonged to Reddy community, considered, Vokkaliga (dominant caste), 29 families were Madigas (SC's) and 45-50 families belonged to Holeyas (SC's)<sup>2</sup>

##### **Fact of the Case**

On March 4<sup>th</sup> 2000 when the village was celebrating Mahashivratri procession, some SC (Holeyas) had stabbed and killed Krishna Reddy a village waterman belonging to the dominant Vokkaliga community based on a history of distrust and hatred, arguably escalated by an illicit relationship between the watermen and a Holeyas woman. The police took prompt action and increased the security immediately. On the fateful day of the killings, March 11, 2011, only 3 constables with very basic ammunition were posted. Around midnight, the Reddys doused inflammable materials such as kerosene and petrol on two houses belonging to the Holeyas, believed to be harboring the killers of the upper caste waterman. The cement houses were broken into and all doors bolted from outside and set fire, charring to death seven persons between the ages of 25 to 70.

##### **Origin of Discord**

By the late 80s, the "untouchables" had started to avail educational facilities. Several emerging graduates from community clearly wanting to move away from traditional jobs like laboring in farms of dominant Vokkaligas, took up teaching and other skill oriented jobs. Many of whom, also left the village for greener pastures. Loss of labor and intolerance towards the social and economic upward mobility of "untouchables" was the underlying basis for hatred and jealousy among the "upper castes" which ultimately resulted in the carnage and feelings.

##### **Legal Process**

The trial ended in acquittals. The author refrain from commenting on the legal aspects of the case as it has recently become *sub judice* - at the High Court in Karnataka.

##### **Judicial Reasoning in Kambalapalli Case**

In determining the role of Special courts in conviction and acquittal under POA, judicial reasoning should be considered. Some of the main reasons noted, reflect the social realities that play out during adjudication of cases under POA. Victims and Witnesses turning hostile is a common occurrence; either out of fear of reprisal or monetary gains, key witnesses succumbs to pressure. The Kambalapalli case is a classic example of key

<sup>1</sup> 'Intentionally insults or intimidates with intention to humiliate a member of Scheduled caste and Scheduled Tribe in any place within public view.'

<sup>2</sup> "Changing nature of caste conflict" Azadi. M & Rajendran. S, EPW, Vol. 35, No. 19 (May 6-12, 2000), pp.1610-1612 available on JSTOR.

witnesses, some of whom were family members of victims, turning hostile. Courts have however, turned a blind eye and sought strict burden of proof. This has resulted in irresponsible acquittals. Out of Court settlements and compromise are also a common occurrence- given the fact that victims/complainants are mostly daily wage earners, prolonged Court proceeding are bound to adversely affect their earning capacity. Thus, despite their weak bargaining power, they tend to compromise and give up on asserting their civil liberties and Constitutional rights.

### **BADANAVALU INCIDENT (SPL.CASE NO.38 OF 2003)**

#### **Caste composition of the village**

Badanavalu is a small village in Nanjangud Taluk, about 25 miles from Mysore city. At the time of the incident, the village consisted of 2500 people- nearly 1200 Dalits and 1000 Lingayats- the dominant land owning caste and the rest consisted of Ganigas and Muslims.<sup>1</sup>

#### **Fact of the Case**

On March 26, 1993, 16 members of the Scheduled caste were returning on bicycles after winning a cricket match, ironically called "Cricket for Peace" in Aniyamballi village, when they were attacked by an organized group of 25 Lingayats on armed with choppers, knives, clubs, chains and iron rods.<sup>2</sup> The Head Master of Badanavalu School B.R. Narayana Swamy, his 18 year old son, and an engineering graduate Madhukara and Nataraj, a clerk of the school were hacked to death in broad daylight while 6 others sustained grievous injuries.<sup>3</sup>

#### **Origin of Discord**

In 1988, five years prior to the incident, the villages sought to renovate Lord Siddeshwara temple in the outskirts of the village. Towards this end, the sought monetary contributions from the SCs, with a promise that they would be permitted to worship in the temple. The SCs contributed a sum of 30,000 and three years worth of free labor. However, at the inauguration of the temple on January 30, 1993, SCs were not permitted entry into the temple. When they sought to assert their rights, they were *threatened, intimidated and attacked* by the Lingayats. As a result, cases were booked under section 107 against 31 Lingayats and 26 SCs for abetting and instigating and thereby causing public disorder. The SCs eventually asserted themselves by entering the temple on 2.2.1993 with police protection. This act of religious defiance, considered sacrilegious and assertion of democratic rights on the part of SCs was the root cause of the discord, leading to the killings in 1993.

#### **Legal Process**

Judgment dated 28.10.2010 delivered by Lakshman F. Malavali, VI Additional Sessions Judge, Mysore and Special Court under SC and ST (POA) Act, 1989.

A charge sheet was submitted by Nanjangud Rural Police against 23 accused persons for offences punishable under section 143, 147, 148, 341, 326, 153(A), 302 read with section 149 of IPC under section 3(1) (x) of POA.

