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Dr. Erfan Ahmad

AMU, Aligarh

with

Center for Minority Research & Development

Jamia Nagar, Delhi

Email: erfanaahmad1981@gmail.com

Mob: +91-9359480540

Marketing & Distribution Team

Mr. Yogendra Pal Bharadwaj

Research Scholar Deptt of Commerce, AMU

Email: yogendra_pal07@yahoo.co.in

Mob: +91-9997634118

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Email: erfanaahmad1981@gmail.com Mob: +91-9359480540

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International Journal of Society and Humanities (IJSH) is a peer-reviewed , Multi-lingual as well as Multi-Disciplinary international journal dedicated to the Research studies of all aspects of society and humanities across and beyond the boundaries of the Nation. Exclusively, It focused on the Work related to Philosophy, History, Geography, Political Science, Public Administration, Human Rights, Economics, Management, Commerce, Education, Islamic Studies, Anthropology, Sociology, Social Work, Mass Communication, Fine Arts, Law, Hindi, English, Urdu, Sanskrit, Environmental, Developmental issues, and ethical questions related to scientific research. The Journal seeks to place society and humanities traditions as its central focus of academic inquiry and to encourage comprehensive consideration of its many facets; to provide a forum for the study of humanities and societies in their global context; to encourage interdisciplinary studies of the world affairs that are cross-national and comparative; to promote the diffusion, exchange and discussion of research findings; and to encourage interaction among academics from various traditions of learning.

The bi-annual review consists articles, research papers and book review considered to be of wide interest across the field selected by our editorial team in consultation with the Advisory Board. We do not accept direct submissions to the bi- annual review. Candidates for inclusion in the survey journal will include top-ranked articles, works by invited contributors, papers offered by plenary speakers at the conference, and articles selected from thematic journal submissions for their wide applicability and interest across the field.

Dr. Erfan Ahmad
(Editor in Chief)

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INDIA SAUDI ARABIA RELATIONS : GETTING CLOSER

Farah Naaz

*Assistant Professor, Department of Political Science
Jamia Millia Islamia, New Delhi.*

INTRODUCTION

India has very close contacts with the Gulf region that dates back to several millennia. The trade relations too existed for centuries. India - Saudi Arabia relations existed since the establishment of the Kingdom of Saudi Arabia. However, India- Saudi Arabia diplomatic relations were established in 1947 and upgraded fully in 1954.¹ The foundations of bilateral relations were laid during the visit of Crown Prince Faisal bin Abdul Aziz, in May 1955, who was also the Prime Minister and Foreign Minister of Saudi Arabia at that time. The visit resulted in bringing the two governments closer.² In December 1955, King Saud bin Abdul Aziz al Saud visited India. The King held talks with Indian Prime Minister Jawaharlal Nehru on various issues of mutual concern. The joint statement was also issued to further strengthen the relations. It reflected harmony in political outlook. Both the leaders emphasised a peaceful approach to the issues that divided the world. Saudi Arabia also expressed satisfaction at Indian government's policy towards Muslim brethren. The very next year in 1956, Nehru paid a return visit to Saudi Arabia when he was greatly welcomed.³ After that there was a long gap and no head of government visit took place for about 26 years.

Through out the decades of 1960s, 70s and 80s, the relations can be described as cool. The two most common reasons for Indo- Saudi estrangement were close Indo- Egyptian relations and close Saudi- Pakistan relations. Saudis looked at Nehru's closeness to Nasser with resentment. Also, the Saudi Pakistan close ties had been recognised. Pakistan pursued a policy to cultivate friendship with the Muslim states particularly in the 1960s. As a result, Saudi Arabia developed closer relations with Pakistan. It was reflected in its support for Pakistan in both, 1965 and 1971 Indo- Pak wars. During the early 1980s, Saudi Arabia's military aid to Pakistan was the main irritant in the Indo-Saudi relations. This concern was shown during Prime Minister Indira Gandhi's visit to Saudi Arabia in 1982, which was regarded as a landmark visit. Although the visit ended the long communication gap, it could not change Saudi perception of India and the relations stagnated away.⁴

Since late 1980s, the situation became favourable for the warming of India Saudi Arabia relations. End of the cold war, Liberalisation of Indian economy, Talibanisation of Afghanistan, spread of Islamic fundamentalism during the 1990s gave enough reasons to both the countries for coming close. One of the most important reasons for the two countries coming closer was their increasing concern over extremism and violence in the region. As a result, during 1990s, there was a notable shift in Saudi Arabia's perception towards India which was reflected in its stand on Kashmir. For example, during the Kargil crisis Saudi Arabia took a neutral stand (which actually helped India against Pakistan) and even played an important role in persuading Pakistan to withdraw its troops from the Kargil summits.⁵ This closeness culminated in a landmark visit of the then External Affairs Minister Jaswant Singh in January 2001. The visit was regarded as a turning point in Saudi Indian ties and reopened high level contacts between the two sides. The Indian visit focused on three aspects: "re-establishing of channels of communication, finding an institutional framework for a sustained engagement and defining a political framework for bilateral relations."⁶ Both the countries rejected violence and terrorism and supported security of the subcontinent and the Arabian peninsula.⁷

Very soon the commitment to fight terrorism was put to test when September 11, 2001 attacks on the US by the terrorists brought far reaching changes in the region. Both India and Saudi Arabia showed concerns and there was 'mutuality of views' as stated by the spokesperson of the External Affairs Ministry, Ms Nirupama Rao. To share the views both the Saudi Foreign Minister Prince Saud al-Fasal and External Affairs Minister, Jaswant Singh agreed to keep in constant touch in these difficult circumstances.⁸

The situation in Afghanistan gave opportunity to both India and Saudi Arabia to cooperate with each other. Both stood for giving aid and reconstruction in Afghanistan. On Iraq too, both shared similarity of opinion. Both the countries backed UN efforts regarding Iraq and opposed any unilateral action on Iraq without the agreement of the UN.⁹

Post September 11, both India and Saudi Arabia found themselves moving still closer for which there were larger geo-political concerns. The attacks on the US led to an immediate deterioration in Saudi US relations. Saudi Arabia came under strong criticism in the US after September 11. The US media launched an aggressive attack on Saudi Arabia and criticised it as being the source of terrorism. Many in the US believed that some Saudis, including possibly Saudi leaders, had supported the terrorists.¹⁰ As part of its broader policy makeover, Saudi Arabia started improving relations with other countries in the region such as India and China. This was done to look beyond its traditional allies. For Saudi Arabia which is dependent on oil sales, these countries are also one of the biggest consumers.

Fresh beginnings were made in Indo-Saudi relations with the visit of King Abdullah bin Abdulaziz in January 2006, when he visited India as the chief guest of Republic Day. During his visit, Delhi Declaration was also signed by both the countries. The bilateral document provided a comprehensive road map on how the relationship should progress in future. The visit was followed by other important visits. Saudi Foreign Minister Prince Saud al Faisal visited India in February 2006. This was followed by other ministerial visits to strengthen the relations.¹¹

Saudi king also visited China along with India. This was a major development in Saudi foreign policy and was regarded as a strategic shift. It was also King Abdullah's first trip outside Middle East since he took the throne in August 2005. Both India and China are major consumers of oil. However, Riyadh's perception of India and China was not shaped by energy alone. There were other reasons too. Saudi Arabia wanted to cultivate India and China as an alternative to the US so that it would not be prone to western pressures on issues like democratisation and terror financing.¹²

The visit of Indian Prime Minister Manmohan Singh to Saudi Arabia in February-March 2010 gave a further fillip to these relations. Good progress has been made since then. As a result of the discussions that took place between the two countries, both the countries agreed to upgrade their relationship to strategic partnership. Consequently, a new era of strategic partnership was initiated when the Riyadh Declaration was signed between the two. The Indian Prime Minister indicated that the partnership would cover various issues including energy, trade, economic activities, intelligence sharing and security cooperation. An Extradition treaty too was signed and both agreed to cooperate in science, technology, education and research among others. Taking a strong stand against terrorism and extremism, both the sides committed themselves to religious harmony and tolerance. They further emphasised that the international community must fight against terrorism.¹³ In an interview at the beginning of his visit, Mr. Singh said, "tackling the common problem of terrorism is among the many areas in which India is seeking Saudi Arabia's help." He also pointed out that, he along with King Abdullah reject violence and said, "the relationships have to be constantly nourished and revitalised so that they respond to new realities and aspirations."¹⁴ Mr Singh indicated that in order to make these ties broad based, cooperation must be increased in areas like human resource development, science, knowledge based industries, security, defence and even space.¹⁵ This meeting also gave the opportunity to both the countries to review the regional and the global scenario and encouraged them to increase cooperation in different areas. Both recognised the need to share perspectives and cooperate to join forces against violence in the region.

India Saudi Arabia cooperation on terrorism took a major step forward with the arrest of Abu Jundal, a 26/11 participant of Indian origin, from Saudi Arabia in July 2012 (deported to India) and the arrest of

another suspect (Fasih Mohammad) earlier. This was regarded as a major event in war against terrorism in India.¹⁶ However, it is argued that there is also a larger design behind these events. India is toeing American line on Iran and also cut down on oil imports from Iran and importing oil from Saudi Arabia. Saudis see Iran and its nuclearisation as a threat.¹⁷ Hence, getting close to India was a natural consequence. Both India and Saudi Arabia have shown interest to cooperate with each other on terrorism related issues and this cooperation is likely to increase. Jundal handover shows the distance that India and Saudi Arabia travelled in the field of security and intelligence. This has also given a blow to Pakistan though Saudi-Pakistan relations are likely to remain close.

INDIA SAUDI ARABIA TRADE RELATIONS

The bilateral ties between India and Saudi Arabia are continuously showing signs of developing which is also reflected in their increasing trade relations. The trade relations between the two are old. Besides being India's fourth largest trading partner, Saudi Arabia also provides support for India's energy security. India also look at Saudi Arabia as a partner for investments and technology projects. The total trade between India and Saudi Arabia during 2010-11 was about 25 billion USD (US dollars) and went on increasing. In 2013-14 it increased to more than 48 billion USD. After that it showed a decline and in 2014-15 it came down to about 39.27 billion USD. In 2015-16, it further came down to 26.71 billion USD. This decline may be due to low petroleum prices as well as low global demand.¹⁸

India's main imports from Saudi Arabia are petroleum oils, crude, petroleum gases and other gases, hydro carbons – liquified, polymers of propylene, mineral or chemical fertilisers. India's top exports to Saudi Arabia are rice, motor vehicles, meat of bovine animals, semi-finished products of iron, scarfs etc.

The bilateral investment and joint ventures between the two countries is also growing steadily in diverse areas such as management and consultancy services, construction projects, telecommunications, Information Technology, pharmaceuticals etc.¹⁹

INDIAN DIASPORA

Saudi Arabia has significant number of Indian diaspore which is increasing with the increase in population. The strength of the Indian community in Saudi Arabia is nearly 1.4 million. They account for about 20 per cent of the total expatriates and have made significant presence in various occupations like, doctors, lawyers, engineers, chartered accountants. There are about 5 per cent professionally qualified people for example, doctors, engineers; 10 per cent clerks, accountants, store keepers etc. ; and 85 per cent labourers/technicians for example, those working on project sites, industrial establishment etc.²⁰

CONCLUSION

India -Saudi Arabia relations have come a long way. At the political level, the follow up of high level visits was meagre for the first few decades. These relations have undergone a sea change since the end of the cold war. There was a constant upswing in relations. The ugly face of extremism changed the Saudi perception of India in the 1990s. It was only after Jaswant Singh's visit in 2001, that the relations picked up and since then there was no looking back. Indo-Saudi relations have moved to a new level of cooperation. Both have realised each other's importance at the bilateral and regional level. At the bilateral level, they benefit from each other and have a lot to offer to each other. For Saudi Arabia, India is an important source of skilled manpower, an important export partner, a rapidly growing economy with a huge market and a source of investment. For India, Saudi Arabia is an important source of oil and remittances, an influential member of Organisation of Islamic Countries (OIC) and because of its closeness to Pakistan it can act as a counterweight to Pakistan. Saudi Arabia is also offering India opportunities in petroleum, petrochemicals, Information Technology, telecommunications and financial services.

The realisation to get the full potential of their relationship is gaining ground. Both nations are expected to expand trade and commerce and joint ventures in health, education, telecommunication, pharmaceuticals and agriculture. Progressive growth has been observed in bilateral investment. Both the countries are encouraging two sided flow of investment in infrastructure and development. The cooperation between both the countries is expanding in various sectors. There is still a lot of scope for

improvement in sectors including trade, energy, information technology, education and health. As there are lots of opportunities today to strengthen these relations, India must take advantage of the situation.

India Saudi Arabia relations have already moved beyond traditional economic relations and have entered the level of strategic partnership. What is needed is to sustain these relations. India- Saudi Arabia strategic understanding is deepening as the security issues of both the countries are linked with each other. Both want to moderate the hindrances that could jeopardise the relations. Here, both India and Saudi Arabia will have to balance relations regarding Iran and Pakistan. Saudi Arabia will have to balance between India and Pakistan. India will have to balance between Saudi Arabia and Iran. The relationship has the potential to serve interests of both and both can contribute to bringing peace in the region. They can benefit from each other's strength and must work together to address regional and global challenges.

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RIGHT TO WATER IN INDIA

Dr. Faizanur Rahman

Assistant Professor, Faculty of Law, Jamia Millia Islamia, New Delhi-110025

Email Id.: faizan.faizylaw@gmail.com

ABSTRACT

Water is essential for life. This simple fact becomes all the more important when one considers the multitude of functions it serves in supporting and enriching human life. Despite water's necessity to life, the reality is that billions of people worldwide are denied access to safe water. Lack of access to water impedes the enjoyment of health and other human rights (such as right to education, right to adequate standard of living, right to food, etc.). Across the globe the increasing scarcity of water has resulted in efforts both internationally and domestically, to advance human rights based approach to access to water. This paper reviewed the evidence of declarations of governments, State practices, legislations and judicial decisions to conclude that access to a basic water requirement must be considered a fundamental human right.

Key Words: *Freshwater, Right to Water, Right to Life Forty-Second Amendment Act, 1976, Human Right, Fundamental Right*

I. INTRODUCTION

Freshwater¹ is fundamental for life on earth and for human life specifically. Thus, access to sufficient water of appropriate quality is one of our most immediate and basic requirements. Its fulfilment is required on a daily basis as a matter of simple survival. This explains why water has always been at the centre of policy concerns for most societies throughout human history. In fact, water availability has been a precondition for the development of human settlements and natural or human induced water stress has played an immense role in their decline. The importance of water as a basic survival need, as a livelihood, as an input for agriculture and hence food sovereignty and as an input for economic development related activities have given it a central role in governance for a long time. Thus, whether it is aqueducts built during the Roman Empire, irrigation tanks in South India or the large dams of the twentieth and twenty-first century, the harnessing of water for drinking or other activities has been of central importance. The essential nature of water for human survival led most societies to give it a special status in law. This paper attempt to establish with the help of legislations and judicial decisions that access to a basic water requirement must be considered a fundamental human right.

2. CONSTITUTIONAL AND STATUTORY FRAMEWORK

A plethora of constitutional and legal provisions govern the availability and distribution and control of water. The Constitution of India recognizes the essential tenet of equal access to water. Article 15(2)² of the Constitution explicitly states that no citizen shall 'on grounds only of religion, race, caste, sex, place of birth or any of them' be subject to any disability, liability, restriction or condition with regard to 'the use of wells, tanks, bathing ghats.' Article 15 reflects the issue of the socially disadvantaged classes in India being denied access to water and water sources within the community was a prominent feature of the Indian freedom struggle and was reflected in the debates around the framing of this provision that took place in the Constituent Assembly.

Article 21³ which speaks of the right to life has been liberally interpreted by the Indian Supreme Court to include all facets of life. The directive principle of state policy (DPSP), which the Constitution in Article 37⁴ declares to be non-justifiable, recognizes the principle of equal access to the material resources of the community. Article 39 (b) mandates that 'the State shall, in particular, direct its policy towards securing

that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.’ A constitutional mandate to protect and improve the environment follows from the Directive Principles of State Policy in Articles 47⁵ and 48A⁶, inserted by the Forty-Second Amendment Act, 1976. The provisions are not enforceable by a court but should be read together with Art 21, Art 14⁷ on denial of equality before the law, and Art 51A(g)⁸ on duty to protect the environment. Their function is to guide the government, as policy prescriptions.

The list in Article 51A is not exhaustive, meaning that groundwater should probably be covered as well as surface water in lakes and rivers. As a citizen, one’s duties in relation to the environment are expressed in the Constitution whereas the rights are only indirectly pronounced, mostly as negative rights and as obligations on the State – though on behalf of its citizens.

Together with Article 21, these provisions show proof of environmental values being recognized at constitutional level. They thereby satisfy the requirements for a substantive right to a clean environment and for protection of natural resources to sustain life. In addition, procedural rights have been developed to further benefit the individual and the general public in the exercise of these rights. Since the end of the 1970s, the Supreme Court has further strengthened the scope and ambit of Art 21.

Under Article 245⁹ of the Constitution, Parliament makes laws for the whole or any part of the country and a legislature of the State for the whole or any part of the territory of the State. The topics of legislation on which the Parliament has exclusive powers to make laws are set out in List I i.e. Union List of the Seventh Schedule and the topics over which the State legislatures have exclusive powers are set out in List II i.e. State List of the Seventh Schedule. List III is the ‘Concurrent List’ enumerating the topics over which both the Parliament and State legislatures can make laws. Entry 56 in the Union List pertains to ‘regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.’

In exercise of this power, the Parliament enacted the River Boards Act, 1956, although this law has remained largely in operative.¹⁰ The aspect of resolving dispute between States in relation to sharing of river waters finds place in Article 262¹¹ of the Constitution which envisages the creation of an exclusive tribunal for the purpose. Accordingly, the Parliament has enacted the Inter-State Water Disputes Act, 1956. The Parliament can, under Article 252, make laws even on topics in respect of which it has no powers, provided the legislatures of two or more States resolve that Parliament should make such law. Thus, we have the Water (Prevention and Control of Pollution) Act, 1974, which was a law on a topic relating to Entries 6¹² and 17 of the State List¹³. The justification for a central law to tackle the growing problem of pollution of rivers and streams was traced to the inadequate and unsatisfactory nature of local laws.

In the context of water pollution, another significant central legislation is the Environment (Protection) Act, 1986, under which we have the notifications issued by the Ministry of Environment and Forests in exercise of the powers under Section 3¹⁴ of the said Act, laying down the regulatory framework for activities along the vast coastline of India. The Government of India has also set up by a notification under this very statute the Central Ground Water Authority, to regulate the existing indiscriminate use of ground water in various parts of the country and in particular the major urban metropolises. The legislatures of the different States have sought to enact a large number of statutes that touch upon the various aspects of the control, regulation and distribution of water. Thus, we have an elaborate network of laws relating to canals and irrigation, such as The Northern India Canal and Draining Act, 1873, The Bombay Irrigation Act, 1879, Karnataka Irrigation Act, 1965, The Rajasthan Irrigation and Drainage Act, 1954. For use of water sources, such as The Kumaon and Garhwal Water (Collection, Retention and Distribution) Act, 1975, for water sewerage and drainage, The Uttar Pradesh Water Supply and Sewerage Act, 1975, and ground water Madras Metropolitan Area Ground Water (Regulation) Act, 1987, Kerala Ground Water (Control and Regulation) Act, 2002, Karnataka Ground Water (Protection and Regulation for Drinking Water) Act, 2003, etc.. The aspects of collection of taxes and cesses on the use of water are also covered by legislations enacted by both Parliament as well as State legislatures.¹⁵ The common feature in many

of these legislations is that they adopt a command and control model under which an authority is setup for granting permissions for use or extraction of water from the identified source. The power to grant licenses spawns other bureaucratic mechanisms which facilitate redtapism and corruption in the chain of command. The model of regulation and control in these legislations runs contrary to the desired objective of decentralized and community based control of water and the right to water. The recognition in the Constitution of the need for a decentralized structure of governance at the level of panchayats came about with the Constitution (73rd) Amendment Act, 1992, by which the panchayat as an institution of self-government, comprised of elected members, was formally recognized. The provisions introduced by this amendment provide for administrative and legislative powers of the panchayat. Under Article 243G¹⁶, the legislature of a State can make a law to empower the panchayat to prepare plans 'for economic development and social justice' apart from other matters specified in the Eleventh Schedule to the Constitution. The topics in the Eleventh Schedule include minor irrigation, water management and watershed development (Entry 3), fisheries (Entry 5) drinking water (Entry 11), waterways (Entry 13), health and sanitation (Entry 23), public distribution system (Entry 28) and maintenance of community assets (Entry 29). However, this scheme of decentralization of powers is yet to be effectively operationalised. It is next proposed to examine the role of the judiciary in interpreting the provisions of the Constitution in the context of the right to water as this has had a significant impact on the recognition and development of that right.¹⁷

3. WATER POLLUTION AND ENVIRONMENT PROTECTION LAWS

The Water (Prevention and Control of Pollution) Act, 1974 and The Environment Protection Act, 1986 are the most important of the central laws concerning water resources. It was for the first time that separate legislative measures were taken at the national level. Prior to these laws the related matters were dealt with in different central and local laws like The Factories Act, 1948, The Madras River Conservancy Act, 1884 which is applicable also to Orissa, and by The Indian Penal Code, 1861. In fact as a result of increasing industrialization and urbanization the previous laws made by parliament under Article 252 of the constitution for controlling pollution of rivers and streams had assumed considerable importance and urgency in the years preceding the aforesaid legislations. As the situation grew grim some serious efforts became a necessity.

The central ideas behind the Water Pollution Act is to restore wholesomeness of water, and it is intended to ensure that domestic and industrial effluents are not discharged into water courses without adequate treatment. "pollution" under the Act is defined to mean such contamination of water or such alteration of the physical, chemical or biological properties of water of such discharge of any sewage or trade effluents or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or likely to create a nuisance or render such water harmful or injurious to public health or safety or to domestic, commercial, industrial, agriculture or other organisms.¹⁸ The Central and State Pollution Control Board, with almost similar functions, have been created to carry out the purposes of the act. Any new discharges or outlet may only be made with previous consent of the board which may refuse or give its consent. The board may also make applications to a court seeking to restrain pollution of water in a stream or well, and there upon the court may give orders as it deems fit. Minimum punishment for violation of provisions is imprisonment upto six years and fine, but cognizance of an offence may be made only on a complaint by the pollution control board. An order is appealable within 30 days to the concerned authority.

The Environment Protection Act, 1986 deals with the issue in wider perspective aiming at protection and improvement of the environment. This Act came as a sequel to the decision at the United Nations conference on human environment held at the Stockholm in 1972 for taking appropriate steps for environment in the Act includes water also.¹⁹ For the purposes of this Act, the central government is empowered to lay down standards for emission or discharge of environmental pollutants from various sources. Any violation of rules made under the Act is punishable, but cognizance of any such act can only be taken on a complaint made by the central government or by notice of a person making a complaint to the central government. The Water (Prevention and Control of Pollution) Cess Act, 1977 was enacted to cope with the financial constraints of pollution boards in discharging their statutory functions.

As discussed earlier that water is a state subject, the concern of the union with respect to the resources is mainly in specific areas essential for the economic development of the country. Some concern by the states has been noticed for promoting public health by providing safe water for domestic purposes. The laws, primarily meant for cities provide for maintenance development and construction areas. One such legislation, the Calcutta Metropolitan Water Supply and Sanitation Authority Act, 1966, passed with a view to promote public health, deals with the subject elaborately. It establishes an authority to be a body corporate with wide range of powers for fulfilling the objectives of the Act. Unlike other water supply legislation it also regulates exploitation of sub-soil waters. Various provisions in it regulate tube-wells, public or private, and control withdrawal of underground water. There are provisions also for prevention of pollution in any water, including a water course, water source or channel within the district by treatment of industrial wastes before their discharge into any sewer, canal, river, or other water channel. A person intending to have supply of water for such water works has to obtain sanctions through application of the concerned authorities, who have total discretion to grant or withdraw it. This feature is common to all such laws.

Conservation of water resources is the most important aspect in its management and the laws providing for maintaining water quality, keeping it unpolluted are basically concerned with the problem of water management. But so far there has not been an adequate legislative activity in this respect. There are only a few legislations like the U.P Bhoomi Evam Jal Sanrakshan Adhiniyam, 1963 in this area which is otherwise grossly neglected. The laws mainly make provisions for soil by conservation and improvement of water resources, empowering the respective state governments to declare any area to be notified area and to restrict, regulate, or prohibit certain activities prejudicial to the purposes of the Act. All these are to be performed in coordination with soil and water conservation boards established under the Acts, which has to prepare conservation plans along with the district committees and panchayat samitis.

4. JUDICIAL RECOGNITION TO RIGHT TO ACCESS FRESH WATER

A quite unique characteristic underline the judicial system in India. A fundamental right to a clean and healthy environment has also been virtually created from what the Constitution stipulates. The Supreme Court breathed life into the words of Article 21²⁰ (personal life and liberty) as 'life with human dignity, with all faculties intact'. In course of time this concept has been expanded to include several other vital aspects of human life like 'pollution free water and air for full enjoyment of life', health, environment, housing etc. Apart from this right, an obligation on the competent government agencies to enforce environmental laws has been deduced from Article 21, and it has been ruled that such agencies may not plead non-availability of funds, inadequacy of staff or other insufficiencies to justify the non-performance of their obligations under environmental laws.²¹ Several legal tools for protecting the environment have thus been adopted or developed and principles such as that the polluter has a duty to pay are repeatedly held applicable. Undoubtedly, rights are upheld by the courts while making the law, not merely interpreting the body of statutory regulations in force. It is clear that judicial creativity, or activism, has been of fundamental importance for the flexible interpretation of the fundamental rights and duties and, as noted, for the protection of people's health as well as that of the environment. Another important aspect is that often judiciary has derived right to freshwater not only article 21 in general but also from right to wholesome environment in particular which in turn is interpreted from right to life itself.

The Supreme Court has the power to issue directions, orders, or writs under Article 32(2)²², for the enforcement of any of the fundamental rights conferred by the Constitution. This provides the Court with the necessary means to make the abstract declarations of fundamental rights effective: the rights are thus not only tested in court, but can be vindicated. Similarly, duties of the public authorities can be enforced: the executive as well as the legislature can be compelled to obedience. A procedure brought under this provision is described as a 'constitutional remedy', and the right to bring such a proceeding before the Supreme Court is itself a fundamental right (Article 32(1)). The High Courts have the same, and even wider, jurisdiction under Article 226. What Article 32(1) means for individuals was expressed in *Subhash Kumar v. State of Bihar*: "If anything endangers or impairs the quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution".²³

The court in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* declared:

The right to life includes the right to live with human dignity and all that goes with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. The magnitude and components of this right would depend upon the extent of economic development of the country, but it must, in any view of the matter, include the bare necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self.²⁴

In *Chameli Singh & Ors. v. State of U.P. & Ors.*²⁵, the Court while recognizing right to water under right to life observed:

“.....Right to live guarantee in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilized society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights.....”

The court in the context of the legality and validity of the decision of the Government of India to construct over 3000 large and small dams on the river Narmada, the Supreme Court of India in *Narmada Bachao Andolan v. Union of India*²⁶, while upholding that decision, held that ‘water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India and can be served only by providing source of water where there is none.’

Apart from expanding the content of the right to life as including the right to water, the court has, in the context of water pollution, mandated the cleaning up of water sources including rivers in *M.C. Mehta v. Kamal Nath*²⁷ the coastline²⁸ and even tanks and wells.

In this connection, it has been observed by the Court in *Delhi Water Supply & Sewage Disposal Undertaking and Anr. v. State of Haryana and Ors.*²⁹

Water is a gift of nature. Human hand cannot be permitted to convert this bounty into a curse, oppression. The primary use to which water is put being drinking, it would be mocking nature to force the people who live on the bank of a river to remain thirsty”

In *Hinch Lal Tiwari v. Kamala Devi*³⁰ the court said: ‘It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature’s bounty. They need to be protected for a proper and healthy environment which enables people to enjoy a quality of life which is the essence of the guaranteed right under Article 21 of the Constitution of India.’

An example of the Supreme Court’s far-reaching possibilities is that it can order a commission or expert committee to be formed to investigate and/or assess scientific data and help the *court to form a prima facie opinion*.³¹ This is of immense importance in environmental cases, where it is common that the petitioner lacks information and has limited access to relevant data. This also differs from the traditional procedure, where it is the petitioner’s responsibility to prove what is submitted and state all the facts of law.

The fact that the courts can issue directions to, e.g., control pollution and against impairment of the quality of life means not only that there is a material right implied in Article 21 – it also confers a procedural right for citizens to move the Supreme Court. Correspondingly, the Court pronounced in *Bandhua Mukti Morcha v. Union of India*³² that the state is under a constitutional obligation to see that there is no violation of fundamental rights, particularly in regard to the weaker sections of the community that are unable to wage a legal battle against a strong and powerful opponent.³³

The concern over pollution of ground water by unregulated discharge of effluents has led the court in *Re Bhavani River-Shakti Sugars Ltd.*³⁴ to issue mandatory directions for clean up by the polluter and restitution of the soil and ground water. The court further in *A.P. Pollution Control Board (II) v. Prof. M. V. Nayudu* has also applied the ‘precautionary principle’ to prevent the potential pollution of drinking

water sources consequent upon the setting up industries in their vicinity. In this case, the AP government had granted an exemption to a polluting industry and allowed it to be set up near two main reservoirs in Andhra Pradesh – the Himayat Sagar Lake and the Osman Sagar Lake, in violation of the Environment Protection Act 1986. The Supreme Court struck down such exemption and held that the “Environment Protection Act and the Water (Prevention and Control of Pollution) Act 1974 did not enable to the State to grant exemption to a particularly industry within the area prohibited for location of polluting industries. Exercise of such a power in favour of a particularly industry must be treated as arbitrary and contrary to public interest and in violation of the right to clean water under Article 21 of the constitution on India... The Government could not pass such orders of exemption having dangerous potential, unmindful of the fate of lakhs of citizens of the twin cities to whom drinking water is supplied from these lakes. Such an order of exemption carelessly passed, ignoring the ‘precautionary principle’ could be catastrophic.” The Court reiterated that ‘the right to access to clean drinking water is fundamental to life and there is a duty on the state under Article 21 to provide clean drinking water to its citizens’. Moreover, the State is duty bound not only to provide adequate drinking water but also to protect water sources from pollution and encroachment. Any act of the State that allows pollution of a water body ‘must be treated as arbitrary and contrary to public interest and in violation of the right to clean water under Article 21’.³⁵ The court referred to India’s participation in the UNO water conference and held that the right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking water to its citizens. The Supreme Court also referred to the *Narmada Bachao Andolan v. Union of India*³⁶ judgment where Kirpal, J. observed that ‘water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India...and The right to healthy environment and to sustainable development are fundamental human rights implicit in the right to life.’

In *Subhash Kumar v State of Bihar*,³⁷ the Supreme Court of held that the right to live ‘includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life’.

The Supreme Court has in recent times has given due importance to the idea of sustainable development and emphasized that it’s the duty of the present generation to use the natural resources in a reasonable manner and allow the future generation also to enjoy the fruits of nature.

The Supreme Court in *Karnataka Industrial Areas Development Board v. Sri C. Kenchappa and Ors*,³⁸ while discussing case concerning land acquisition which was challenged on the ground that it would have an adverse effect on the environment. The court undertook a ‘judicial pilgrimage’ through all the major developments in environmental law over the last few decades while determining the import of the concept of ‘sustainable development’, observed that preservation and protection of environment are part of Article 21 of the Constitution and includes pollution free water and air and the right to have access to drinking water in quantum and of a quality equal to their basic needs. The court further observed that, “Nation’s progress largely depends on development, therefore, the development cannot be stopped, but we need to control it rationally...”

The Supreme Court is often seen as an institution that formulates policy which the state must follow. Many court decisions on water-related questions and disputes are more of the kind that directs the competent authorities in their tasks. This was seen in *Indian Council for Enviro-Legal Action v. Union of India* (the Bichhri case), concerning a chemical industry that had discharged, among other things, untreated toxic sludge, rendering some seventy wells used by about 10,000 residents useless. The regulatory agencies had not fulfilled their tasks of mitigating the environmental damage.³⁹ The scope of the applicable legislation-the Environment (Protection) Act, 1986-was thus examined by the Court in order to decide whether remedial measures could be directed:

Section 5 clothes the Central Government (or its delegate) with the power to issue directions for achieving the objects of the Act. Read with the wide definition of ‘environment’ in Section 2(a), Sections 3 and 5 clothe the central Government with all such powers as are ‘necessary or expedient for the purpose of protecting and improving the quality of the environment’.

The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted (emphasis added).⁴⁰

In *Vellore Citizens' Welfare Forum v. Union of India* it was noted that the main purpose of the Environment (Protection) Act was to create competent authorities with the purpose of controlling pollution and protecting the environment. The case deals with hazardous effluents discharged without proper treatment from numerous tanneries, rendering both groundwater and surface water in 59 villages unfit for drinking. The following direction was hence given:

The Central Government shall constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries....The Authority shall be headed by a retired judge of the High Court and it may have other members-preferably with expertise in the field of pollution control and environment protection-to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters referred to it (emphasis added).⁴¹

As a consequence of the Court's order in *M.C. Mehta v. Union of India*⁴² ('The Groundwater Case'), the Central Ground Water Authority (CGWA) was constituted under Sec 3(3) of the Environment (Protection) Act.

In *S. K. Garg v. State*, Justice Katju directed the government of Uttar Pradesh to set up the Allahabad Water Committee, with a certain chairman and eleven named members, to solve the problem of providing citizens with their rightful water. This Committee, it was further directed, "should consider and decide not only the immediate remedial steps which can be taken in this connection but also the long term remedial steps".⁴³

Identifying the water crisis in India the court has recently also shown very proactive role. The Supreme Court of India in *M. K. Balakrishnan & Others v. Union of India & Others*⁴⁴, in its order dated April 28, 2009 while directing the government to constitute a committee to look into the problem of water shortage in the country on a war footing observed that despite having immense reservoirs of water in the form of the Himalayas in the North and the Arabian sea, Indian Ocean and the Bay of Bengal in the West, South and East of India, there are water shortages everywhere often leading to riots, road blocks and other disturbances and disputes for getting water. The court said that without water there can be no life.

In *M.C. Mehta v. Kamal Nath*⁴⁵, the court declared that 'our legal system – based on English common law includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership'.

5. CONCLUSION

Reform for water law is crucial for India's economic, ecological and social development. The existing legal framework inherited mostly from the colonial period, is in need of major reforms and democratization and the appropriate alternatives are the need of the hour. Strategies concerning socio-legal aspects for the management of water system in India however have so far remained grossly neglected.

Indian constitutional law addresses the right to water through different perspective. There is no doubt of the fact that the right to water is an implicit fundamental human right and is protected as such. In India we need to push right to include the right to access to water. The implementation and enforcement of this right is crucial as it is often dependent upon resources available to guarantee such a right. Social and economic rights such as the right to water are notoriously politically sensitive since their effective

elaboration requires the political branches to adjust their allocation and distribution of resources, sometimes at a highly systemic level, in response to judicial direction. The Indian Supreme Court has also been grappled with the question of whether the right to water is best understood as an independent human right or as a subsidiary right necessary to achieve other economic and cultural rights.

An analysis of the policy and legal framework enables the author to conclude that the regime of water law in terms of rights and duties, originated in civil society and it is not something generated by the state. Second, the emergence of the state in pre colonial and post colonial period in India has been an era of appropriation and misappropriation of water law by various governments. In addition, the mutation of regimes of people's right over water involves various misconceived theories of development by the state. Hence there is a need for future work in water law to devise an alternative socio-legal discourse and practice where the concerned authorities use organic knowledge of water resource management as seriously as the as the scientific knowledge, and work a consideration of people's struggles for water resource management as pursuit of human rights.

REFERENCES

1. Freshwater can be defined as water with less than 500 parts per million (ppm) of dissolved salts. Freshwater resources are those resources that contain water with such a low level of salt that they are suitable for uses such as drinking. Fresh water and salt water can mix, such as in coastal areas, resulting in brackish water. Fresh water can be categorized as brown water (groundwater), green water (such as in plants), and blue water (surface water in, for example, rivers and rain); available at: <http://www.groundwater.org/gi/gwglossary.html#F> (Accessed on March 25, 2017)
2. Article 15(2): No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
3. Article 21 Protection of life and personal liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law
4. Article 37 states that the provisions in Part IV of the Constitution (which set out the DPSP) 'shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws'.
5. Article 47: 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.
6. Article 48A: the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.
7. Article 14: Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
8. Article 51A: It shall be the duty of every citizens of India-
 - (g) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
9. Article 245: Extent of laws made by Parliament and by the Legislatures of States.
 - (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.
 - (2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.
10. Ramaswamy R. Iyer, 'Towards a Re-ordering of Water Law in India', 1 Indian Juridical Review 18 (2004)

11. Article 262: Adjudication of disputes relating to waters of inter-State rivers or river valleys
 - (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
 - (2) Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).
12. Entry 6: Public Health and Sanitation; Hospitals and Dispensaries.
13. Entry 17: Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of Entry 56 of List I.
14. Power of Central Government to take measures to Protect and Improve Environment-(3) The Central-Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section (5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.
15. The Water (Prevention and Control of Pollution) Cess Act, 1977
16. 243G: Powers, authority and responsibilities of Panchayats: Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-
 - (a) The preparation of plans for economic development and social justice;
 - (b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.
17. S. Muralidhar, *The Right to Water: An Overview of the Indian Legal Regime*, International Environmental Law Research Centre (2006), pp. 65-81. Available at: <http://www.ielrc.org/content/a0604.pdf> (Accessed on April 15, 2017)
18. Section 7 of the Water (Prevention and Control of Pollution) Act, 1974
19. Section 2(a) of the Environment Protection Act, 1986
20. Article 21 Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.
21. B. L. Wadhwa v. Union of India (Delhi Garbage Case) AIR 1996 SC 2969 at p. 2976.
22. Article 32: Remedies for Enforcement of Rights conferred by this Part- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this part.
23. 1991 SCC (1) 598, Para 7
24. 1981 SCR (2) 516 at p.529
25. 1996(2) SCC 549
26. (2000) 10 SCC 664 at 767
27. (1997) 1 SCC 388
28. S. Jagannath v. Union of India 1997 (2) SCC 87
29. 1996(2) SCC 572

30. 2001 (6) SCC 496 at p. 501
31. Order XXVI of the Civil Procedure Code, 1908, as well as Article 32 read together with Article 142(2) of the Constitution provide for this.
32. 1984 AIR 802, 1984 SCR (2) 67
33. 1984 SCC (3) 161
34. (1998) 6 SCC 335
35. (2001) 2 SCC 62
36. (2000) 10 SCC 664
37. AIR 1991 SC 420
38. AIR 2006 SC 2038
39. S. Divan & A. Rosencranz, *Environmental Law and Policy in India: Cases, Materials and Statutes*, 74(Oxford University Press, New Delhi, 2001).
40. AIR 1996 SC 1446 at p. 1464
41. AIR 1996 SC 2715, para 24.1
42. 1997 (11) SCC 312
43. AIR 1999 All. 41, para 9-10
44. Writ Petition(C) No. 230 of 2001 (Reportable)
45. (1997) 2 SCC 411

CLIMATE CHANGE AND CHINA: AN OVERVIEW OF RECENT DEVELOPMENT

Dr. Md. Shahnawaz

Lecture (Pol. Sc.), KMMS, Darbhanga, Bihar

ABSTRACT

Global Warming and consequential Climate Change are the major global threats of our time. They threaten the survival and existence of all living creatures on earth. Although, natural events are also blamed for the problem, the scientists and experts are convinced that human activities are mainly responsible for the unprecedented heating up of our planet during the past few centuries. Global Warming is caused mainly due to the drastic increase in the emission of greenhouse gases by human activities like burning of fossil fuels, deforestation, and several other anthropogenic factors. These gases can create a “greenhouse effect” by trapping solar heat in the atmosphere, much as the glass roof and walls of a greenhouse trap heat. There are experts who argue that the drastic increase in the earth’s temperature is a post-industrial revolution phenomenon. They observe that since the industrial revolution to the present era the world has witnessed the large number of scientific inventions and discoveries and due to these inventions and discoveries the last three hundred and fifty years are quite different from all the previous year of the human civilization. Thus it is observed that, “the emergence of modern science and scientific methods not only decentred human beings but also contributed to the death of nature”. They suggest changing our life style and production method for the mitigation of the threat of Global Warming and Climate Change. The suggestion may sound simple but is very complex in nature due to the fact that alternatives to the present method of material development and progress are scarce and impracticable in the given circumstances. We live in the age of sovereign nation-states who are internally supreme and externally free to a large extent. They not only control all human activities within their respective territorial boundaries but also shape and guide the course of events in the international arena. There is no doubt that non-state actors like the multinational corporations and non-governmental organizations have emerged as major players of global decision making processes but even these non-state actors have to work within the framework of inter-state relations. This is the reason that global decision making is to satisfy the aspirations and ambitions of the nation-states. Measures and policies relating to the mitigation of Global warming and Climate Change also need the cooperation of and coordination between these states. China is one of the big emitter of GHG’s and a major power of word which policies and programmes affect directly and indirectly to reduce the threat of Climate Change and Global warming. This paper tries to overview the programmes, policies and the recent development of China through which China try to arrest the threat of Climate Change problem.