On consideration of the following points, the court found the accused persons guilty under all the above sections of the IPC and *not guilty under section 3(1) (x) of POA*.

1. Under section 3(1) (x) of POA the court found that there were inconsistencies in the statements of the victims, coupled with absence of evidence to the contrary, including absence of any formal complaint against Lingayats for allegedly abusing SCs based on their caste name in public, the accused persons were found not guilty.
2. The prosecution was able to prove beyond reasonable doubt that the accused persons had a strong motive for the commission of the offence based on the fact that after the inauguration of Siddeshwara temple on 3.1.1993, 'peace committee' meetings were held on 31.1.1993 and 1.2.1993 after which members of SC community were allowed to enter the Siddeshwara temple on 2.2.1993 with full backing of the police, after duly breaking open the lock to perform a 'pooja.' The court also found circumstantial evidence in the fact that due to a *threat to peace and tranquility*, cases were registered under section 107 of Cr.P.C. 31 Lingayat leaders and 23 members of the SC community during the intervening period between temple entry and the murders.

<sup>1</sup> Nair, Janaki, "Badanavalu Killings: Signs for the Dalit Movement of Karnataka", EPW, Vol. 28, No. 19 (May 8, 1993), p.912-913.

<sup>2</sup> Pinto, Amrose, "Badanavalu: Emerging Dalit Paradigm", EPW, Vol. 30, No. 15 (April 15, 1995), pp.797-799.

<sup>3</sup> *ibid*

3. The prosecution was able to prove beyond reasonable doubt that the deaths of Mr. Narayana Swamy, Mr. Nataraju and Mr. Madhukara were homicidal. Based on expert medical evidence, it was concluded that deaths has occurred due to shock and hemorrhage as a result of multiple dangerous and grievous injuries. This fact was substantiated by the weapons confiscated and was found *sufficient to cause the death in ordinary course of nature*.
4. Prosecution was able to prove beyond all reasonable doubt that the accused persons had formed an unlawful assembly with the common object by holding deadly weapons like clubs, choppers, knives and cycle chain and that the members of the unlawful assembly wrongfully restrained the deceased persons from proceeding further towards Badanavalu. Prosecution was further able to prove beyond all reasonable doubt that B.G. Swamy and Krishnamurthy suffered grievous injuries due to assault with deadly weapons like clubs, choppers, knives and cycle chains. Further, the Prosecution was able to prove beyond all reasonable doubt that the accused persons had promoted enmity between two classes by their actions and words.

### **CONCLUSION**

Much discussion has taken place on the persisting caste based atrocities in Karnataka and therefore, the need for effective implementation of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 in the state. However, to make any law effective it is important to strengthen the enforcement mechanisms; the police administration, the state and district level welfare committees and most importantly the courts.

Therefore, this research mainly focuses to special courts in Karnataka established under the PoA Act, 1989. In an attempt to understand the dynamics involved in the judicial process of special courts, the Author undertook this study in seven districts in Karnataka.

Considering the first parameter, the figures from special court in Karnataka seems impressive. On an average the cases have been disposed of in less than two years' time. In fact good number of cases (19.5%) has been decided in nearly 90 days. However, this raises an important concern about the cases which took much longer than the average time. Although, our data reveals that such cases are small in number but nonetheless, it was important to probe into the nature and political context of such cases.

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**IN PURSUIT OF HAPPINESS AND PLEASURE**

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**Mohammad Junaid Siddiqui**Investigator SPRO, Amazon Development Private Limited, Telangana

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*‘‘Work happily not for Happiness’’*

It is wise to reflect to differentiate between two basic human aspirations- pleasure and happiness. Many times, people fail to clear the confusion between pleasure and happiness. Most of us imagine that the pleasure is a next version of happiness. But in reality, pleasure is not happiness and will never ever be synonymous with it. The society that we live in is pleasure- chasing society. People usually spend most of the time and energy in finding pleasure and avoiding pain. We keep hoping by continuing this, we will feel content. But majority of us are confused in differentiating between pleasure and happiness. Due to this differentiation we keep longing for pleasure by not knowing that pleasure is not the temporary relief one can get. The vast difference exist between happiness and pleasure. Pleasure is such a momentary feeling that comes from something external like a good meal, a coffee in Starbucks, stocks going up, being in a relationship and so on. Pleasurable experiences give us momentary feelings of happiness that do not last long because it relies upon external events and factors. People keep on having pleasure by having more food, more drugs or alcohol, more money, more intimate relationship and more things that results being addicted to people in long term run.

The definition of happiness and pleasure varies from person to person. Some find happiness with enough wealth and spending peaceful moments with the family. Others who own luxurious cars, live in expensive bungalows, dine in lavish restaurant and earn handsome salary do not even sleep comfortably though they have everything to live happily.