Keywords: *Global Warming, Climate Change, GHG’s, GDP, NEPA, SEPA.*

China is the permanent member of Security Council of U.N. and considered as one of the major power of world. If we look the history of china, we will find that there have been three main phases: an archaic ‘ecological’ economic system until about 500 BC; a system of developmental economics primarily driven by the needs of state power that lasted until about AD 1000, and a relatively mature economic system primarily driven by the market since that time, that is following the ‘mediaeval economic revolution’, and on down to the establishment of Communist rule in 1949.¹

When the Communist Party of China came to power in 1949, china was a very poor country, devastated by the Second World War and a civil war. At that time, the People’s Republic of China (PRC) was a typical agrarian society with more than 90 percent of its population living in rural areas. The modern industry was not existed at that period and the industries that were destroyed in the war did

not recover to their prewar levels until 1952, but in the current scenario China is playing a key role in world politics. China is now a potential economic tiger with the largest domestic market in the world. If we look the Chinese economy, we find that the contribution of the agricultural sector has progressively declined, while the contributions of the industrial and service sectors have risen. At the present time the agricultural sector contributed 28 per cent, the industrial sector contributed 44 per cent and the service sector contributed 28 per cent to the GDP of China.²

The Chinese population grew from over 50 million before the end of the first millennium BC to over 100 million shortly after AD 1000, then to over 200 million early in the eighteenth century, to over 400 million by about 1850 and finally to over 1000 million at the present day.³

Coal plays a crucial role in China's energy supply system. In 1970, 81 per cent of energy came from coal, and the present time situation has not changed much, 75 per cent of energy in China comes from coal. In 2005, coal contributed more than 69 percent of China's energy use, including approximately 80 percent of its electricity generation, while oil accounted for around 20 per cent, natural gas less than 3 per cent, and hydro, nuclear and others together approximately 7 per cent.⁴ China has recently witnessed a fast growth of coal power plants. In 2006 and 2007 alone, approximately 170 gigawatts (GW) of new coal power capacity were installed in China. There are currently more coal fired power plants in China than in the US, the UK and India combined.⁵ This makes energy prices low and stable, but also raises serious environmental problems for the country. The emissions are released in the industrialized urban areas, especially in the north. Although China had historically a low proportion of all global cumulative emissions (7.3 percent from 1850 to 2000), it has continued to increase its share in the past decade, up to 14.8 per cent in 2003 when it becomes the second largest annual emitter in absolute terms. It has now become the world's largest emitter.⁶ The use of coal is the main source of carbon dioxide emissions in China. The more serious air pollution problems were caused by the use of coal for household heating and cooking as well as power generation and other industrial activities. Chinese coal contains high amount of ash and sulphur, and boilers used old combustion technologies, producing significant emissions, particularly in urban areas.

China is a key nation in the international climate regime for two reasons. First, it is very important in the global climate change game due to its position as the world's biggest emitter of greenhouse gases followed by the United States and second, its importance and influence in the G-77 of Third World countries gives it prominence in climate talks. As the world's biggest developing country with an influential tone in the United Nations, China is set to play a key role in leading the developing world in the upcoming climate regime.

China has about 20 per cent of the total world population and relies heavily on its large deposits of coal for electricity and heating. We know that China is a developing country and its massive economic development, China is now recognised as the world's largest emitter of greenhouse gas, but the climate change problem could not have at a worse time for China. China has lifted hundreds of millions of its people from the poverty since the early 1980's through the rapid economic development and an export led economy, and much of its rapid economic development tools depended on the extensive burning of fossil fuels to produce energy for manufacturing and transportation. But the scientists around the world have come to a consensus that the burning of fossil fuels is producing global warming owing to the emissions of carbon dioxide, the most plentiful of the 'greenhouse gases'. If China was a small country, or could rely on 'clean' energy technologies such as hydroelectric dams for most of its power, it, its greenhouse gas emission would not receive much attention.

China rightly points out that most of the greenhouse gas in the atmosphere was spewed out by the 'early industrialist' in Europe and North America, such as the UK, US and Germany, which burned fossil fuels carelessly from the 19th century to the beginning of the 21st century, and that its per capita emissions are still far below those of many developed countries. This is true that the greenhouse gas in the atmosphere was the result of the early industrialises countries of the world, but this argument is irrelevant in the present scenario because the world's scientific consensus is that, irrespective of past responsibility, human societies must collectively reduce greenhouse gas emissions by as much as 80 per cent by 2050 to have a chance of avoiding climate disaster. As the largest emitter of greenhouse gases, China cannot avoid

the implications of this global scientific and political consensus.

During the 15 years up to 2008, China and the U.S. could use each other to avoid taking action. If one was unwilling to reduce economic growth by curtailing greenhouse gas emissions, why should the other go first? But with the election of President Obama in 2008, the U.S. is moving towards the global consensus on the need for action. This puts extra pressure on China to make commitments to cut its own greenhouse gas emissions. In January 2011 president Obama and president Hu met in Washington and agreed to enhance cooperation on climate change policy, renewable technology and technological transfer. They welcomed a recent announcement of joint work plans to be developed under the auspices of the US-China Clean Energy Research Centre, launched late in 2009. The work plans cover energy efficient buildings, CCS and electric vehicles. More than 150 US and Chinese researchers will collaborate on the programme. Both leaders endorsed a statement of intent signed by the U.S. Department of Energy and the Chinese Ministry of Science and Technology on sharing data on an electric vehicle project in Los Angeles and Shanghai.⁷ On 12 November 2014 China and U.S. made an agreement on the emission of Carbon. As part of the agreement between China and the U.S., the world's no.1 and 2 Carbon polluters, President Obama announced that the U.S. would emit 26 per cent to 28 per cent less carbon in 2025 than it did in 2005. Chinese President Xi Jinping pledged that clean energy sources would account for 20 per cent of China's total energy production by 2030.⁸ This is the first time that China Commits to check the emissions of Carbons.

The concept of Climate change is not very new for Beijing government, but it has developed slowly. In 1988 China was set up an inter agency group that helped formulate its position for forthcoming international negotiations. China's effort in industrial environmental management started with the Law on Environmental Protection (LEP), which was tentatively promulgated in 1979 and finally promulgated in 1989. This was followed by numerous other laws. The other legislation affecting industry was the cleaner production, promotion and environmental impact assessment laws, both promulgated in 2002.⁹

In addition to the legislative measures, the government put forward general strategies for protecting the environment. Of particular relevance for industrial environmental management is China's Agenda 21 of 1994, Chapter 12, which called for changing the industrial structure and its geographical distribution, developing Cleaner Technology and green products and improving industrial management.¹⁰

The government also set up the National Environmental Protection Agency (NEPA) in 1984 as part of the Ministry of Urban and Rural Construction and Environmental Protection (MURCEP). Its name was changed to the State Environmental Protection Agency (SEPA) when it was upgraded to ministerial status in 1998. It is responsible for implementing the environmental policies issued by the National People's Congress. In 2003 Beijing established the National Coordination Committee on Climate Change, and in 2007 the National Development and Reform Commission (NDRC) issued China's *National Climate Change Programme*, the first official document outlining objectives, basic principles, key areas of action, as well as policies and measures to address climate change for the period up until 2010. On 29 October 2008, the Chinese State Council published the country's first White Paper on climate change entitled *China's Policies and Actions for Addressing Climate Change* claims to be a blueprint for a coordinated policy response.¹¹

The State Council also set up a Leading Committee on Climate Change in 2007 to enforce more effectively China's mandates to moderate its soaring greenhouse gas emissions. The head of this committee was the Premier Wen Jiabao, and the membership is limited to ministers. It was the first time that the head of the government was leading the efforts to solve environmental problems, domestically or internationally. During this period China was ratified the two most important international climate agreements, the first was the United Nations Framework Convention on Climate Change (UNFCCC) and the second was the Kyoto Protocol. In this period China has also been actively seeking international help to shift to a more climate friendly energy infrastructure. For example, as a partner to the Asia Pacific Partnership on Clean Development and Climate, China is working with international partners on coal and carbon capture and storage (CCS) technologies.

It is noted that the nature of China's international effort against climate change is primarily

voluntary. During all the international climate negotiations, China has consistently refused to accept any mandatory obligation to reduce emissions. It holds firmly to the 'common but differentiated principle'. China has insisted on developing country status in arguing against any target for itself and has usually acted in concert with the developing country group, and strongly requested the developed countries to take the initiative in combating climate change.

World's two major carbon emitter countries are playing the game of blame on each other. The game between China and the U.S. over the international climate change regime deserves special attention. During the eight years of the Bush administration, China used the U.S. inaction as a reason to ignore mitigation and the U.S. used Chinese inaction for the same reason. Neither of these two largest greenhouse gas emitters undertook any compulsory Kyoto Protocol obligations to limit emissions.

In October 2010, the Communist Party of China's (CPC) Central Committee approved the guiding principles of China's 12th Five-Year Plan for National Economic and Social Development. The National People's Congress (NPC) ratified the plan on March 2011. The 12th FYP's guiding principles will promote the government's focus on "inclusive growth," which means ensuring the benefits of economic growth are spread to a greater proportion of Chinese citizens. The plan's key themes are rebalancing the economy, ameliorating social inequality and protecting the environment.¹²

The 12th FYP is based on China long term pledge to reduce greenhouse gas (GHG) emissions per unit of GDP by 40 per cent to 45 per cent by 2020 compared with 2005 levels, the government has issued emission reduction targets at both provincial and sector levels. It has devoted significant resources in communicating the targets and monitoring progress. Other measures include the designation of low carbon pilot provinces and cities and fiscal measures to incentivise energy efficiency efforts.¹³

Keeping a relatively high economic growth rate is an important principle of China's sustainable development policies; at the same time, policies such as environmental standards and emission charging and trading systems have been adopted in the development process to protect the environment and promote China's sustainable development. This is a reflection of the reality in China at this stage. At present, a high rate of economic development is supportive of many development targets, such as poverty reduction, increasing socioeconomic sustainability, overcoming various macroeconomic risks, maintaining economic stability, creating more middle class and coordinating the gap between the rich and the poor. This enhances the payment capacity of the people and cultivates more efficient market demand, which is beneficial to reducing social conflicts and improving the investment environment, and is also beneficial to the implementation of the scientific development philosophy and the strategic thinking of building a harmonious society.

China has already made significant progress in achieving the Millennium Development Goals (MDGs) set up by the United Nations in 2000. Current data indicate that China expected to achieve most MDGs before 2015, and targets such as popularizing primary education and halving the number of people living in poverty have been reached 13 years ahead of schedule. However, the data also show that achieving the remaining goals is still a serious challenge. In detail, those remaining goals, including halting and starting to reverse the spread of HIV/AIDS, controlling the growth in morbidity from TB and malaria, promoting gender equality, providing safe drinking water to the rural population and ensuring environmental sustainability.¹⁴

CONCLUSION

This is bitter fact that the most prominent problem of 21st century is global warming and climate change. Climate change is disturbing the ecological balance of earth. Now the world community seriously threaten by the consequences of climate change. This is the demand of present that the world major economy take important steps to arrest the problem of climate change. China is a key nation in the international climate regime for two reasons. First, it is very important in the global climate change game due to its position as the world's biggest emitter of greenhouse gases followed by the United States and second, its importance and influence in the G-77 of Third World countries gives it prominence in climate talks.

In 2007 the State Council also set up a Leading Committee on Climate Change to enforce more effectively China's mandates to moderate its soaring greenhouse gas emissions. The head of this committee was the Premier Wen Jiabao. It was the first time that the head of the government was leading the efforts to solve environmental problems, domestically or internationally. This step shows the concern of Chinese government over the Climate change problem. During this period China was ratified the two most important international climate agreements, the first was the United Nations Framework Convention on Climate Change (UNFCCC) and the second was the Kyoto Protocol. It is fact that the problem of climate change is universal in nature and the all living and non living things are affected from this, so to curb this problem the combined efforts of developed, developing and under developed countries are more important. There are several issues where the major economy of world cooperates to each other but on the other hand, it is also a bitter truth that on the issues of greenhouse gas emission, reforestations, migration and energy security there are conflict among them. All major powers and the emerging powers have started several policies at domestic level to curb the problem of climate change. At present the big emitters of greenhouse gases are China, USA, India, Russia, Brazil and Japan and these countries should try to reduce the emissions amount of carbon dioxide into the atmosphere.

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EVALUATING THE ROLE OF CIVIL SOCIETY AND NGOS IN COMBATING HUMAN TRAFFICKING IN NEPAL: A CASE STUDY OF MAITI NEPAL NGO

Bibas Darjee

Research Scholar, Jawaharlal Nehru University, New Delhi, 110067

Contact Number: 9711316573, bibasewa123@gmail.com

ABSTRACT

The world is becoming tiny and narrower every day. If it is right, then not even a single space unoccupied by the human mind. A traditional society and its feature have been dropped dead with the inception of the new society and its modern behavior which depends on advanced technology and connectivity of place and people. Today's society has become a home of non-state actors like the terrorist organization, sex racket and criminals in the time of globalization. Apparently, these groups never leave any stone unturned to ruin the life of other. Therefore, the changing pattern of the concept of security demands more attention, consideration and concentration towards the safety of individual within the framework of human security. The impact, intensity and expression of human trafficking are well enough to destroy the life of the individual. Though Nepal has had formulated and re-formulated her policies to secure life of innocent girls, women, and children, the laws and policies concerning human trafficking require pushing more efficiently for the safety of the individual. Therefore, the mechanism of combating trafficking in person, importantly today requires more attention of stakeholders, civil society, organizations and international groups and their roles. In this section, the study is going to discuss the role and function of the non-government organisations against human trafficking in Nepal. Besides, article will mainly focus on anti-human trafficking role of Maiti Nepal NGO based in Kathmandu (Nepal).

Key Words: Globalisation, Human Security, Non-state actors, Human Trafficking and Anti-trafficking Network.

I. INTRODUCTION

Human trafficking is an illegal trade of persons from one place to other places for physical and sexual exploitation. Today, trafficking of women and children has become a major problem in the world. There is no single country that can claim or ensure that its border is not affected in some or the other way by trafficking of women and children. United Nations in 2000 clearly pronounced the 'Protocol to Prevent, Suppress and punish Trafficking in Person, Especially Women and Children' by supplementing the United Nations Convention against Transnational Organised Crime: United Nation. For instance,

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

According to International Labour Organisation (ILO), the minimum number of persons in forced labour, including sexual exploitation, as a result of trafficking at any given time is 2.5 million. Of these,

1.4 million are in Asia and the Pacific, 270,000 in industrialized countries, 250,000 in Latin America and the Caribbean, 230,000 in the Middle East and Northern Africa, 200,000 in countries with economies in transition and 130,000 in sub-Saharan countries (ILO 2005). ILO has shown the major factors and facilitator behind human trafficking. It ranges from an inadequate of socio-economic opportunity, political instability, civil unrest, internal armed conflict, natural disasters, and porous border to corrupt government officials.

In brief, trafficking in person in Nepal takes place in both ways internally and externally for physical and sexual exploitation. According to (NHRC of Nepal 2015) report, within Nepal, Kathmandu a capital of Nepal has become a destination for the victims from rural districts of Nepal. The report also shows that Morang, Sindhupalchok, Kavrepalanchok, Jhapa, Ilam, Nuwakot, Kaski, Kapilvastu and Makwanpur are districts of innocent, uneducated poor girls and women. Likewise, traffickers induce them and recruit in the pretext of job and better livelihood. Later, victims are brought to restaurant, SPA, beauty parlour and prostitution. The external form of trafficking in person in Nepal occurs when trafficked victims are transported from Nepal to different destinations of the world. Nepali girls and women are trafficked to abroad mainly for sexual exploitation. However, today it is noticed that children, men, girls and women are recruited for an entertainment industries, illicit organ transplantation and physical or labour work in the circuses, physical exploitation in the forms of domestic help or servitude in India, the Gulf States, South East country like Malaysia and Singapore, China, Tibet and Korea is also noticed.

The mechanism of anti-trafficking organization depends on the collaborative, coordinated, and concerned effort of multi-hands, multiagency and multidisciplinary approach 2. Therefore, to understand the anti-trafficking role, the study mainly focuses on structure, objectives, networking, interlinking of the various NGOs. The role of the non-governmental organizations in Nepal can be studied by looking at their plan of action against the nature of the crime, its modus operandi and need of trafficked victims. The policies and plan of action of organisations depend on advocacy, draw the attention of the decision makers towards risk zone and diversify their aims and objectives to minimize the crime of human trafficking. There are many NGOs are working against trafficking in person. For example, **Gramin Mahila Srijanshil Pariwar (GMSP) Nepal, Alliance against Trafficking in Women and Children (AATWIN) NGO, Shakti Samuha and Maiti Nepal are the prominent NGOs in Nepal.** Table 1 shows the role of NGOs and magnitude of human trafficking in Nepal.

TABLE 1, all NGOs involved in different fields for Preventive and Protection of Victims of Trafficking in Nepal

Nature of work	2013/14	2014/15	After earthquake of April 25, 2015	No. of NGOs involved in different work
Interception	9057	8997	3864	9
Rescue and repatriation	1551	1971	955	9
Reintegration and skills oriented work	1438	1801	698	11
Missing persons application received	1858	1906	261	4
Missing persons found	421	493	96	4
Referral for counseling and medical purposes	3673	3627	970	11
Legal support (FIR and Prosecution)	988	1355	382	11

Source: NHRC of Nepal 2015

Table 1, above mentioned has shown overall performance of NGOs of Nepal against the crime of trafficking in person. According to the record (NHRC of TIP of Nepal 2015), if the number of victims rescued by NGOs was 1551 in 2013/14 then, in 2014/15 rescued number has been increased by 1971. Importantly, it is found that NGOs are working against TIP with their all effort in different fields and number of victims of trafficking has also decreased by 181 in 2014/15 in comparison with 185 in the previous year 2013/14 (NHRC 2015).

Anti-Trafficking Network of NGOs of Nepal

In Nepal, there are more than fifty NGOs working against HT (Human Trafficking). Though the entire NGOs hold a single goal or objective to minimise the crime of TIP (Trafficking in Person), they work in different fields and focus on different areas of activities. Some of the NGOs have specific anti-trafficking activities to mitigate the cause of and people's vulnerability trafficking in its origin of place but, other NGOs work for safe migration, empowerment of women and children, etc. Some of the NGOs are effectively working in both rural and urban areas in Nepal. Their contribution in fighting against TIP is incomparable. Important objectives of NGOs are discussed in table 2.

TABLE 2

1.	One of the principal objectives of NGO is to make a plan of action against human trafficking. Suggesting government to amend the weak laws and implement the strictest laws against human trafficking.
2.	The focus on research and studies to design the practical style to conduct awareness campaign against human trafficking is also a vital part of the objective of it.
3.	To become both national and international resource centre for women's rights, child's rights and anti-trafficking unit.
4.	To equip civil society with human and physical resources to upgrade the human resource of person those who are vulnerable and in need.

According to the focus areas of activities, anti-trafficking NGOs can be classified into four groups in Nepal. These are,

- NGOs involved in safe-migration issue.
- NGOs mainly involved in anti-trafficking and women empowerment issues.
- NGOs Involved in Child Rights and Anti-trafficking Issues.
- NGOs Mainly Involved in Entertainment Sectors and Anti Internal Trafficking.

Table 3 has clearly shown the group of NGOs and their specific focus areas of activities.

TABLE 3, Anti-Trafficking NGOs in Nepal

Nature of work of NGOs	Name of NGOs
NGOs involved in safe-migration issue	People's Forum for Human Rights.
	Pravasi Nepali Coordination Committee (PNCC).
	Pourakhi Nepal.
NGOs mainly involved in anti-trafficking and women empowerment issues.	Alliance against Trafficking in Women Empowerment Issues.
	FHI 360 Nepal.
	Gramin Mahila Srijanshil Pariwar, Sindhupalchok.
	Himalayan Human Rights Monitors (Him Rights).
	KL-Nepal (Kingdom investment Nepal).
	Maiti Nepal.
	Forum for Protection of People's Rights (PPR) Nepal.
	Women Skill Creation Centre Nepal, Makwanpur district of Nepal.
	Rural Reconstruction Nepal.
	Shakti Samuha (SS).
	Tiny Hands Nepal.
	Women Rehabilitation Centre (WOREC) Nepal.

NGOs Involved in Child Rights and Anti-trafficking Issues.	Child Workers in Nepal Concerned Centre (CWIN).
	Nepal Good Weave Foundation.
NGOs Mainly Involved in Entertainment Sectors and Anti Internal Trafficking.	Biswas Nepal.
	Change Nepal.
	Centre for Awareness promotion (CAP) Nepal.
	Women Forum for Women in Nepal (WOFOWON).

Source: (NHRC of Nepal 2015)

The study will analyse the role of Maiti Nepal NGO in combating TIP in Nepal.

THE ROLE OF MAITI NEPAL NGO AGAINST HUMAN TRAFFICKING:

Maiti Nepal³ is a non-profitable organisation based in Kathmandu in Nepal. It falls under the category of NGOs mainly involved in anti-trafficking and women and children empowerment. It was established in April 1993 in Kathmandu. From its inception, it has been working against HT, providing shelter for victims of trafficking, domestic violence and those who are neglected by society.

Today, Maiti Nepal became a haven for trafficked victims. According to Anuradha Koirala⁴, Maiti Nepal aims to provide services for children, girls and women who have experienced the untold pain, suffering and often in silence. As a vision of the organisation, she added, it fights for equality of women and children those who are vulnerable to be exploited and disliked. NGO focuses on both anti-trafficking preventive and protection measures. The major areas of Nepal covered by of Maiti Nepal organisation can be seen inside the map 1 below.

Map 1



Map 1 above mentioned clearly shows the major areas covered by Maiti Nepal in Nepal. If we see the central part of Nepal, then we find headquarter, rehabilitation home (RH) and consultation centres (C) of Maiti Nepal. Importantly, if we see border areas between Nepal and India from west to eastern part of Nepal, it has set up nine transit homes (T) exactly in the border or check point areas to intercept or combat trafficking in person. For instance, Transit Home is available in the border districts including Jhapa, Morang, Kanchanpur, Kailai, Rupandehi, Nawalparasi, Parasa and Banke. It has come to know that Maiti Nepal is going to broaden its area of work to meet vulnerable section of people in the remote parts of Nepal. The major areas of NGO in combating trafficking in person include an awareness programme, role of interception in combating HT, skill development and rescue operation are as discussed below.

An Awareness Programme

To stanch the crime wave of trafficking in person, people must become first aware of the fact what is exactly meant by human trafficking and its nature. So, an innocent people can't be a prey to trafficking. Maiti Nepal never leaves any village, market and urban places to conducts an awareness programme.

The main focus of organisation goes to vulnerable communities and section of people of the areas affected by HT. It conducts awareness programme almost every month of the year in different parts of Nepal. It has certain ways to conduct awareness campaigning ranges from distribution of poster to organise a drama in the street of village Bazar (market).

Organisation never ignores the poor girls and women of rural Nepal mainly belong to low caste community to make them aware of the fact of crime of HT and its modus operandi. In fact, it thinks that root causes of HT lie in the rural catchment area where poor and low caste women and girls are falling prey to trafficking. Therefore, it has divided its plan of action into three levels. Firstly, in the village level it holds awareness programme in form of organising the rally and public gathering in the market places, streets and door to door. To complete the task it takes help of students of local schools. In national levels, it conducts the programme in the headquarters of districts affected by TIP.

Besides, on the occasion of Human Rights day, anti child Labour Day and Women's day it takes out a huge procession in Kathmandu and other part of Nepal. People are made aware of human trafficking through 52 episodes of the Kantipur FM in national as well as provincial level. Similarly, regarding awareness programme in the regional level Maiti Nepal visits areas between Nepal and India. For example, so far, it has conducted number of awareness programme in Darjeeling district of West Bengal (India) and Kakarvitta, Jhapa district of Nepal. Both districts are vulnerable and being hit by cross-border crime of HT.

Interception in Combating Human Trafficking

It is also a primary preventive measure of Maiti Nepal. NGO targets most vulnerable border areas to set up the desks for intercepting victims nearby check points of border areas between Nepal and India. Objective behind to set up the desks is to save an innocent girls and women, provide help to return back to their home safely.

According to report of National Human Rights Commission for Trafficking in Person of Nepal, in 2014 total 635 children and women were intercepted at the border between Nepal and India and prevented from being trafficked (NHRC for TIP of Nepal 2013-15). In 2015 post-earthquake Maiti Nepal intercepted total 725 children and women at the border. However, if organisation finds girls and women are crossing the border along with their relatives and husband, then it makes them aware of the crime of human trafficking and safe migration. In the year of 2014, total 1778 children and women crossing the Nepal-India border with relatives and parents were provided information by Maiti Nepal on safe migration and human trafficking.

Skill Development

A mechanism for skill development is an integral part of NGO's overall process of prevention of human trafficking. Maiti Nepal empowers the person those who are vulnerable especially girls, women and children at risk of trafficking. The programme for skill development and empowering people in need embraces mainly three major ways. *Firstly*, girls and women are trained for artistic work, sewing, weaving, tailoring etc.

Secondly, providing financial help to poor girls and children to go to schools, it shows them a correct path for their better future.

Thirdly, it trains and gives all important instructions to survivors of trafficking and domestic violence to begin a new journey of life. Besides, it also gives opportunity to survivors who want to be part of organisation. Survivors of trafficking can become field officers, coordinators of awareness programme and some of them become a team leader of transit home to intercept and arrest the traffickers in the border. According to the 2014 annual report of Maiti Nepal, a 21 year old orphan girl of Talakhu VDC, Nukot who was first brought to Maiti Nepal NGO in Kathmandu in 2002, is now a Bachelor level student and she

also completed her Auxiliary Nurse Midwife (ANM) course. She recently joined in government health institute and she is no longer a potential victim.

Picture 2 gives a quick review of the training room of Maiti Nepal where girls are being trained by member of organisation.

Picture2



Source: Annual report of Maiti Nepal 2014

Picture 2 above mentioned shows the training session of Maiti Nepal for skill development of poor and vulnerable girls and women.

Rescue operation

Rescue operation of NGOs is an integral part of preventive measures of trafficking in person in Nepal and India. Rescue will free victims from the clutches of brothel owners or master, chance of getting re-trafficked and re-victimised. Similarly, it ends the throe of pain full life of prostitute in brothel and provides a new dignified life to the victims.

The root causes of human trafficking include poverty, illiteracy and economic opportunities. Though rescue operation is not a final solution to stop vulnerable people from getting trafficked in the catchment area, Maiti Nepal's fight or struggle for rescuing the trafficked victims never goes in vain. It rescues trafficked victims from within the country and abroad to repatriate them and to give a new dignified life. Before going for rescuing the victims, NGO first collects information from their internal resources and takes help from police department for security and safety of victims. In 2014 Maiti Nepal rescued 183 victims of trafficking and rehabilitated (NHRC of TIP 2013-15). Of these, the highest 11 victims were rescued from Delhi, India. Besides, four girls of Sindhupalchok district of Nepal were rescued from Kuwait (one), Delhi (one) and Pune (two girls).

After rescuing, it provides social and legal counseling to survivors of trafficking and victims of domestic violence to have a new life with bright future. It rehabilitates survivors who don't want to go to their village or don't have any option. Today, Maiti Nepal is only one NGO in the region which effectively, collectively and cooperatively fighting against modern day slavery. Last but not the least, it helps governments, policy makers, police, others NGOs to fight together against trafficking and re-trafficking in person by protecting vulnerable section of society in Nepal.

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END NOTES

1. The girls from other parts of Nepal would like to see and visit Kathmandu because not only they seek for jobs but, to know the fashion or dressing style which they watch in Hollywood and Bollywood movies. The high living standard and the flux of pops, dancing and crowds from abroad in Thamel (Kathmandu) became an attractive destination for girls from rural part of Nepal. Therefore, the only one opportunity to see Kathmandu would never be missed and neglected by these girls. Eventually, they fall prey in the hands of traffickers.
2. Applying a multi-agency approach means involving different agencies in combating trafficking in a joint and coordinated way according to agreed standardized procedure, be it in preventing the crime, protecting the victims, or investigating the case and prosecuting the traffickers. It should be applied in all anti-trafficking activities: prevention, protection as well as investigation and prosecution. Law enforcement officer play a vital role in all these fields.
3. In Nepal, the term ‘Maiti’ shows the emotional attachment and relation between the sister and brother. Also, when the daughter gets married and starts leaving at husband’s home far away from her home, the term 'Maiti and Maiti-Ghar' is used to suggest the original home of the bride. However, sometimes, it also implies that the ‘secure place’ for all married women or girls who feel insecure outside her home.
4. Madam Anuradha Koirala (Dijju-elder sister) founder of Maiti Nepal. She has sacrificed her life to make society free from the crime of human trafficking in Nepal. She received several awards including the Prabal Gorkha Dakshin Bahu Medal in 1999, and Best Social Worker of the year Award Nepal in 1998. She got Trishaktipatta Award in 2002 German UNIFEM Prize 2007, Queen Sofia Silver Medal Award 2007, The Peace Abbey, and Courage of Conscience 2006. Recently she has received CNN Hero Award in 2010.)

ROLE OF PHILOSOPHY TO EXAMINE VALUES OF TRADITIONAL SOCIETIES AND MODERN SOCIETIES: : AN ETHICAL STUDY

Mudasir Ahmad Tantray

Department of Philosophy, Rani Durgawati University Jabalpur

ABSTRACT

This paper clarifies the significance of philosophy for traditional societies and modern societies and their evolution. In this paper ethics is the mainstream philosophy which studies and analyses the values of both the traditional societies and modern ones. This paper is only the ethical study of the traditional values and modern values. There are three ways to philosophize societies as traditional and modern: Ethical perspective, economical and theological, but this paper deals only with the ethical approach. Philosophers from ancient to modern era played an important part in the transformation of traditional into modern. Morality and religion changed the mind of the nations towards development and ethical progress. In this article ancient philosophy, medieval philosophy, modern philosophy and others religious philosophies of India, china, and Muslim philosophies exercised key attempts to study traditional societies and modern societies. This paper highlights the factors that are responsible for the vices in traditional societies and also the elements that are productive for the promotion of modern societies.

Objectives: *The main objectives of this research paper are as follows:*

- 1. To describe the moral issues of both the traditional societies and modern societies.*
- 2. To explore the relativistic values of different societies.*
- 3. This paper defines the philosophical approach to study social problems and its remedies and also promotes the philosophical background for the diverse societies.*
- 4. It analyses and critically evaluates the philosophical contribution in developing traditional societies into modern societies*

I. INTRODUCTION

Philosophy is the subject which gives every subject matter a rational and dialectic outlook. As the mother of all subjects, it values to our existence, society and nature. Philosophers analyse everything in a deep level and identifies whether it is valid or invalid. Now the question is; Does philosophers have any religion? And the answer is; yes they have religion and their religion is philosophy and ethics. There is no difference between the theist philosophers who believes in the faith of monotheism, deism, polytheism, and henotheism and the atheist philosophers who abides with the faith of nature and reason. The only difference is their art of philosophising of things and what distinguishes and separates their category as philosophers is their vision of understanding and rationalistic approach. It is the fact that the origin and the source of western and the Indian philosophy has its root in religious texts; western philosophy from Bible, old testament and new testament, Indian philosophy from Vedas and Upanishads.¹ As we know that there is hot controversy between the people of faith and the people of reason, neither faith can be proved on the rational grounds nor the intellect can provide sufficient knowledge to study faith. Nevertheless religious personalities should develop rationalistic approach whenever they need it to make it their authority. They also be critical and analytical rather dialectical during religious dialogue. The founder of the ‘school of vitality and flux’ called as Heraclitus insisted on change or becoming. He said in his aphorism “one can’t step into same river twice” everything changes even bodily streams and mental

steams. It means that our mental set up and bodily movements are responsible for changing our societies. Social values differ from society to society. Things that has value in one society becomes the vice in another society like polygamy, pornography, sexism, stem cell research, euthanasia, the death of penalty, racism, homosexuality, animal rights and environmental issues, media ethical issues etc. While in Muslim societies polygamy is permitted and in Sanatan societies, it is not permitted. Morris Ginsberg in his work 'on the diversity of morals' argued that there are no societies without rules of conduct, backed by the general approval of the members. Although, modern world is a global world, and this global society concentrate on global ethics. Moralists today try to research on those moral issues of both the traditional societies and modern societies that are universal and can be accepted globally. Ethical philosophers, religious philosophers and theologians are creating a platform of dialogue on moral concepts that are beneficial for modern societies. It is by what Raimon Panikkar calls it a "diatopical" exchange which means a dialogue between cultures in which societies can learn from one another, challenge each other and grow together, without being obliged to model themselves on one allegedly "higher" level of intellectual development.² Ethics as the branch of philosophy is concerned with the study of social influences on human morals, customs, values and behaviour. Or we can define ethics as the area of philosophy which investigates the principles governing human actions in terms of their goodness, badness, rightness, wrongness, duties and obligations. Although Greeks and Islamic philosophers had formulated ethical and rational ideas about societies. Social ethics and rationality was largely born out of the great intellectual and social upheavals that destroyed the medieval European world, inspired by the great scientific discoveries of Copernicus and Newton, whose methods had been introduced to social thought by Bacon, Descartes and Hobbes, the intellectual culture of early modern Europe raised the ideas of rationality, morality and humanism that were at the heart of enlightenment thought. Ethics refer to the rules that define what types of behaviour are appropriate and what types of behaviour are inappropriate.³ one thing which is important in ethics that is poverty is not the condition for traditional societies because most of great philosophers and scientists belong to poor families. If we ascertain two societies one society is poor, practicing rituals, living honestly and peacefully, obeys God's decree to save his life, others and environment. Another society is wealthy, destructed its environment by polluting water and air and life. Now which society we would call modern, former or later. The philosophies of idealism, realism, rationalism, empiricism, criticism, positivism and pragmatism have changed the whole scenario of the European world towards scientific development and moral development. These philosophies opened the vision of the man towards knowledge and wisdom and shunned ignorance. Societies instead of practicing rituals and fighting battles got engaged in learning and philosophical activities.⁴

Traditional societies and Modern societies

The term 'traditional society' refers to a community that is deeply rooted in the past and often engaged in ritualistic and customary practices. It is commonly accepted today that people's actions and characters are shaped by the societies in which they live. It is accepted that the attitudes and outlooks of the inhabitants of the various countries of the world differ, and this is widely understood to be a result of the varying social institutions and histories of the societies. Philosophers and their philosophies have played an important role to develop modern societies from traditional ones and also in constructing the ideal societies. Socrates 'dialectic method', Plato's 'Academy' and Aristotle's 'Lyceum' played a key role in changing the traditional bent of the mind of the people in Greek. Kant said that his concept "kingdom of ends" is the ideal society having high moral standards. Traditional societies faced an extreme form of conflicts in the shape of customs, rituals, myths, caste, creed, colour, poverty, hierarchy, moral vices, and exploitation. All these defects are due to their ignorance towards these concepts. In traditional societies ignorance is the root cause of the barbarianism. Their ethics codes and moral standards are not universal and holistic that is why they are neither hedonistic nor intuition. Common people are doing what they are recommended and permitted by the authorities and that times ignorant kings and priests were authorities not the philosophers or learned thinkers. societies the way of desire to become modern, because the people in these societies don't know what life is? What morality is? What progress is?, what knowledge, virtue, vice and justice are.

Modern societies are evolving and well developing societies. All honour goes to philosophers and

great philosophies of the world whose ideas moulded the thoughts of the people to generate modern societies, today modern societies which we are valuing whether it is the societies of Greeks, societies of Romans, societies in America, Sweden, Vienna, china, Arabian societies and Indian metro Politian societies. In all societies philosophical vision has given once a sufficient start. Everywhere in the modern societies there lies behind them a great role of philosophy that has revolutionised these societies in the form of religious philosophy, ethics, pragmatism, and hermeneutics. Emile Durkheim developed a complex theory of social order based on an understanding of rules, functions, the division of labour, social evolution, society as organic whole and religion⁵. Philosophers and philosophies has changed the whole scenario of all those modern societies which were once traditional and dogmatic, believes in myths and illusions. In ancient period Greek societies great values are their power, war, oracles, myth and patriarch. Only one religious and philosopher Socrates (the master) who believes in the morality of virtue and knowledgechanged the minds of the people of Greek towards light and that light is philosophy. So he developed and improved the first civilization to Rationalistic, and dialectical mode. Not only Socrates but also other great philosophers of Greek explored their philosophy in developing the traditional societies into modern like, Thales concept of nature and mathematics, Anaximander theory of cosmology and geography, Parmenides concept of logic and being, Heraclitus concept of change, sophists concept of relativism, Pythagoras theory of numbers and mysticism, Plato's 'philosopher king' and Aristotle's nature of society and its importance for human being (man is social animal) led the societies of Greek to improve them towards rationality. Due to these contributions Greek societies are credited today as modern societies.⁶

In medieval period, society emphasis on the value of administration of the church and revealed knowledge, priests of the church decides what is good for the society and what is not. What is legitimate knowledge and what is illegitimate, what is permeable and what is prohibited. The hierarchy of powers is controlled by these priests. Society in this era is under the dichotomy of religious authorities. Medieval philosophy emerges after the decline of ancient Greece and Rome, when new cultures begin to produce works of philosophy that are at once inspired by that ancient legacy and yet responsive to new cultural and religious circumstances. Medieval philosophers like St. Augustine, Thomas Aquinas, had cleared the faith and reason for the people to come out from the dogmatic domains of the medieval social evils.⁷ Prophets in Islamic history, as great philosophers also improved their societies in their period of as messengers. At the time of these prophets adultery, atheism, gambling, ignorance, hypocrisy, genocide, cruelty and corruption were common in the traditional societies. Prophets imparted knowledge, virtue and wisdom in the development of these societies. They took them to the light and removed their ignorance. One example is that at the time of prophet Muhammad (PBH), Societies were so ignorant that they treated their inborn girls as vice and buried them alive. This is only that the Arabians people couldn't want to become the in-laws. Prophet Muhammad removed these types of vices. If we really want any kind of change in our societies then we should bring change in ourselves and it is our duty to take responsibility and accountability of our society. It is a well saying that "modification in the behaviours of the people is the modification of the society".⁸ Indian philosophies like- Nayaya - Vaseiska, Sankhya-Yoga, Mimansa-Vedanta, Charvaka, Jainism and Buddhism enlightened the traditional societies with their interpretation of concepts of the Ethics and Epistemology. These Philosophies insisted on character development, listening, pondering, understanding, spirituality and love for the nature and knowledge. Charvaka philosophers stress on perception, Nayaya on realism, Sankya and yoga on evolution of the man and environment, Jainism on conduct and Buddhism on the cessation of suffering. Not only this these philosophers imparted universal brotherhood, integrity, peace and wisdom. Gandhi's concept of ahimsa, Iqbal's ideal of self and patriotism, Vivekanand's idea of universal religion, Aurbindo's concept of Spiritual evolution, Ambedker's principle of annihilation of the caste, produced oceans of knowledge and wisdom in order to modify and rectify the traditional minds into rationalistic vision.⁹

Actually what makes the society traditional and modern is a question of debate. The moral code of conduct and rationality (reason) makes the society traditional and modern. Suppose a society is violating the moral laws and what it is doing in its cultures is against humanity or rationality then we called this type of society traditional society. While the society which has high and ideal moral codes and accepts a provision of reason and empirical calculus in its domain is known as modern society. Every

society has its own norms and social customs and how these societies reflect to this, is their normative approach. According to normative ethics, the standard of the society makes it traditional or modern. The normative questions of the society are; what are the moral issues of the tradition and modern society. The moral issues, beliefs, customs, rituals and practices of society are derived from theological or rational wisdom. The ethical standards of traditional societies are different from the standard of modern societies. Traditional societies value to dress code, doctrines, racism, myths, castes creeds and colour while modern society values to rationality, wealth, production, education and development.¹⁰ Traditional societies are those societies in which the authorities of their social standards and morals are derived from their ancestors in a thread shape and from the past, with a dogmatic roles for moral codes. Such societies or elements of society that are small scale, are derived from indigenous and often ancient cultural practices. While modern societies are those societies in which the authority of their social principles and morals are derived from rationality. Those societies are of having an empirical role for social institutions and for moral standards. Modern refers to those practices that relate to the industrial mode of production or the development of large scale often colonial societies. Although in most of the conditions ethical perspective is different from economical view. In philosophical sense modern societies are not the societies of having the culture of value to fashion, technology, caste, beauty, wealth, health, and desires¹¹. These societies are lacking morality, humanity and rationality. The only thing before them is their ego and wealth. They crave for sense enjoyment. Still some modern societies are traditional, traditional in the sense that these societies do not have good moral standards which can be accepted universally and which can be in calculated in a holistic manner. In ethics and especially for social ethics the concept of modern society is the society which may be less developed in culture, material progress and production but which can be high in moral standards and moral progress. Although these societies are very disciplined and honest for its norms and laws. Moral conduct and values for modern society is a touchstone to become a rational and progressive society. There are many characteristic features and principles that are beneficial for societies to grade it as modern. Philosophers are the lovers of wisdom and knowledge, they mentioned some of them are as:

- (i) Rationality
- (ii) Education/learning
- (iii) Humanity
- (iv) Morality/religion
- (v) Will power

These principles are only ethical principle. There are also other principles like economy, technology and health that are sufficient for societies to made them modern.