Happiness should be seen as the result of choosing to be a kind, caring, compassionate and gentle with oneself and others. In other words, happiness is the outcome of being present in each moment with love and kindness towards oneself and others, rather than trying to attach to others and overpowering or controlling them. It is a state of inner being and inner fulfillment and it gives us the inner resources to deal better with difficult circumstances. On the other hand, pleasure is an outcome of temporary satiation or satisfaction and externally motivated. True happiness is an inner quality that comes from serenity of mind. It can be hard to achieve happiness unless there is an abundance of peace in mind. Pleasure is the sensation that drives one to eat packets of chips even though we know that it's bad for our health but we keep eating for the sake of tastes that gives us temporary taste. Happiness comes when you spend quality time with your family and friends with enough resources. On the other hand, pleasure comes when you hook up with the people who encouraged you to commit evil activities that gives you immense pleasure. Happiness isn't something that strives to choose. It's always present there. Happiness comes to those who finds spirituality within themselves.

Sometimes pleasure and happiness overlaps each other but creates distinct inner experiences both subjectively and objectively. For example, hooking up with friends in a beer bar with booze and dancing for hours may create pleasure. This type of pleasure is very short-lived and it gives a feel of good experience not a good experience. It means it makes an individual feel good and that feeling may vanish soon as it does not sustain on him for a long time. Taking up an example of happiness, it is achieved when one is unable to acquire his desires but fulfill his needs. The moment individual's needs are met, he can be counted under 'LIST OF HAPPY PEOPLE'. On the contrary, the more people indulge in fulfilling desires and keep them multiplying, the more pleasure seeking people they will be. Materialistic people who are deeply in love with the materialistic comforts are often in the race of pursuing pleasure. Pleasure seeking people are not naturalistic in nature as they are intoxicated or addicted to the artificial things. As a result, it provides them immense pleasure through which they quench their fiendish thirst. The pursuit of happiness comes to those who are gullible, prejudiced and careless of the details that hardly impact their lives. The happiest people are those who are in the race of competing with others but with themselves. Forgetting past, embracing present and gearing oneself up for future are symptoms of the happiest people. Indeed, one has to learn from the past and work in the present with the intention of shaping bright future. Pleasure questing people compete with their near and dear ones and in doing so, they may switch to the illicit activities to be on the top of the positions. In our minds, we don't have enough of whatever it is because we're too busy in comparing ourselves to others. Pleasure is such a thing which makes people obsessed with oneself by making them forget the moral values and ethics. They might get whatever they have desired for but they may lose their friends, relatives or folks. Selfish people fall under the list of pursuing for pleasure are often wrong in imagining what happiness is and how to seek it. People who solicits for

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happiness are often highly spirited and they are much pious in nature. On the contrary, people who are infatuated by pleasure always seeks for materialistic world and glamour despite it is temporary.

According to American Psychologist, Theodore Isaac Rubin '*Happiness does not come from doing easy work but from the afterglow of satisfaction that comes after the achievement of a difficult task that demanded our best*'. It implies that to achieve happiness, one has to sustain in the long run, strives hard, have patience and toil much to get the destiny. Those who think they can accomplish any type of work without toiling hard and using inhumane ways can reach the station of pleasure. Let me tell them by doing so, they are in the queue of pleasure but not in the queue of happiness. Life is full of hurdles and to stick on the road of happiness is not easy; make sure to be patient and give your best so that you can have long rest in the kingdom which is filled with air called happiness. The fruits harvested from the tree of happiness will be sweeter, tastier, and will not decay easily than those taken from the tree of pleasure.

Attaining the desires gives the feeling of pleasures no matter those desires are either positive or negative. Meeting the basic needs can make one happy but may not take on the brink of pleasures. In other words, pleasure is the advanced genre of happiness which keeps people always hungry for it and never make them content. Aiming high or dreaming big is not the symptom of happy people but the way we strive to get the big dream is what matters a lot and it will be worthy in the end. It's up to people how they conceive the perceptions of happiness and pleasure and it varies from person to person. The most optimistic individual will definitely figure out the difference between happiness and pleasure and seek them accordingly to make life fruitful in the long run.

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Khan, M. R., Islam, A. F. M. M., & Das, D. (1886). A Factor Analytic Study on the Validity of a Union Commitment Scale. *Journal of Applied Psychology*, 12(1), 129-136.

Liu, W.B, Wongcha A, & Peng, K.C. (2012), “Adopting Super-Efficiency And Tobit Model On Analyzing the Efficiency of Teacher’s Colleges In Thailand”, *International Journal on New Trends In Education and Their Implications*, Vol.3.3, 108 – 114.

- **Text Book:**

Simchi-Levi, D., Kaminsky, P., & Simchi-Levi, E. (2007). *Designing and Managing the Supply Chain: Concepts, Strategies and Case Studies* (3rd ed.). New York: McGraw-Hill.

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Uddin, K. (2000). A Study of Corporate Governance in a Developing Country: A Case of Bangladesh (Unpublished Dissertation). Lingnan University, Hong Kong.

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Yunus, M. (2005, March 23). Micro Credit and Poverty Alleviation in Bangladesh. *The Bangladesh Observer*, p. 9.

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Holloway, M. (2005, August 6). When extinct isn't. *Scientific American*, 293, 22-23.

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