Response from Philosophy of Religion.

Religious philosophies exert its main role in modifying the traditional societies. Traditional society lays emphasis on religion. As Descartes and Locke rightly said that 'morality is derived from religion' Every religion has its own philosophy. In modern times man is less concerned with deities and metaphysical assumptions but more faithful to societal norms like virtue, health, integrity, honesty, and ethical relativism¹². Religious consciousness and acceptance is necessary for evolution. Religion¹³ in its real sense is study of principles and laws to maintain harmony and peace in the world. Religion is responsible for the society for its traditionalism and modernism. Religion is obedience to God's will. If people are engaged in corruption, that is not religion, if they are harmful to environment, nature and self, that is not religion. Religion recognises humans as the centre of the creation. Everything is to subsidiary to him. Religion is the essence of human beings and their societies. Religious people are morally sound only when they are ready to face criticism on religious doctrines and not to attack his opponent. Every religion more or less insists on ethics. Religion is what you prefer for yourself, prefer it for your friend, i.e for your society, environment and nature. All world religions has some common elements on which everyone should have faith like, truth, non-violence, humility, tolerance, religious consciousness, humanity, peace, religious dialogue, freedom of speech and the major religions of the world prohibits the moral vices¹⁴ of the society like, intoxication, pornography, gambling, violence, and genocide. Religion is the expression of society itself.¹⁵

CONCLUSION

Human being is the element of the society. There is a close intimacy between human being and society, interdependent on each other, any kind of deficiency in one of them creates deficiency in another. Ethics plays a crucial role to maintain order and relation between them. Ethics deals with 'what ought to do' and deals with "will" of the human beings. In ethical matters we are free to choose. There is no law and order, no punishment, no action, no investigation that would command to stop us in doing ethos of the society. Ethics studies only the volitional part of the human behaviour. There is no law that could stop beggars from begging and charitable organizations from paying charity. It is only morality that distinguishes traditional societies from modern societies as moral concepts are not scientific in nature which can be defined by observational outlook and empirical domains. Moral concepts and issues lay only a standard of 'what is good' and 'what is bad' and every custom in societies ought to be calculated on the basis of this standard. Standard acts as the touchstone for societies. Both the traditional and modern societies have their own standards. In some modern societies, capital, production, Fashion technology is the standard of morality before them and the violation of other laws and customs like abortion, generosity, chastity, are not moral standards. In some societies religious doctrines and testimony is the standard of morality. What is good or bad before Theo-centric societies is commanded for them by the will of God. So religion and ethics are the two sides of the coin and the coin is society. Moral theory has the same relation to ethical decision making that the study of grammar has the ability to study language. A person can speak a language without ever having studied its grammar, and a person can also make ethical decisions without ever studied moral theory. Thus applied ethics has escalated a global revolution to societies in the fields of medicine, environment, international relations, business, media and social ethics. Traditional societies ought to obey universal moral standards of modern societies which is accepted universally and recommend by the analysts of moral theory while as modern societies ought to avoid those vices in the society that are against moral law i.e sexism, abortion, and homosexuality.

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CRIME AGAINST WOMEN IN INDIA: EMERGING TRENDS

Deepak Ratti

Assistant Professor, Department of Law, Chaudhary Devi Lal University, Sirsa

ABSTRACT

In the present time, women are working in each and every sphere of life. The voice of women can be heard in Parliament, legislation, in courts, in offices and almost all sphere of life. In the West, women fought a long struggle to have equal rights with men. Indian Constitution offers equal rights for women but women in this country are not aware with their rights either because of illiteracy their oppressive tradition. As per NCRB, almost 32000 murders, 19,000 rapes, 7500 dowry deaths and 36500 cases of molestation were reported in 2006 only against women. Despite all this, there may be numerous occasions, when such instances are remained unreported. In India, Madhya Pradesh is worst off among all of the Indian states and New Delhi, the capital of India is the most unsafe city in India.

INTRODUCTION

Centuries have come, and centuries have gone, but the plight of women is not likely to change. Time has helplessly watched women suffering in the form of discrimination, oppression, exploitation, degradation, aggression, humiliation. In Indian society, woman occupies a vital position and venerable place. The Vedas glorified women as the mother, the creator, one who gives life and worshipped her as a 'Devi' or Goddess. But their glorification was rather mythical for at the same time, in India women found herself totally suppressed and subjugated in a patriarchal society. Indian women through the countries remained subjugated and oppressed because society believed in clinging on to orthodox beliefs for the brunt of violence—domestic as well as public, Physical, emotional and mental. Male violence against women is worldwide phenomenon. Fear of violence is an important factor in the lives of most women. Fear of violence is the cause of lack of participation in every sphere of life. There are various forms of crime against women. One of the major omnipresent problems in the world, is violence against women. This problem can be found everywhere irrespective of any religion, society or country in all the social strata and women are considered as inferior to men in all societies. In order to understand the spirit of civilization, its prosperity and limitations, there is a need to study of the perception of society towards women, development of women and change in status of women from time to time. There is a need to have a focus on the old societies' views towards women throughout the world when women were considered as inferior being subordinate to male. The male dominated society was a common feature of mostly all the societies of the world. However, with the passage of time, women's movement throughout the world in the form of liberal feminism and radical feminism took place.

MEANING OF CRIME AGAINST WOMEN

"The meaning of 'crime against women' can be defined as direct or indirect physical or mental cruelty to women. Likewise, violence against women is use of abuse and inclusion of any kind of physical aggression or misbehave. When committed at home upon children, spouse, parents or servants, it becomes domestic violence. There are various sorts of crime against women, which may include threats, sexual abuse, emotional abuse, controlling or domineering, intimidation, stalking, passive/covert abuse and economic deprivation, rape, abduction, kidnapping, murder and eve-teasing, forcing to go for foeticide, forcing to commit sati, etc.

WOMEN'S CONTRIBUTION TO THE ECONOMY

It would be quite easy for one to count the roles of women in various modern spheres of life but in

fact, their major role in the Indian economy remains undocumented. She contributes in various forms like plowing in the fields, harvesting crops, weaving clothes, making handicrafts, selling food and gathering wood etc. In addition to it, she is responsible for the daily household chores. It is estimated that approximately 90 percent of working women are involved in the informal sector.

The informal sector includes jobs such as domestic servant, small trader, artisan, or field labourer on a family farm. Most of these jobs are unskilled and low paying and do not provide benefits to the worker. More importantly, however, cultural practices vary from region to region. Though it is a broad generalization, North India tends to be more patriarchal and feudal than South India. Women in northern India have more restrictions placed on their behaviour, thereby restricting their access to work. Southern India tends to be more egalitarian, women have relatively more freedom, and women have a more prominent presence in society. Cultural restrictions however are changing, and women are freer to participate in the formal economy, though the shortage of jobs throughout the country contributes to low female employment. But in the recent years, conditions of working women in India have improved considerably. More and more women find themselves in positions of respect and prestige, more and more workplaces are now populated with women who work on equal terms as men. Working is no longer an adjustment, a mere necessity; but a means to self worth and growth.

POSITION OF WOMEN FROM VEDIC PERIOD TO PRESENT ERA

Vedic period was the golden period of Indian history and is known for the respectable position of women. This period manifests women as the most honourable person in the society who was given equal rights with that of man. In the vedic period, women participated in all the spheres of life where men had their accessibility. Women enjoyed equal rights of education and even of Upanayana. This was a period of overall personality development of women in various spheres of art, music, dance and even of warfare. In post vedic period, the attitude of male dominance over women was at its threshold stage which became mature in medieval period of foreign attacks. The subordination of women to men couldn't be considered at that time. Her position was very bad during that period. Atrocities on women were made during that of this period. Women were allowed to share equal status in the society and were treated as an asset or property. Child marriage, sati, female foeticide, infanticide were quite prevalent during that period. However, during the British era, position of women was changed due to some social reforms and national movements. The social vices of polygamy, child marriage, sati, female foeticide drew attention of social reformers who raised their voice against unjust behaviour of the male dominant society parallel to the movement of independence. British regime had completely destroyed the heritage of Indian culture and disintegrated the people of India in various castes, colours and creed, but at the same time some legal enactments also took place which proved to be helpful in eliminating unequal status of women. After the end of British regime, upon the enactment of Indian Constitution, the principles of equality, liberty and social justice were enshrined. Indian constitution framers, in order to diminish inequality among sexes, focused on promotional education of woman to safeguard their economic interests and Articles 14, 15, 16 and 21 were inserted in the Constitution in order to ensure the equality and to prohibit discrimination on the basis of sex. However, despite the progress in all spheres, discrimination and violence against women continued due to illiteracy and unawareness. Present women are still face physical and mental atrocities irrespective of developing or developed countries. One of the most heinous offences against women is domestic violence against women.

CRIMES AGAINST WOMEN UNDER THE INDIAN PENAL CODE

- Rape (Sec. 376 IPC)
- Kidnapping & abduction for specified purposes (Sec. 363 - 373 IPC)
- Homicide for dowry, dowry deaths or their attempts (Sec. 302/304-B IPC)
- Torture - both mental and physical
- (Sec. 498-A IPC)
- Assault on women with intent to outrage her modesty (Sec. 354 IPC)
- Insult to the modesty of women (Sec. 509 IPC)
- Importation of girl from foreign country (upto 21 years of age) (Sec. 366-B IPC)

CRIMES UNDER LOCAL LAWS

- Immoral Traffic (Prevention) Act, 1956
- Dowry Prohibition Act, 1961
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati Prevention Act, 1987

PROTECTION OF WOMEN: CONSTITUTIONAL PROVISIONS

The principle of gender equality finds mention in the Constitution of India in its Preamble, Fundamental Rights as well as in Fundamental Duties. The Indian Constitution not only grants equal rights to women, but also empowers the States to take such measures of positive discrimination for the welfare of women. Following the constitutional provisions, Indian legal framework, policies, plans and programmes also have aimed at women's advancement in different spheres. India has ratified numerous international conventions and human rights instruments in this regard. One of them is Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. Constitutional Provisions for women are as under:

- In the Article 14 of Indian Constitution, equal rights and opportunities in political, economic and social sphere have been granted to men and women.
- In the Article 15, discrimination on the basis of religion, race, caste, sex etc. has been prohibited
- Article 16 provides for equal opportunities in employment and appointment to any office under the state.
- Further in Article 39(a)(d) of Indian Constitution, policy security of state equality for both men and women have been offered with right to livelihood and equal pay for equal work for both men and women.
- Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief.

PROTECTION OF WOMEN: LEGAL PROVISIONS

- Factories Act 1948 provides that a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.
- The Equal Remuneration Act of 1976 provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
- As per Maternity Benefit Act 1961, a woman is entitled 12 weeks maternity leave with full wages.
- The Child Marriage Restrain Act of 1976 raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
- The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
- Indian Penal Code: Section 354 and 509 safeguards the interests of women.
- The Medical Termination of Pregnancy Act of 1971 safeguards women from unnecessary and compulsory abortions.
- Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.
- The National Commission for Women Act, 1990 was set up in January, 1992 to review the Constitutional and legal safeguards for women.
- Protection of Women from Domestic Violence Act, 2005 protects women from any kind of act or conduct that harms, injures or potential to harm is to be considered as domestic violence.
- Protection of Women against Sexual Harassment at Workplace Bill, 2010 aims at protecting the women at workplace not only to women employee but also to female clients, customer, research scholars, students, in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

NATIONAL INITIATIVES TO CURB GENDER VIOLENCE**(i) National Commission for Women**

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) Reservation for Women in Local Self -Government

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one- third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) The National Plan of Action for the Girl Child (1991-2000)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

(v) National Mission for empowerment of Women, 2010

The launch of the National Mission for Empowerment of Women in March 2010 is an important development that will provide the much required fillip to a coordinated assessment of current government interventions and aligning future programmes so as to translate the MPEW prescription into reality. The Mission was operationalized during 2011-12.

CONSTITUTION OF JUSTICE VERMA COMMITTEE

Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013. Accordingly, a three member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. Excerpts of the report submitted by the Committee are as follows:

Rape: The Committee recommended that the gradation of sexual offences should be retained in the Indian Penal Code, 1860 (IPC).

The Committee was of the view that rape and sexual assault are not merely crimes of passion but an expression of power. Rape should be retained as a separate offence and it should not be limited to penetration of the vagina, mouth or anus. Any non-consensual penetration of a sexual nature should be included in the definition of rape.

The IPC differentiates between rape within marriage and outside marriage. Under the IPC sexual intercourse without consent is prohibited. However, an exception to the offence of rape exists in relation to un-consented sexual intercourse by a husband upon a wife. The Committee recommended that the exception to marital rape should be removed. Marriage should not be considered as an irrevocable consent to sexual acts. Therefore, with regard to an inquiry about whether the complainant consented to the sexual activity, the relationship between the victim and the accused should not be relevant.

Sexual assault: Currently, "assault or use of criminal force to a woman with the intent to outrage her modesty" is punishable under Section 354 of the IPC with 2 years imprisonment. The term outraging the modesty of a woman is not defined in the IPC. Thus, where penetration cannot be proved, the offence is categorized as defined under Section 354 of the IPC.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. The offence of sexual assault should be defined so as to include all forms of non-consensual non-penetrative touching of a sexual nature. The sexual nature of an act should be determined on the basis of the circumstances. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both.

Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

Verbal sexual assault: At present, use of words or gestures to "insult a woman's modesty" is punishable with 1 year of imprisonment or fine or both under Section 509 of the IPC. This section should be repealed. The Committee has suggested that use of words, acts or gestures that create an unwelcome

threat of a sexual nature should be termed as sexual assault and be punishable for 1 year imprisonment or fine or both.

Sexual harassment: Some of the key recommendations made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 that is pending in Parliament are provided below:

- Domestic workers should be included within the purview of the Bill.
- Under the Bill the complainant and the respondent are first required to attempt conciliation. This is contrary to the Supreme Court judgment in Vishakha vs. State of Rajasthan which aimed to secure a safe workplace to women.
- The employer should pay compensation to the woman who has suffered sexual harassment.
- The Bill requires the employer to institute an internal complaints committee to which complaints must be filed. Such an internal committee defeats the purpose of the Bill and instead, there should be an Employment Tribunal to receive and adjudicate all complaints.

Acid attack: The Committee opined that the offence should not be clubbed under the provisions of grievous hurt which is punishable with 7 years imprisonment under the IPC. It noted that the offence was addressed in the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament. The Bill prescribes a punishment of imprisonment for 10 years or life. It recommended that the central and state government create a corpus to compensate victims of crimes against women.

Offences against women in conflict areas: The continuance of Armed Forces (Special Powers) Act (AFSPA) in conflict areas needs to be revisited. At present, the AFSPA requires a sanction by the central government for initiating prosecution against armed forces personnel. The Committee has recommended that the requirement of sanction for prosecution of armed forces personnel should be specifically excluded when a sexual offence is alleged. Complainants of sexual violence must be afforded witness protection. Special commissioners should be appointed in conflict areas to monitor and prosecute for sexual offences. Training of armed personnel should be reoriented to emphasise strict observance of orders in this regard by armed personnel.

Trafficking: The Committee noted that the Immoral Trafficking Prevention Act, 1956 did not define trafficking comprehensively since it only criminalised trafficking for the purpose of prostitution. It recommended that the provisions of the IPC on slavery be amended to criminalise trafficking by threat, force or inducement. It also recommended criminalising employment of a trafficked person. The juvenile and women protective homes should be placed under the legal guardianship of High Courts and steps should be taken to reintegrate the victims into society.

Child sexual abuse: The Committee has recommended that the terms 'harm' and 'health' be defined under the Juvenile Justice Act, 2000 to include mental and physical harm and health, respectively, of the juvenile.

Punishment for crimes against women: The Committee rejected the proposal for chemical castration as it fails to treat the social foundations of rape. It opined that death penalty should not be awarded for the offence of rape as there was considerable evidence that death penalty was not deterrence to serious crimes. It recommended life imprisonment for rape.

Medical examination of a rape victim: The Committee has recommended the discontinuation of the two-finger test which is conducted to determine the laxity of the vaginal muscles. The Supreme Court has through various judgments held that the two-finger test must not be conducted and that the previous sexual experience of the victim should not be relied upon for determining the consent or quality of consent given by the victim.

Police reforms: The Committee has recommended certain steps to reform the police. These include establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police acts according to the

law. A Police Establishment Board should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

RECOMMENDATIONS BY VERMA COMMITTEE

- A Rape Crisis Cell should be set up. The Cell should be immediately notified when an FIR in relation to sexual assault is made. The Cell must provide legal assistance to the victim.
- All police stations should have CCTVs at the entrance and in the questioning room.
- A complainant should be able to file FIRs online.
- Police officers should be duty bound to assist victims of sexual offences irrespective of the crime's jurisdiction.
- Members of the public who help the victims should not be treated as wrong doers.
- The police should be trained to deal with sexual offences appropriately.
- Number of police personnel should be increased. Community policing should be developed by providing training to volunteers.

Electoral reforms: The Committee recommended the amendment of the Representation of People Act, 1951. Currently, the Act provides for disqualification of candidates for crimes related to terrorism, untouchability, secularism, fairness of elections, sati and dowry. The Committee was of the opinion that filing of charge sheet and cognizance by the Court was sufficient for disqualification of a candidate under the Act. It further recommended that candidates should be disqualified for committing sexual offences.

Education reforms: The Committee has recommended that children's experiences should not be gendered. It has recommended that sexuality education should be imparted to children. Adult literacy programs are necessary for gender empowerment.

SUGGESTIONS

1. There is a dire need to empower the women and children so as to ensure the reporting of crimes against women. They must be encouraged about their rights to register the cases of cruelty or violence against them as a number of cases remain unreported.
2. Special law enforcement agencies should be made so as to deal the cases of violence against women in a swift and sensitive manner.
3. Necessary amendments are the need of hour so that each and every culprit be punished exemplary. There should be "Zero- tolerance" towards such offenders.
4. There is need to improve the policing system in India, so that people may be get encouraged to come at the police station and get their case reported. Presently, only 14 states have either enacted the New Police Act or amended their existing laws to incorporate SC's suggestion.
5. There should be special courts and special judges to deal with the cases of violence against women so as to ensure expeditious trial.
6. Legal assistance should be offered at the police Station without any cost, since the victim may be in a distressed state.
7. The police must inform the victim about her legal rights before being interrogated.
8. A list of such lawyers, who are willing to deal such cases should be kept at the police station.
9. Besides conviction of the offender, compensation to the victims should be awarded to the victims on account pain, suffering, shock suffered by them.
10. The complaints of sexual assault should be provided with legal representation. The Advocates role should not merely be of explaining to the victim the nature of the proceedings, to prepare for the case and assist her, but to provide her with guidance as to how she might obtain help of a different nature from other agencies- for e.g. psychiatric consultation or medical assistance.
11. Implementation of Justice Verma Committee Report must be ensured.

CONCLUSION

If there is a problem, there must be a solution, either may be easy or difficult. Mere enforcement of law cannot stop the incidents of crime against women. Discrimination of women is deeply rooted in male dominated society because of traditions of patriarchy that prevails from generation to generation. This male dominated society can not accept the women entering in bars or dressing western clothes, making independent choices, etc. This problem of gender-based dominance and further violence upon the women is getting worse. As per National Crime Record Bureau statistics, there was an increase of 7.1 percent nationwide crime against women since 2010, which further increased upto 9% in 2011 and still increasing day by day. In order to stop the crimes against women, there is a need to work on the roots of the vice. There is a need to create legal awareness amongst the society so as to make aware the women of their rights. Also, there is a need to take some exemplary steps at the national level towards the eradication of violence against women. Merely by passing the laws the problem can not be resolved. Governments have to stop working in a passive manner when confronted by cases of violations of women's rights. Laws should be designed in such a manner that could combat violence against women besides addressing the root causes of the problem. Society at large, including judges and police officers, must be educated to change the social attitudes and beliefs that encourage male violence. There is a need to challenge the traditional attitudes of individual, societies, politicians, panchayats etc. Women shouldn't be considered as inferior to the men. However, changing this attitude and mentality towards women may take a long time but atleast there is a need make a start. Multivariate collaborative steps need to be taken by government and non-governmental societies, individuals, educators, health-care authorities, legislators, the judiciary and the mass media. Judiciary has to take its responsibility to enforcing fundamental rights by taking suo-motu cognizance of crimes against women by making appropriate proceedings on the judicial side.

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ETHICAL JURISPRUDENCE OF MEDICINE: EXPLORING NEW AVENUES

Dr. Z.A .Khan

Professor, Department of Law, AMU, Aligarh

Devendra Singh Fauzdar

Research Scholar, Department of Law, AMU, Aligarh

ABSTRACT

Medicine is considered a very noble profession. There was a time when doctors were considered as 'God' and were held in highest of esteem. But, nowtime has changed. Doctors are no longer regarded as infallible and beyond questioning. Ethics are elapsed and finger are raised that medical profession is now ethics less. This paper attempts to analyze that what sort of ethical conduct should be expected by medical practitioners.

Key Words: *Medical Ethics, Hippocratic Oath, Confidentiality, Euthanasia, Ethical Crisis, Ethical demands*

INTRODUCTION

Medical ethics deals with moral principles which guide the medical professionals in their dealing with each other, patients and the state. It is self-imposed duty by each doctor. Medical Ethics demands that a physician shall be dedicated to providing competent medical care with compassion and respect for human dignity and rights. From the creation of the Hippocratic Oath to modern times, ethics has played an overt part. This is not surprising that ethical jurisprudence of medicine deals with deepest ethical and spiritual questions about life.

Meaning and Concept of Medical Ethics

Medical ethics refers to the rules of etiquette adopted by the medical profession to regulate professional conduct with each other, but also towards their individual patients and towards society and includes consideration of the motive behind that conduct. The Concept of ethics in medicine was introduced by a "Father of Modern Medicine" Hippocrates his contribution to medical ethics is by far the greatest. The ethical jurisprudence of medicine deals with moral principles which guide the medical professionals to deal with their patients and society at large.

On tracing the origin of the word 'ETHICS', we reach the Greek word 'ETHOS' (Ethikos) and the Latin word 'Ethicos' through which we can find a closer connection with morality. But morality often implies a restrictive code of conduct, which sets out the difference between right and wrong. Ethics tends to refer to the systematic analysis of what it might mean to lead a decent life¹.

The ethics, also termed as "moral philosophy", involves systematizing, defending and recommending concepts of right and wrong behavior². Though the distinction is often drawn between meta ethics and applied ethics, but this distinction is blurry and there is an overlap in their ambit of operation³. Ethics, in principle, is something that one believes to be morally correct, and this belief is strongly influenced by multiple factors ranging from psychological to social. It is this influencing factor that makes the ethics of one person different from that of others. This is the very reason why it is said that meaning of ethics is hard to pin down and the views of many on it are on shaky grounds⁴.

Medical ethics is a branch of applied ethics, and it is principally concerned with how to deal with

questions that arise from the practice of medicine. It is the systemic application of values concerning the practice of medicine. The Miller-Keane Encyclopedia defines medical ethics as “a branch of philosophy dealing with values pertaining to human conduct, considering the rightness and wrongness of actions and the goodness or badness of the motives and ends of such actions”. It further elaborates on the principles of proper professional conduct concerning the rights and duties of the physician, patients, and fellow practitioners, as well as the physician’s actions in the care of patients and in relations with their families⁵. Medical Ethics is an integral part of medical practice.

PRINCIPLES OF MEDICAL ETHICS

This principle provides an analytical approach to deal with ethical issues in medical health care. Tom L. Beauchamp and James F. Childress in their offering *Principles of Biomedical Ethics* postulated four basic principles. These four principles are—

1. Respect for autonomy
2. Non-maleficence
3. Beneficence
4. Justice

(1) Autonomy—

The word of autonomy—from the Greek *autos* (self) and *nomos* (rule)—in relation to medicine means giving competent the right to make decisions about their medical treatment. The very notion of autonomy is that each person should be allowed to their choices as to how they live their lives. Principles of autonomy give the patient the right speech about their treatment. The right to refuse treatment is also based on autonomy. In the past, doctor-patient relationship was based on pious relation in which the doctor was the decision maker. Modern medicine do not recognize ‘doctor knows best’ approach.

Autonomy means the right to self-determination, where the patient has the every right refuse or choose the manner of his treatment. To be autonomous the patient should be competent to make decisions and choices. In the event that he is incompetent to make choices, his wishes expressed on his behalf by some other one are to be respected.

(2) Non-maleficence—

The basic principle of non-maleficence is that it is more important not to harm your patient, than to do them good. This is partly because enthusiastic practitioners are prone to using treatments that they believe will do well, without having evaluated them adequately to ensure they do not harm.

Usually many treatments carry some risk of harm. In some circumstances, e.g. in desperate situations where the outcome without treatment will be grave; taking risk that stands a high chance of harming the patient will be justified as the risk of not treating is also very likely to do harm. So the principle of non-maleficence is not absolute, and balances against the principle of beneficence (doing well), as the effects of the two principles together often give rise to a double effect⁶. Violation of non-maleficence is the subject matter of medical mal practice.

(3) Beneficence—

It refers to the doctor’s duty to act in their patient’s interests in deciding what kind of treatment to give a patient, the medical professional should decide which will benefit the patient most. The beneficence principle has an important role to play in the treatment of patients who lack capacity.

Beneficence means patient’s best interest. Acting in the patient’s best interest means following a course of action that is best for the patient and is not influenced by personal convictions or other considerations.

James Childress and Tom Beauchamp in *Principles of Biomedical Ethics* (1978) identify beneficence as one of the core values of health care ethics. Some scholars argue that beneficence is the only fundamental principle of medical ethics. They viewed that healing should be the sole purpose of medicine and other endeavors like cosmetics surgery, contraception and euthanasia fall beyond its purview.

(4) Justice—

Justice is often regarded as synonymous of fairness: It is a moral obligation to act on the basis of fair adjudication between competing claims. As such, it is linked to fairness, entitlement and equality. In medical ethics, this can be subdivided into three categories: fair distribution of scarce resources (distributive justice), respect for people's rights social justice) and respect for morally acceptable laws (legal justice)⁷. In a survey of views of autonomy (as written by O'Neil in Journal of Medical Ethics)⁸ Gerald Dworkin⁹ observed that it has been equated with: Liberty (positive or negative)... dignity, integrity, individuality, independence, responsibility and self-knowledge ... self-assertion ... critical reflection ... freedom from obligation ... absence of external causation ... and knowledge of one's own interests.

BALANCING BETWEEN THESE PRINCIPLES

The most important thing is principles whenever there is conflict between them. Autonomy can come into conflict with beneficence when patients disagree with recommendations that medical practitioner believes are in the patient's best interest.

When the patient's interests conflict with the patient's welfare, different societies settle the conflict in a wide range of manners. However, many other societies prioritize beneficence over autonomy¹⁰.

This clash maybe understood by an example as a brain damaged child is put intensive care, doctors believe it is not in her interest to keep her alive. Parents don't agree to the decision. Here, one needs to balance between the both. In the case of euthanasia, the patient, or relatives of a patient, may want to end the life of the patient¹¹. But, ethics demands to do some more approach.

Code of Medical Ethics

(A) Globally recognized code:-

There is several other code of conduct. The Hippocratic Oath¹² discusses basic principles of medical professionals. This document dates back to the fifth century. The Declaration of Helsinki¹³(1969) and the Nuremberg Code¹⁴(1947) are two well-known and well respected documents contributing to medical ethics.

(B) Code of Medical Ethics by Medical Council of India:-

In exercise of the powers conferred under Section 20A and Section 33(m) the Medical Council of India, with the previous approval of the Central Government has made the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

The Code has been divided into eight chapters. Chapter 1 deals with code of medical ethics. Chapter 2 of the duties of the physicians to their patients; Chapter 3 of the duties of the physicians in consultation; Chapter 4 of the responsibilities of the physicians to each other and Chapter 5 of the duties of the physicians to the public and to the paramedical profession; Chapter 6 lists unethical acts. Chapter 7 deals with what acts will constitute professional misconduct.

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Professional Misconduct--Chapter 7 deals with commission or omission of an act on the part of physicians shall constitute professional misconduct rendering them liable for disciplinary action.

1. If he/she commits any violation of these regulations;
2. If he/she does not maintain medical records for a period of three years and refuses to provide the same within 72 hours.

3. If he/she does not display the registration number,
4. Adultery or improper conduct.
5. Conviction by court law for offences involving moral turpitude/Criminal Acts.
6. Sex determination tests with the intent to terminate the life of a female foetus.
7. Signing of untrue misleading or improper professional certificates reports and other documents.
8. Contravening the provisions of the Drugs and Cosmetics Act.
9. Performing or enabling unqualified person to perform an abortion or any illegal operation.
10. Issuing a certificate of efficiency in modern medicine to unqualified or non-medical person.
11. Giving articles, interviews which may have the effect of advertising himself or soliciting practices.
12. Advertisement other than name of the institution, types of patients admitted, type of training and other facilities offered and the fees.
13. Using an unusually large sign board and write on it anything other than his name, qualifications obtained from a University or a statutory body, titles and name of his speciality registration number including the name of the State Medical Council under which registered.
14. Disclosure of confidential information except (i) in a court of law under orders of the presiding judge, (ii) in circumstance where there is a serious and identified risk to a specific person and/or community (iii) notifiable diseases.
15. Refusal of treatment on religious grounds.
16. Performing an operation without consent. In case of operations that may result in sterility, the consent of both husband and wife is required.
17. Publication of photo graphs or case reports of patients without their permission.
18. In the case of running a nursing home the ultimate responsibility rests on the physician.
19. Using agents or touts to procure patients.
20. Claiming to be specialists without special qualification.
21. Performing IVF or artificial insemination without the informed consent of the female patient.
22. Conducting clinical drug trials in violation of ICMR guidelines.
23. Absence of physicians posted in rural areas.
24. Absence of physicians posted in Medical Colleges.
25. Chapter 8 deals with the punishment and disciplinary action. The regulations have clearly outlined what kind of action be taken against medical professional to breaking it.

Any form of complaint, with regard to professional misconduct on the part of physician, can be brought before the appropriate Medical Council for disciplinary action. On receipt of such a complaint, the Medical Council will hold an enquiry and will give an opportunity to the concerned physician to be heard in person, or to be represented by a lawyer. If the physician is ultimately found to be guilty, the Medical Council may award any kind of punishment that is found to be suitable. The Council can also direct the removal (for some period or forever) from the Register, of the name of the physician who is found to be guilty. If such an action is taken, it will be widely publicized in the local press, as well as in the publications of different Medical Association, Societies or Bodies.

NORM OF CONFIDENTIALITY IN MEDICAL ETHICS

It is the most ancient and very important dictate of medical ethics to keep secret the informations about the patients. It takes its origin in the Hippocratic Oath. It says—

“..... I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know.....”

The pious relation between doctor and patient is based on trust. As soon as this trust is broken, this pious relation is likely to be undermined. The Medical Council of India establishes the importance of respecting patient confidentiality. Protecting confidentiality is considered as a duty towards the patient. Clause 2.2 of chapter 2 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 states about Patience, delicacy and secrecy; Patience and delicacy should characterize the physician. Confidences concerning individual or domestic life entrusted by patients to a physician and

defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws of the State. Sometimes, however, a physician must determine whether his duty to society requires him to employ knowledge, obtained through confidence as a physician, to protect a healthy person against a communicable disease to which he is about to be exposed. In such instance, the physician should act as he would wish another to act towards one of his own family in like circumstances. And, Clause 7.14 of the said Regulations talks about disclosure of such confidential information as professional misconduct. It states that the registered medical practitioner shall not disclose the secrets of a patient that have been learnt in the exercise of his/her profession expect—

- (i) In a court of law under order of the Presiding Judge;
- (ii) In circumstances where there is a serious and identified risk to specific person and/or community; and
- (iii) Notifiable diseases.

In case of communicable/notifiable diseases, concerned public health authorities should be informed immediately.

But, this confidentiality is not absolute. In fact, the provisions of the code of Medical Ethics contain an exception to the general rule of confidentiality inasmuch as it provides that the information may be disclosed in the court of law under the orders of the presiding judge¹⁵.

The British Medical Association in its Handbook of Medical Ethics¹⁶ has laid down the following five situations when the duty of confidentiality is overridden by other considerations:

- (i) The patient gives consent;
- (ii) When it is undesirable on medical grounds to seek a patient's consent but it is in the patient's own interest that confidentiality should be broken;
- (iii) The doctor's overriding duty to society [a doctor should surely reveal information which would show his patient to have been guilty of a serious crime, for his under the ordinary duty imposed on every citizen not to protect offenders];
- (iv) For the purposes of medical research when approved by a local clinical research ethical committee;
- (v) When the information is required by due legal process.

This disclosure is also permitted with the consent or in the best interests of the patient in compliance with a court order or other legally enforceable duty or any other situation where the public interest so requires.

Thus the Code of Medical Ethics carves out an exception to the rule of confidentiality and permits the disclosure in the circumstances enumerated above under which public interest would override the duty of confidentiality, particularly where there is an immediate or future health risk to others¹⁷.

In Dr. Tokugha Yephthomi's case¹⁸, the petitioner was found to be HIV(+) after conducting several tests in the opposite party hospital. The marriage of the petitioner was called off, as the doctors of the opposite party disclosed the HIV(+) status of the petitioner to his fiancée. The petitioner moved the court for damages against the opposite parties on the ground that the information which was required to be kept secret under medical ethics was disclosed illegally and, therefore, they are liable to pay damages. It is held by the Supreme Court of India that the woman with whom the marriage of the petitioner was settled, was saved in time by the disclosure of the vital information that the petitioner was HIV(+). It is also held by the Apex Court that when there is a clash of two fundamental rights, viz, petitioner's right to privacy and his fiancée's right to lead a healthy life, the court would enforce the right which would advance the public morality or public interest. The law laid down by the Supreme Court is that the disclosure of HIV(+) status of the petitioner would not be violative of either the rule of confidentiality or petitioner's right to privacy, as this is an exception to the general rule that a doctor cannot disclose to a person information regarding his patient, and it is also not violative of principles of medical ethics.

Ethical Dilemmas in case of Euthanasia—

There is ever-lasting debate among the people about euthanasia. The viewed that without life no other value or good can exist and therefore, it is the pre requisite for all other values.

They claim that survival is the sole objective of human existence and therefore all clinical practices must be in compliance with this objective¹⁹. They also oppose euthanasia on the ground that life is gift of the God and no one, except the God himself, has the right to take it away²⁰. According to them, when taking birth is not in human hands, the decision as to death should also not be kept in human hands. In addition to the above argument, there few opponents of euthanasia who recognize the importance of right of self-determination, but argue that individual autonomy has limits and that the right of self-determination should not be given priority in the social policy regarding euthanasia.

On the contrary, people who support euthanasia base their arguments on several grounds. Most significant among them is the argument of quality life or dignified life. Moreover, a life is said to have value only if it is worth living. Mere continuing existence without any scope for enjoyable or worthwhile experience is a life without any value.

The father of Nation Mahatma Gandhi also viewed the same. He was of the opinion that “Death is our friend... He delivers us form agony. I do not want to die of a creeping paralysis of my faculties – defeated man”²¹.

In support of euthanasia, a practice oriented approach say that treating the terminally ill patients is nothing but wasting the medical facilities available. They can be better utilized by providing such medical facilities to those patients who have the hope of life. However a moot question in this argument would be regarding the determination of “terminal illness” and “hope of life”, definition of which vary with the development in the medical science.

But, society struggling between life and death look towards doctor with divine expectation. The expectation of society from medical practitioner has always been that of preservation of human life rather than taking it away. The expectation is also reflected in original Hippocratic Oath, which every doctor is bound to take at the time of entry into the profession. A part of original Oath states that “I will give on deadly medicine to anyone if asked, nor suggest any such counsel; and in like manner, I will not give a woman a pessary to produce abortion”.

Thus, it has become an absolute obligation to make all efforts in the direction of prolonging human life and not to curtail it. There exists a general feeling that the practice of euthanasia would severely damage the ethical image of the medical profession²². Thus, practicing euthanasia would contravene the Hippocratic Oath.

Ethical vis-à-vis Legal Obligation

Medical ethics and the law are not the same, but often help define each other. Breach of ethics may not necessarily mean breach of law. But, breach of legal obligation can be used to prove medical malpractice or medical negligence

Law is about: Can we do the same?

Ethics is all about: “Should we do the same?”

CONCLUSION

Medicine is not an exact science. At times, compassion is all that can be given by medical practitioner. It is generally seen that doctors irrespective of the fact whether indulging in public or private practice, don't treat their patients with the respect and dignity. They infringe patients' basic human right i.e. right to dignity. Perhaps this is because doctors think polite conversation with patients is not good for their business because polite conversation may attract several questions answer of which they may not know. It must be understood that patients are not merely subjects or objects but more than that. Patients are also humans and they have every right to be treated as a human.

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DALIT ASSERTION AND DRAVIDIAN POLITICS IN TAMIL NADU

T Kannan

*Assistant Professor, Department of Political Science, Lady Shri Ram College for Women, University of Delhi
hankan07@gmail.com 9711732874*

ABSTRACT

The last two decades in the 20th century were significant for the Dalits in Tamil Nadu. The long drawn anti-Brahmin crusade in the state did not bring any substantial improvement in the lives of Dalits. As a reason the Dalits have taken up the mantle of assertive politics through various means such as literary works and electoral politics, to materialize on the vacuum created by the Dravidian political parties and, to awaken the masses reeling under the rigid caste system. But still ironically, factors like internal fragmentation and competitive electoral system have weakened the Dalit assertion in Tamil Nadu.

Keywords: *Dalits, Assertion, Literature, Tamil Nadu, etc.*

INTRODUCTION

In the last few decades, India has experienced a strong wave of Dalit assertion with significant implications for the working of our democracy.¹ The Dalits who were considered as mute spectators in democratic life of the country for first three decades after independence have now made their presence felt in the democratic graph of India. In fact, these assertions by various Dalit groups throughout the country are both conditioned by the democratic set-up of the independent nation on one hand and on the other hand these Dalit assertions in turn condition the way Indian democracy functions.

Therefore, the democracy in independent India has made the most significant change by making all caste legally equal.² However this legal equality did not materialize into substantial benefit for the Dalits after independence because of closed economy. But with the breakdown of dependency on superior castes, the Dalits have become more vocal of their demands and rights.

Significantly, the combination of law and economic change has propelled the lower castes to take the fight to the dominant superior castes and communities and also point out the fallout of the established symbolic and ritual system.³ Scholars like Hugo Gorringer while explaining this phenomenon in the context of Tamil Nadu, have argued it to be the phase of social deepening of democracy in India. Dalits, through their social and political activities, have constructed a new identity of the Dalits and an alternative ideology to Brahmanism. Also, rise in educational level and better economic condition helped in a long way, in conditioning this assertion of Dalits in the public sphere.

This phenomenon can be best noticed in the state of Tamil Nadu, which has in recent years witnessed many changes, but nothing significant than the social dynamics of self-assertion of the so-called Dalit castes. And incidentally this self-assertion of Dalits is an outcome of the shattering of the myth that, the Dravidian parties rule would lead to end of oppression on depressed castes and communities in the state.

However, Dalit assertions in India have taken varied forms throughout the country. In the state of Uttar Pradesh, the Dalit assertion is seen to be more in the form of railing behind the Dalit political party, Bahujan Samaj Party (BSP). The BSP in Uttar Pradesh emerged out of a trade union group called Backward and Minority Castes Employees Front (BAMCEF) and later through a semi-political outfit called Dalit Shoshit Sangharsh Samiti (DS-4). What is unique about the emergence of the BSP is the fact that, it initially catered for the better-off Dalits, i.e. the emerging middle class among the Dalits. Its propaganda from very beginning has been, to mobilize the emerging and assertive group of people among

the Dalits, to capture political power and then to effect changes for the betterment of the Dalit masses. This was termed as social engineering from above.

Dalit assertion in Uttar Pradesh was not an outcome of strong Dalit mobilizations on the grassroots level; rather it was the political expedition of the Dalit based political party, BSP. Therefore, in Uttar Pradesh the Dalit assertion is based upon effecting social changes from above through capturing political power. In contrast, the Dalit assertions in the state of Tamil Nadu owe its origins to certain activities, which were more aimed towards grassroots mobilization through strong movements, like Dalit Panthers Iyakkam of Thirumavallavan and Devendra Kulla Vellalar Federation of Dr. Krishnaswamy. Even though these movements in Tamil Nadu have transformed into political parties, they still continue to hold on to some of its grassroots mobilizations, which has suffered at the hands of the institutionalization of the Dalit movements into established political parties.

Although these assertions have helped the Dalits throughout the country, they are also under scrutiny for not fulfilling their promises which they made initially. A best example of this is the criticism of the working of the BSP in Uttar Pradesh. The BSP has been criticized for being un-bothered of the Dalit aspirations in its attempts to capture political power, which is further exemplified by their act of replacing the notion of 'Bahujan' by 'Sarvjan' in their politics.⁴

Various Dalit movements in India and in Tamil Nadu in particular, have suffered a lot when it moved towards institutionalizations and mainstream politics. It's been argued by many scholars and commentators on Dalit issues in Tamil Nadu that Dalit movements have become less radical and less appealing in the wake of its institutionalization and entry into the competitive electoral politics. In fact, scholars like Hugo Gorringer after studying the entire spread of the Dalit Panthers Iyakkam (DPI) in Tamil Nadu from close quarters (as he spent a lot of time among the DP activists in their places) have argued that, DPI in Tamil Nadu has led to the Dalits awakening in the state which was long been encompassed under a 'mythical common' Dravidian identity. But with time the radicalism seems to be losing strength in the wake of political compulsions.

Dalit Assertion and Non-Brahmin Movement

Dalit assertions in Tamil Nadu is not exclusively a post-independence phenomenon, as in colonial times also, there emerged consciousness among the Dalits about their social status and their oppression in the hands of the upper castes in the society. But in the colonial times the Madras province was dominated by the Brahmins, which triggered a strong Non-Brahmin Movement. The Non-Brahmin movement while being dominated by the interests of the non-Brahmin castes, however also projected to inculcate issues of the Dalits also.

This projection of collectivity in the Non-Brahmin movement meant that, it subsumed some of the assertiveness of the Dalits in Tamil Nadu, notably the subsuming of the Adi-Dravida politics.⁵ And subsequently Dalit leaders like M.C Rajah were sidelined by the leaders of Non-Brahmin movement, as he spoke for the betterment of the Dalits conditions. The Non-Brahmin movement created such a grand narrative of anti-Brahmanism, that the castiest attitude of the non-Brahmins was not highlighted throughout the movement. Dalits were made to believe that once the tyranny of the Brahmins are overthrown, they will be able to lead a respectable and dignified life in the Tamil society, as a result Dalit leaders of those times were not able to get Dalit masses behind them.

The consolidation of political power in the hands of the non-Brahmins in the post-independence period, proved to be very disastrous for the Dalits in the state as atrocities on them increased manifold. They found themselves to be helpless in raising even their voices against the caste discriminations and those who raised their voices were murdered by the caste fanatics (the murder of Immanuel Sekharan by caste Hindus is a case in point).

Dalit Assertion in late 20th Century

The dependence of the Dalits on the caste Hindus for their survival and sustenance has further made the conditions of the Dalits deplorable. But gradual changes at both political and economical level among the Dalits, proved significant for the changes at social level. The educated Dalits, who were not depended

on the caste Hindus, started openly challenging the caste unevenness in the society, which was further reinforced by the constitutional safeguards given exclusively to the Dalits in the country. Dalit literatures emerged from these educated Dalits, which affected the life and understanding of hundreds of educated Dalits.

Apart from Dalit literatures, there also emerged strong Dalit movements among the Dalits masses in Tamil Nadu, for example Dalit Panthers Iyakkam, which was formed by M.Malaichamy on the lines of the Dalit Panther movement of Maharashtra. Dalit Panthers Iyakkam brought the Dalits out of their ignorance, which has crept into their psyche due to dependence on the caste Hindus and later Devendra Kulla Vellalar Federation also followed a radical stance in their criticism of the social atrocities.

The recent assertion of Dalits is not only directed against the vested upper caste interests, but also against the state to grant them the rightful place that they deserve as an equal citizen in a democratic country. Dalits were earlier at the mercy of the upper caste people, which is probably why some scholars earlier argued that the Dalits tend to accept their marginality. But in an independent country with sovereign constitution, things changed gradually. Dalits gradually started coming out of traditionally closed village system, signally the end of Dalits economic dependence on the upper castes and also started acquiring education which naturally propelled their chance of challenging the biased social structure. These assertions of rights by the Dalits led to use of violent means by the upper castes to keep their hegemony on Dalits which was fast evaporating.

It is to be mentioned that these violence was carried out with such immunity because of the political influence of the caste-Hindu perpetrators and the neglect of the Dravidian parties who once fought against Brahmin domination and wrested power from them. It's not without reason or evidence that Dalit activists accuse Dravidian parties of either collusion or failure in checking attacks on them or punishing culprits. They charge that the police had a role in the major incidents all places such as Villupuram (1978), Kodyankulam (1995), Melavalavu (1997), Gundupatti (1998), Thamiraparni (1999). Many of the commissions and investigations into such violence often reached nowhere.

Therefore Dalits took to themselves the task of asserting their position in the society. But even in the wake of all this gradual changes, the Dalits still continued to live in margins.⁶ While the Dalit tend to face similar kind of social and economic marginalization as they used to be in the colonial period, they now in a democratic India tend to face the biggest and rather important marginalization in the form of political marginalization.⁷ As Prof Gopal Guru argues, this marginalization operates at all levels of the democratic processes. Dalit issues make a token appearance in the election manifestos of the leading political parties and in their policies. Majority of the policies directed towards Dalits are result of the mandate of the sovereign constitution and not due to goodwill of the upper caste political leaders.

This political marginalization is a direct result of the social and economic marginalization. Therefore contrary to what Atul Kohli as argued, it is the failure in negotiation and renegotiation in power distribution, which has led to the deepening of democracy. He was of the opinion that success of the democracy in India is a result of the political processes, which minimizes power conflicts by both serving the interests of the powerful and weaken groups of the society. On contrary, what can be argued that in 1980's onwards at least in Tamil Nadu the political processes had become intense with various weaker castes groups mobilizing politically, which led to power conflicts and eventually deepening of democracy.

Dalit Literatures in 1980's and 1990's

The growing social and political awareness coupled with economic betterment developed a consciousness on part of the Dalits to assert themselves. Before the rise of such awareness and consciousness the Dalits were without any struggle denied equal rights in term of property, justice and human rights on par with other groups and they became vulnerable to exploitation and brutal massacre.⁸ A close look at the present Dalits assertion will exemplify the fact that the present Dalit activists and scholars have raised a cry about the contradictions in the political rights and social rights of the society. The new assertion of Dalits also brought about a new language of politics.⁹

It was found that words that were earlier used to denote the oppressed were challenged and new terms

emerged. It was in the 1980s that the category Dalits came to be widely used. Simultaneously, the category of Harijan, which was popularized by Gandhi, began to be criticized.¹⁰ Dr. Ambedkar emerged as one of the most important symbols of contemporary Dalit politics in Tamil Nadu alongside many like Iyothee Dass, Rettaimalai Srinivasan, etc.

This is why there are groups of Dalit scholars who argue that Dalits in Tamil Nadu have forgotten their past leaders and choose to project only Dr Ambedkar in their struggle for their rights. Dalit people started relating themselves to his thoughts and works. For Dalits, he was a source of pride and self-respect. Even though he had western education and western way of dressing, he still was able to identify himself with the Dalits cause and Dalits also saw him as their leader. In late 1980s, the Dalit responded by getting organized. Perhaps it was forced upon them, initially as the natural response in each village to the atrocities against them or their community. Newspapers, radio, and television soon made them aware that similar problems were coming up in many places around them and so regional organization took shape amongst Dalits.

For this organization to gain strength there were three obstacles, i.e. of resources, personnel, and leadership. While the first two still remain, it can be seen that Dalit organizations were able to get vibrant and capable leaders like Krishnaswamy and Thirumavallavan. Both of them stood outright in their projection of the Dalits cause; however it can be argued that Thirumavallavan was more militant in his approach.

The Dalit assertion owes a lot to the Dalit literary works, which not only made the Dalits aware of the present situation but it also spoke of the glorified past of the community. In fact a literary expression goes hand in hand with political agitation.¹¹ It was rather argued that the literatures by non-Dalit scholars are one dimensional in nature and incorrect portrayal of Dalits life's and struggle. Leaders like Thirumavallavan have blasted at the absence of portrayal of Dalit sufferings in majority of the prominent literatures; therefore he took upon the responsibility to bring out literatures on Dalit sufferings.¹² One such initiative was a magazine called *Thaimaan* (Motherland).

Given that the level of literacy has been particularly low among Dalits, the emergence of the Dalit literatures where both the writers and readers are mostly Dalits is itself an evidence of a profound change taking place in Indian society. Short stories, novels, poems, critical essays and autobiographies written by Dalit writers provide useful insights on the questions of Dalit identity. Dalit literatures are writings about the life of the Dalits and more importantly about what is going through their life in the present phase, therefore how they are getting assertive about their rights. They also contain a criticism of the prevailing structures and cultural/religious values that have been responsible for their subordination.

Various Dalit scholars and intellectuals involved themselves in critiquing, debating, writing history, as they felt that it is very important for the present Dalits thinking to see their past as a glorified existence. To make a claim on the history is also to lay stake in the story of the nation and to extend an argument about one's position in the national community. This is exactly what the Dalit historical narratives in Tamil Nadu have done, as it not only criticized the prominent histories of the Tamil nation but it has also taken its responsibility of letting the Dalit people know their respectable place in historical period. The Dalit scholars argue that the history written by others does not have any trace of the Dalit people. Hence they write their history themselves. This presentation of Dalits glorified past serves an important purpose by generating the feeling of being not a dirty or impure community, but rather a community of having led lives equal to all in the society.

CONCLUSION

The period after independence has seen growing ambiguities between the Dravidian politics, which was under the castiest influence and the Dalits who were depended on it for its populist patronage. And it was only after the development in economic and educational level that, the Dalits asserted against the Dravidian politics. Therefore, the emergence of differences with Dravidian ideologies and parties, has led to the rise of Dalit politics in Tamil Nadu.

With nearly 20% of the state population, the Dalit population could have presented themselves to be a vibrant force in the state politics, but that didn't materialize due to the fact that Dalit community was not

homogeneous. Dalits were not ready to shed their internal differences for political union, as a reason they marched on separate paths for a similar goal. So, it advocates the fact that prevalence of social differences and intolerance among the Dalit sub-castes in Tamil Nadu, has rendered Dalit parties and politics to be politically ineffectual.

While on the one hand, the fragmentation has affected the political enterprise of the Dalit politics in Tamil Nadu, on the other hand the institutionalization of the Dalit movements in Tamil Nadu has affected the grassroots reach of the Dalit parties. As of now, the emphasis of these Dalit parties is more on the getting political leverages from the established parties, therefore compromising their earlier radicalism and its reach

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SAMĀ‘: A WAY TO UNION WITH ALLĀH

Dr. Ghazanfar Ali Khan

Associate Professor (Islamic Studies), MANUU, Hyderabad, Principal- MANUU-ASCW, Srinagar,
Email: gkalig@gmail.com

The world of forms that we live in secludes the spiritual world, so it cannot be accessed directly. Some sufi masters claim that there is an alternative route to access the spirit: deep down our existence, there is a core of silence of Eternity in the form of a beautiful music that connects to the spiritual world and germinates all human activities. This silence can be approached at all times and all places with the help of music, a controversial activity in the sight of Islamic *shar‘iah*.

Moreover, Sufi masters also claim that by harmonizing soul with the inward music of all beings as well as the mundane din of everyday life and attaining the spiritual state of *wajd* (ecstasy), and *khamra* (spiritual drunkenness) to open up and clear the heart, one can realize such sense of nearness to Allāh as to be in union with Him, usually symbolized as a ladder. If this is literally true, then how different is it with *shirk* (polytheism), the anti-thesis of Islamic *Tauḥīd* (absolute oneness of Allah)? This paper attempts to study such issues.

Samā‘ and Ḥadīth (Audition and Tradition)

Considering epistemological, psychological and philosophical difficulties, researchers have found it difficult to precisely define the sufistic term *samā‘*. The root word of *samā‘* is s-m-‘ (سمع), a verbal noun, refers to the listening to music, singing, chanting and measured recitation designed to bring about religious emotion and ecstasy (*wajd*). *Samā‘* is then considered to be the "nourishment of the soul", in other words, a devotional practice which, according to sufi authors, can induce intense emotional transports (*tawddjud*), states of grace (*ahwāl*), of trance or of ecstasy (*wajd*, *wujud*) and even revelations.¹

Ibn ‘Abd Rabbihi writes in his book *al-Iqd al-Farid*, "This art... is the foraging ground of audition, and the pasturage of the soul, and the spring grass of the heart, and the arena of love, and the comfort of the dejected, and the companionship of the lonely, and the provision of the traveller, because of the important place of the beautiful voice in the heart and its dominating the entire soul."² In reference to Ikhwan al-Safa, *samā‘* as "an art of compounded between the corporeal and the spiritual", "which softens the heart, brings tears to the eyes, and makes us feel penitent over past misdeeds."³

The perception of Imām Ghazālī regarding *samā* involves an elaborate semantic range covering different stations and states, rules of etiquette, and interpretations of its effects. He elaborates that, "Hearts and innermost thoughts are mines of secrets and treasuries of precious stones. Within their confines are jewels which are sparks contained in iron and steel.... And there is no other way of extracting their secrets except by the flint of 'listening to music' (*al-samā‘*), because there is no means of reaching the hearts except through the portal of the ears.... Verily, 'listening to music' is a factual touch stone,... for soon as the soul of music reaches the heart, it brings out whatever predominates in it."⁴

Bruce Lawrence defines it as "hearing chanted verse in the company of others also seeking to participate in the dynamic dialogue between a human lover and the Divine Beloved."⁵ But Zachary Holladay defines *samā‘* as a communal sufi ritual that accentuated the inherent power of recited poetry to induce altered states of consciousness, which were interpreted as moments of temporary union with the Divine."⁶

However, the term is very popular in local parlance, where it is supposed to be a ritualistic gathering of sufis reciting Allah’s *dhikr*, for instance, *Lā Ilā-ha il al-Allāh* (there is no god but Allah), singing

poetries in praise of Allāh (*ḥamd*) and eulogizing Prophet Muḥammadḥ(*nāt*) accompanied with musical instruments like *ḥablā*, *sitār*, *sārahgi*, and dancing and whirling in *wajd* (ecstasy) wearing sufi dresses.

Since this hearing of poetry, melodies, tunes and rhythms involves profound listening leading to altered states of consciousness, the word *samā'* will be rendered here as 'Audition', and defines it as 'A communal sufi ritual integrated with a range of aural stimulations through music, singing, chants while reciting poetry, usually love poetry, always in the form of song, accompanied with instrumentation in an attempt to induce religious emotions culminating in *wajd* (ecstasy) to achieve *jamā'* (union) leading to unitive mystical experience of the Divine'.

Ritual dance and musical performances had been common practices of pre-Islamic Middle Eastern religions. But within Islam, the inception of *samā'* may be traced as a natural development of sonic beautification of ritual recitations of the Qur'ān and *ādhān*. As Annemarie Schimmel remarks, "The beginning of *samā'* is probably that the mystics were enchanted by a beautiful voice or even a causal word that fitted into their current state of mind and thus engendered a spiritual uplifting". Still, Islamic thinkers reiterate that 'the Divine Law or *shari'ah* forbids listening to music unless it be that highest and purest form of musical melody, the recitation of the verses of the Holy Qur'ān'.⁸

Arthur Gribetz has vainly complained 'the relationship of Islamic law to music and poetry has always been ambivalent'.⁹ Within the precinct of Islamic *shari'ah*, there are a number of performing arts catalogued by researchers (Islamic Influence) that sharpen human intellect and transcend their soul to the angelic world of beauty and harmony. Especially, followings art forms are indispensable for practicing the *shari'ah*:

- (1) *Ādhān* (Call for Prayer),
- (2) *Qirat* (Reading the Qur'ān),
- (3) *Tajwīd* (Expert Recitation),
- (4) *Tartīl* (Slow Recitation)
- (5) *Duā'* (for beseeching Allah or blessing others or courtesy etc.
- (6) *Chants* (of) and *Salawāt* etc
- (7) *Dhikr* (Remembrance of Allah)
- (8) *Tawshīḥ* (religious vocal music for praising Allāh, the eulogy of Prophet Muḥammad ص or prayer).¹⁰

Sufism was initiated and cultivated by sufis like Rābi'ah Basarī (8th century AD), Ibrāhīm bin Adham (8th century AD), Bā Yazīd Bustāmī (9th century AD), Junaid Baghdādī (9th century AD), Husain ibn Manḥūr al-Hallāj (9th century AD), Abū Saī'd Abul Khair (10th century AD), Shaikh Abu'l Hassān Kharqānī (10th century AD), Imām Muḥammad Ghazālī (11th century AD), 'Abd al-Qādir Jilānī (12th century AD), Ibn al-'Arabi (13th century AD), Maulana Jalāl al-Dīn Rūmī (13th century AD) etc.

By the same time, Sufi literature also grew. Abundant reference literature of this period includes the *Kitāb ul-Luma'h* (Book of Splendours) by Abū Naṣr al-Sarrāj (d.988AD/378AH), Abu Tālib Makkī (d.996 AD) compiled *Qūwwat al-Qulūb*, an encyclopedia of *ḥadīths* supporting sufi trends in fourth century *hijrah*/ tenth century AD., *Habaqāt us-Sūfiya* (Generations of the Sufis) by 'Abd al-Raḥman al-Sulami (d.1021AD), *Risāla* (Treatise) by Abū al-Qāsim al-Qushairī (d.1072AD/465AH), *Kashf al-Mahjūb* (Revealing the Veiled) by 'Ali bin 'Uthmān al-Hujwerī (d.1072AD/465AH), *Iḥya ul-'Ulūm ud-Dīn* by Abū Hāmid Muḥammad al-Ghazālī (d.1111AD/505AH) and *Tadhkirat ul-Awliyā'* (Memoirs of the Sufis) by Farīd ul-Dīn al-Attār (d.220AD/ 617AH).¹¹ Alongside these developments, *taṣawwuf* also took its roots; Gesū Darāz (1321-1422) writes that *samā'* was adopted in late ninth or early tenth century AD as a spiritual discipline.¹²

However, with regard to the origin of *samā'*, Zachary Holladay attributes the advent of *samā'* to strict segregation of men and women during the Abbasid era (750-1258AD/132-655AH), that allowed homosocial interactions at all levels of the society giving rise to sex-positive, sex-segregating attitudes

in religion, and their homoeroticism. Hence, its reinforcing sufi institutions' love language that explains the dependence of Arabic sufi verse on the prototypes of pre-Islamic *Jāhīlīyah* poetry as it facilitated exchange of esoteric knowledge and spiritual experiences.¹³

Anyway, it was around the ninth century AD, that *samā' khānāh* (houses of *samā'*) devoted to the spiritual practice of listening to music were constructed in the vicinity of the tombs of some sufi saint. *Samā' Khānāh* founded in Baghdad and Damascus also served as a hostel for travelling sufis. A travelling sufi, Ibn Jubair (d.1217 AD/614AH) has narrated the details of *samā' khānāh* in Damascus:

“They are ornamented palaces through all of which flow streams of water, presenting as delightful a picture as anyone could wish for. The members of this type of Sufi organization are really the kings in these parts, since God has provided for them over and above the material things of this life, freeing their minds from concern with the need to earn their living so that they can devote themselves to His service.... Their mode of conducting their forms of worship is peculiar. Their custom of assembling for impassioned musical recitals (*samā'*) is delightful. Sometimes, so enraptured do some of these absorbed ecstatic become when under the influence of a state that they can hardly be regarded as belonging to this world at all”.¹⁴

As some practices of sufis in these *samā' khānāh* became controversial, many sufi theorists were forced to actively defend *samā'* by delineating the terms of ritual performance of *samā'*, its compelling etiquettes and regulations, definitive roles, typologies and formalized hierarchy as well as its purpose. Abundant supply of available material specifies even the types of allowable instruments, admission of novices, and extent of spiritual erotic poetry.

Persians are responsible to give to Indians the taste of *samā'*. Sufis fervently emphasized the value of *samā'* in traversing the mystical path. Indian sufis under the influence of Persian sufistic practices, especially of Abu Sa'īd ibn Abu'l Khair (d.1049), were instrumental in adopting music in India. Abū Sa'īd emphasized the role of *samā'* in the sufistic's progress and its capability to bring him closer to the Beloved (Allāh). He also adopted ghazals and Persian poetries. Greater contribution was made in this regard by the institutionalization of the *khānqāh*, sufi lodge. Abū Sa'īd's *khānqāh* became instrumental in the development of *samā'*.¹⁵ While other masters allowed listening to mystical music to the elect only, Abū Sa'īd also permitted the beginners to take part in these mystical assemblies, arguing that it is better to let the music rule their bodies instead of youths' desires.¹⁶

Sufi paths (*ṭarīqah*, pl. *ṭurūq*) or orders were founded in 13th century AD. Some sufi orders, notably Maulāwīyah and Chishtīyah, adopted *samā'* as their central practice, and *samā'* spread widely as an institution, though its congregational nature was hotly debated.¹⁷ Chishtīyah saints also spread the tradition of music in *samā'* in India as they made it a permanent abode for the religious landscape of South Asia. During the reign of Quṭb al-Dīn Aibak (1206-1210), Khwāja Mu'īn al-Dīn (d.1236), the founder of Chishtīyah Order, made the *samā'* a central feature of his Order at the cost of their separation from the Suhrawardīyah order. Early Chishtī writers contributed to the practice by associating the three classes of listeners: uninitiated listener, mature listener and perfected listener with three categories of ecstasy—empathetic, momentary and durative.¹⁸

The beginning of *qawwālī* is sometimes traced back to Khwāja Mu'īn al-Dīn Chishtī. It is said that he institutionalized *samā'* to preach Islam to the music loving Hindus. No doubt, musical idiom of *qawwālī* helped him in gathering large crowds.¹⁹ But *qawwālī* was really nurtured in the age of Khwāja Niẓām ud-Dīn Auliya'. Hamiduddin the leader of the sufis, a philosopher and Qāḍī of Delhi was the first musician who was permitted to sing in the Court of Iltutamish.²⁰

Sultan 'Alā ud-Dīn Khiljī (1296-1316) was deeply interested and encouraged the music. His court took pride in having Hindus and Muslim musicians like Chaṅgi, Faṭḥ, Nāṣir Khan, Bahroz and Amīr Khusrau. The great musician Nāyak Gopāl was brought by 'Alā ud-Dīn Khiljī to Delhi. Amīr Khusrau, the creator of *Kharībolī* poetry and inventor of *tablah* and *sitār* introduced *qawwālī* and *tarānah*. The development of *qawwālī* is invariably connected with his name.²¹ He was a well-known poet, a musician and the disciple of Khwāja Niẓām ud-Dīn Auliya'. The leading *qawwāl* Miyān Ne'āmat, trained by Amīr Khusrau, dwelt in the *khānqāh* of Khwāja Niẓām ud-Dīn. However, in Khwāja Niẓām ud-Dīn's time,

only *daff* (a framed drum) was used in *Chishtīsamā'*, which was substituted with a *dholak* later on, along with the addition of a harmonium.²²

Khawāja Naṣīr al-Dīn Chirāgh (d.1356) seems to be sensitive regarding the affects of poetry when sung without accompanying musical instruments. But his pioneering disciple, Khawāja Bandā Nawāz Gesū Darāz (d.1422), recounts many incident when his master was seen absorbed in *samā'*.²³ When Urdu developed in Deccan, the Chishtī master of Gulbarga, Khawājā Banda Nawāz Gesū Darāz introduced Persian poetic forms *ghazal* and *masnawī* in vernacular Indian poetry.

At the beginning of the 18th century, Urdu matured into a fully developed medium of literary expression. When Aurangzeb annexed the Deccani sultanates, these developments were followed in Delhi. Then Walī Muhammad Walī (d.1707), Deccani poet, had close contact with Suhrāwardīs in Ahmadabad and Naqshbandīs in Delhi.²⁴ Sirāj Aurangābādī (d.1763), hailing from Deccan, was a disciple of 'Abd al-Raḥmān Chishtī. He gave poetry a new orchestration of sufistic experience. Like Wali Dakkani he had a great influence on the Northern Indian Urdu poets. His works are '*Kulliyat-e Siraj*' and '*Bostan-e Khayal*'. Khawāja Mīr Dard (d.1785), a sufi in real sense, regards the phenomenal world as a veil of the eternal Reality. The sufistic temperament was developed by the training of his father Muḥammad Nāḥir Andalīb, who was a Naqshbandī master. The court musician of Bahādur Shāh Ṣafar, Miyān Nea'mat, a descendent of Tānras Khān, refined and finally shaped the idiom of contemporary *qawwālī*. Later, he migrated to Hyderabad after 1857 under the patronage of the Nizāms. Syed Muḥammad Zauqī Shāh (d.1951), a disciple of Hājī Imdād Allāh Muḥājir Makkī (d.1899) considered *samā'* as a central spiritual practice. Following to Hājī Imdād Allāh, he organised a *samā'* assembly in the Makka mosque during his Hajj pilgrimage in 1950.²⁵

Arguing on the basis of quotes from the Qur'ān, the Sunnah and notable sufis ranging from 'Abd al-Qādir Jīlānī to Khawāja Nizām ud-Dīn Auliya', a short book, '*Qawwālī aur Islām*' (1994) by Muḥammad Ashfāq Ḥusain advocates for prohibiting *samā'* and *qawwālī*. The frenzied debate continues raging.²⁶

Nevertheless, it is obvious that the terminology and diction of *qawwālī* closely adheres to recitation of the Islamic texts rather than to music. Even performance of *qawwālī* is called '*qawwālī parḥnā*' (to read *qawwālī*) and not '*qawwālī gānā*' (to sing *qawwālī*). Similarly, the poems recited in *qawwālī* are referred as a *kalām* (talk or utterance) instead of the *she'r* (couplet) which carries profane connotations. Sufi masters tell that it is Allāh's affection that pulls people's hearts towards *samā'*. Differentiating the masses on this basis, Dhun al-Nūn Mīsrī once said: "Audition (*samā'*) is a Divine influence (*wārid al-ḥaq*) which stirs the heart to seek God: those who listen to it spiritually (*ba-ḥaq*) attain unto God (*taḥaqqaqah*), and those who listens it sensually (*ba-nafs*) falls into *heresy* (*tazandaqah*)."²⁷ Ali bin Uthman al-Hujwiri compares *samā'* with sun, which is for all and have effect variably: it burns or illumines or dissolves or nurtures.²⁸ Focussing to the effect of *samā'* Burhan al-Din Gharib²⁹ is of the view that it can be realised on one's physical appearance that "Sama has two colours, one yellow and the other red. Everyone on whom distance, wrath, and fear descend turns pale, and everyone who has nearness, union, grace and hope, blushes."³⁰ In this way, the colour of the human face manifests the fundamental modes of separation from God and union with God.

Accord and Controversy

In sufi cercless *samā'* is used as a means of spiritual awakening. Listening to spiritual music helps the seeker in falling back to the God as he realizes unity (the timeless Oneness of Self with the God). Once the seeker has traversed the whole spiritual path and enjoyed the moments of rapture, he becomes free from his compulsive conditionings by shaking off the dust of being. Tearing the veils of his worldly self in this state, he can realize higher states of consciousness and acute awareness. *Samā'* enhances good qualities in the behaviour of its practitioners. The seeker becomes sensitive enough to audit his soul and regret and repent for his sins and transgressions. *Samā'* helps the seekers in overcoming melancholy and enduring unfavourable vicissitudes of life. It not only imbues him with long-term patience but keeps him tenacious and steadfast in pursuing his intentions and purpose. Whenever hearts become weary and indolent, *samā'* refreshes them and they become alert and punctual to their duties. In case of dejection and lethargy, *samā'* recovers the motivation and renews one's zest for the Truth.

Imām Ghazālī admits that the *samā* 'plays an imperative role in developing the relation of people with Allah. It distils the hearts of the people and liberates them from all ills, just as fire purifies silver. He is of the view that prejudice and evils cannot be removed by worship and meditation from the human heart but by *samā*'.³¹ He illustrates the seven types of songs as legal:

1. pilgrim songs
2. battle field songs
3. songs related to expressing grieves of past sins
4. songs of *eid*
5. marriages and birthdays
6. love (with Allah) songs and
7. songs which helps to know Allah.

Through these songs the final stage for a lover of God could be achieved.³² In addition to this, he also described the time, place and group for *samā*'.³³ As far as time is concerned, it must not be at prayer time or during a meal, or when you are mentally or physically disturbed. 'Place' like time is also very important in *samā*'. *Samā* 'is not to be held in a street, or a road, nor in dark, dirty places and also not in the house of a tyrannical person. The best place for *samā* 'is *khānaqāh* (hospice) mosque or any other sacred place.³⁴ With regard to brethren, the non-Muslim must not be allowed into *samā* ', and worldly people, false believers and gossipers are also banned. The company also should be made up of ascetics, sufis and people who are detached from the worldly affair.³⁵

Considering its benefits, the proponents of *samā* ' have produced rich literature in its support. They begin with pointing out that dull and uninteresting sound itself is undesirable. The Qur'ān convincingly proclaims, "the harshest of sounds is without doubt the braying of the ass."³⁶

By contrast, human nature always turns to a beautiful voice. Abu Bakr al-Kalabadhi (d.995) writes in his book *Kiāb ut-Ta'rruf* that Abu Muḥammad Ruwaym said, "The people heard their first *dhikr* (remembrance of Allah) when God addressed them, saying, "*al-Astu bi Rabbikum*" (Am I not your Lord?). This *dhikr* was secreted in their hearts.... So when they heard the *dhikr*, the secret things of their hearts appeared, and they were ravished."³⁷ Man perpetually listens to this never ending concert and this creates attraction for pleasing voice.

At the time of the Prophet Muḥammad's ﷺ entry into Madinah, local people welcomed him by singing songs on the rhythm of *duff* (drum).³⁸ On the occasion Eid, once *Ḥaḍrat* 'Aishah, with the consent of *Ḥaḍrat* Muḥammad ﷺ watched the singing and dancing of some Abyssinian.³⁹

It is reported by *Ḥaḍrat* 'Aishah that once a woman was singing in her house when *Ḥaḍrat* 'Umar (the IInd Pious Caliph) asked permission to enter. The woman hid herself, on recognizing *Ḥaḍrat* 'Umar's voice. When *Ḥaḍrat* 'Umar entered, the Prophet was smilingly. On enquiring, the Prophet told that the woman singing here had hid herself on hearing his voice. Then *Ḥaḍrat* 'Umar insisted that he will not leave the house without hearing what the Prophet had heard. The Prophet called the woman and she resumed singing while the Prophet Muḥammad ﷺ and *Ḥaḍrat* 'Umar listened.⁴⁰ Another, tradition reported by Anas ibn Mālik, the Companion of the Prophet ﷺ, shows that listening to music, going into a state of ecstasy, tearing ones clothes and distributing the pieces among the people present on the occasion belong to the customs of the Prophet ﷺ.⁴¹

In wake of such traditions, it has been argued that Islam prohibits only futile non devotional music. Most of great Sufis like Abu Nasr al Sarraj (d.988), al- Kalabadhi (d.990), Abu Talib Makki (d.996), Abul Qasim al-Qusheriya (d.1072), Ali bin Uthman Hujwari (d.1076), Abū Sa'īd Abul Khair (1049), Imām Muḥammad al-Ghazālī (d.1111), 'Abd ul-Qādir Jīlanī (d.1166), Ibn 'Arabī (d.1240), Mawlana Jalāl ud-Dīn Rūmī (d.1273), and almost all Chishti sufis have been supporters and involved in *samā* '. Al-Ghazālī (d.1111) goes to such extent that he interpreted the *ḥadīth* related to *mizmār* (reed pipe), to be non-prohibitive of music. He also rebuts that the Prophet ﷺ had not unambiguously forbidden Ibn-e 'Umar from listening to music.⁴²

Nevertheless, admissibility of *samā'* has also been refuted, especially by jurists and legalists. Discussing different aspects of *samā'*, in his book, '*Majmu al-Rasail al-Kubra*', Ibn Taimīyah divided *samā'* into three categories: lawful *samā'*, permissible sama and unlawful *samā'*.⁴³ In describing lawful *samā'*, he considers that of listening to the Qurā'n. Ibn Abi al-Duniya in his book '*Zamm al-Malahi*' writes that all types of music, whether vocal or instrumental, on the ground that it resembles to other sins like lying and drinking alcohol.⁴⁴ Similarly Ibn al-Jauzi (d.1200), the Hanabalite jurist, writes in his book '*Talbīs-e Iblīs*' that sufis and traditional practitioners of *samā'* (dance and music) are treading the way of satan.⁴⁵

In contrast to Chishtīyah and Maulāwīyah, the other sufi orders like Suhrāwardiyah, Firdausiyah and Qādiriyah do not consider *samā'* to be the focal point of their practice. Shaikh Aḥmad Sirhindī (d.1624), the *Naqshbandi Mujaddid*, articulated wholesale rejection of *samā'*.⁴⁶ However some Naqshbandī sub-orders, for instance, the followers of Bāqī Billāh (d.1603) and Amīr Abū'l Ūlā' (d.1651) engaged in *samā'*.⁴⁷

Considering *samā'* as one of the un-Islamic innovations, the Muslim reform movements of 19th century adopted more polemical stance. Muḥammad Qāsim Nanautavī and Rashīd Aḥmad Gangohī, the disciples of Hājī Imdād Allāh Muhājir Makki, who founded the theological school of Deoband in 1866, rejected *samā'*. An early Deobandī, Muḥammad Yā'qūb had instructed his followers to recite verses of Ḥāfiẓ, Dard and Saudā, if they felt distracted during *dhikr*.⁴⁸ *Samā'* has also been attacked by the members of Tablīghī Jamā't.⁴⁹

Some writers presume that *samā'* was forbidden because of the music that was closely related with *Jāhilī* way of worship. But this cannot be the sole reason to oppose *samā'*. Opposition to *samā'* seems having stemmed from four main causes: senselessness, immorality (because of obscene poetry and music), sensual arousal and sufi concept of unity. It is argued that *samā'*, especially its dance or whirling is a senseless activity, is severely censuring dance and whirling. 'Ali bin Uthmān al-Hujwerī (d.1072 AD) writes that the person who calls it 'dance' is far from the right path, and even further away is the person who calls it a state which does not come involuntarily from God, (but the listener) bringing that movement upon himself.⁵⁰

Hujwerī also admits futility of *samā'*, at least for adepts. In his *Kashf al-Mahjūb*, he plainly says that any instrumental value of *samā'* can be gained only in the early stages of the mystical path, otherwise audition is the viaticum of the indigent: one who has reached his journey's end hath no need of it.⁵¹ The Prophet has also said that 'abandoning anything senseless is a beauty of one's faith'. But proponents of have demonstrate its meaningfulness, although it is admissible that *samā'*, like other philosophies of *tasawwuf*, is meant for the learned and intelligent and not for the men in streets.

Not only particular genres but style of poetry also makes it obscene and futile, which many times remain hidden under the cover of metaphors and symbolism. Qur'ān censures poets on account of the impact of such devices: "Only those who are lost in error follow the poets. Do you not see how they rove aimlessly in every valley; how they say what they do not do?"⁵²

In his *Risālah* (Treatise), Abu al-Qāsim al-Qushairī (d.1072AD/465AH) prohibits the presence of ordinary believers at *samā'*, because of the "continued existence of their lower or carnal natures (*nufusihim*)."⁵³ In his *Dhamm al-Malahi* (*The Censure of Pastimes*), Ibn Abi al-Dunya (d.894AD/281AH), deems the principal activity of the ritual of *samā'*, as the "amulet of fornication", which "decreases shame, increases desire, and destroys manliness, and verily takes the place of wine and does what drunkenness does".⁵⁴

Considering its performance to be a mechanism for sexual arousal, Islamic jurists like Imām Abū Hanīfa (d.767AD/148AH) and Imām Mālik Ibn Anas (d.796AD/179AH) also censured music. Like many other legalists, they opined that the ritual of *samā'* is a potential instrument of immorality, especially in the company of young boys and maidens. Very negative association has been observed between musical performance and sensual arousal.⁵⁵ Ibn al-Jauzī opines that "between singing and fornication there is harmony from the perspective that singing is the pleasures of the spirit, and fornication is the greatest of the pleasures of the flesh."⁵⁶

Al-Ghazālī has forbidden the singing of poetry by a beardless youth for fear of temptation.⁵⁷ Yet proponents of *samā'* advise contemplation of the essence of God through created form, especially the human male in order to endure the fleeting moments of self-annihilation. This is no secret that poetry uses homoerotic language to openly express yearning. This can be readily seen in the literature of decadent societies e.g. Abbasids or Mughals.

Sufistic Spiritual Journey and Perils

Samā' is a scientific way in that it is easiest instrument to approach the Beloved God. It is not an art but the sacrosanct activity of *tasawwuf* for remembering Allah, the Beloved. A man indulged in *samā'* is a lover who may be stranger to the outside world but he remains a friend of Allāh. Therefore, sufis take *samā'* as a "call of God" that renders them habitual of the wakefulness of their heart. Since complete sincerity and concentration is required during the *samā'*, it is usually practiced in *khalwat* (spiritual retreat). Listening to pleasing and harmonious music brings man's essence into movement and causes something to come into being within him without his having a choice in the matter.⁵⁸ In fact; the Sufi himself becomes an instrument in the hands of his Creator.

Samā' prepares the listener for *sair wa sulūk* (Journey and spiritual path). *Sair* (Journey) has twin aspects of *sair ilā Allāh and sair fi Allāh*. First aspect is concerned with purification, of intent, persona and possessions, as per standards of *shari'ah*. This is obligatory, and the initiation ritual of *bai'at* (contract of entering into the order) supervises it. This ritual practice means for reinforcing the standards of *shari'ah*, so that the entrant becomes habitual of maintaining his behaviour and conduct according to the norms of *shari'ah* willingly. This is a long and tortuous passage full of trials and tribulations. But it yields astonishing results, if pursued faithfully. There are some who find it difficult to believe that mere one glance of the Prophet of Islam turned a non-believer into a stout Muslim, but they forget that the Companions of the Prophet ﷺ were trained in Makka 13 years for it. A whole set of *ḥadīth* prescribes the standard beyond which a Muslim cannot transcend.

Samā' is concerned with the other aspect of the Journey that starts with *dhikr* during *samā'* using Qur'ānic verses, mental *wird* (chanting), *surakh* (a cry or a shout of spirit). Then it proceeds step by step on the way from worldly thoughts to the realm of *'Ishq* (love) of the Beloved deploying music and songs without being conscious of one's self. Synergy of voice and music tends to compel the sufi to experience *wajd* (ecstasy), an altered state of consciousness. Present mental state of a *sālik* (traveler) of this path is called a *ḥāl* (condition), if it gifted by divine grace momentarily. When this gift is continuous, it is called a *mulk* (possession), and when it becomes permanent, it is termed as a *maqām*, (Station).⁵⁹

The Divine Will is revealed in *Kashf*, (Unveiling of the Spiritual Mysteries), a state of ecstasy higher than prayer. It is called *mahāzerah*. If one's intellect is the means of reaching to a conclusion called *Mushāhedah*, comes from personal knowledge without the agency of intellect and is a proof of *wajd* (ecstasy). By *Kashf*, sufis' aim at the true state of *wasl* (yearning or momentary absorption) with the Divine Beloved. A constant state of ecstasy leads to complete submission to the Divine Will.⁶⁰

Maqām (station) refers to angelic realities. It occurs in the Qur'an: "each of us (angels) has got a specific *maqām*".⁶¹ Interpreting this verse, Hujwerī says, "each of the divine prophets such as *Ḥaḍrat* Adam, *Ḥaḍrat* Nūh, *Ḥaḍrat* Mūsa, *Ḥaḍrat* 'Isa and *Ḥaḍrat* Muḥammad ﷺ has had a special *maqām*".⁶² For an *'ārif* (gnostic) a *maqām* is a progressive stage. Customarily it is believed that the *tariqa* or *sulūk* comprises several *maqāmāt* (stations), for instance *taubah* (repentance), *warā'* (watchfulness), *zuhd* (renunciation), *faqr* (poverty), *ṣabr* (patience), *riḍā'* (satisfaction) etc., sequentially prescribed in the order for different levels of ascension till the traveler (*sālik*) reaches the pinnacle. The highest station is usually called *riḍā'* (satisfaction).

Sair fi Allah is under taken in three main stages:

- (1) *Qabḍ* (contraction) associated with asceticism and piety and the manifestation or theophany (*tajallī*). In this stage, the human soul must expire for his second birth, as it generally said: *mūtū qabla anta mūtū*.
- (2) *Bast* (expansion of the human soul to transcend the bounds of one's own existence and embrace

the whole universe) is associated with happiness and ecstasy and is the manifestation of the divine Beauty and Mercy.

- (3) *Wisāl bi'l-ḥaq* (union with the Truth) by means of reaching the stations of fanā' (extinction) and *baqā'* (permanence). At this level the gnostic ('*ārīf*) has passed beyond all other states (*aḥwāl*) and stations (*maqāmāt*) and has attained to contemplation of the Face of the Beloved.⁶³

So far the traveller has sought experienced two aspects of unity, First, *jām* (unity) of five principal ingredients of his composition, *tab'* (nature), *nafs* (soul), *'aql* (intellect), *dil* (heart), and *rūḥ* (spirit). This does not constitute unitive mystical experience. This unity comes from strong contemplation and concentration. Then, the traveller reached the stage where he is able to contemplate the Face of the Beloved, leaving aside all his state and stations. Yet this is not the real unity. At the best, it can be called *waḥdat ul-wujūd*. Sufi masters have demonstrated that *waḥdat ul-wujūd* is only a temporary phase where novices cry out: '*anā al-Ḥaq*' (I am the Truth). Such blasphemous claims soon fade out, if meditation is practiced further. The sheikh (*pīr*) of Bāqī Billāh did not believe this but on practice, he vouchsafed its veracity.

Elaborating on the process, Gesū Darāz writes, "each one of the five things engaging itself with its own interest in *samā'* is one path, that of *sālik majdhūb*, whereas their perfection and unity is another, the path of *majdhūb sālik*---one path is the state of intoxication (*sukr*), while the other is the state of sobriety (*sahw*), unity (*jam'a*), results in calmness (*qarār*) and comfort (*ārām*) (but) rarely achieved."⁶⁴

Gesū Darāz has described further advancement with the help of *tawajud*, *wajd* and *wujūd*. *Wajd* is a visitation from *ghā'ib* (unseen). There is some evidence for *tawajud* (empathetic ecstasy) in the *ḥadīth* that requires believers to weep or at least try to weep when reciting the Qur'an. *tawajud* is *istijāb* (begging) for *wajd* (ecstasy). This begging entails *dhauq* (taste) and *shauq* (yearning), which become *wijdān* with the passage of time, and *wijdān* becomes '*āyn-i wujūd* (*wujūd* itself), which is a *ghāyab* (absent) person because he is with God. So, *tawajud* is *bidāyah* (beginning), *wujūd* is *nihāyah* (end) and *wajd* is *wāsit* (in between).⁶⁵ But this sufism of Gesū Darāz hardly advances from *waḥdat al-wujūd* (unity of being) because this *wujūd* could be identified with the God.

Abu'l Qāsim Qushairī has detailed the next process in a hierarchy of five process, *qusūd*, *wurūd*, *shuhūd*, *wujūd* and *khumūd* that leads to perpetual transformation of *wujūd*. The five processes involved correspond to *latā'if* (subtle substances) *nafs*, *qalb*, *rūḥ*, *sirr*, *khāfi* as shown below;

<i>Ḥaqīqat al-Ḥaq</i>	=	<i>Khāfi</i>	=	<i>Khumūd</i>
<i>Ḥaq al-Ḥaqīqat</i>	=	<i>Sirr</i>	=	<i>Wujūd</i>
<i>Ḥaqīqat</i>	=	<i>Rūḥ</i>	=	<i>Shuhūd</i>
<i>Ṭarīqat</i>	=	<i>Qalb</i>	=	<i>Wurūd</i>
<i>Shari'at</i>	=	<i>Nafs</i>	=	<i>Qusūd</i>

Here last mystic stage of *qusūd* is *tawajud* that governs *nafs* under control of *shari'ah*. *Rūḥ* governs *qalb* under the influence of *ṭarīqat*. First three sufistic stages govern transformation of *Wujūd*.

It is interesting to note that Gesū Darāz defines *Wujūd* as consciousness. This means that the stages of spiritual progress simply connote transformation of consciousness. This is the reason that at the highest level of *Ḥaqīqat al-Ḥaq*, the consciousness of the mystic keeps evolving till he comes to realize that no matter how he does evolve, it is impossible to become God. He is and shall remain *warā' al-warā'* (beyond the beyond) in this life, and he gets compelled witnesses with firm conviction that in the words of Sayyed Hatef Ahmad of Isfahan (d.1783) "He is one and there is naught but He. There is no God save Him alone."⁶⁷

Above digression also shows that the rift between *ṭasawwuf* and *shari'ah* is over hyped. In reality, there is no such rift, only lack of knowledge makes it appear so frightening. So far as *samā'* is concerned, sufi masters have already prescribed its limits and extent. These conditions need to be observed and enforced faithfully.

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KHWAJA MU'IN AL-DIN CHISHTI: A STUDY OF HIS ROAMED AND ARRIVAL TO INDIA

Dr. Mohammed Parvez

Research Assistant, Department of Islamic Studies, Aligarh Muslim University (AMU), Aligarh-202002.
(INDIA). drparvezamu@gmail.com, Mobile # 09412876258.

It is a well known historical fact that in spreading the ethical and spiritual values of Islam, major and effective contributions have been made by the Sufis and *walis* (saints). It was their humanist, disposition and piety which won over the hearts of hundreds of thousands of people. They contacted the masses directly. They served and loved them. They lived with them and inspired them in the realisation of Eternal Truth. The proof of this is more than evident from the history of the growth of Islam in India. Although Islam entered India in the first century of *Hijra*, the noble task of inspiring the people to its tenets and values was accomplished by people like Khwaja Mu'in al-Din Chishti popularly known as *Khwaja Sahib*. He did it all through his own great moral power, glorious and appealing character, with love and dedication to mankind, without any worldly resources of wealth, power, force or support.

Khwaja Mu'in al-Din Chishti was a Sufi and scholar of great stature. He interpreted the true Islamic message of love for mankind and love for the Almighty Creator. He preached the *Qur'anic* philosophy of unity of religion and worked out its potentialities for the whole of humanity. He inspired millions of souls to be his followers.

Internationally popular as *Gharib Nawaz* Khwaja Mu'in al-Din Chishti was one of the most outstanding figure in the history of Islamic mysticism and founder of liberal a mystic order namely *chistiyya* into the Indian sub-continent. He was born in Sijistan in east Persia around 536 A.H / 1141 A.D.¹

Khwaja Mu'in al-Din Chishti belonged to a noble family and traced his descend from Hadhrat Husain, the grandsons of Prophet Muhammed (PBUH) on his father's side; and from Hadhrat Hasan, on his mother's side.² His father Sayyed Ghiyas-u'd-din was a scholar, respectable man and perfect reliable wealthy Sufi of his time. His mother, Bibi Mahe-e-Noor was also a Sufi. His house was always a sitting place of learned personalities and dervishes. These dervishes, on seeing a glimpse of the infant had made the forecast that this child will be a man of extraordinary virtues and conquer the hearts throughout the world and for all times to come. So we can say that he was a Sufi by birth and the Sufi blood had been running in his veins. When he was a small child his parents had noticed action never expected from a boy of that age. For example when he was only three years old he persisted every day to call the children of his age from the locality to take meals with them. Once on Eid day he wore a new dress prepared by his mother with all love and affection. However, when Khwaja Mu'in al-Din Chishti was on way with his father for Eid prayers, he saw a blind boy wearing a very old dress, he was shaken and immediately, gave his new cloth to that child and himself wore some other dress. Not only this, He accompanied the child and offered Eid prayers with him.³

Khwaja Mu'in al-Din Chishti received his early education from his parents. Up to the age of seven years he learnt Qur'an by heart. To bring him nearer to the divine beloved his father made him literate and well versed with academic arts and sciences. For the sake of proper education of Khwaja Mu'in al-Din Chishti, his father migrate to Nishapur and setteled there. Because that time Nishapur was a great seat of learning besides being a centre of intellectual and economic activities, where the learned scholars and sufis of high repute had assembled there because of Nizamia University which was attracting teachers as well as students from far of places. There was, thus, a galaxy of artist, scientist, physicians, literary figure and religious authorities,⁴ but the purpose of migration could not be fulfilled due to the political disturbances of Nishapur and Khurasan. However what he heard and saw at his tender age after the

invasion of Tatar had left on everlasting effect on his life.

Khwaja Mu'in-u'd-Din Chishti left Nishapur and went to Bukhara and Samarqand, both were the great seat of learning at that time. For many years he lived in Samarqand and Bukhara where he learned the Qur'an and studying the theology and philosophy. While at Bukhara, he received his education in oriental sciences and literature from great scholars. His most prominent teacher was Husam al-Din Bukhari, from whom he received the highest robes like Jubba (*Cloak*) and *Tubran (Dastar-e-Fazilat)* respectively, which were the given by completing the junior and senior degrees like the convocation at the Universities in present time. His education at the both the above places was completed between 1150 A.D. and 1160 A.D., corresponding to 522 A.H.⁵

While on the tour of Iraq, at the age of 15 years he had lost his parents.⁶ This gave him great grief and shocked. His father left as legacy an orchard and a grinding mill. One day while he was looking after the plants, that a mystic (*majzooob*) named Shaikh Ibrahim Qanduzi to entered in his garden. Since Khwaja Mu'in al-Din Chishti belonged to a family where mystics and dervishes were always given due regard and respect. He immediately left his work and received the *majzooob*, expressing gratitude by kissing his hands and let him sit under the shadow of the tree. After the meeting with *majzooob*, Khwaja Mu'in al-Din Chishti found him in a quite different atmosphere and he felt a complete internal changes and a spiritual illumination himself. In fact, the most powerful factor to turn his mind inward and developed strong mystic touch to his personality at this early age was the condition of Sijistan which had suffered terribly at the hands of the *Qara Khita* and Ghuz Turks.⁷ After a few days he sold all his assets, and distributed the money in charity and amongst the local dervishes.

Having completed his education, he was recognized as a great scholar. Khwaja Mu'in al-Din Chishti was eager to quench his spiritual thirst which he felt since childhood. For this purpose he travelled to many place in search of a spiritual guide. While on his way to Iraq, he passed through Harvan, a town in the district of Nishapur, where he met Khwaja Usman Harvani (510 A.H. to 617 A.H.)⁸ A high ranking spiritual guide of chishti order. He was so deeply impressed by the spiritual eminence of Usman Harvani so he decided to join the circle as his disciples. Under the 'Shaikh Usman Harvani', he practiced rigorous austerities after about two and a half year. And he requested to accept him as his disciple i.e., *mureed*. The Shaikh was highly impressed and foresee the mystic talent in him and gave a *khirqa* and appointed him as his *mureed*.⁹

Khwaja Mu'in al-Din Chishti has quoted a description of the ceremony of being accepted as *mureed* of Hadhrat Khwaja Usman Harvani.¹⁰

According to him:

"I had honor of appearing (before Hadhrat Usman) when many of the spiritual luminaries were also present. I bowed my head in solemn reverence. Huzur Usman asked me to offer two rakats of Namaz (prayers). I did it. He then directed me to sit facing the Kaba (Mecca). I did it. He then asked me to recite Surah Baqar (a Qur'anic Verse). I did it. He told me to repeat Darud Sharif (praise and blessings for the holy Prophet and his family) 21 times and to say 'Subhan Allah, (God be praised) 60 times. I did it. After that he stood up, took my hand in his own and looked towards the heavens saying "Let me present you to God". After that he cut off my hair with scissors and then put a special four cornered Cap on my head and asked me to sit down."

This initiation closely associated with Khwaja Mu'in al-Din Chishti with his master and he started to spend all his time in his company. Since Khwaja Usman Harvani always used to travelled. So for twenty years he accompanied his mystic leader on his arduous (hard work) mystic journey and performed all sorts of personal services to him.¹¹ Later he undertook independent journeys and came into contact with eminent saint and scholars like 'Abd al-Qadir Jilani, 'Abd al-Qahir Suharwardi, Shaikh Abu Sa'id Tabrizi, Shaikh Mahmud Isphani, Shaikh Nasir al-Din Astrabadi and Shaikh 'Ab al-Wahid, all of whom were destined to exercise great influence on contemporary religious life and thought.

He visited nearly all the great centers of Muslim culture of those days i.e., Samarqand, Bulkh, Baghdad, Nishapur, Tabriz, Aush, Isphan, Sabzwar, Mayhana Khirqan, Astrabad, Balkh and Ghazna and

acquainted himself with almost every important trend in Muslim religious life in the middle ages.¹² He set off for Baghdad and reaching Sanjan, where he met with Shaikh Najm al-Din Kubra.¹³ He lived with the Shaikh for a short period, and then moved to Jil where he stayed with Shaikh ‘Abd al-Qadir Jilani for eight weeks. His next long stay was Baghdad, a week’s journey from Jil. There he kept company with such Sufi saint Shaikh Ziya al-Din the uncle and the teacher of Shaikh Shihab al-Din Suharwardi, Shaikh Auhad al-Din Kirmani and Shaikh Shaikh Shihab al-Din himself.¹⁴ From Baghdad Khwaja Mu’in al-Din Chishti return to Hamadan where he met Shaikh Yusuf Hamadani. From where he went to Tabriz and Shaikh Abu Sa’id Tabrizi, the teacher of Jalal al-Din Tabrizi. Then he went to Mayhana and Kharqan and visited the tombs of Shaikh Abu Sa’id bin Abu al-Khair and Shaikh Abu’l-Hasan Kharqani. He remained for about two years in that region and then travelled to Astrabad where he visited the tomb of Shaikh Nasir al-Din Astrabadi.¹⁵

Genealogy as traced by the eminent scholar in ‘SiarulAqtab’, ‘Iqtibasul Anwar’ and Khazinatul Asifa’ is given below .

Paternal Geneology:-

1. Khwaja Mu’in-u’d-din Chishti.
2. Khwaja Ghiyas-u’d-din Hasan.
3. Sayyed Kamal-u’d-din.
4. Sayyed Ahmed Hasan.
5. Hadhrat Najm-u’d-din.
6. Khwaja Abdul Aziz.
7. Khwaja Sayyed Ibrahim.
8. Imam Ali Musa Raza.
9. Imam Musa Kazim Raza.
10. Imam Muhammed Jafar.
11. Imam Muhammed Baqar.
12. Imam Zainul Abideen.
13. Hadhrat Imam Husain.
14. Hadhrat Ali.

Maternal Geneology:-

1. Sayeda Bibi Mah-e-Noor.
2. Sayyed Dawood II.
3. Hadhrat Abdullah Hanbali.
4. Sayyed Yahya.
5. Sayyed Muhammed Moores.
6. Sayyed Dawood I.
7. Sayyed Moosa.
8. Sayyed Abdullah Manhar.
9. Sayyed Hasan Masna.
10. Hadhrat Imam Hasan.
11. Hadhrat Ali.

From Astrabad, he went to Heart where he lived near the tomb of Khwaja ‘Abdullah Ansari. Refusing to remain in one place, the Khwaja accompanied by a servant, wandered throughout the area surrounding Heart. His fame attracted a large number of people. He disapproved of such popularity and fame, and left for Sabzwar, where he converted the local Shi’i governor, Muhammed Yadgar, to *sunni* orthodoxy. After some time, accompanied by Muhammed Yadgar, the Khwaja Mu’in al-Din Chishti reached Hisar Samadan. Where he leaves Yadgar and travelled to Bulkh. Where he miraculously converted Maulana

Ziya'ud-din Hakim to Sufism. The maulana was a philosopher and considered Sufism as delirious raving of lunatics. Maulana ran a seminary and a garden in the vicinity of Bulkh. The Khwaja sahib went to maulana's seminary. Maulana was influenced by him and threw his philosophy books into the river and also abandoned his property. The Khawaja Mu'in al-Din Chishti appointed Maulana Ziya-u'd-din his deputy in Bulkh and left for Ghazna. In Ghazna Khwaja Mu'in al-Din Chishti met Shams al-'Arifin 'Abd al-Wahid, the preceptor of Shaikh Nizam al-Din 'Ab al-Muy'id.¹⁶ His moral and spiritual qualities attracted many people of his fold and he appointed his *khalifas* in Sabzwar and Bulkh.¹⁷ Shaikh Auhad al-Din Kirmani Shaikh, Shihab al-Din Suharwardi and many other eminent mystics' benefited by his company. Having thus roamed all over the Muslim land, he turned towards India.

Khwaja Mu'in al-Din Chishti was a disciple of Persian saint Kwaja Usman Harvani of *chishti* and came from Ghazna to Lahore. After a brief stay at Lahore, where he prayed and meditated at the tomb of the pioneer mystics teacher Shaikh 'Ali Hujwairi, and visit, at the tomb of Shaikh Husain Zanjiani also. After a spiritual purification (*chilla*) at the tomb of Data Ganj Bukhsh and brief visit to Multan and Delhi, he decided to settle down at Ajmer.¹⁸ Khwaja Mu'in al-Din Chishti came to Delhi in 1192 A.D. with the invading army of Shihab al-Din Ghauri.¹⁹

At Madina, one night, while having a dream, Khwaja Mu'in al-Din Chishti was ordered by the Holy Prophet (PBUH) to proceed to India and show the path of truth to the people there. In compliance to this command he took permission from Khwaja Usman Harvani and left Madina for India.²⁰ Khwaja Mu'in al-Din Chishti continued his journey passing through Isfahan, Bukhara, Heart, Lahore and Delhi and ultimately reached Ajmer, when he was 52 years old along with some forty companions the most prominent amongst those being Hazrat Kwaja Qutub al-Din Bakhtiyar Kaki who had already been honored with *khilafat* by him.²¹ The other notable personalities of this *carvan* are stated to be Sayyed Fakhr al-Din and Shaikh Muhammed Yadgar. Their descendants, from generation to generations as reputedly known as Khuddam of Khwaja Sahab. They have continuously been performing rituals, ceremonies and service to the devotees of Khwaja Mu'in al-Din Chishti. The deputies of Khwaja Mu'in al-Din Chishti were many, while common disciples were in lacs spread as a net-work all over the country. Especially the devotees have done a lot to Islam. They have instituted regular and permanent monasteries of *chishti* Line the all over which worked to full satisfaction and continue till today. The principle devotees are mentioned hereunder;²²

1. Shaikh Qutub al-Din Bakhtiyar Kaki.
2. Shaikh Hamid al-Din sufi Nagauri.
3. Shaikh Badr al-Din Gaznavi .
4. Shaikh Farid al-Din Masu'd Ganj-i-Shakar .
5. Shaikh Jamal al-Din Hansvi.
6. Shaikh Najib al-Din Mutawakkal.
7. Shaikh Badr al-Din Ishaq.
8. Shaikh Ali Sabir Kalyari.
9. Shaikh Arif.
10. Maulana Fakhr al-Din Safahani.
11. Shaikh Nizam al-Din Auliya.
12. Shaikh Nasir al-Din Mehmood Chiragh.
13. Hadhrat Amir Kusroo.
14. Hadhrat Khwaja Husam al-Din.
15. Hadhrat Shaikh Muhammed Yadgar.

Khawaja Mu'in al-Din Chishti lived Ajmer until his death in 1236 A.D. Here he married and According to Maulvi Abdul Haq (d.1642), he took two wives, once of them was the daughter of Hindu Raja.²³ In the year 590 A.H. (1195 A.D.) at the age of 53years he married first with a Rajput Muslim Princes named Bibi Umatullah.²⁴ Next in the year 620 A.H. (1225 A.D.) he entered into second marriage

with Bibi Ismatullah the daughter of Hadhrat sayyed Wajah al-Din Mashadi.²⁵ He had three sons, Shaikh abu Sa'id, Shaikh Fakhr al-Din and Shaikh Husn al-Din and daughter Bibi Jamal, from these wives. But Bibi Jamal had strong mystic learning's but his sons were not inclined towards mystic.²⁶ This was bold and imaginative decision because that time Ajmer was great Hindu religious centre.

When Khwaja Mu'in al-Din Chishti came to Ajmer, it was ruled by Pirthvi Raj Chauhan the famous Rajput King who had a large number of magicians in his court with Ajai Pal as their leader. First he stayed in the cave of a hill close to Ana Sagar. The devotees of Khwaja Mu'in al-Din Chishti have created a Dom at this place while is known as *Chilla Khwaja Sahib*.²⁷ Later on he shifted below towards the valley by the side of *Jhalra*,²⁸ a natural water spring. Immediately after his arrival the news spread like fire that a very pious dervish had come to Ajmer and people began to flock to him in increasing numbers. Whoever come to him, received the kindest treatment and blessing.

Ajmer was not merely the seat of Chauhan (Pirthvi Raj Chauhan); it was a religious centre, also where thousands of pilgrimage gathered from far and near. Khwaja Mu'in al-Din Chishti resolute to work out the principle of Islamic mysticism at a place of such political and religious significance shows great self confidence. People were so much inspired by his divine teachings and simplicity that they began to embrace Islam many of them became his disciples. Shihab al-Din Ghauri who had been attacking India in 589 A.H. (1192 A.D.) and in the famous battle of Tarain defeated Pirthivi Raj. When Ghauri came to know of the presence of Khwaja Mu'in al-Din Chishti at Ajmer, he personally came to his place to receive his blessings.²⁹ Chishti was settling down at such a centre gave Islam an opportunity to reach its message of equality and brotherhood amongst so called caste suffering Hindus. He was conducting his religious and spiritual activity from Ajmer and to this city the stuck till the end.

During his stay at Ajmer for nearly 45years,³⁰ Khwaja Mu'in al-Din Chishti did all what was required to be done for spreading Islam in India. Alongwith the conversion of lacs of people to Islam, he established many permanent Islamic missionaries to be run by next generations, when at last his departing moment approached.

Khwaja Mu'in al-Din Chishti lived upto the ripe age of 97years. He died at Ajmer on 6th of Rajab (Monday) 633 A.H. corresponding to the 16th March, 1237 A.D.³¹ He was buried where he breathed his last. The sandy grave remained as such for more than 200 years. Some devotees settled there, living there small huts, in the valley and those who died were buried in the vicinity. The *pucca* tomb was built by Sultan Ghayas al-Din on the initiative of Khwaja Hussain Nagauri who had dedicated himself for the services at the *Mazar* (the holy grave).³² His tomb (*mausoleum*) where he buried is known as '*Ka'ba-o-Kashi*'; for Muslim and Hindus is venerated by both the community. Lacs of people's men and women from Indo-Pak subcontinent and all over the world gathered at Ajmer on the occasion of the '*Urs*', (death anniversary). On the occasion of '*Urs*' festivities commemorating his *wasl* (union) with the ultimate reality.³³ Anniversary (*urs*) in commemoration of the holy saint is performed for 6 days every year from 1st to 6th day of Rajab (the seventh month of *Hijri* calendrer).³⁴ People, by paying their homage, present full devotion to seek peace and soul and get favoured with the blessings of the shrine of holy saint Khwaja Mu'in al-Din Chishti.³⁵

In recognition of their right to see the Mughal Emperors have issued various frameen. The administrative part of the Dargah Endowment is looked after by Dargha committee, constituted by the Govt. of India as per provisions of Dargah Khwaja Sahab Act 1955 (Act No.36 of 1955).³⁶ The *Quawwali Mehfil* in Annual *Urs*, monthly celebrations of *Chati Sharif* and on every Thursday are prescribed by *Dargha Deewan*, a status granted by the Mughal kings and recognized by the Dargha Act also.

It is not known as to when Khwaja Mu'in al-Din Chishti was first addressed as Gharib Nawaz. In the earliest Persian manuscripts wherein Khwaja Mu'in al-Din Chishti is quoted directly or indirectly, the title did not appear. It seems that this was adopted by the disciples of *Chishti Silsila* after his death as the most befitting adjective exclusively for him. The result is that the *Gharib Nawaz* gradually became the second name of Khwaja Mu'in al-Din Chishti³⁷ identifying him from the other Sufi saints in the world. The popularity as *Gharib Nawaz* for so many centuries is itself a conclusive proof that he is regarded as the benefactor of the poor. This could have been possible only when the great Kwaja had interacted freely

with the common masses to there been no affection why people from all faiths and beliefs would have come every day to the Dargah of Khwaja Mu'in al-Din Chishti to pay homage?

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7. K.A. Nizami, *Op. cit.*, p.183.
8. *Ibid.*, p.183., for brief account, see *Siyar-u'l-Anwar*, pp.44-4
9. Dr. N.K Sing, *Sufi of India Pakistan and Bangladesh*, Delhi, 2002, (Kitab Bhavan), Voll II p.51.
10. K.D. Khan. *Op. cit.*, p.36, Quoted, from *Anisul Arwah* by Khwaja Mu'in al-Din Chishti.
11. Sayyed Mohammed Mubark Alvi Kirmani, *Siyar-u'l Auliya*, translated by Aijaz al-Haq Quddusi, (Markaze-e-Urdu Board), Lahore, 1980, P.127.
12. K.A. Nizami, *Op. cit.*, p.183.
13. *Ibid.*, p.183. Quated by K.A. Nizami; Shaikh Najm al-Din Kubra (1145-1228 A.D.) was one of the most striking personalities among the Persian Sufis of the 12th-13th century A.D. In the long series of his disciples one finds eminent mystics like Shaikh Mu'in al-Din Baghdadi, Shaikh Saif al-Din Bakharzi and Shaikh Sa'd al-Din Hamavi. He was a prolific writer and left a number of valuable treatises on various aspects of mysticism. For his life, see *Nafahat-u'l-Uns* pp. 375-379; *Tarikh-i-Guzidah*, p.789; *Majalis-u'l-Ushshaq*, Bombay p.84; *Raverty, Tabaqat-i-Nasiri* , p.1100. Also E. Berthel's article in the *Ency. of Islam*, Vol. III, pp. 822-823.
14. Dr. N.K. Sing, *Op. cit.*, p.52.
15. Nasir al-Din, a distinguish saint of Astrabad, live upto a ripe age of 107yrs. Shaikh Abu al- Hasan Khirqani and Shaikh Abu Sai;d Abu al-Khair were among his friends., *Siyar-u'l-Arifin*, p-9. Quated by K.A. Nizami p-183.
16. *Ibid.*, p.52.and also *Encyclopaedia of Muslim Biography (India, Pakistan, Banglaesh)*,edt. By, Nagendra Kumar Sing. P.96.
17. *Op. cit.*, p.183., Quated by K.A. Nizami, But the Khwaja's silsila did not flourished in those lands. Viewed as a whole, the chishti silsila fews the most colonogical soil in India and it developed and flourished here more vigorously them in any other country.
18. *Op. cit.*, Dr. N.K. Sing, Voll-I, p.39.
19. *Op. cit.*, T.C. Rastogi, p.11.
20. *Op. cit.*, K.D. Khan., p. 33.
21. *Ibid.*, p.38, and two very eminent disciples of Khwaja Mu'in al-Din Chishti popularized the Chishti silsila in northern India: Shaikh Hamid al-Din sufi in Rajputana and Shaikh Qutub al-Din Bakhtiyar Kaki in Delhi.
22. *A Short Biography of Hazrat Khwaja Mu'in al-Din Hasan Chishti Ajmeri*, Compiled by Gulam Garib Nawaz Chishti Sabri Ajmeri, Pp.31-34.; *Op. cit.*, K,D. Khan., pp41-59. And also *Op. cit.*, K. A. Nizami, p.192.
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24. Op. cit., Ghulam Ghrib Nawaz, p.28.
25. Ibid., p.28.
26. Op. cit., Encyclopaedia of Islam Voll.II, p.49
27. Op. cit., K.D. Khan., p.38.
28. Ibid., p.38. Jhalra, (a nature water s pring).
29. Ibid., P.39.
30. Op. cit., Ghulam Gharib Nawaz., p.35.
31. Ibidi., p.35.and also Op. cit., K. D. Khan., p.39.
32. Ibid., K. D. Khan., P.39.
33. The death of a saint is euphemistically described as wasl meaning union. Quoted by T.C. Rastogi. Op. cit., P.11.
34. Op. cit., Gulam Gharib Nawaz., p.39.
35. Op. cit., Encyclopeadia of Islam, VoII. II p.50. And also Dr, N. K. Sing Sufis of India, Pakistan and Bangladesh. p.56.
36. Op. cit., K.D. Khan., p.38.
37. Ibid., p. 40.

ON LANGUAGE TESTING AND EVALUATION

Bilal Tasleem

Research Scholar, Deptt. of Linguistics A.M.U. Aligarh

ABSTRACT

This paper explores the inherent feature of the language testing and evaluation. It also suggests the unifying theory of scientific notion of language pedagogy and its impact on language learning. Language testing is intended to measure the student's skills to combine the knowledge or information gathered from several sources for the purpose of an accurate interpretation of the same. The linguistics aspects of testing measures student's ability to apply the knowledge of assessment design within various educational contexts. The paper concerns efficacy of testing approaches and methods, and by analysing a wide variety of contextual elements such as cultural aspects, attitudes, students' perceptions and motivation, it aims at exploring the applicability of language assessment methods in local contexts, examining new proposals and ideas, and actively contributing to the discussion about transparent and effective frameworks for language education.

Keywords: *Impact, Pedagogy, Test-Takers, Backwash, Discrete Point*

THE NOTION OF LANGUAGE TESTING AND EVALUATION

In the categorically cognition of language testing or conduct a test is a method of measuring the student's ability or knowledge in a particular language. It is a set of techniques, procedures or and items that constitute an instrument of some sort that requires performance or activity on the part of the test-taker. A test is an instrument or procedure designed to elicit performance from learners with the purpose of measuring their attainment of specified criteria. The method may be intuitive and informal or may be structured and explicit (Brown, 2001). Language testing is the administration of test in order to assess and measure a person's language competence and performance or testing language ability. It is an evaluation of an individual's language proficiency. The concept evaluation is all in compendious and has the broad base for the collection of data. According to Brindley (1989), evaluation is conceptualized in as broader in scope and concern with the overall programme (p.3). Evaluation involves looking all the factors that influence the learning process, i.e. syllabus objectives, course design, and material (Harris and McCann 1994). Evaluation goes beyond student achievement and language assessment to consider all aspects of teaching and learning and to look how educational decisions can be informed by the result of alternative forms of assessment (Genessee, 2001). Assessment is part of evaluation because it is concerned with the student and with what the student does (Brindley, 1989). Assessment refers to the variety of collecting information on the student's learning ability or achievement. Tests are the sub-category of assessment; a test is formal and systematic procedure to gather the data about the student's mental orientation towards the particular language.

THE RELATIONSHIP BETWEEN LANGUAGE TESTING AND LANGUAGE TEACHING

Tests have become a way of life in the educational world and tests are often used for pedagogical purposes, either as a means of motivating students to study, or as a means of reviewing material taught (Bachman, 1990). In every learning experience there comes a time to pause and take stock, to put our focal processes to their best use, and to demonstrate accumulated skills or knowledge. For optimal learning to

take place, a good teacher never ceases to assess students, whether those assessments are incidental or intended. Thus language tests can be valuable sources of information the effectiveness of learning and teaching. Language teachers regularly use tests to help diagnose students' strengths and weaknesses, to assess student progress, and to assist in evaluating student achievement. As sources of feedback on learning and teaching, language tests can thus provide useful input into the process of language teaching (Bachman, 1990).

TYPES OF LANGUAGE TESTS

The needs of assessing the outcome of learning have led to the development and elaboration of different test formats. Testing language has traditionally taken the form of testing knowledge about language, usually the testing of knowledge of vocabulary and grammar. Stern (1983, p. 340) notes that „if the ultimate objective of language teaching is effective language learning, then our main concern must be the learning outcome. In the same line of thought, Wigglesworth (2008, p. 111) further adds that “In the assessment of languages, tasks are designed to measure learners productive language skills through performances which allow candidates to demonstrate the kinds of language skills that may be required in a real world context.” This is because a “specific purpose language test is one in which test content and methods are derived from an analysis of a specific purposes target language use situation, so that test tasks and content are authentically representative of tasks in the target situation” (Douglas, 2000, p. 19).

Thus, the issue of authenticity is central to the assessment of language for specific functions. This is another way of saying that testing is a socially situated activity although the social aspects have been relatively under-explored (Wigglesworth, 2008). Therefore, language tests varies in the sense of design (what they are for, in other words, in the sense of the test method and purpose of the tests). As the method concerns, teachers or test takers broadly distinguish traditional paper-and-pencil language tests from performance tests. Paper-and-pencil language tests are usually caters for the assessment either of separate components of language knowledge (grammar, vocabulary etc.), or of a receptive understanding (listening and reading comprehension). In performance-based tests, the language skills are assessed in an act of communication. Performance tests are most commonly tests of speaking and writing, for instance, to ask a language learner to introduce himself or herself formally or informally and to write a composition, a paragraph or an essay. These examples are elicited in the context of simulations of real-world tasks in realistic contexts. In terms of purpose, various types of language tests have conceived to measure the learning outcomes accordingly. However, each test has its specific purpose, properties and criterion to be measured. The test types that will be dealt with in this part have been laid-out not in terms of importance, they are all of equal importance, but on the basis of alphabetical order. Yet, dictation, the traditional testing device which focuses much more on discrete language items, will have its fair of attention in terms of its merits and demerits.

1. Achievement Test

An achievement test, also referred to as attainment or summative test, are devised to measure how much of a language someone has learned with reference to a particular course of study or programme of instruction, e.g. end of the academic session tests designed to show mastery of a language. An achievement test might be a listening comprehension test based on a particular set of situational dialogues in a particular curriculum. Achievement test draw the attention to the keen observations about the effectiveness of the teaching and diagnose the strength and weakness of the students. tests that are limited to particular material covered in a curriculum within a particular time frame. Brown (1994, p. 259). Thus the achievement tests are designed mainly to measure individual's progress rather than as a means of motivating or reinforcing language. Achievement tests are often considered as cumulative due to the coverage of the whole curricula.

2. Cloze Test

A cloze test, also alternately referred to as cloze procedure, consists of a set of techniques for measuring, for example, reading comprehension. In a cloze test words are removed from a reading passage at regular intervals, leaving blanks. For example every fifth word may be removed. The reader must then read the passage and try to guess the missing words. For example, a cloze passage looks like below:

Fill the blank by using the following missing words.

18 years	chennai	music
Pharmaceutical sciences	Punctual and hardworking	sachin
play	desires	nation

Abbas was born in, he is.....old. He is the student of.....and very.....

He is very fond of.....He also play.....and.....is the batsman which he likes.

He has the.....to be a successfull professional and serve the.....as a sensible citizen.

3. Diagnostic Test

The concept of diagnostic test is mainly designed to diagnose particular linguistic aspects. Diagnostic tests in pronunciation, for example, might have the purpose of determining which particular phonological features of the English language are more likely to pose problems and difficulties for a group of learners. One of the well-known diagnostic tests in English is Prators (1972) Diagnostic Passage. It consists of a short written passage that the learner reads orally; the teacher then examines a tape recording of that reading against a very detailed checklist of pronunciation errors, diagnostic language tests provides the learners the opportunity of learning with their unique personal learning programme or what would be called in the literature of testing learning paths. These types of tests provide learners with a way to test their knowledge of the target language in which the test is intended.

There will certainly be a large block in the middle of the ability range who can be separated off as a group for some parts of the lesson, or for some lessons, and will form a more homogenous teaching group. If this strategy is adopted, the poor ones and the better ones must receive their due time and attention. (Broughton et al. 1980, p. 189).

Diagnostic tests are constructing to assess students linguistic knowledge (knowledge of and about the language) and language skills (listening, speaking, reading and writing) before a course is begun. However, the term formative is sometimes used to designate a diagnostic test. One of the main advantages of a diagnostic test is that it offers useful pedagogical solutions for heterogeneous classrooms.

4. Discrete-Point Test

The discrete-point test, also called discrete-item test, is a language test which measures knowledge of individual language items, such as a grammar test which has different sections on tenses, adverbs and prepositions. Discrete-point tests are based on the theory that language consists of different parts such as speech sounds, grammar and vocabulary, and different skills such as listening, speaking, reading and writing, and these are made up of elements that can be tested separately. An integrative test is one which requires a learner to use several skills at the same time. An essay-writing is an integrative test because it leans heavily on the knowledge of grammar, vocabulary, and rules of discourse; a dictation is also an integrative test as it requires knowledge of grammar, vocabulary and listening comprehension skills.

In this devotion, Harmer notes the following distinction between discrete-point testing and integrative testing, “Whereas discrete point-testing only tests on thing at a time such as asking students to choose the correct tense of a verb, integrative test items expect students to use a variety of language at any one given time – as they will have to do when writing a composition or doing a conversational oral test” (Harmer, 2001, p. 323).

5. Language Aptitude Test

Language aptitude test is based on the learner's orientation. Language aptitude, as a hybrid concept part linguistic and part psychological, refers to the genuine ability one is endowed with to learn a language. It is thought to be a combination of several abilities:

- Phonological ability, i.e. the ability to predict phonetic differences (e.g. of stress, intonation, juncture) in a new language.
- Syntactic ability, i.e., the ability to recognize the different grammatical functions of words in sentences, clause.
- Psychological ability, i.e. rote-learning abilities and the ability to make inferences and inductive learning.

Crystal (1989, p. 371) suggests other variables conducive to successful language learning such as „empathy and adaptability, assertiveness and independence with good drive and powers of application.

Aptitude tests are very popular as the standardized language aptitude tests. Language aptitude tests have been used in the United States, the Modern Language Aptitude Test (Carroll and Sapon, 1958) and the Primsleur Language Aptitude Battery (Primsleur, 1966). Both of these are English tests and require students to perform such tasks as learning numbers, listening, detecting spelling clues and grammatical patterns and memorizing (Brown, 1994).

6. Placement Test

A placement test, as its name implies, is originally designed to place learners at an appropriate level in a programme or course. The term “placement test” as Richards et al. (1989) note does not refer to what a test includes or how it is constructed, but to the goal for which it used. Different types or testing methods such as dictation, interview or a grammar test (discrete or integrative) can be used for placement purposes. The English Placement test (EPT), which is a well-known test in America, is an illustrative example of this test-type. The EPT is designed to assess the degree of reading and writing skills of entering undergraduate students so that they can be placed in appropriate programme. Those undergraduate students who do not demonstrate college or university-level skills will be directed to remedial courses or programmes to help them attain these skills.

7. Proficiency Test

A proficiency test is serves to measure how much of a language someone has learned. It is not linked to any particular course of instruction, but measures the learner's general level of language mastery. Most English language proficiency tests base their testing items on high frequency-count vocabulary and general basic grammar. Some proficiency tests have been standardized for worldwide use, such as the well-known American tests, the TOEFL, and the English Language Proficiency Test (ELPT). Which are used to measure the English language proficiency of foreign students intending further study at English-speaking institutions, namely the USA.

However, the Cambridge Certificate of Proficiency in English or CPE, as it is generally referred to, is the most advanced remains the only British top-value and high-prestige standardized⁴ language test. It is the most advanced general English exam provided by the University of Cambridge. The Certificate is recognized by universities and employees throughout the world. The English level of those who pass the CPE is supposed to similar to that of a fairly educated native speaker of English. Clearly, as Valette posits, „the aim of a proficiency test is to determine whether this language ability corresponds to specific language requirements (Valette, 1977, p. 6).

8. Progress Test

A progress test is an achievement-like test. It is closely related to a particular set of teaching materials or a particular course of instruction. Progress tests are usually administered at the end of a unit, a course, or term. A progress test may be viewed as similar to an achievement test but much narrower and much more specific in scope (Richards et al., 1989). They help examiners in general and language teachers in particular to assess the degree of success of their programmes and teaching and therefore to identify their

shortcomings and weaknesses respectively. Progress tests can also be diagnostic to some degree, in the sense that they help identify areas of difficulties encountered by learners in general.

BACKWASH

The impact on teaching and learning is known as backwash effect. The backwash effects the teaching and learning process in both way i.e. Harmful and beneficial. It is also consider as the internal issue which works within the testing and evaluation framework.

Bachman and Palmer (1996, p. 35) note, however, that wash-back is a more complex phenomenon than simply the effect of a test on teaching and learning. Instead, they feel the impact of a test should be evaluated with reference to the contextual variables of society's goals and values, the educational system in which the test is used, and the potential outcomes of its use. In the assessment of skills, tests having beneficial wash-back are likely to be criterion samples. That is, in the case of language testing, the assessment should include authentic and direct samples of the communicative behaviors of listening, speaking, reading, and writing of the language being learned. Ideally, the move from learning exercises to test exercises should be seamless. As a consequence, for optimal positive wash-back there should be little if any difference between activities involved in learning the language and activities involved in preparing for the test. Although only sparsely investigated to date, evidence of wash-back is typically sought in terms of behavioral and attitudinal changes in teachers and learners that are associated with the introduction of tests having important educational consequences (Alderson & Wall, 1993). With respect to U.S. education reform, a more stringent claim has been made involving not only changes in teacher and learner behaviors but also in learner outcomes. To wit, "evidence for systemic validity would be an improvement in (the tested) skills after the test has been in place within the educational system for a period of time" (Frederickson & Collins, 1989, p. 27).

CONCLUSION

Language testing encourages the teachers and students to create the learning process affluent . in order to improve the curriculum teachers must have to diagnose the lacuna of the students , and modified the syllabus. The main focus to writing about the testing should be based on the identifying the persistent difficulties in learning and to resolve them in the considerations of linguistics. It is important to keep in mind that even though both high-stakes tests and classroom testing includes these concepts, they are sometimes objects for criticism and questioning. As we can see from the presented research by both Shohamy and Uysal, there are issues that have to be addressed. To exemplify this, Shohamy (1995) raised a number of questions which she considers to be important when it comes to constructing a language test. The applied aspect of language testing also concerns with the society. The societal and educational value systems that inform the test use must always be considered by test users and test developers. The values and goals becomes very complex in the context of second or foreign language testing, since the values and goals that inform test use varies from different cultures. For example, one culture may emphasize individual effort and achievement, while another culture might emphasize group cooperation and respect for authority. Another aspect that needs to be considered is the consequences of our actions. We must realize that when we use a language test, it is likely to have consequences not just for the individual, but also for the educational system and society.

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UNDERSTANDING MONARCHY IN NEPAL: THE HISTORICAL AND COMPARATIVE ANALYSES DURING DIFFERENT REGIME

Dr. Ram Pratap Prasad
JNU, New Delhi-110067

INTRODUCTION

Monarchy is a form of government in which sovereignty is vested in a single person. In monarchy, the king was invariably the head of the state and the sovereign power and authority in matters of governance of the state and society were vested in him. The sovereignty of the king has mostly been hereditary. Monarchy has existed since the earliest history of humankind. During the periods of external threats or internal crises, monarchy as a political system got established or strengthened as an efficient system of socio-political organisation. During the Sixteenth and Seventeenth centuries the monarch was the ideal head of the new nation-states that emerged in Europe. And, Monarchy emerged and established itself in different parts of the world in different ways and through different processes. However, in terms of vested power in the Monarch, were almost unlimited and absolute; wherever the Monarchy systems were prevailing.

At the same time, it is evident to note that Monarchs in different parts of the world derived the legitimacy of their power and authority from divinity. The viability of monarchy as a political system began to be challenged when changes took place in intellectual levels, which accompanied the changes in social structure, brought about by the capitalist development. The new classes that emerged by the capitalist development process were the progenitors of new ideas for limiting the power of monarchs. The restriction of the power of monarchy began in England with the Magna Carta (1215). The Bill of Rights (1689) that followed the Glorious Revolution of 1688 further reduced the power of monarchy. The French Revolution of 1789) was another important landmark in the decline and limitation of monarchical power (Major, James Russell, 1994).

In the light of this defining aspect of Monarchy systems, the article deals with the emergence of monarchy, its nature, changes in its form and content, its relation with the general society and the long-term effects that this form of state organisation brought about in the society and the political values and thinking of the people of Nepal. In this respect geopolitics has been one of the most important factor in terms of shaping the political structure in the country.

MONARCHY IN NEPAL

Geopolitical Importance of Katmandu Valley and the Medieval Malla and Licchavi Dynasties

Historically, the Katmandu valley's fertile soil supported thriving farming communities, and its location along trans-Himalayan trade routes allowed the merchants and rulers to profit from trade (Whelpton, 2011). These trade routes also facilitated to and fro flow of cultural influences between Tibet in the North and India in the south. In the process of the intermingling of different cultures, the culture of Nepal, which name in the medieval period referred only to Katmandu valley and not the entire Nepal of the present day, evolved as a distinct mixture derived from the elements of Buddhist tradition and Hinduism (Rose and Scholz, 1980: 1).

The medieval period of Nepal was marked by the rule of Malla dynasty in the Katmandu valley. Before the Mallas, in the first millennium AD, a state had emerged whose rulers called themselves as Licchavis and they are considered as the first historical dynasty in Nepal (Agrawal, 1976: 2). Licchavi is also the name of the two tribal confederacies that existed in the Terai region of Nepal during the

time of Gautama Buddha (born c. 400 BC) who belonged to the other tribal confederacy called Shakya. Whelpton notes that the claim of the Licchavis of Katmandu valley to descend from the earlier Licchavis of the Terai plains may not be genuine, but “there is no doubt”, however, of their cultural links with the Vaishali region (Whelpton, 2011: 19). The area became the center of the Malla rulers since the time of Ari Malla at about 1200 and the period from this year up to 1768-69 is referred to as the Malla ‘period’ in the history of Nepal (Whelpton, 2011: 21). Agrawal (1976: 2) notes that public opinion played a vital part in the Malla political system as the choice of who would be the king rested with the tribes (pradhanas) who represented the nobility. The trade routes that passed through Katmandu valley contributed to the strength and affluence of the Licchavi and Malla rulers (Rose and Scholz, 1980: 12)

The Licchavis and Mallas were both Indian by descent and claimed high caste Hindu status. Jaya Sthiti Malla (1382-95), a great ruler of the Malla dynasty, introduced the first legal and social code along the lines of Brahmanic Hindu principles, compelling the numerically strong Newar community of the valley to adopt Hindu ways of social interactions (Rose and Scholz, 1980: 12). Alongside Mallas in the Katmandu valley, there existed numerous principalities in other valleys and the hill areas most of which were also ruled by high caste Hindus. All these principalities of Nepal maintained their independence at a time when, to the south of Nepal, the Northern India was being conquered by the Muslim invaders from northwest, which culminated in the establishment of Mughal empire in most of India.

The destruction caused by the Muslim invasion of India resulted in a wave of migration of some elite families belonging to the Hindu high castes of Brahmins and Kshatriyas, the latter also known as Rajputs, to the hill regions of Nepal. After reaching Nepal, they began to dominate the original tribal communities, “partly through conquest, but largely through intermarriage with and the gradual absorption of the existing hill tribal elite” (Rose and Scholz, 1980: 14). As a result, by the fifteenth century, most of Nepal to the west and south of Katmandu valley was ruled by the dynasties that claimed Rajput caste status.

Emergence of Nepal as a Unified State

Nepal’s political unification begins with the establishment of the rule of Shah Dynasty of Indian origin (Agrawal 1976: 1)¹ in the strategically located Gorkha region, west of Katmandu valley. In 1769, the King Prithvi Narayan Shah (1772-1775 AD) of this dynasty conquered the Malla rulers of Katmandu valley. He also conquered many surrounding small principalities and brought them under his rule. He was thus successful in bringing together diverse religio-ethnic groups under one national authority. In such a way, Prithvi Narayan Shah inaugurated modern “monarchy” in Nepal as a crucial political institution, controlling and administering the conquered territories (Baral, 2004: 112). Territorial conquests and imperial expansion completed by his successors Bahadur Shah (1775-1795 AD) and Rajendra Laxmi (1777-1786) resulted in the creation of a Greater Nepal, which even included Tibet in the north, the banks of river Sutluj in the west, the Tista river in the east and the plains of the Terai in the south (Dahal, 2001: 15) The concept of Greater Nepal faded and came to an end after the defeat of Nepal at the hands of the British in the Anglo-Gurkha War of 1814-16 (Dahal, 2001: 15). The Treaty of Sugauli signed by the British and Nepal in 1815 decided the present boundary of Nepal, except the addition of some areas in western Terai region which Nepal received as a gift from the British (Ibid).

Nepal under Shah Dynasty upto 1846

After the conquest of the Katmandu valley, Prithvi Narayan Shah transferred the capital of his kingdom from Gorkha to Kathmandu. Initially the influential courtiers in the royal palace belonged to the high caste Kshatriya and Rajput families who transferred their homes from Gorkha to Kathmandu. But, very soon elite families from other principalities too transferred themselves to Kathmandu and they were also absorbed into the “national” elite that dominated the affairs of the Shah court (Joshi and Rose, 1966). The most influential non-royal “noble” families belonged to Pandeys, Thapas, Basnyats and Choutariyas. In the politico-administrative system developed under the Shah dynasty, these families monopolized

the army and bureaucracy (Chauhan, 1989: 118) and members of these families were represented in the Bharadari (Assembly of the Nobles) which approved important decisions of the royal court. Power rivalries and intrigues between and within these families commonly occurred, frequently leading to assassinations of a member of one of these families by an opponent belonging to one of the other families.

Division within the royal family itself was an important problem that led to the decline in their power in later years. The kings usually had two wives. Their respective sons and the collateral branches of the ruling family often worked at cross purposes and conspired among themselves for power (Agrawal, 1976: 2). This facilitated manipulation of the royal family by different factions of the non-royal noble families through divide and rule tactics. The latter factions made members of royal family pawns in their power games involving conspiracies and counter-conspiracies (Chauhan, 1989: 118).

In 1842, there was an effort by most members of the nobility (Bharadari) to make King Rajendra to restrain his son Crown Prince Surendra from his cruel behaviour towards the leading members of the nobility and grant authority to the junior queen, Rajya Lakshmi. This protest of the nobility was encouraged by the then British resident in Nepal, Hodgson, who was authorized by the Governor General of British India, Lord Auckland, to press the king to appoint new advisers friendly to the British. Hodgson called this protest as the 'National Movement of 1842' (Whelpton, 2011: 44). In the same year the king and queen agreed to the return to Nepal of Bhimsen Thapa's nephew, Mathbar Singh Thapa. Mathbar Singh Thapa was finally appointed minister in December, 1842. Mathbar turned hostile to queen Rajya Lakshmi in her power struggle with Surendra and threw his weight behind Surendra. Mathbar was assassinated in May 1845 by his own nephew (his sister's son) Jang Bahadur Kunwar.

The Rise and Fall of Rana Oligarchy

Jang Bahadur's Kunwar family was one among many families that had settled in Kathmandu from Gorkha region and had been associated with Bhimsen Thapa, and thus Jang Bahadur had enjoyed the patronage of Mathbar Singh Thapa. As a reward for his change of sides, Jung Bahadur Kunwar was included in a 'coalition' ministry appointed in September 1845 under a compromise between the king and queen. Nominally headed by Fateh Jang Chautaria, this coalition ministry's most powerful member was the queen's confidante and rumoured lover, Gagan Singh (Whelpton, 2011: 45). Gagan Singh was shot dead in what was considered a conspiracy plotted by King Rajendra, Fateh Jang and Jang Bahadur. Immediately, the queen summoned all civil and military officials to the Kot, the arsenal situated next to the royal palace. In the shoot-out then carried out by Jang Bahadur's soldiers, most of the opponents of Jang Bahadur was massacred.

The Kot massacre was an important political event in the history of Nepal as it paved the way for the transformation of monarchy into an oligarchy, established by Jang Bahadur Kunwar. After having appointed "Prime Minister" by the queen during the Kot massacre itself, he turned against the queen, killed or captured a number of queen's supporters and banished queen. King accompanied his wife to Benares. Surendra (1829-81), who became King, came under complete control of Jang Bahadur.

In 1849, Jang Bahadur secured a royal decree recognizing the Kunwars as Rajputs, making them equals in caste status to the royal family (Whelpton, 2011: 47), opening the way for a series of marital alliances between the Ranas – the name by which Jang Bahadur's family came to be known henceforward – and the royal family. He then gradually divested the royal family of all powers. In a clever strategy, he first resigned from the position of Prime Minister in favour of his eldest brother Bam Bahadur. He then secured a royal decree issued by King Surendra conferring on himself the title of Maharaja of the principalities of Kaski and Lamjung and also broad supervisory powers over both the King of Nepal ('maharajadhiraj') and the Prime Minister. According to the royal decree, the position of Maharaja was made to be inherited by the direct descendants of Jang Bahadur Rana and the position of Prime Minister to be passed on by agnate succession, going in turn to each of his brothers and then to his sons and nephews. In this way, he established a dynasty of his own and inaugurated an oligarchic form of autocracy in Nepal.

Ranas usually had a number of wives and mistresses from different castes which swelled the numbers of Ranas on the Roll of Succession and created resentments among "legitimate sons" as they had to take turns for the highest office behind their "illegitimate half-brothers and cousins" (Whelpton, 2011: 65).

This problem was resolved by Chandra Shamsheer by dividing the Ranas into 'A', 'B' and 'C' categories, based on the caste status of their mothers and later Juddha Shamsheer excluding the 'B' and 'C' category Ranas from the Roll of Succession (Rose and Scholz 1980: 31, Whelpton, 2011: 65-66).

The opposition of disgruntled members of 'C' class Ranas who were ousted from power circles, the pressures exerted by democratic forces, which began to take shape among sections of elite classes as a result of rising educational standards from the early part of the twentieth century (Rahul, 1978 : 70) and exposure to democratic and even socialist ideas transmitted from India during the period of India's independence movement (Baral, 1977 : 23), the efforts of the royal family to regain their lost power, and the pressures from newly independent India, all combined to lead to the fall of Rana regime in 1951. They agreed to relinquish power under a negotiated agreement, which was mediated by India, signed on 18 February 1951.

The Truncated Democratic Experiment and the Authoritarian Relapse

As noted already, the fall of Rana regime in 1951 was the combined pressure put on the regime by the joint efforts of the emergent democratic forces and the disgruntled elements in the Rana oligarchy.

The tripartite deal made on 18 February 1951 stipulated a Parliamentary Constitutional Monarchy with the Crown as a figure-head (Mandal, 2013: 80). In terms of the pact, a royal proclamation issued by the King affirmed the people's right to be governed by a Constitution drawn up by a Constituent Assembly to be elected in due course (Pyakurel, 2007: 47). Pending elections to the Constituent Assembly, formation of an interim coalition government with representatives from Ranas and Nepali Congress was envisaged.

Accordingly, an interim government was set up on 18 February 1951 with Mohan Shamsheer, the last Prime Minister of the Rana period, as the Prime Minister (Rahul, 1984: 46). B.P. Koirala of Nepali Congress (NC) was made the Home Minister. King Tribhuvan promulgated the Interim Government Act, 1951 (Government of Nepal, 1951) The first coalition government soon collapsed when Mohan Shamsheer and the Rana group resigned from the Government on 12 November, 1951. The King then invited M.P. Koirala, a cousin of B.P. Koirala, to form the next Government (ibid). This was dissolved after nine months and King Tribhuvan ruled directly with the help of a Council of Royal Advisors, in which the advisors were from Government of India. This led Ranas to turn anti-India and anti-Nepali Congress and to the setting up of political party by them, which was initially named as Gorkha Dal and later as Gorkha Parishad (Rahul, 1984: 46).

The royal palace took a series of measures to restore to it all supreme legislative, executive and judicial powers (Rahul, 1984: 46). In April 1952, King Tribhuvan made himself the Supreme Commander-in-Chief of Nepal and, by a proclamation on 10 January 1954, the King made it clear that he alone exercised supreme authority in the country. King Mahendra, who succeeded his father King Tribhuvan, further consolidated the power of the monarchy and changed the name of the Government from "Government of Nepal" to "His Majesty's Government of Nepal". These developments proved that royal palace was the real centre of power. King re-appointed M.P. Koirala as Prime Minister in June 1953.

In the elections held under the Constitution of 1959, the Nepali Congress became victorious and formed the first elected representative Government in Nepal with B.P. Koirala as Prime Minister. Because of the growing factionalism within the Nepali Congress, which had emerged as a major democratic force in Nepal, and the reluctance of other political parties to extend support to them as they feared the dominance of the Nepali Congress (Rose and Scholz, 1980: 49), the Nepali Congress Government could not survive for long. The anti-democratic forces also worked to oust the first democratically elected Government by resorting to agitations and creating law and order problems (Pyakurel, 2007: 49, Joshi and Rose, 1996: 383). They organized agitations mainly in West No. 1 (headquarters Nuwakot) and West No. 2 (headquarters Gorkha) districts where the royalists and feudalists were influential. These agitations were targeted against the local leadership of the Nepali Congress, who claimed to champion the cause of the poor and indebted peasantry, and the newly elected Government which proposed to take up various pro-people reforms including land-reforms (Joshi and Rose, 1966: 358). The Gorkha Parishad, the party which represented "feudal exploiters, cruel money-lenders, and profiteers" extended their support to the agitation. (Ibid). Demands were raised for the restoration of direct rule by monarchy. An organization

formed by the conservative Hindu groups and feudal aristocrats named the “Jana Hita Sangha” petitioned the king to repeal the democratic Government’s taxation and land-reform measures (Joshi and Rose, 1996: 383)

Citing the worsening law and order situation, King Mahendra soon abrogated the 1959 Constitution, dissolved the Parliament and jailed Prime Minister B.P. Koirala and other Ministers of his Government on 15 December 1960, banned all political parties in 1961. He then introduced a party-less political system of “Panchayat Democracy” under a new Constitution that he proclaimed on 16 December, 1962. The Panchayat system under this new Constitution consisted of three layers of Government in the country, namely,

- | | |
|---|--|
| (a) Village and Town Councils | – Directly Elected |
| (b) District Panchayats | – Elected by Village and Town Councils |
| (c) Rashtriya Panchayat
(National Legislature) | – Majority to be elected by District
Panchayats and the rest to be represented
By Government-sponsored Class
Organizations
Or Government nominees. |

The King justified his actions by characterizing democracy as a “clumsy Western imposition incompatible with Nepal’s traditions, history and objective conditions” and announced that what was required was a new ‘Nepali’ political system that conformed to the spirit of Nepal’s traditions and culture (Joshi and Rose, 1966: 395). Baral likens the party-less Panchayat system introduced by King Mahendra to “the guided democracy of the Asian variety”, the proponents of whom stressed on “maintenance of political discipline as a sine qua non for overall development” (Baral, 1977: 1).

The monarchy did not face grave opposition challenges until the second half of 1980s. Intermittent resistance and challenges to the regime, however, continued. The royal dominance, masked with the rhetoric of panchayat democracy, remained secure until the death of King Mahendra in 1972. The Panchayat system, by providing for an element of popular representation, served as a façade for the continued rule by monarchy (Whelpton, 2010: 86). The Rashtriya Panchayat had only limited powers.

Many factors contributed to the absence of serious opposition challenges to the regime. Firstly, except for B. P. Koirala and the Nepali Congress, most of other leaders and political parties which were part of the earlier democratic experiment chose to be co-opted by the regime. Second, Democratic Party system did not develop in sufficient strength as the middle class was still small in proportion to the total population. Third, the system largely appeased power structures and vested interests at the local level. A fourth possible reason is that the regime did introduce some reforms including the implementation of Birta Abolition law which was initiated but could not be taken up for implementation by the 1959 elected democratic Government and the 1964 Land Reforms Act. The regime also tried to invoke nationalist sentiments by stressing on the need for unification of the nation based on the policy “One State, One Language” to unite various ethnic and regional groups into a single Nepali nationalist bond. On the whole the regime reflected both continuity of tradition and change. It could be said that this period represented a phase of transition in the direction of democracy.

The protests forced the regime to hold a referendum on whether to continue with the Panchayat democracy with necessary reforms or to change over to multi-party democracy. The regime proposed reforming the Panchayat system by introducing direct elections to the Rashtriya Panchayat. The referendum was won by the supporters of the pro-Panchayat with 2.3 million votes in their favour against 2 million votes for the opponents. The supporters of the Panchayat system included political leaders such as Surya Bahadur Thapa and Lokendra Bahadur Chand of the National Democratic Party who had been demanding direct elections to the Rashtriya Panchayat since a long time back. Surya Bahadur Thapa had been made Prime Minister in the period just before the referendum. He and other supporters of the King allegedly used money power and distribution of favours to different sections of people to win their

votes. After the referendum, the reformed effected in the Panchayat system provided for expansion of the Rashtriya Panchayat to 140 members – 120 to be directly elected and 28 nominated by the King. The House would suggest three names from which the King would select the Prime Minister. However, the whole system was to be supervised by a Panchayat Policy and Evaluation Committee.

In the elections that followed the reforms, many of the political parties, though they were officially banned, participated and secured seats in the Rashtriya Panchayat. The direct elections also helped to give representation to hitherto unrepresented social groups such as the middle-ranking caste of Yadavs of the Terai region. The elections were, however, boycotted by the B. P. Koirala faction of the Nepali Congress and the Maoist factions of communists. The communist Nepalese Workers' and Peasants' Party led by Com Rohit participated in the elections and won the Bhaktapur seat. The King, however, could continue to hold on to real power through the use of patronage and manipulation of members of the Rashtriya Panchayat and in such a way he could appoint Prime Ministers of his choice.

NEPAL UNDER POST-1951 MONARCHY

In the pyramidal-hierarchical society of Nepal, a few elite groups belonging to Chhetri/Rajput, Brahmin and Newar castes remained at the top, "running the show" (Vaidya and Bajracharya, 1996: 3). Influential and powerful families of these castes held positions of power bestowed by the system, or they belonged to landed aristocracy, who prospered by their privileges to collect taxes and also by reclamation of new lands in Terai and hills (Ibid). The earlier Shah and the Rana regimes largely ignored other avenues for development like educational development and mercantile activity and, therefore, the system gradually became static when the opportunities for reclaiming new land in the Terai and the hills were reduced.

The limited progress made in increasing life expectancy and increasing literacy rate was overshadowed by population growth. 8.4 million of Nepalese in 1954 grew to 18.5 million in 1991 (Whelpton, 2011: 122). The failure in increasing agricultural productivity made the living standards worse, resulting in increased indebtedness and temporary and permanent out-migration.

The elections held in 1981 and 1986 more superficial political games than genuine efforts to encourage pluralism, democracy or electoral competition (Prasad, 2012). Under the partyless system, the King enjoyed absolute power through a traditional or a pre-modern bureaucracy in which the positions of authority were held by the people representing the elite's castes and classes who strongly supported the status-quo.

The royal regime took some apparently pro-social reformist measures. However, such reforms had little effect in significantly transforming social relations as they were not implemented or the state itself resorted to measures that negated the potentials of the reforms. For example, the Royal Code introduced in April 1963 claimed to amend the old Muluki Ain to legally prohibit discrimination on the basis of caste, legalise inter-caste marriages, prohibit polygamy, and to guarantee certain rights to women with regard to divorce and inheritance (Joshi and Rose, 1966: 474). But the regime took care to address the misgiving of the upper caste elites by stating that the new code sought only to introduce equality before the law and "those who indulge in actions prejudicial to the social customs and traditions of others will be punished" (Joshi and Rose, 1966: 474). As Joshi and Rose (ibid) pointed out, when attempts were made by "untouchables" to enter into Pashupatinath, the holiest of Hindu temples in Nepal, they were forestalled by the police on the grounds that the social customs and traditions of high caste Hindus were infringed upon by these actions (Ibid). Also, the state responses to the building up of democratic aspirations, catalyzed by the 1950 revolution and the 1951 democratic effervescence, inevitably led to some loosening of the non-democratic state structures. This was because the regime felt the need to adopt survival strategies which was achieved by assuming a progressive façade that appealed to some of the younger educated groups (Joshi and Rose, 1966: 475). But the state at the same time also took care to safeguard its own interests by not implementing the proclaimed programmes so that the conservative supporters of

the regime could be pleased and not alienated. Therefore, the regime immediately after the coup of 1960 reversed the democratic innovation of setting up a Public Service Commission in 1954. Joshi and Rose notes that appointments were made on political considerations, and merit and qualifications were, at best, “incidental” and the efforts made since 1954 to provide some degree of tenure security through the basis of appointments and promotions on merit and seniority were nullified (Ibid). Another instance of the state’s hypocrisy was evident in first declaring that the district panchayats will be strengthened by giving it powers earlier enjoyed by Bada Hakims, and then when the declaration was implemented the functions of Bada Hakims were given to centrally appointed Zonal Commissioners and not to District Panchayats (Joshi and Rose, 1966: 476).

Summing up the conceptual analysis of Monarchy in Nepal, it can be argued that, Historically, There had been divergent path adopted by one Monarchical system to another so the Monarchical system varies country to country as well. In the light of this aspect, this article explored the Monarchical system in Nepal, which has been also unique in its nature and structural adaptation. This article demonstrates that the Uniqueness of Monarchical system in Nepal had has been shaped by its geopolitical location, which has to be strives towards circumstances as well. Indeed, Monarchy emerged in Nepal as authoritative force. And Historically, Nepal had been witnessing hereditary monarchy; both the systems significantly based their legitimacy for rule and capacity for sustaining the legitimacy on their respective religions- Hinduism sanctioned a hierarchical social system. In this aspect, it is observed that once authoritarian rule has been established, the legitimacy for its continuation and long-term sustenance was significantly based on the essentially in-egalitarian organizing principles of Hinduism. As, the political systems and administrative structures developed by the Shah rulers and the Rana oligarchy were essentially the same. They were a true reflection of the hierarchical principles of Hinduism as experienced by the Nepalese society. The Rana oligarchy only strengthened and consolidated the system. On the comparative contrast viewpoints in terms of decision-making process, during the pre-Rana Shah regime reveals, the system that developed after Prithvi Narayan Shah was not that of an absolute monarchy. Further, The power exercised by the Bharadar body indicates that the system had oligarchic components in it. Therefore the system could be located somewhere between absolute monarchy and true oligarchy. The Ranas made it a true oligarchy by confining the powerful position to a small circle of Rana families. In the later Rana period, the power circle was further narrowed down to a few branches of the Rana families.

It is also worthwhile to note that during the period of pre-Rana Shah Regime and under the Rana dispensation, the power of the state vis-à-vis the ruled were absolute. As a result, disappointments and disenchantments and virulent opposition unmistakably welled up from the bottom of the society. The built-up pressure erupted in the 1950 democratic upsurge and resulted in the final fall of the Rana regime. But, because of the inherent weaknesses and powerlessness of the newly formed democratic forces, which were exploited by the status-quoist forces in the elite sections of society through agitations and creation of law and order problems, the genie of democracy that was about to gobble up the authoritarian system was again bottled up. This proved that the transition to democracy is not an easy job. Economic development and modernisation had not yet prepared the democratic actors to prevent the reversal to authoritarianism.

At the same time, it is also noticeable that Nepal monarchs depended to a considerably extent to boost up their legitimacy and power on the British. Therefore, Nepal regime had enjoyed the support of the British in reciprocation of the Nepal’s rulers’ valuable military and strategic help extended to the British during critical periods, such as during the 1857 Indian mutiny, the Young husband expedition of the British to Tibet in 1904 when Nepal provided strategic information to British and also helped in the mediation between the British and Chinese authorities, and the Anglo-Afghan war of 1999 and the World Wars

I and II. This means that the external forces had significantly influenced politics of Nepal under the respective monarchies.

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A STUDY OF BRAHMI SCRIPT'S VARNMALA, APPROACH AND SOME CLARIFICATIONS

Vishnu Saksena

*Ph.D. Researcher, Center for Historical Studies, School of Social Sciences, JNU, New Delhi 110067
Email – vishnusaksena@gmail.com, Mobile - 9871382030*

The Brahmi script has a very unique position among the scripts of the world. It is not the oldest script of the world. [That honour goes to the Sumerian Cuneiform, of 3200 BCE, followed by the Egyptian Hieroglyphs, of 3000 BCE.] It may not even be the first script of the Indian subcontinent – if the Indus seals [of about 3000 BCE] are ultimately deciphered as a script. Yet, Brahmi is more important than any of these or any other ancient script. Starting in the first half of the first millennium BCE, it dominated the script scenario as no other script ever did.

The cuneiforms and the hieroglyphs are long dead. Even the languages for which they were used have long been consigned to oblivion - without leaving any significant tradition of use and study. Brahmi, however, survives not only in its many incarnations and derivatives but also in its original, early and late forms. It is a matter of record that some time or the other, over a score of languages of the world have used this script. [In India alone, Brahmi has been used for writing languages of four linguistic families – Indo-aryan, Dravidian, Austro-Asiatic and Tibeto-Burman families.] More important is the fact that the languages which had first used the script, namely, Tamil, the Prakrits & Apabhraṃśas, and Sanskrit continue to be studied and used in their early and more evolved, later, forms. [This can hardly be said about other languages, except, perhaps, for Biblical Hebrew, ancient Greek and Latin.] And there are good reasons for this very special status of Brahmi.

The primary function of a script is to render/record articulation – the vocal sounds of human speech, in a way that it may be accessed at will to get a clear picture of the original utterance. Perhaps this is why one of the definitions of the script calls it as ‘the painting of speech’.¹ It is in this respect, the faithful reproduction of speech, that no script can equal the Brahmi script. The equation between speech and its script is a very delicate and fragile, and difficult one.

A perceptive Tamil grammarian, referring to Agastya [Agattiar – the progenitor of the language and its first grammarian], and Nannul, has put it beautifully - the relation between the sound and the letter that stands for it is the same as between the idol and the deity it represents. No idol can be a perfect substitute for the deity. Likewise, no script can provide a perfect equivalence of speech. There is no limit to the infinite variations of pronunciations, the subtle nuances of tone and timbre and the richness of individual voices. These can never be exactly reproduced with the limited characters of a script. Yet, Brahmi is one script which can near this perfection to the extent possible within human limitations. This has been possible because of three important traits of the script which are not always available in other scripts. These are, the Varnamala based on the Akshar principle and the fact that the script invariably followed the language[s] which used it.

1. Voltaire defined it so. Others, too, agreed with him and some even went lyrical about it –
Whence did the wondrous mystic art arise?
Of painting SPEECH, and speaking to the eyes?
Thus we by tracing magic lines are taught,
How to embody, and to color THOUGHT.
- Alfred Fairbank in ‘A Book of Scripts’, p 9.

THE VARNAMALA

Though commonly taken as a synonym for ‘alphabet’, the Varnamala, literally a garland of letters/ phonemes, is much more than a well-planned, systematically arranged collection of letters. It was designed and put into use well before the first languages were put to writing in India. In view of its sophisticated ‘meta-linguistic notions’, it has been variously defined as a ‘phonetically organised system of sounds’ [Stall, 1975] and ‘an inventory of pronounceable units of articulation’ [Patel 2010]. The alphabets of all the Indian scripts [except Urdu] are based on the Varnamala.

Originally created for the Sanskrit language, it was not used for writing for a very long time. This was due to a strong, scholarly aversion for putting down the texts (which were in Sanskrit) in writing mainly on account of the predominance of the oral culture prevailing at that time. During the early phase of literacy, the Vedic, Puranic, and the later Brahmanic circles worshipped speech [the Vagdevi and the Shabda-Brahma concepts] and stubbornly resisted all efforts to put the texts - scriptures, teachings etc in writing. [It was not unusual in ancient cultures ,the beginning of writing was criticised in Egypt, too.]

There are references to varnamala and akshar-samamnaya (standardized alphabets) in Vedic Pratishakhyas and Shiksha works. The study/learning of the Vedas and other holy texts was required to be done with the help of the disciplines of phonetics, metrics, lexicography and grammar, rather than with the help of written material. Yet, the use of certain techniques for teaching and recitation of the texts, like the Vedas, hint at the existence of literacy and writing in ancient India. However, the tendency to depend on the ‘shruti parampara’ - the oral tradition, as opposed to the scriptural, continued for long till the rebel philosophies of Jainism and Buddhism gained ascendancy and encouraged writing. Besides undermining the oral tradition, they did not take to the Sanskrit language, either, and opposed its use for quite some time. Perhaps, because it had been the harbinger of the orthodox Brahmanic traditions. The Buddha went so far as to deny permission to translate his teachings into Sanskrit, terming that to be a sin, ‘dushkrita’.

But the elaborate Sanskrit varnamala, originally stated to be of 64 varnas, [in keeping with the number of varnas in Vedic Sanskrit], continued to be alive, commented upon and actively used. The most complete form of the varnamala is said to be available in Katyayan’s Vajasaneyi Pratishakhya [Indu Rastogi, 1967]. The graphic components of the varnamala, too, would have been available well before the Buddha’s time, if not earlier. Indeed, the varnamala was taken full advantage of by the Prakrits, Tamil, the Apabhramshas, and other languages which followed in their wake. The concerned languages just ignored the letters they did not require, in view of the phonetic nature of their constituent dialects. [As in the case of ‘S’, ‘Sha’, and the long vowels in Magadhi and Ardha magadhi. The example of l/d is also a case in point – its use is noticed in Vedic Sanskrit, then it virtually fades out, with extremely rare usage except for Tamil, and later makes its appearance in some regional languages]. In keeping with this tradition, Tamil, too, introduced the varnas which it needed and relinquished those which it did not need from the varnamala Tamil continues to use the same order of letters in its alphabet as in the early varnamala. It has, however, long given up the ‘Akshar’ principle, which constitutes the bedrock of the varnamala.

The akshara principle, along with the varnamala, constitutes a unique phenomenon of perfect rapport between the phonetic requirements of the language and the graphic capabilities of the script.

THE APPROACH AND SOME CLARIFICATIONS

Any serious study, especially an academic research work, needs to be based on impeccable sources, the most important of which are the primary sources. The primary sources, in the context of the present study, should, inter alia, comprise the inscriptions and edicts, manuscripts, sasanas and other such material within the time frame of the study. Such primary sources are supposed to be referred to – perused, deciphered, and studied personally,

Preferably in the original. In the present study this has been done to a very limited extent, reliance having been placed on published material, data bases etc., for good reasons.

Most of the edicts, inscriptions etc are in such bad shape, having deteriorated with age, withering with elements, and general neglect that personal viewings hardly serve the desired purpose. [The Bahpur – Srinivaspuri Asokan rock inscription is a case in point.] The estampages obtained from the original

inscriptions, a long time back, too, do not serve the desired purpose due to the extremely poor quality of reproduction. Luckily, the problem has been solved by the innovative use of modern technology, though computer-enhanced photography / tracing of the inscriptions. The impressions obtained by this method are to be seen to be believed and have obviated, to a large extent the need for personal visits to the archaeological sites and risking hazardous adventures to get close enough to make out difficult to read, dim and worn out texts. Libraries / repositories of texts culled out from inscriptions, manuscripts etc. are now being developed which greatly ease the drudgery of research scholars. While a lot of work has been done abroad, mainly in respect of Kharoshthi manuscripts of Central Asia, a good beginning has been made in the country for Tamil Brahmi inscriptions, thanks to the initiative of Central Instt of Classical Tamil and the guidance provided by I. Mahadevan. The extremely large number of Brahmi inscriptions, manuscripts etc. , however, are yet to be satisfactorily attended to.

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MODERNISATION OF EDUCATION IN PRINCELY KASHMIR: ROLE OF CHRISTIAN MISSIONARIES

Fayaz Ahmad Kotay

Lecturer History, Govt. Degree College Utersoo, Anantnag J & K, India.

Nazir Ahmad Kotey

Senior Assistant Professor, Govt. Degree College for Women Anantnag J & K, India.

ABSTRACT

The role of Christian Missionaries had been pivotal in the dissemination of modern education in Colonial India. Likewise in Kashmir it was because of Christian Missionaries that the foundations of modern education were laid towards the end of 20th century. The paper looks into the contribution of the Church Missionary Society (CMS) of London in the spread of modern education in Kashmir. It finds that CMS had to face a number of problems on account of the daunting attitude of the early Dogra rulers. Instead of the ambiguous attitude of the society they introduced girl's education in Kashmir. Despite all difficulties Missionaries were able to modernise the education system in Kashmir, but the participation in the mission schools was limited to the elite section of the society, especially the Pandits. Surprisingly, there were least conversions to Christianity.

Key Words: *Modern Education, Church Missionary Society, Kashmir, Dogra Rulers*

INTRODUCTION

In British India private agencies—Christian missionaries and enlightened Indians, had played a significant role in the dissemination of modern education. Obviously these agencies would have different goals for their educational involvement. Like the policy of the missionaries was to convert people to Christianity, and school was used an agency of conversion (Holmes 1967, 12). Certainly missionaries were pioneers when there were few other agencies to shoulder the responsibilities for education. Few would, therefore, doubt that the origin of the present system of English in India is to be sought in the activities of early Christian missionaries. But not just the beginning, they were largely responsible for implementing and stabilising the western institutional model of education with English as medium of instruction (Heredia 1995, 2332-40). In this paper we will discuss the contribution of Anglican missionaries, particularly the Church Missionary Society (CMS) of London, in the dissemination of modern education in Kashmir during the Dogra rule.

Kashmir society was more or less static until the advent of Christian missionaries in Kashmir in the 2nd half of the 19th century, when a significant change came about. A number of causes attracted the missionaries to Kashmir, as M I Khan a noted historian of Kashmir explained, "Kashmir was a remarkably suitable region by its geographical position, by its salubrious climate, and by its beautification, to become a great Christian missionary centre for the surrounding countries of Tibet, China, Yaqand, Afghanistan and Turkistan. Secondly from the dawn of history Kashmir had been a centre of various religions—Hinduism, Buddhism and Islam." "Thus", according to Khan, "they expected that Christianity will hold its sway in the valley." More importantly, missionaries were not oblivious of the deplorable condition of the people of Kashmir who had suffered a great deal at the hands of both rulers and priests. There was, in addition, ignorance, disease, poverty and deterioration of morals. It was a call, which the missionaries

could not resist. Their aim was to win the country for Christ and they cherished the belief that the spread of Gospel would provide a panacea for the sufferings of the people (Khan 2007, 137).

Mission and State at Loggerheads: Church, hospital and education were the main instruments which were used by the missionaries to propagate their mission (Holmes 1967, xix). In the orthodox Kashmiri society it was impracticable to establish a church. Thus the missionaries started their work with medical mission by opening a dispensary in Srinagar (Khan 2007, 139). In 1865, the CMS allocated a substantial sum for the medical work. Dr. Elmslie, a man of saintly nature, was deputed to found a hospital. He has to face a number of problems on account of the hostile attitude of Dogra administration (Bazaz 1959, 209). It was only in 1874 when Maharaja Ranbir Singh granted an ideal site for the mission hospital near the Dal Gate, Srinagar. For about three quarters of a century the Mission Hospital became a place of asylum to the poverty stricken men women of the Valley.

The popularity of the medical work makes the missionaries famous among the Kashmiris. Therefore, they started their important tool—education, which had given significant, results in other parts of India. More than twelve hundred years ago, when Britain was very slowly becoming a Christian country, a twofold work of Evangelization and education went on together, and the missionaries were teachers as well as preachers and pastors. Therefore, missionaries adopted the same policy in Kashmir to get close to the society (Willison 1993, 246). At this juncture Dogra State was unable to start a school so except some *maktabs* and *Pathshalas* run by *mullahs* and *purohits* where upper class people were getting their children educated (Bazaz 1959, 209).

In April 1864, Robert Clark opened a school in Srinagar. Despite the opposition of the authorities who were hostile to the activities of missionaries (Khan 2007 138). It was an important event in the history of Kashmir. Such parents who sent their children to the Missionary School received domiciliary visits from the police. They were told that if their children went to school, they would be banished to Gilgit (Ganai 2003, 51-52). Moreover, some conservative people goaded by the authorities strongly opposed the school established by Robert Clark. Ultimately due to non-availability of suitable building the school was closed down.

Beginning of Modern Education: The real beginning of the modern education in Kashmir started when Rev. J. H. Knowles laid the foundation of CMS School on the hospital premises of Srinagar in 1880 (Biscoe 2006, 249). In its infancy the CMS School had to face a number of problems. The most pressing problem was that of the building. The Government orders prohibiting missionaries from renting a house for a school building were still in force. Therefore, the Knowles had no alternative but to start the school on the hospital premises (Holmes 1967, 160).

The opening of the CMS School was a watershed development in the history of Kashmir. It ushered in a new era by imparting scientific education on modern lines. In this regard Pandit P.N. Bazaz observed.

“The opening of the CMS School was a red-letter day in the annals of modern Kashmir; its significance cannot be overestimated; it would be no exaggeration to say that it has ushered in a new scientific age in the Valley. The establishment of the school on modern lines with the purpose of imparting scientific education and disseminating liberal knowledge and culture may be compared with two other outstanding events in Kashmir: the introduction of Buddhism by Ashoka in the 3rd century B. C. and the acceptance of Islam by Rinchana Shah in the 14th century” (Bazaz 1959, 210).

Within a brief period of ten years CMS Primary School was upgraded to the High standard and the number of students could be counted in hundreds.

Role of the Rev. Tyndale Biscoe: The joining of the Rev. Tyndale Biscoe to CMS School

heralded a new era in the history of modern education in Kashmir. When he joined in 1891 there were 250 pupils on the school rolls. It is pertinent to mention that all the 250 boys receiving instructions in the CMS School were Kashmiri Pandits. Muslims the majority community of Kashmir, were little enthusiastic about modern education. There were numerous causes responsible for their indifferent approach to new education. Besides, poverty and a reactionary clergy discouraged modern education among the Muslims. But State's indifferent attitude was no less responsible for the same (Khan 2007, 171).

Mr. Biscoe had to strive very hard to make his mission a success. In the beginning he found himself beset with numerous difficulties in imparting a new system of education to the Brahman boys. Although it was a herculean task but Biscoe succeeded to some extent in dispelling ignorance. He himself says that he had come to Kashmir to learn rather to teach. How and what to teach the eccentric pupils was the immediate question which perturbed the mind of Biscoe. So before embarking on any big plan, Biscoe made a thorough study of Kashmiri people. This study revealed him that oppression, corruption, exploitation and superstition had robbed the people of their very spirit. To these oppressed and enslaved people Biscoe was determined to give an education, which would revive their spirit, which will help them to develop character and become active citizens (Khan 2007, 164).

The main problem of education in Kashmir was the irregular schooling. We are told that for years the school started at 11 a.m. but students did not attend till midday. Punctuality was not insisted upon because it was not the hard and fast rule in the indigenous schools. The holidays were the holidays of Hindu calendar. Biscoe writes, "One never could tell whether all the school or only half would be present on any given day, for some boys would think one god important and some another. How could there be discipline when boys could attend or stay away at their own whim?" (Biscoe 2006, 253).

The first step taken by Biscoe, therefore, was to insist upon punctuality of the students. For this purpose he introduced regular hours of instruction. Holidays were arranged on the Western pattern. Thus, started the process of westernization in CMS School. At the beginning these measures were opposed by the students. It was a startling innovation in the city, for the government schools in Srinagar were not thus organized. To discourage absenteeism among the boys, the practice of fine was introduced. This was not enough. Sometimes the boys did not come to school pretending to be sick. To check this tendency Biscoe hit on a novel scheme of visiting the houses of the boys (Khan 2007, 165).

It was because of the efforts of Biscoe that for the first time co-curricular activities were started. "The object of the Mission School" as Ernest Neve observed, "is to train all the boys and not only those who are clever or strong, we give fewer marks to mind than body because Kashmiri boys prefer their books to their bodily exercise. Marks in sports are not given necessarily to the best cricketer or swimmer but to the boy who tries most" (Neve 2003, 245). Biscoe was of the view that, to change the orthodox nature of Brahmans who believe in gentility, there was a need to introduce athletics of all sorts. Once Biscoe asked them to play a game, the boys refused to play for them as Biscoe exclaimed, "It means we shall grow muscles on our bodies and then we shall become low caste folk like the boatmen and coolies. If we play games, we shall have to run about and be energetic and people will laugh at us for gentleman must not hurry." It is also interesting to note that the Brahman boys even refused to touch a football when it was introduced in Kashmir by Biscoe. "We cannot kick this ball" said the Brahman boys, "for it is an unholy ball and we are holy Brahmans" (Biscoe 2006, 263)



The parents also regarded the sports as waste of time. They were of the opinion that boys were sent to schools to get a degree. So they considered games useless. Whereas as concentrating on learning and passing examinations meant employment in government services. But Mr. Biscoe did not budge an inch from the path he had chosen. To him school meant an institution where citizen's mind as well as body was to be trained. The great task which Mr. Biscoe assigned to himself, writes Ernest Neve, "was to teach the boys manliness, loyalty, charity, manners, cleanliness, truth and other virtues" (Neve 2003, 258). For bodily development he laid stress on social service, games and sports. The boys were taught swimming which formed a special aquatic sport of the school. In the Mission School it was a rule that everybody must pass the swimming test before reaching the thirteenth birthday and failing thus, his school fee was so much enhanced that it could become impossible for him to remain in the school (Biscoe 2006, 267).

Mr. Biscoe instituted a regular system of social work in the CMS High School. This met with marked success and induced a spirit of manliness among his pupils, who did yeomen service during floods, rescuing families which were stranded, "on the roofs of rickety houses or small patches of dry ground" His system was combined with the inculcation of moral and physical courage. For example in cholera outbreaks, fires, floods, boating etc., boys were sent to rescue the effected families (Neve 2003, 253).

With the passage of time the curriculum of the Mission School underwent a drastic change. It was based on western model. For the development of English, students were not allowed to use their mother tongue during school hours and were directed to speak English with their fellow students and teachers. One of the past alumni, Shafi Ahmmad Qadri, who joined the Biscoe School as student in 1943 recalled:

"We were given extra books on English and were directed by the Principal Mr. Tyndale Biscoe not to speak Kashmiri in the school. During school hours, it was necessary for us to speak in English to students and teachers. We acquired English as we acquire our mother tongue."

During the first decade of the Mission School, the method of imparting knowledge and information

was traditional; learning the text till the pupil was able to repeat it correctly. This was the prevalent mode of teaching in *Madrasas and Pathshalas* in Srinagar city where the whole emphasis was laid on the learning of the subject matter by heart. The most important method that Biscoe came up with was called “teaching by eye”, the prototype of a visual aid of today. The missionaries used a lot of pictures, post cards in various themes and used them in different forms in explaining and teaching history, geography, day to day science and even poetry (Shah 2013, 56).

Besides CMS School, which is now called Tyndale Biscoe School a number of missionary schools sprung up in different parts of Valley. Mention may be made of St. Joseph’s School at Baramulah, Presentation Convent School Srinagar, and the CMS School of Anantnag. All of them played a commendable role towards the spread of modern education.

Contribution in Girl’s Education: Missionaries also played a significant role the development of girl’s education in Kashmir. It was somewhere between 1893 and 1895 that a girl’s school was opened in Fateh Kadal, Srinagar by the Church of England Zenana Missionary Society. But due to the indifferent attitude of the society it was closed down (Biscoe 2006, 245-46). In 1912 CMS opened a girl’s school (now Mallinson School) which was attached to the boy’s school at Fateh Kadal. The CMS Girls School underwent a dramatic transformation during the period of Miss Mallinson as principal (1922-1961). It was Miss Mallinson who was instrumental in bringing about enough educational and cultural advancement among the women of Kashmir. Under her inspiring leadership the school became a hub of cultural activities. She introduced swimming, dancing, drill, picnics, camping and mountaineering in the school. It was thrilling to see the girls moving about freely and enjoying fresh air during the picnic and camping time. Besides teaching English, Urdu, Persian, general knowledge, mathematics and nature study were also taught (Khan 2007, 165-68).

CONCLUSION

CMS did a commendable job as far as the foundation of modern education is concerned. They had faced a number of problems on account of the intimidating attitude of the early Dogra rulers. However, the missionaries put up bold resistance to all such odds and carried their mission forward. They brought a number of social, cultural and health reforms in Kashmir. Once again it was due to the efforts of CMS that girl’s education was introduced in Kashmir. In fact, they became the role model for the State schools in the policies of education. But participation in the mission schools was limited to the elite sections of society, especially the Pandits. Moreover, the missionary activities remained confined to Srinagar city for a long time, ignoring the large part of the Valley. Nevertheless, missionary activities gradually penetrated into the whole society, which could be seen in the emergence of a modern outlook towards the beginning of 20th century. However, missionaries were not successful as far as the conversions are concerned. Outside Valley there were large numbers of conversions, mainly due to the caste ridden society which was absent in Kashmir.

NOTES

1. It is to be noted that though the Dogra rule had been established for nearly two decades, the Maharaja had not cared to open a hospital, a dispensary or even a health centre at the government expense. Valley was often faced with epidemics, which resulted in high mortality rate.
2. On 2nd May, 1864 Mrs Clark, the wife of Rev. Robert Clark, of Punjab missionaries, opened a dispensary in the city which speedily attracted patients in crowds.
3. He was disallowed to have a spacious house for conducting his duties. Consequently he had to take refuge under a chinar tree to look patients.

4. Now-a-days the hospital is known as Chest Disease Hospital Druggen, Srinagar and is one of the leading hospital of tuberculosis under the state control.
5. The early Maharajas were at heart dead against any Western penetration in Kashmir. Even the missionaries were not allowed to rent a house in the city of Srinagar, where they could pursue their activities. Because authorities were apprehensive of the missionaries, who should have taken back to British India details of the ill treatment meted out to the people of Kashmir.
6. Gilgit was a place where State sent people for Begar (forced labour). They were inhumanely treated and sometimes officials and pilgrimages ride on their backs.
7. Brahmans believed that the ball was made of impure leather and made by an impure person that is why they hesitated to touch it. So it was an unholy act to touch the same. An example of how superstition reigned supreme is evident from a parent's letter to Mr. Biscoe, in which he requested Biscoe to grant his son exemption from joining playing teams and boating etc. for the astrologers had advised his son not to take part in games.
8. Quoted in Unpublished M Phil Dissertation of Anayat Ali Shah, "The Role of Missionary Schools in the Development of English Language in the Kashmir Valley: A Survey", University of Kashmir, Department of English, 2013, p. 54.

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CASTE INFLUENCE ON WOMEN PARTICIPATION IN LIVESTOCK HUSBANDRY IN MORADABAD DISTRICT: A CASE STUDY

Mohd.Daud Ahmad

(Research Scholar), Department of Geography, A.M.U. Aligarh, E-mail: daudmohd2013@gmail.com

Dr. Ashish Kumar Parashari

(Research Associate), Department of Geography, A.M.U. Aligarh, E-mail: amu.ashish@gmail.com

ABSTRACT

Caste is a very important factor which determines the level and extent of participation of women in agriculture. It is a major economic activity of rural areas so majority of rural women is engaged in this occupation. Rural women play a catalytic role in livestock husbandry and directly involved in the operations related to feeding, breeding, management and health-care of livestock. Livestock husbandry contributes significantly in the women empowerment through raising their economic and social status. The present study has been conducted in the Dilari block of Moradabad district of Uttar Pradesh covering three villages. The present study analyses the role influence of caste on the participation of women in livestock husbandry and its various operations. The results the study shows that caste influences the level and extent of engagement of women in the livestock husbandry their capacity to generate livelihood. Women have high castes have lesser involvement in comparison to women of lower castes because women of high castes are not interested in livestock production but women of lower castes are engaged in this occupation for income generation due to their low socio-economic standard. Moreover, women of lower castes have freedom to go outside for work while higher castes women remain in the house due to social restrictions.

Keywords: *Participation of Women, Occupation, Rural Women, Caste, Capacity and Socio-Economic Standard.*

INTRODUCTION

Caste is one the most important factor in social, political, economic and technological development of people in India. Since, demarcation of Indian society into four castes during Vedic period till modern times it is influencing the lifestyle, socio-economic development, policy formulation and level and extent of people in the progress of the country. Livestock husbandry is the most important sub-sector of agriculture in India where almost 3 quarters of total population are generating their livelihood directly or indirectly. Caste is a very important factor which determines the level and extent of participation of women in agriculture. It is a major economic activity of rural areas so majority of rural women is engaged in this occupation. Rural women play a catalytic role in livestock husbandry and directly involved in the operations related to feeding, breeding, management and health-care of livestock. Women are the powerhouse of livestock sector (Khan, N. and Parashari, A.K., 2015) This sector plays an important vital role in providing nutritive food rich in animal protein, supplementing family income and providing gainful employment especially to women of landless labourers, marginal and small farmer's households. Livestock husbandry contributes significantly in the women empowerment through raising their economic and social status. Farm women play an important and substantial role in animal husbandry (Khan, N. and Parashari A.K., 2015). In the Indian society caste has impact on freedom of women to work in the rural societies. These rural women, besides doing hard household chores, also undertake the taxing job of

cattle rearing (Dgdand, G.G and Hembade, A.S. 2014). Women from lower castes have freedom to work outside their homes but high caste women do not work outside their homes. Women earn income for the households for daily expenditure (Khan, N. and Parashari, A.K, 2015) Livestock provides temporary as well permanent employment to the women during off farm season through involvement in various operations i.e. rearing, cleaning, milking, collection, processing, and marketing of livestock husbandry process. Income generation is improved as an extra income from selling milk, dung cake, livestock kids from big ruminant like cattle and buffalo. Though women play a significant role in dairy farming their control over livestock and its products is very minimal (Rathod, P.K, et al. 2011). Women in rural areas sell small ruminant in case of urgent financial needs like health problem, marriage etc. Gender equity is more pronounced in livestock sector, as women participation is 71% of the labour force while it is only 33% in crop farming. As many as 75 million women are engaged in the livestock sector as against 15 million men. Women play a major role in livestock production and most of them have good knowledge about livestock behavior and local feeds.

Objectives of the study:

1. To find out the caste-wise participation of women in livestock husbandry.
2. To find out the proportion of women workers involved in different operations of livestock husbandry.

Study Area:

To study and analyze the modes of involvement of women in livestock husbandry and its role in employment generation, the district Moradabad in Uttar Pradesh has been selected taking into consideration its agricultural economy and status of agriculture farming as major proportion of rural population involved in Agriculture. Moradabad district lies between 28°21' N to 28°16' N latitude and 78°4' E to 79°00' E longitude (figure 1). According to the 2011 census the population of Moradabad district is 4,773,138 persons. The district possesses sex ratio of 903, and has a literacy rate of 58.67 per cent. For administrative convenience the district is divided into three tehsils (Sub divisions) having eight developmental blocks. Moradabad lies in the Gangetic plain and is an agriculturally developed district of Uttar Pradesh.

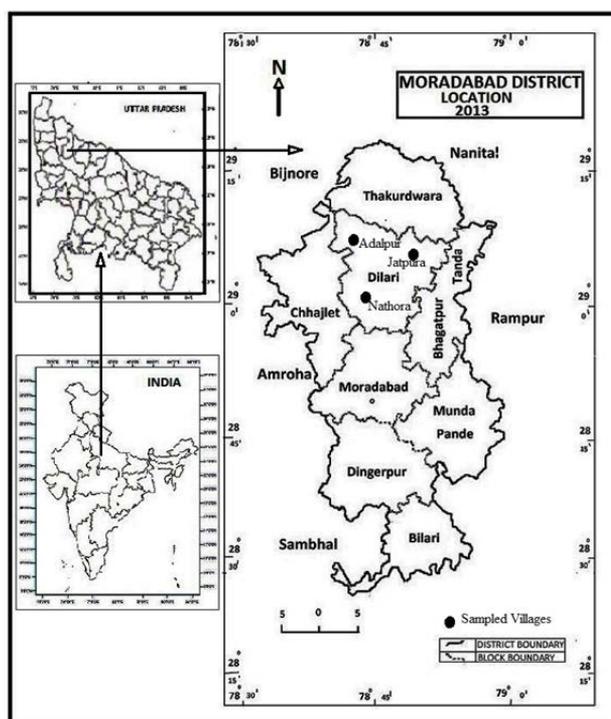


Fig. 1

DATABASE AND METHODOLOGY

The study is based on primary and secondary sources of data. Primary data has been collected through field survey by direct interview in the year 2017. Three villages (Adalpur, Jatpura and Nathora) in the Dilari block of Moradabad have been selected for the detailed study. All the villages in the block have been categorized into 3 categories on the basis of population i.e. low (less than 1500), medium (1500-3000) and high (above 3000) and 1 village from each category has been selected for the detailed study. Data has been collected using stratified random and purposive sampling technique. Using basis of stratified random sampling 30 households from each village, thus total 90 households have been surveyed. Detailed information has been collected regarding caste, income, mode of agricultural in which women are involved and decision making process. For purpose of data analysis simple statistical methods have been used.

DISCUSSION

Caste-wise Involvement of women in Livestock Husbandry: women are the main labour force in the livestock husbandry. This is the main sector in which women contribute to growth of economy instead of getting benefit from it. In the rural societies caste determines the level and extent of women in the livestock sector. India is a country where social demarcation on the basis of caste, religion, education, age, gender etc. is resembled. Social stratification in a country like India influences the life styles and food habits of people especially in the rural areas. Government of India has recognized three social groups i.e. high castes (general), other backward castes (OBCs) and Scheduled Castes and Scheduled Tribes (SCs & STs). Generally OBCs and SCs are involved in livestock husbandry in India though high castes also have significant contribution in livestock husbandry (Khan, N & Iqbal, A 2009). The involvement of women from different in the livestock husbandry is shown by table 1 and fig. 2. There are 22.22 percent women from high castes, 34.44 percent from OBCs and 43.33 percent from SCs in the livestock husbandry in the study area. The General castes in the study area mainly comprised of Brahmins, Thakurs, Baniyas and some castes in Muslims. The women from high castes are much educated and they have restrictions to stay in the house so their share is low in comparison to other castes. The OBCs are mainly comprised of Maurya, lower castes in Muslims, Lodh, Weavers, Jats, Khdagvanshi. The women of this caste are less educated and due to their low socio-economic standard they have to contribute to the household income through livestock. The SCs women are very poor and mostly illiterate so they try to earn some income from livestock while their male counterparts work in the fields and other wage earning works. In general, women are labour force will be useless if they do not livestock in their house.

TABLE 1 Caste-wise Involvement of women in Livestock Husbandry in Moradabad District

Name of Village	High Castes	OBCs	SCs	Total
Adalpur	7 (23.33)	10 (33.33)	13 (43.33)	30 (100.0)
Jatpura	5 (16.67)	11 (36.67)	14 (46.67)	30 (100.0)
Nahtora	8 (26.67)	10 (33.33)	12 (40.00)	30 (100.0)
Total	20 (22.22)	31 (34.44)	39 (43.33)	90 (100.0)

Source: Field Survey, 2017 *Fig. in brackets indicate percentage

Caste-wise Involvement of women in Livestock Husbandry in Moradabad District

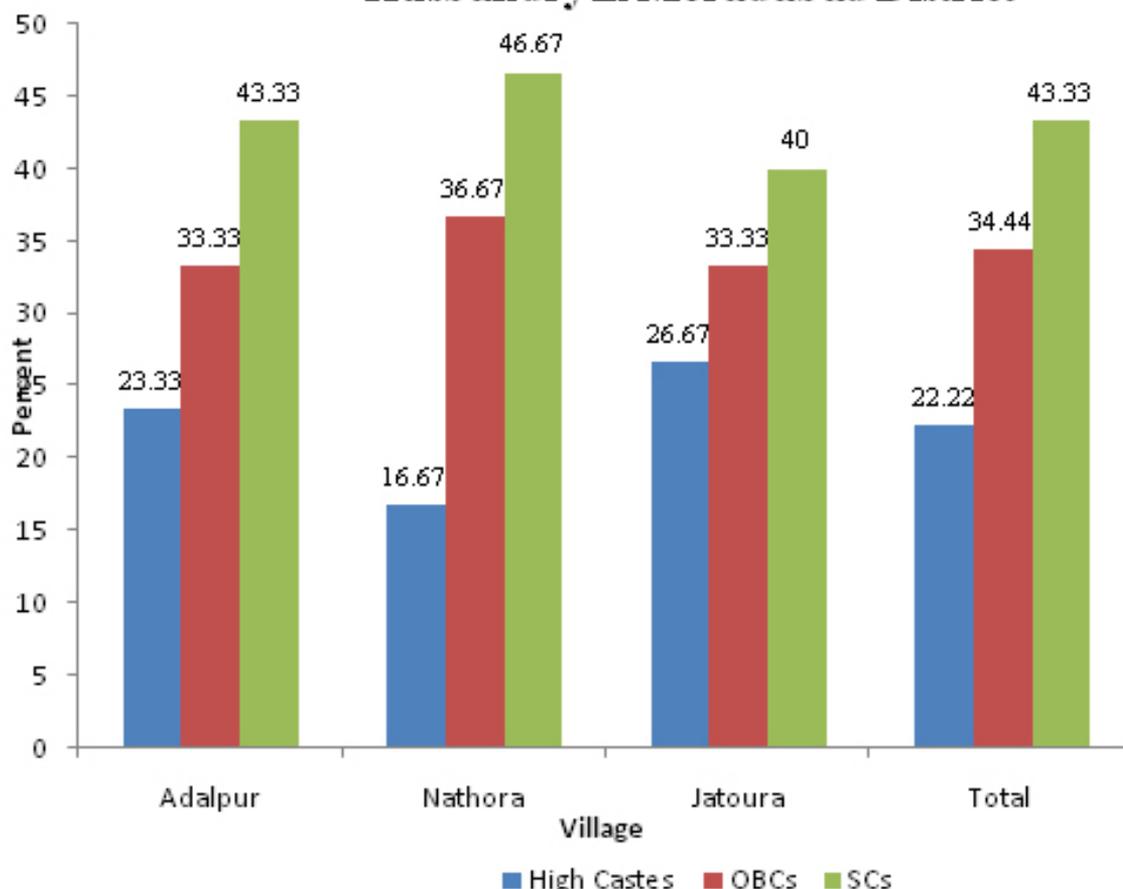


Fig. 2

Proportion of women workers involved in different operations of livestock husbandry: Women are involved in livestock husbandry at various levels and they are gaining employment from this enterprise directly or indirectly. They have played a significant role in developing the the livestock sector as major source of employment generation, in fact, they devote more time in livestock activities than men. Their importance in dairy farming has been realized because at household level their involvement in various operations has necessarily increased. Women play an important role in various operations of dairy farming depending upon situational, personal and socio-economic characteristics of the family to which they belong (Halkatti, S.V, et al.). Table 2 and fig. 3 shows the involvement of women of different castes in different operations in Moradabad district. In the feeding of livestock 27.78 percent women are from high castes, 34.44 percent are from OBCs and 37.78 percent are from SCs. They are offer fodder to the animals, watering of animals, chaffing of fodder and mixing concentrates in animal feed. Women of SCs and OBCs bring fodder from field, they rear small ruminant outside their house. In the management of livestock women of SCs (42.33 percent) and OBCs (33.33 percent) have largest share while in animal health care share of women of high castes is largest because management of livestock is labour intensive and also an outside operation, on the other hand animal health care some kind of expertise. Women of high castes are educated so they look after the health of animals. Processing and marketing of livestock and its products are mostly performed outside so lower caste women dominate this operation too.

TABLE 2 Proportion of women workers involved in different operations of livestock husbandry in Moradabad district

Activities	High Castes	OBCs	SCs	Total
Feeding livestock	25 (27.78)	31 (34.44)	34 (37.78)	90 (100.0)
Management of Livestock	22 (24.44)	30 (33.33)	38 (42.22)	90 (100.0)
Animal Health Care	35 (38.89)	34 (37.78)	21 (23.33)	90 (100.0)
Processing & Marketing	17 (18.89)	40 (44.44)	33 (36.67)	90 (100.0)

Source: Field Survey, 2017 *Fig. in brackets indicate percentage

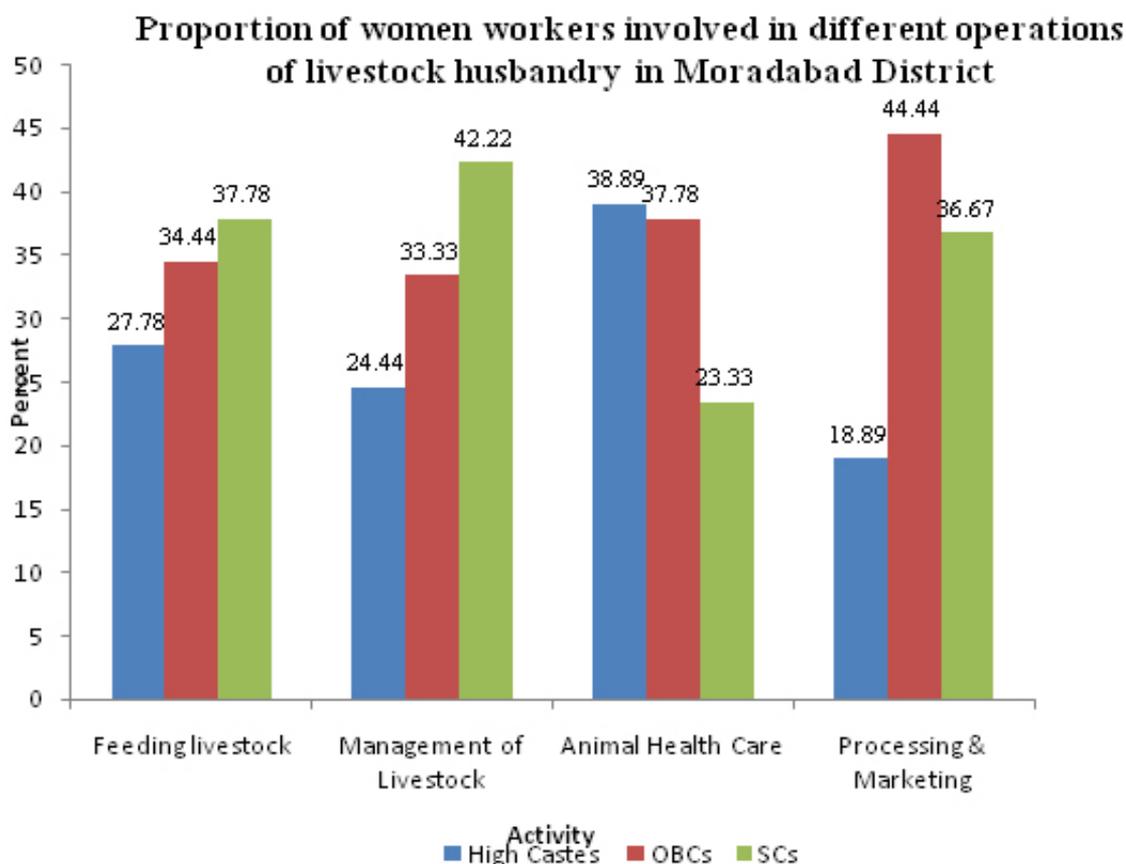


Fig. 3

CONCLUSION

Livestock husbandry increases the earning capacity of women which ultimately results in their economic empowerment. Male members of the family migrate from rural to the cities and towns in search of paid employment which has increased the proportion of households headed by women. From the economic point of view day to day operations performed by women are very crucial for economic returns for the household either directly through the sale of animals or from the sale of livestock products. Despite

their enormous contribution to livestock husbandry they are not considered as the primary workers their labour hard work is generally neglected. They are not involved in decision making process, they do not have control over generated income and they are not imparted technical education.

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VICTIMISING A LANGUAGE: A CASE STUDY OF BAJJIKA

Mahboob Zahid

Aligarh Muslim University, Aligarh, Email: zahidmahboob4u@gmail.com

ABSTRACT

The present paper proceeds with two fold motives. The first and prime motive of this paper is to present a discussion that concerns with the ongoing language politics in India and its impact on the status of the languages. Second, it illustrates how the government policies as well as the community's low level of linguistic awareness victimize some of the languages in compares to other.

Keywords: *Bajjika, Victim Language, Language Policy, Language Planning, Language Politics, etc.*

INTRODUCTION

Max Weinreich's well known quote "a language is a dialect with an army and navy" is being always used in linguistics to define the difference between language and dialect. The quote is something which always brings to our notice the strong presence of the power and politics in the organization of language. These types of quotes very much suites in scenario like India where the diverse political scenario plays a pivotal role in the language matters viz. organization, policy and planning, minority and majority languages, endangered language its documentation so on and so forth. The motive of this paper is to present a historical overview of language politics in India and its impact on the documentation and organization of languages. How the politics concern influence the up-gradation and degradation in the status of a language? Further it will illustrate how the government policies used for the development of majority languages causes threat to minority languages and in doing so they victimize them. To put it into argument we have taken Bajjika as an example of 'victim language'¹. A language which although constitutes millions of speakers but have no mentioning in the census with other legitimacies.

DISCUSSION

In India, irrespective of more than 1600 mother tongues the attempt to determine a very few languages as the standard language is ongoing on one hand at least from post colonial time while, on other hand the country attempts to preserve country's rich language diversity is also ongoing. These two good but enviable attempts are being supported by government's language policy and planning. But some time these policies and planning which are already politically motivated get challenges from some other socially and politically motivated issues. In both ways one thing is very much imminent and that is that some languages find themselves in the side of victimhood.

Language victimization is a very common and usual experience in that many languages of the world will report of having been victimised. This is also happening in India where many languages may be argued as victim languages.

The languages could be victimised in India in the name of national integrity. For instance, there are many languages in India about which the world as well as the corresponding speech communities do not know. The community speaks language, even they recognise it but they do not know the name of the language (Kashyap 2013). In such circumstances when they are being asked which language they speak?

1. *Whether it is 'victim language' or not is a matter of discussion but in this paper the researcher has claimed Bajjika as a victim language.*

The answer comes to this question is generally language X, where the language X most of the time refers to one of the statutory languages such as Hindi or Urdu as in the case of Bajjika speech community. When specifically they are asked which language they use in their day to day activity? Then the answer to this question is of very general nature i.e. names of some regional language, rural language etc. It is because they just speak the language, without knowing its name, and therefore, we may say that they are victimizing the language, they speak.

Since the victimization of language is actually an outcome of an extremely low level of linguistic awareness among speakers and negligence from policy and planning makers. Therefore we may argue that the victimisation of language is of two types: internal victimisation and external victimization that is victimization from inside of the linguistic community and victimization from outside of the linguistic community.

Both Language Policy and Language Planning are politics based activities which generally regarded as a sub-discipline of sociolinguistics. There is however exist a strong relationship between Language policy and planning and other types of policies and planning viz. economic planning, cultural planning and so forth, which put it in a multi-mouth flask. This truth about the government's policy and planning, which is always socially and politically motivated phenomenon cannot be denied in the matter of language policy and planning.

Language and politics in India goes hand in hand with each other, as the question of language in respect of organization is highly politically motivated phenomenon as mentioned above. The vague and unclear linguistic organisation is sign of the contaminated nature of the Indian politics. The most luminous sign in this regard is the scheduled and non-scheduled languages in constitution of India. This schedule which originally contained 14 languages, naming Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu, and Urdu, out of 1562 mother tongues which by now reached 22 along with the demand for many more such as Bhojpuri, Bajjika, Braj, Haryanvi, Tulu and many others is on run. Other example includes organisation of languages into: majority and minority, official and unofficial, elite (classical) and non-elite (non-classical).

The root of present language policies and planning is as being considered rests in the linguistic hassle of India which is having a very vague linguistic situation. This is why the country is going with so much language problems not from today but from the time immemorial.

The present language policies and planning made in India is considered having its root in post-colonial era i.e. in independent India, but in reality it exists in India since colonial period when Sir G A Grierson (1851-1941) did an extensive linguistic survey named 'Linguistic Survey of India (1898-1928)' under the British Government. The motive of the survey was further linguistic policies and planning and its implementation the fuel of which was ignited with the Vernacular Press Act 1878.

Language policies and planning made in India are generally based upon the reports given by census department and the report given by the linguistic survey of India. The manipulation of data cannot be denied in these reports, as these manipulations of data are gardened by socially and politically motivated forces. This relationship between language policy and planning and politics holds a strong relationship. Therefore, both cannot be treated apart from each other.

There are number of schemes in which language policy and planning as well as politics operates. These include scheme of language promotion in social spheres (such as administration, media, law and education), scheme of language preservation that is preservation of endangered languages, scheme for maintenance of linguistic diversity and so forth.

India's language policy seeks to acknowledge the presence of large "minority" groups within India, the policymakers talk about preservation, promotion and protection of these languages but in reality these are being hardly implemented not only with political motives but also with other unnatural hurdles.

Bajjika or Vajjika as it is called by native speakers is an Indo-Aryan language spoken in the Indian province of Bihar and in Nepal. This speech community is based on the speakers majorly from Indian state of Bihar and Nepal. There are about 10-12 million speakers of this language, primarily in India, but also in significant numbers in Nepal (see; Nepal Census 2011).

Bajjika which have been victimized by its own species have been found to be at risk. This risk is not only for the survival of language but it is for a host of undesirable outcomes such economic depression and academic underachievement, etc. among the speakers. It also brings challenge for survival of culture which is attached with languages.

According to education policy based on language policy and planning “the states are supposed to arrange for the teaching of all minor or minority languages in schools having at least 10 students who speak these languages as their native tongue. But in practice, most state governments discourage the use of minor languages in schools.” (Mohanty 2011). Same is in the case of Bajjika speaking region where, irrespective of having majority of students from Bajjika linguistic background, Bajjika language is being victimized by discouraging its presence in the education.

When we see Bajjika in terms of contaminating politics of language played in India we find that the existence of Bajjika is either somewhere or nowhere. Although, the genuine demand of adding Bajjika into the list of scheduled languages is ongoing. The demand is genuine because some of the languages such as: Sanskrit, Bodo, Dogri and Manipuri are scheduled language, despite they have comparatively less speakers than Bajjika. But the demand does not seem going to fulfill in near future as the demand for many others are pending for long time. This is possibly because there is no established set of criteria for inclusion of language into the list of scheduled languages. Historically, there were many grounds made for the languages to be included in the 8th schedule, but those grounds had been manipulated according to political compulsions.

The nature of victimisation in Bajjika is both internal and external i.e., victimization from within the community and victimization from outside of the community. Internal victimization in Bajjika may be referred to that kind of victimization, which comes from inside of the community. It comes in the form of linguistic negligence of the community; however, it is mainly because of linguistic unawareness. What happen is that people who speak the language, even if they recognise it, but they do not claim it in the census return as they do not know the name of the language they speak.

External victimization in Bajjika may be referred to that kind of victimization, which comes from outside of the community. It comes in the form of linguistic rejection from the authority who works for the various schemes related to language. Externally, it is victim of data manipulation lead by census under some political compulsions; despite of having millions of speaker it has no mentioning in the census reported list of 1562 mother tongue spoken in India.

CONCLUSION

To answer, the questions such as: whether Bajjika is a victim language or not? And whether it is being victimize or not? is a very difficult task but the victimization of language cannot be denied. The study of language victimization requires special attention and care. State should always stand for the development of all the languages, without any socially and politically motivated discrimination is the only way out from victimization.

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REPRESENTATION OF GAY LOVE IN THE POEMS OF HOSHANG MERCHANT AND SHALEEN RAKESH

Mohd Sajid Ansari

Research Scholar, Department of English, Aligarh Muslim University

The representation of homosexual love is obviously not a new trend in modern and contemporary Indian English poetry. The complication of homosexual love has been reflected in the gamut of ancient, medieval and modern Indian art and literature in varied forms. Authors with queer sensibility such as Gautam Bhan, Arvind Narrain, Naisarge Dave, Akhil Katyal, Brinda Bose, Ashley Tellis and A.Revathi have widely discussed on same-sex love and same-sex marriages in India with an imposing array of texts. However, male as well as female homosexuality has definitely not been normalized in modern Indian Poetry in English. Recently some progressive Indian English writers have dared to break the age old tradition of typical Indian writings by introducing such themes based on taboo-relations. Authors like Mahesh Dattani, Hoshang Merchant, R. Raj Rao, Mayur Patel, Sultan Padamsee, Rahul Mehta and Shaleen Rakesh initiated the audacious expressions of sexuality in their literary works. Their works deal with those ‘invisible-issues’ which label them as ‘others’. In the case of gay poets, it becomes a violent rejection of the silence imposed by society on their subject, liberation from the heteronormativity.

We redeem that India is still a repressive country for each marginalized community – women, dalits and the people of alternate sexuality. It is more repressive for the homosexual particularly for gay men when a law that criminalizes same-sex relationship remained in existence. Though recently on Jan 29, 2016 as reported in a national daily the Supreme Court is due to give verdict on section 377, the law that criminalizes sex between mutually consenting adult men. Homosexual activists and practitioners across India and abroad enjoyed and celebrated the yet to come victory seeking a silver lining of hope for the betterment of their plight. But it is disheartening to acknowledge that amending or withdrawing section 377 is a matter left to parliament. Since identities are created by difference, exclusion and social injustice, it is the struggle of the long stressed people who aspire to come into the mainstream but couldn’t able to as their existence and identity have not yet been recognized as valid.

Modern Indian English poetry has portrayed love in form of a multidimensional kaleidoscope. Hurt, despair, faithlessness, betrayed dreams and reneged promises are frequent emotionally catastrophic and violent states in contemporary Indian English Poetry. “The advent of a new literature by queer writers in India during 1990s and the first decade of the 21st century marks a new phase in Indian literature” (*Arroyo 2010, 111*). More conversely gay poetry and its celebration comes to be pervaded in Indian poetry with Hoshang Merchant, R. Raj Rao, Akhil Katyal, Ashley Tellis and more recently Shaleen Rakesh’s poetic enthusiasm. The impressions of alternate sexuality have been portrayed through the musical notes and vivid colors in the poems of these gay poets. Depiction of sexuality and its diverse forms has remained an essential issue in most of the modern English poems in India. Among the poets, who laid the foundation of gay-poetry in India, Hoshang Merchant and Shaleen Rakesh need to be figured out prominently because they have dared out to pinpoint the willful neutrality of gay people and their culpability to maintain their presence in mainstream society. Merchant and Rakesh’s love poems are indeed those binary works of literature that attempt to speak about forbidden and invisible-issues, concerning gay people and to demand an equal place for them in the mainstream. As far as identity is concerned, these poets’s passion for life flowing from matter, their tendency to treat things equal labeled them as queer materialists.

In this paper my efforts would be in revealing the fact that same-sex relationship and homosexual love of Beatnik gays in India has more profound and intense desire for love than heterosexual people. It is more vulnerable as it is afflicted to a belief that same-sex love is imported into India by Western influences but it is not an alien import, it was very part and parcel of Indian art and literature. The paper will also explore the invisible-issues demarcated in the select poems of Hoshang Merchant and Shaleen Rakesh to recover the survival of gay literature that focuses on developing stark reality of homosexual discourse in contemporary academic realm in India.

Hoshang Merchant one of the major exponents of contemporary Indian poetry in English, talks about those issues related to 'others' which puzzle the Indian readers. He talks about the homosexual love openly. Celebration of gay poetry and homosexual love that echo in Indian religious scriptures, paintings and even in literature throughout the times might be the deep rooted concern of Hoshang's writings. Desire and its limit, experiences of "consumption" by the object of desire or self-annihilation are intense arguments in Merchant's discussion of love. In his poetry homosexual and homoerotic-love is presented in both physical as well as metaphysical form.

Shaleen Rakesh, a fresh arrival on the Indian poetic scenario has a distinctly queer sensibility. In his poems from the debut collection, *The Lion and the Antler*, he implies that homosexual love is critical and its analysis is deep. His poems question the crisis and complication of homosexual relationship that are not rigidly demarcated in terms of socially accepted gender-construction. Rakesh appears to be a radical thinker who endows liberty to gay people with self-dignity, inner-strength and courage to endure their pains and sufferings thus intending to shatter the social norms.

The present study traces the shift in cultural extravaganza towards same-sex love relationship (friendship or homoerotic) from early Moghul, medieval and premodern Indian world to the present. In fact it is necessary to mention the appropriate span when Indian homoerotic space violates its cultural peculiarity. Furthermore same-sex love starts to obtain imported *modus-vivendi* and foreign signification as a consequence of the colonial experiences. Homosexual love was also infuriated by the aborted national planning of postcolonial Indian subcontinents. Reading poetry as an allegory of civil codes, the article will reconsider the homoerotic deliberation by addressing the causes of delineating gay-poetry and its repercussion of increasing exposure of gay poetry in India that problematizes mental agony and questions the existence of gender hierarchies where the gay are rather functioning as revolting metaphors of personal and national dispossession of social and political decadence looking the argument in traditional models of heterosexual representation instead.

Before untangling the fact of same-sex love's representation in modern Indian English poetry, a close look on gay relationships, particularly homoerotic relationships depicted in Ancient, medieval and modern Indian literary and historical texts are in order. It is equally important here to mark the great changes in homoerotic philosophy and knowledge that imparted the deep rooted ideas reflected in these texts. The changes mentioned in these few select texts, took place during the nineteenth century and in the beginning of the twentieth century at the very onset of western colonial and cultural exchanges, as what Charles Darwin concluded when he asserted - "we don't even in the least know the final cause of sexuality. The whole subject is hidden in darkness." (Ryan D. Johnson. *Homosexuality Nature or Nurture* 72). But this very fact is the source of sexual orientation of the gay community who anonymously practice same-sex intercourse at the stake of their lost identity. Their identity is appears as a stigma formed by people with biased attitude towards them. They even don't have proper identity markers. For example, in contemporary Indian society we know gay couple namely as: Koti/Panti, Active/Passive, Top/Bottom, Jenana and so on. The same idea is expressed in Hoshang Merchant's gay anthology *Yaraana: Gay writing from South Asia*. He stresses that the repressive and discriminatory mechanism of the heterosexist patriarchy wins over sexual minorities. He hardly notices the presence of a male homosexual group in India having an identity parameter. Merchant implies that the term 'homosexual' is a European import and it can't be taken to designate an Indian gay as it is used for both the sexes who are indulged in same-sex love relationship.

The waves of homosexual love marked vivid expressions in Indian classics including the arena of modern literary canvas. Homosexual-love and gay poetry is deeply intervened with ancient and medieval

Sanskritic traditions. Friendship and intimate attraction between same-sex (particularly between men) was often resulted into consensual sexual intercourse. The love between two male lovers proved to be more intense than their friendship. An instance of this closeness is brazenly seen in relationship between Arjun and Krishna. Krishna expresses his deep concern towards Arjun revealing the fact of mutual relationship.

Thou art mine and I am thine,
While all that is mine is thine also!
He that hateth thee hateth me as well,
And he that followeth thee followeth me..!
O partha, thou art from me and I from thee. (*Vana Parva*, xii)

It is appropriate to note that this mutual conversation between the two raises the question of validity of masculine love in form of a philosophical moment. This friendship is identified as a token of sacred love because it observed the same ritual as seven steps taken together around the sacred fire during a Hindu marriage. '*Saptapadam hi mitram*' or seven steps taken together forms friendship. For example Rama and Sugriva too walked round the fire seven times to seal their friendship. The bond of intimacy in their friendship unite the two into a one soul mate as "the Gita only reiterates what Krishna says in his many declarations to and about Arjuna – that he and Arjuna are not two but one." (Vanita, IX) (There are several other examples to reflect how such attachments are represented in history, literature or myth. Even in the five books of *Panchatantra*, what is worthy to be noted is that all the characters (including animals of diverse species or tricksters) are male and they developed close friendship with same sex. Even in one such story, friendship triumphs over marriage. In the continuous chain of homosexual lovers, an example of long term relationship between the poet Mukarram Baksh and Mukkarram (both male) is noteworthy. A poignant study reveals that after the death of Mukarram Baksh, Mukkarram (his male lover) observed iddat (a period of sexual abstinence and mourning prescribed for a widow in Sharia). Later Mukkarram also inherits his property as his living heir.

Sufi mystics held a belief in personal experiences denying the fact of fundamental doctrine. They hold that gay-love could surpass sex and it would not distract them from the ultimate aim of transcend insight. In their poetry, they used to adopt a female persona to invoke gods. Similarly Urdu poetry neither celebrated nor degraded the same-sex erotic feelings. These Sufis expressed their views vehemently on sexual activities based on homosexual love. They believe that erotic commitment was not a threat to the institution of marriage but it is a common accepted behavior to escort love in a different way. Stimulating the same notion of love, famous Urdu poet Najmuddin Shah Mubarak 'Abru', violates the concept of heterosexuality in one of his celebrated verses reinforcing that -

He who prefers a slut to a boy.
Is no lover, only a creature of lust? (Abru17)

There are most probably few developments that took place during the period of modern Indian Poetry in English. In modern Indian literature (late 19th to 20th century) the rise of the homophobic voice dragged upon and lesbianism and gayness become a more frequent form in art and literature as true great realism depicted by the progressive writers in India in full swing. To some extent homosexual love marks its inciting controversy with bitter sweetness of recovering something lost. Shaikh Qalander Baksh presents a lively example of homosexual poem based on homoerotic love where he even talks about penetration with dildo, an emphasis on kissing, petting and caressing:

The way you rub me, ah! It drives my heart wild-
Stroke me a little more, my sweet Dogana.
I'd sacrifice all men for your sake, my life,
***** _____*****
How can I be happy with a man – as soon as he sits by me?
He starts showing me a small thing like a mongoose –
I'd much rather have big dildo
And I know that you know all that I know. (Vanita 255)

However these conflicts among the varied experiences hinder the exhaustive efforts made for the upliftment in the standard of homosexual lovers in general. It must be observed in pre-colonial India, not a

single person was ever executed for homosexual encounter whether it was consensual or non-consensual. The anti sodomy law appeared at the scene only in 1860 incorporated in the Indian Penal Code (*Section 377*). British agencies, during that time compared Indian policies to the Victorian waywardness, based on anti-pleasure and anti-sex dogma. Comparisons are odious, but the apparent inequality spawns jealousy and creates hostility among the weaker section of society even today. The homophobia was so incorporated by Indian people, including elite class that they had been suggested to mark the forms of love making and to avoid the wrong-myths about homosexuality. One of the modern writers who has put Indian writing in English on the international arena, Vikram Seth pens down the very idea of his agony in the poem 'Dubious', where he begins a journey of a more complex self-discovery:

Some men like Jack
And some like Jill;
I'm glad I like
Them both; but still
In the strict ranks
Of Gay and Straight
What is my status?
Stray? Or Great? (377)

Undoubtedly the ancient, medieval and modern Indian poetry present a confrontational clash between terror and strength that molded-up the very fabric of homosexual love. In other words Indian English poetry shows a mal-adjustment between colonizers (home-rule civility) and colonized (LGBT). Identity is the external layer related to color, race, class, social position, economic status and nationally whereas self is the deeper layer, the core self, constitutes through cognitive process, reflections of memory, education, exploration and exposure. Hoshang Merchant's *Sufiana, Alif/Alfa: Poems for Ashfaque and Juvenilia* possess creativity at par excellence that questions the most relevant issues concerning the world of the homosexuals. Hoshang Merchant, liberal to his publicly projected image of a Parsi homosexual leads the representation of sexual group in relation to experimenting with traditions. As a result thereof, Merchant who happens to be a "Parsi by religion, Christian by education, Hindu by culture and Sufi by persuasion" (*Yaraana 1990*) refers to the holy path of living practiced in Indian societies where an adult upbringing severely adjust to survive in a hetero-sexual system. The journey of love from spiritual to physical invokes Sufism in Merchant's *Sufiana* poems. It takes a positive perspective towards homosexual love and endangers its intersections of the sexual and the spiritual counterpart. The poems in the collection *Sufiana*, such as "Iran", "Homage to Derek Walcott" and "Dharamshala Cantu" regenerate a nostalgia for an incomplete love and its centrifugal journey – a self-expiatory physical journey that leads readers into a spiritual ambience. In the present poem "Iran", we find love wrapped into the waves of emotion.

Waves & Waves of emotion

Wash over me
I look for my lover
In Chai-Khanesh and Zur Khanesh
He's not there, not there
He's here with me
Laughing from the grass. (*Sufiana*, 29)

Composed in Sufi style, the poem expresses the poet's intense desire to have a true lover. The poem is enriched with Indian tradition and reflects upon a complex homosexual imagery. Merchant here expresses, passionate love and deep intensity of a boy for his male lover. Here the longing, anguish and suffering are related to an erotic machine that is the human body. All this indicates that Merchant has ventured into territories often forbidden by custodians of conventional morality. In his poem "Homage to Derek Walcott", he develops a vision of chronological events that questions the desiring absence of his self. The homoerotic love is meticulously presented in most of his poems in *Sufiana* collection. He tries to confess his status as being gay is being itself in all acts. The sense of dejected love and incompleteness of homoerotic self might be the gist of poem when he asserts:

My lover say I'm looking for a poem
 My students say I'm looking for god
 But I am neither looking for lover not poem nor god
 But for Death which is all of these. (49)

In fact Merchant's hollow desire of searching a true lover sets him free from the world where his past memory remains with him and doesn't allow him to get emancipated. The poems in *Sufiana* represent an imagery of inculcating union of platonic love with spiritual love. The core function of love was to undermine the heart, to make it receptive to more pain that made the human heart a site for the Divine Light to be reflected upon and into it. Merchant and Shaleen's poetry demonstrate that pain and things that caused pain has a positive value as "...in poets of alternative sexual preference, the anguish of love is partly to do with the fact that social norms do not allow an overt expression of their love. Thus gay poets for example, have a double bind to negotiate: the absence of reciprocity in love, and the large social trammeling of non-heterosexual desire." (Nayar, 56). The lively example of romantic love thus eludes in the poem "*Prologue to Hotel Golkonda*", where Merchant idealizes non-heterosexual desire:

I went to a hotel to eat
 But fall in love with the waiter
 The hunger I felt wasn't within
 My stomach but my heart
 I put my heart on a plate
 And serve it to the waiter. (56)

Searching to mitigate the anguish of love and enjoying the solidarity of love, Merchant here seems to romanticise an ideal situation of love. The poem is a lively portrayal of an outlawed sexuality with ordinary sexual desires. Here a romantic but alienated lover lives by lying about himself and feigning what in reality he is not. The lover seems to be quite used to this mode of living - the paradoxical and liminal existence.

In sharp contrast to Merchant's poetry, Shaleen Rakesh in his poetry of open sexual dissent persuades a dreadful vision of an invisible existence that compels readers to believe in the homosexual and homoerotic context of love. By his first collection of poems, *The Lion and the Antler*, Shaleen attempts to recreate a poetic enthusiasm to edifice that the exercise of love is a requirement of daily life. *The Lion and the Antler* is divided into four parts, highlighting the poetic developments taken place in poet's own life experiencing diverse strands of love. The poems reveal the palimpsests of taboo relations and celebration of gay-love with queer sensibility. The poem "*Near the Metro Station*", raises the question of gay-love (taboo relation) and its validity in a conservative social context. The poet seems to be desperate as his male lover does not come to his expectation negating the sexual intercourse openly near a public place:

At the corner
 Near the Metro station
 I contemplate
 The infinite silence
 Of a slender boy.
 Our two journeys
 Run together
 For this moment. (89)

Most of the poems in the collection are autobiographical where Shaleen attempts to share his life's personal sexual encounters brazenly. The encounter as depicted in this poem is very common a scene in metropolitan cities like Delhi where the poet resides. The poem appears to demand liberation for self - love and self - reflection. The enjambment employed in the poem is highly artistic as it indicates the body of a slender boy as 'desire machine' from where arouses the sexual emotions. Shaleen's poems representing gay love in a different form are thus not only a depiction of real life situations but they are the reflection of feigned self's exposure. He seems to explore his gay-identity thinking it as a constant antagonistic opposition to the world at large. Abounding with the style of satirical humor, his poems are characterized by exaggerated or grotesque pregnant with coarse jokes. For example poems like "*The Exquisite Lover*",

“*A Lover in Supernova*” and “*Treasures of the Night*” illustrate the ideology of homoerotic love over heterosexual love. In other poems where heterosexual desires and lovers are the themes, Rakesh seems to enjoy more considerable sum of freedom than Merchant does. Recently the scopophilic glare of homosexual yearning concentrates upon the modern lover, though the narcissistic self of the male abides the feelings of homoerotic intimation. In Shaleen’s poems, we observe that the same strain of homosexual love associated with the intensification of passion, the dream of a fruitful relationship, the dejection at its failure and the non-responsiveness of desire or its inadequacy run abruptly.

The Lion and the Antler infers the troubled and materialistic experiences of a gay poet embarked on a search for discovering and acknowledging his true self, his freedom and his yearning for spiritual love. His poems are the opposite of the hermetic philosophy. His poems are the confessional and realistic account of his struggles, his search for a true lover and above all his growing up into a mystic poet whose aim is not to bury his identity but to establish his identity as a gay to serve society on an equal term. In the poem, “*The Exquisite Love*”, the poet expresses the notion of an ideal love between two male-lovers that might unite them in sequels of heterosexual ideology. The poet pretends to be a carefree lover who doesn’t care of this mundane world. The poem reads:

Give me the option
To kiss you
My exquisite love
To dance in the middle of the street
Where I can rest my head
On your shoulders
And breathe in your perfume.
.....
A grip of your back
The music and the wine
Just two men and the city
The wind in our hair
The evening at our hands (119).

In fact there is hardly anything more suitable in the poem than celebration of a gay-body. The poet reveals gay body in a flux as the run-on-line technique of the poem maintains that the acceptance of bodily constraint is a visible issue in gay-poetry. Shaleen stresses on both platonic as well as romantic love. He feels like to be free to enjoy the very intensity of his lover’s sigh manifesting an irresistible cry for freedom and love. The present poem reminds us one of the most celebrated Metaphysical poems by John Donne, *Canonization*, where the speaker is celebrating his love in order to be unified and canonized in love distorting the concept of worldly wisdom:

For Godsake hold your tongue, and let me love,
Or chide my palsie, or my gout,
My five grey hairs, or ruin’d fortune flout,
With wealth your state, your minde with Arts improve (Donne 1-4).

Unlike Donne Rakesh musters up the courage to lash out his pent up anger against the mainstream society. In most of his later love poems, Shaleen brings forth the images of hollowness, pettiness and ugliness of contemporary Indian society. His gay-poems are not all romantic rather they are optimistic expressing the callous attitude and social prejudices of the mainstream society. Apart from these facts his poetry, through and through is erotic, sexy; but sex, eroticism, is also a part of love that is very ingredients of gay poetry. This is why his poems catch our attention in the same manner as oriental words of wisdom do. In his poems, we experience a shock of recognition and indication of romantic love and its mystery to the core of sexual orientation. The love or lust poems of Shaleen as they are often called link the body with the place, as desire generates a substance horizontal force field that shakes-off, joins and intervenes bodies with non-heterosexual desire and physical intimacies. Moreover his love poems exhibit intimate emptiness of obscenity. The poem “*Treasures of the Night*”, presents a bold but perfect example of passionate gay-love that was hidden in early homosexual poetry.

We lie tangled
 Rushing in and out
 Of each other
 Draped with kisses
 That makes my head run
 Then turn
 Somewhere between your legs
 I search desperately
 For ripe fruit
 Raindrops, stardrops
 Tears and cum
 That evaporate beneath your heat (166).

The poem manifests a wise illustration of the *Kamasutra* divulging the practice of oral-sex among male homosexuals. The poem reveals that the practice of homoerotic sex strengthens the intensity of love between two gays. It proves to be a hallmark for so called gay-poetry as it attempts to surge up all possibilities by depicting every possible sexual behavior and practices. The readers can easily relish the ecstasy of love between two male-lovers by hierarchical one way encounter. Even the epithet 'ripe fruit' is in fact a metaphorical assumption for male genital i.e. penis. The performance of body is depicted establishing a margin with cultural context. Later in the same poem, the speaker's sheer revulsion of being a gay recreates an invisible desertion that leads him to a shameful remorse. Following lines portrays the emotional inner self of a hypersensitive gay and what he feels after such sexual intercourse:

When my desire
 Finally explodes
 I run to wash
 My filthy heart
 And gathers the treasures
 Of the night (166).

This homoerotic love induces guilt for all perfectly natural things in human being like sex, ageing, death and masturbation. It makes mandatory all possible sexual pleasures that these gay partners enjoy. The subtle use of euphemism and transferred epithet add charms to the poem's self expression. The fact, the poet's heart is not filthy: it is his desire that demands physical association of bodies to make love. The most crucial issue this poem talks about is liberation of gay-love. Shaleen is referring to an idiosyncrasy in which gay-love and platonic-love get twisted in order to secure temporary political mileage that is very often discriminatory for sexual minorities as gays. Both these poets consider love as a growing up tradition of sexual intimacy. They demand equilibrium for professional life in terms of the violence that was inflicted upon gays. In this strain Shaleen's poems "*White*" and "*Lovers*" manifest peculiar examples of arguments on love based on non-normative beings. After detailing the roles that a gay poet performs, he concludes one of his best poems "*White Nights*" with a vague image of love:

Love
 How could we bring upon us
 A night so shimmeringly white
 In the noon of day? (204).

The tendency of solipsistic love is evident as the poem reflects the nature of neo-romantic love. Shaleen's solipsism in love poetry reflects radical fervor of irony and sarcasm. In this poem love is not described as merely platonic, spiritual or romantic rather it is depicted as an instinctual response of sexual intimacy between two male lovers. Here one more question is in consideration, whether all gays passively yield to the tottering state of their existence or do they protest for? Moreover to ascertain the concept of gay-love and its triumph over body, the poet implies homoerotic epithets in his poems repeatedly such as – "the depth of your body", "howling touch", "trembling struggle" and "mounting horse". These expressions are highly provocative depicting the unsanctioned joy of homosexual-love. He wants to instill a feeling of altruistic-love in the heart of the readers towards homosexuals recommending the need of

universal association of love.

An individual may be habituated to ignorance by not knowing what is happening in and around the world. Rakesh's poetry truly holds that being passive we become familiar with objects in a condensed way. The fresh poetry of Shaleen Rakesh, depicting homosexual-love has no boundaries of pleasure and unexpected happiness. He seems to prove that same-sex love could be as demanding as heterosexual love. Similarly the never ending complains of Hoshang Merchant for the same-sex love's demand becomes bold enough when he unravels the strong aspect of gay-love in *Alif/Alfa: Poems for Ashfaque*. He maintains that the love among homosexuals is also as spontaneous as heterosexual love denying the kind of illusion that society fabricates. The poems in the volume demand a social equilibrium for "queer-self". Mocking at the moral strength and clarity of thoughts, Merchant criticizes indictment of staggering position, in the present poem, "Who is the Member of the Wedding?"

I am the unhonoured guest at a wedding

I'm the stain that could spot the serge (13-14)

The poem is a rendering of the bias the society holds towards a gay. It reflects his feelings in a gathering meant only for the heterosexuals, making him feel the outsider. Merchant remains clear-voiced and audacious to express his sense of alienation from rest of the people at the marriage. The poet's presence in the wedding may be taken as his withdrawal of participation in heterosexual rendezvous where his gay identity can never be approved as normal. His identity as a gay inclines him with extremities of humiliation. The poet reads out his agony in form of words:

I'm the tide of blood/surf

.....

A whole race with its hands in its pockets

A something an eye can't see but a whole race knows

And keep to itself (16-20).

This seminal figure of gay-self appears to be but only bedrock for the mainstream society. It promises a false notion of gender equality that more or less determines ambiguous attitude of society towards homosexuals. To some extent Merchant makes it sure that Indian society has never treated homosexuals on equal grounds because they have always been considered as 'outcastes' or 'outsiders'. He willingly hates the institution of marriage declaring it as a "stale matrimony" (22). The poem can be read as an example of how self-consciousness functions in two ways: first, as discrimination against male-lovers, and secondly a radical demand of equality for them. Another significant point that Merchant argues concerning homosexual love is that it has a power to deteriorate heterosexual binary. He maintains that gay lovers can interchange their sex roles during sexual intimacies which straight people can't. How homosexual love can change a lover and make him compassionate is clearly shown in the poem "Notes: My 'Lover', (For Ashfaque):

He lives within society; I outside it

He seeks my society. This is when the cracks appear.

.....

Men are imprisoned in it. Women, also.

Some want out. Sometimes.

Sexuality is a way out. (5-10).

Merchant glorifies the notion of homosexual love illustrating the idea when a male is in true love with another male nationality, religion, race and social status don't stand in his way. It is true that 'gay poetry' is born at the moment when contemporary Indian literature underwent a great change in culture and tradition. It is also obvious that gay-poets yearning for true love experienced social, psychological, physical and economical imbalanced equation. They sometimes have to suffer the disintegration of family resulting in the loss of relationship. Now and again it is shown in Merchant's poems how the gay love reaches to its climax violating the notion of heteronormativity. The poem "Couplets written with Blessings of Faisal Chisti, Nampally Durgah", sharply indicates the poet's antipathy towards his father's whim as the sole reason that led the poet's rejection of the normative heterosexist-love. The communication

gap between the poet and his father developed an inferiority complex in poet's personality resulting his attraction towards boy.

Homosexual-love relationship that Merchant experiences can never be included within the orbit of family. Merchant realizes that it has an absence of appropriate impression of social status that violates the traditional concept of an ideal family. Likewise he rejects his masculine body to create words and expressions and accepts it in form of a gay-body to enjoy feminine articulation. Though gay-poetry in India can be taken as self-reflexive, similarly the art of composition, the poet's inner agony and the status of body has become the vital ingredients of it. Unlike Shaleen Rakesh, Merchant mentions the very idea of self-reflection and taboo-relations overt sexual discourse. In the poem "*For Ashfaq: Yesterday, An Angel*", he curtly speaks:

Yesterday,
An angel came and said:
Hoshang! Give me your body
The angel had fallen on bad days and wanted to be human
But I had already left my body behind
In an attempt to become angelic (1-7).

The essence of bodily love in the poem reminds us of the idea of transformation of body as performative one because the poet wishes here to attain sainthood by embracing his gay-body that denies boundaries of language, race and culture. Merchant confesses that being born gay is his inspiration that will claim his position in mainstream society which he always yearned for. Merchant's self-assertion appears to be an echo of Michel Foucault's remark on the normalization of gay relationship as an identity parameter:

...One day the question, 'Are you homosexual?' will be as natural as the question, 'Are you a bachelor?' (Foucault, 368)

Thus gay-poetry hints at the abolition of hierarchies in order to serve shared abasement of homosexuals in particular the issues of gays. The most significant thing in gay poetry is that it gives liberation to self-love and self-reflection. Merchant and Rakesh in their love poems map-up the inevitable disappointment by means of implemented irresistibility of constituents of identity in contemporary India. The paper also maintains that all the gay poets of Indian English poetry are honest and bold enough to confess their sexual-orientation, their exploitation by mainstream and their hidden choices. Gay poetry echoes the lament of the gay men's efforts to equivocate the aggressive invasion of identity parameters like class, race, caste and religion that are not resulted in new consciousness rather it laments of a catastrophic solipsism and isolation from the world around them. Merchant forcibly tried to conclude that the bleak expanse and irretrievably inferior people's passive sexuality degenerate sexuality against their combatants i.e., straights in contemporary Indian social milieu.

Gay poetry is only part of marginalized group's painful attempt to raise their voice against heteronormative construction. It expresses love in vivid emotional hues that gay-love produces. Nevertheless the gay community and its debates exist in form of an outfit of the worldwide phenomena since communities will be in persistent collision, cultural diversities acquires a secondary status in the formation of identity. As a result gay poetry gives its place to a more egalitarian authority that is only poet's distinctiveness. Gay poetry thus becomes the mirror of their personal culture, choices, and a silent exhortation advocating social and political change.

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THE SIGNIFICANCE OF HUNTING AND MILITARY SPORTS IN THE MUGHAL ARMY: AN ACCOUNT OF ITS ORGANISATIONAL AND LEISURELY FUNCTIONS

Azmat Ali

Ph. D Scholar, Jamia Millia Islamia University, M.A, Jawaharlal Nehru University, New Delhi.

ABSTRACT

A routine performance of the military duty could have been strenuous for the Emperor and his soldiers. Long military marches through difficult geographical terrains, incessant sieges, and the fatigue of actual contest in the battlefield took a heavy toll on the body and the mind. The Mughal emperor frequently indulged, and made his contingents participate in hunting exercises to give them rest and leisure. On the flip side, it was also a way of physical exercise and exertion. The pleasure element was implicit in it; incursion into the new territories, encounter with the wild beasts added to the fun. Inadvertently, Hunting also performed some serious administrative functions for the state. The emperor on expedition got a chance to inquire into the territories of his kingdom and came in close contact with the rural feudatories, who waited for this opportunity to convey their grievances and express their loyalties. Apart from the pursuit of hunting, some organized sports and gladiatorial contests too became a part and parcel of the military life of the Mughals. It provided a platform to the soldiers to manifest their skills and capabilities. A successful display earned them rewards and honors. There were many other crucial aspects which helped overall strengthening of the army institution, which will be unfolded in this paper. The current work is part of my doctoral thesis.

Keywords: *Hunting, Fatigue, Diversion, Leisure, Administrative Functions, Organized Sports.*

1. INTRODUCTION

Mughals needed to maintain a high level of physical and mental fitness at the individual and organizational level. Hunting and other collateral activities gave them break from the routine military duties. These excursions were not mere fun, but they performed some useful function for the army. Hunting made soldiers learn the art of organization and coordination. The ancestors of the Mughals developed passion for it very early in their lives, and followed it on a large scale. Mughals organized their hunts on the pattern of Chingis Khan, where hunting was considered a war game, and an exercise for attaining coordination, discipline and courage. The individual skills required for large scale battle were shaped through these activities. Chingiz often considered hunting wild animals a desired occupation for the nobles, as it trained them in 'war and endurance'. The basic training which Mongols received early in their lives made them proficient. They learnt to ride and shoot from an early age. Most importantly, their movements in the battle was based on the practice of the *nerge*, which was essentially a mass hunt known as *battue*. Mughals were no different from Chingiz in their hunting habits; who ordered the hunts to be prepared in advance, and even put those nobles to death, who allowed games to escape from their enclosure. The immediate ancestors of Babur also took extreme pleasure in the hunting expeditions. Abundant hunting and fowling grounds of Faraghna made them inclined towards these activities. The regions of Akhsi and Andijan had numerous pheasants and hares. The father of Babur, Umar Shaikh Mirza flew pigeons, and one of his nobles Hasan Yaqub played polo (*chaugan*). The settings in these regions made Babur a frequent hunter. He would go on these expeditions frequently, and traverse through dense jungles to hunt *Bughu marail*. Here, Babur practiced a rudimentary form of encircling tactics in company of his contingents. He encircled hunts and flew hawks at them. This became a precedent to much organized practices later. While returning from Kabul, he formed a hunting circle on the plain of Kattawaz and did a massive hunt.

Hunting expeditions also showed the egalitarian traits of Babur. He shared his hunts with fellow soldiers. Even his early hunting enterprises attained the synchronization of the highest order. The following hunt would illustrate this, when Babur was in Kabul, a tiger appeared on the line of marches. His horses were scared and fled in different directions. The tiger hid in the jungle, to allure him, an elephant was made to stand on the jungle. As the tiger came out to attack the prey, all his contingents who occupied different positions in readiness, attacked and killed the tiger. Though, hunting had not acquired a massive scale during Babur. But even at its nascent stage, the exercise reflected tremendous harmony.

Hunting activities were pervasive. It directly or indirectly involved everyone. Humayun took as many as eight hunting expeditions in Iraq, but what was unique in these expeditions was the participation of the royal ladies. His wife Hamida Banu Begam used to enjoy it from a distance, sitting on a camel or on a horse litter. Shahzada Sultanam, the sister of Shah of Iran, used to ride on a horseback, and take her stand behind her brother. Hierarchy and the status were maintained during hunting expeditions. When Humayun went to hunt with his brother Mirza Hindal near Kabul, the latter excelled, and captured more game than Humayun. But following the rules of Chingiz, he surrendered all of them to the Emperor. The aloofness of the hunting spots made the excursion vulnerable to attacks. While Humayun was hunting with his brother Hindal, someone sent by Mirza Kamran tried to kill Emperor. The arrow missed the target and hit Hindal on his shoulder.

Humayun organized many sports on the day of his coronation, where soldiers displayed their military maneuvers. It was also a source of pleasure to the audience. Tournaments were organized for striking gourds, and perfecting archery, and handsome prizes were distributed for the winners. Military generals and other important officers assembled on the occasion, and accompanied the emperor on both flanks in full armor. This was the occasion when master gunner Ustad Ali Quli displayed his shooting skills, and singled himself out as the most capable of all. He was rewarded with a robe of honor, a jeweled dagger, and an Arabian horse. Like his father, Akbar too organized gladiatorial contests. He even invited the visiting Christian party once, which refused the invitation on the ground that the sport was immoral and involved human bloodshed. And in return, advised Emperor that if he wished to enjoy this kind of sport, he should have the edges of the sword blunted and made participants wear proper guards. The king seem to have approved the suggestion of the fathers. Akbar's gladiatorial contest were also marked by sounding of different musical instruments on the Mongolian pattern.

The hunting expeditions of Akbar were marked by a discipline and order. Measures were taken so that the place was not over crowded and the beasts were not frightened. Safety measures were put in place to reduce the risk of treachery. A strict discipline was demanded during the hunting, especially during the Qamargha hunt. When Shah of Iran organized a hunting expedition and invited Humayun, a large number of the animals were killed, but the place where Humayun's men were posted, several deer escaped, for which Shah of Iran demanded a fine of a horse and a *Tuman*. No one was allowed to participate in the hunting without the permission of the emperor. Humayun participated only when he was allowed by Shah Tahmasp. The Shah also tested the shooting skills of Humayun. When a deer came near him, he said, "Now Humayun, let us see how you shoot." Hearing this, he discharged his arrow and hit the animal behind the ear, the animal fell on the ground. Persians appreciated his skills and wished him good fortune.

2. HUNTING AND ITS ORGANIZATIONAL FUNCTIONS FOR THE ARMY

Hunting was a group activity. The emperor took the lead and dictated terms in the enterprise. The roles and responsibilities assigned during hunting were replica of what was expected to be done in the battlefield. But during these incursions, the Emperor never failed to perform the serious businesses of the state. When Humayun returned to Kabul from Persia, he frequently went to amuse himself in hawking and fishing in the river Baran, and other places with his companions. But during this, he was seriously engaged in writing letters to the various chiefs of Samarkand, Bokhara, and other towns, asking them for the possible assistance, and inviting them to accompany him on his invasion of Hindustan.

Even Akbar repeated the same practice. During his expedition to Shivalik hills, which resulted in the flight of Sikandar Sur, he had enough leisure to allow his army a hunting spree of three months. But, he utilized this gap to strengthen his position. He received many chiefs, leading among them being Dharan

Chand, the Raja of Nagarkot. It was around this time that Akbar received the news of the defeat of Tardi Beg by Hemu. But according to Abul Fazl, he chose to withdraw himself from the management of the affairs of the state, and enjoyed the past time of hawking in the plains of Sirhind. Thus, regrouping himself for further action.

Making hunting a medium, Akbar organized the people related to army in the excellent fashion. The moment Akbar marched on hunting expeditions, the leading military officers began performing their assigned functions. The *qarawals* surrounded the ground, the *khidmatiya* kept watch over the designated place. The important nobles stood near the designated spot of hunting and waited for the arrival of the king. Though many people arrived at the spot, yet a very few were allowed to join the hunting party. Akbar attained a greater coordination of the army by making them join hands and encircle the jungle. Some of the officers were assigned duties to push the animal towards the destined spot. A strict discipline was maintained, and anyone who allowed the animals to escape was punished.

Jahangir reshuffled princes and nobles, and gave them chance to hunt along with himself. He sometimes designated a particular military officer to do the preparation for the hunting. He sent Zafar Khan to go to Hasan Abdal and collect the game for the sport. The former had devised special net called *shakhband* (horns and branches were tied together) for the hunting purposes. It proved helpful, ninety five red and white deer were caught. Jahangir reached the spot and enjoyed it extensively. He then allowed prince Parvez and Khurram to shoot. Some of the courtiers too were allowed to test their skills. Jahangir frequently ordered Qamargha hunt and always kept the military officers on their toes. He ordered Khawaja Jahan to prepare a Qamargha near Samonagar and drive the Antelope from all the quarters. His officers enclosed the area with canvas walls (*sara parda*) and Gulal bar. When the hunting ground was ready, the Emperor arrived along with his ladies and hunted as per his will. When he was tired, allowed others to participate. Jahangir's benevolence was reflected in these exercises, he decided to distribute the captured antelopes among royal ladies, nobles and the servants.

Hunting reached a new height during the reign of Shahjahan. When he desired to go for such expeditions, preparation started like a military campaign. Messages were sent to the hunting party, which went in advance and located tigers, the most desired game of Shahjahan. Once they were found, asses, cows, sheep and goats were sent in the vicinity to keep the tigers occupied with their food. Shahjahan used to enter the forest riding on a tall elephant, reducing the vulnerability of a tiger jump. He along with the princes, carried matchlocks for the long range shots. The contingents encircled the jungle with a high net leaving one entry point for the emperor and other soldiers. The troops assembled all around the net near the forest, but they were not allowed to shoot when they tigers came out. Shahjahan organized tiger hunts with the help of buffaloes. More than hundred of them were placed in front, guarded by a man placed on each of them, having broadsword in his hand. The emperor, mounted on the elephant, was next in line followed by the princes and the nobles. When the party reached near the tigers, buffaloes formed a crescent formation and tried to encircle them. The tigers finding no escape routes, used to fly in the air, only to be trapped in the horns of the buffaloes, who tore them into pieces. Those who tried to escape were shot by the matchlocks by the Emperor, or by the princes and nobles on his orders. Shahjahan sometimes entered this kind of hunting exercises without buffaloes, risking his life.

3. IMPERIAL HUNTING EXPEDITIONS: POLITICAL AND ADMINISTRATIVE USES

Abul Fazl was very clear in his mind when he said, "People generally assume hunting as an activity of pleasure and passion, but in reality this was one of the means to acquire knowledge and to know the condition of the people and the army, without giving them a prior notice". Akbar travelled extensively with this medium and looked into the matters of taxation, *jagirs* and the crowned lands. He also inquired into the matters of his own household under the garb of hunting excursions. The case of Bairam Khan was handled in the similar manner. The Emperor marched to Delhi on the pretext of hunting and ordered his dismissal. On many occasions, hunting continued to be secondary to the primary purpose of administration and dispensation of justice. Such activities as the expansion of the Empire, reinstating the ties with the loyal local and regional potentates, and testing the merit of the individuals were not completely detached from the goal of hunting. Even the minutest details of the businesses were not sacrificed during these joyful activities. Akbar gained practical skills with hunting, and it became an instrument of strengthening his sovereignty.

It was a hunting which brought Akbar near the town of Paronkh, near Agra. Some Rajputs had created disturbance in the nearby villages. The Emperor received complaints and decided to take a military action. He personally marched, pursued and killed many of them. When Akbar was hunting near Mathura, he heard the news of rebellion of Shah Abu Ma'ali. He immediately ordered military officers- Shah Budag Khan, Tattar Khan and Rumi Khan to undertake an incessant chase till he was caught. Akbar marched against Abdullah Khan on the pretext of elephant hunting. He reached Narwad and Sipri (towns near Gwalior) where they were found in abundance. A very elaborate procedure was followed to capture them. The most wild of them were caught with the help of nooses made up of ropes and tamed subsequently to put under the royal reserve. When Akbar was free from hunting, he marched to Mandu where the rebel Abdullah Khan was residing. Ashraf Khan and I'timad Khan were sent in advance to convey to the rebel the arrival of the Emperor. Abdullah Khan not only refused the submission but made irrational demands. He asked Mandu to be left over to him. He was pardoned initially with the mediation of Munim Khan, but his persistence in rebellion made Akbar pursue and punish him.

On the hunting expedition in Narwad, Akbar sent Lashkar Khan and Mir Bakhshi to Asaf Khan demanding from him the war elephants and other goods which he had captured in his victorious campaign against Rani Durgavati of Garha Katinga. Akbar had ignored the possessions of Asaf Khan for long. It had resulted in Asaf Khan emboldening himself. Later, the demand of the booty from him created so much fear in him that he fled in the midst of the campaign against Ali Quli Khan-i-Zaman. Even during the march against the latter, Akbar passed through the forest and allowed his army to shoot at the wild beasts and aquatic animals.

Following the trend of his ancestors, Shahjahan too made hunting a pretext for some serious works. In 1628, when a large army was employed against Jujhar Singh, he moved closer to the area of operation near Bari, to supervise the military expedition against him. While he was engrossed in the hunting expeditions, he was informed about every aspect of the army operation. Excessive hunting due to which the work of the administration suffered was despised. Aurangzeb reprimanded his son for engaging in this enterprise continuously for a month. The latter, indulged in shooting crane near Tal river. (A river in Khandesh in Berar) He reminded the prince that hunting is more enjoyable an activity once the serious duties of the state are performed. He ridiculed the prince of enjoying the game, while he was still occupied in conquering forts and subduing rebels in the Deccan.

4. LEISURE AND RISK IN HUNTING ENTERPRISES

Hunting provided a much needed diversion from the more serious businesses of the state. Akbar entertained himself by watching fights of elephants, camels and buffaloes. He also took interest in gladiatorial contests. Elephants and camels were trained to dance before him on certain musical tunes.

On his return from the city of Mandu, Akbar wanted to establish a beautiful city like it. To attain this objective, he beautified the village of Kakrali, few miles away from Agra and named it Nagarchain. He used this place for hunting and recreation. He also played polo there. In due course of time, he brought innovations in the game and played it by a burning ball. The light enabled him to enjoy the game during the nights. Abul Fazl noticed hidden messages in this sport and said, "With the crescent moon-like stick, he drove the ball beyond the stars. In appearance the methods of the sport were perfected. In reality the horses' paces were improved, and men were taught exertions and activity, which were indispensable for warfare."

Akbar employed panthers instead of hunting dogs to hunt wild animals, which were found in plenty in the Agra region. He also had some expert falconers among his retainers. Akbar brought innovations in hunting methods to catch deer. He used other deer with nets attached to the horns to entangle them. At Agra, he had, apart from the elephants and horses, fourteen hundred tame deer, hunting leopards, cocks and hawks. Even Jahangir witnessed the elephant fights twice a week. His elephant reserves numbered thirty thousand in the whole of his kingdom. Since all organized hunting was done on the imperial order, it established the supreme position of the Emperor. On several occasions, he sent hunted animals to others

as a present. Thomas Roe was the recipient of the hog killed by the emperor on numerous occasions. Shahjahan during his journey to Kashmir, amused himself with hunting blue bulls (nilgais), grey oxen, and hunting antelopes with the tame leopards. He also engaged himself in hunting of the lions. Shahjahan too enjoyed wrestling sports. The wrestlers often fought in his presence. The most desired sport for Shahjahan was tiger hunting, for which he kept buffaloes with long horns.

The hunting excursions were full of risk. But it was a part of military training, and military officers never desisted from showing courage. Once Jahangir was attacked by a lion. One of his Rajput generals Anup Ray, thrust his arm into the mouth of the beast and saved the life of the emperor. The emperor reciprocated, took the Rajput in his arms and dressed his wounds. He was rewarded with the title of 'Anira'i Singh dalan'. Akbar himself was a known risk taker. He often entered jungles with one or two servants, or went alone during hunting expeditions. Such valorous deeds sent right messages to others, and prepared others for the risk taking enterprises. During the time Agra fort was under construction, Akbar used to mount mad elephants and combat with other elephants. This exercise had killed many elephant drivers before. When Akbar was involved in hunting elephants in Narwad, he chased a female elephant, and in doing so, Adham, the son of Mulla kitabdar, fell in to the clutches of the elephant, but managed to crawl away with great difficulty. At the same spot Akbar saw a huge serpent, which had consumed many deer before, and he ordered its killing. Hunting in adverse weather conditions was sometimes dangerous for the health. Akbar fell sick while hunting in Narwar and took sometime to recuperate.

Shahjahan too was a brave hunter. Once a wounded tiger jumped on his elephant and fixed his claws on its head. He shot at him with the musket but the tiger did not budge. The war trained elephant on which Shahjahan was riding came to his rescue. Unable to use the trunks, the elephant ran furiously and crushed the tiger against a tree. Later, emperor ordered the trunks of the elephant be protected by thick leather with sharp nails. Hunting spots were vulnerable to attacks. Jahangir was involved in the hunt when his son tried to kill him. Nearly five hundred people were part of this conspiracy. The leading men among them were Fatullah, the son of Hakim Abul Fatah, Nuruddin, the son of Ghiyasuddin Ali Asaf Khan and Shari, the son of Itimadullah. Fortunately, the life of king was saved. The plot was successfully uncovered.

Prince Sulaiman, after the war of succession among Shahjahan's son was over, was captured while hunting in the hills. When all the avenues of his capture were exhausted, the Raja of Srinagar broke the pledge of protecting him from Aurangzeb. He advised Mirza Raja Jai Singh to take him prisoner while he was on the hunting expedition, where he went attended by only few men. Jai Singh assigned this work to Kunwar Ram Singh, who attacked the prince on hunt by a strong party. The prince was defeated, and handed to emperor Aurangzeb.

The significance of war elephants in the battles allured Akbar and other Mughal emperors to enhance their elephant reserves. Expeditions were planned and different techniques were followed to capture them. Akbar during his campaign against Abdullah Khan Uzbek at Mandu saw the herds of elephants, and tried every means to bring them under his fold. He surrounded the herds of the elephants from all the sides by the horsemen. Then he had them driven along with the two tamed royal elephants to a secluded spot, where all of them were tied. Later, the elephants were brought to the camp. Sometimes the emperor made wild elephants to fight with his own elephants and captured them once they were tired.

Royal servants were sent to the hunting expedition to catch elephants and bring them to the royal court. During the reign of Shahjahan, Jamal Khan, the huntsman was sent to Sultanpur and Rajpipla, the two dependencies of Gujrat, to capture elephants. He did excellent job and captured one hundred thirty of them. Fildar Khan, during the reign of Aurangzeb, took the similar expedition to Dohad and Champaner and captured seventy three male and female elephants. Akbar took great care that the herd of the elephants in the forest were fed well, and frequently ordered them to be brought before him, to choose best out of them for the army. The captured elephants were nurtured well. Ponds were dug water them, and enable them to drink as much water as they could. The hunting deeds of Akbar brought him close to the people, who observed him, and admired his skills. His care for the animals showed his kind attitude. Even Jahangir, like his father, once left hunted deer on the plains of Agra, instead of consuming them.

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REFLECTION OF PRE-ISLAMIC PERIOD IN THE WORK OF DR. SHOUQI ZAIF

Basharat Ahmed

Shaheen Research Scholar, Department of Arab Studies E.F.L.U, Hyderabad

ABSTRACT

The society of Arabs, before Islam, can be divided into two major groups, the Urbanities who led a semi-civilized life in cities like Makkah and Madina, and the rural, who lived nomadic and uncivilized life in other parts of Arabia. However, there was no government and ruling power to control the whole peninsula. It hits the mind of a reader that how the Arabs could overcome the disputes which were inevitable in the absence of government. But he is certainly taken aback when he reads that despite their ignorance and illiteracy they succeeded in overcoming their grievances and quarrels by adopting some simple and easy methods. As for as the Arabic literature is concerned, planting its seeds in Arabian soil two hundred years before the advent of Islam. Arabic literature sprang into existence with an outburst of poetry and prose. Arabic poetry and prose have been recognized as register of Arabs and a mirror of Arabian life. Poetry and prose are the greatest source of Arabic Knowledge and are the most delightful part of Arabic literature. This research paper deals with the development of Arabic literature in Pre-Islamic Period in the light of work of Dr. ShouqiZaif. This paper elaborates the work of Dr. ShouqiZaif on Pre- Islamic Period especially his book "History of Arabic Literature in Pre- Islamic Period".

Keywords: *Arabic literature, Pre-Islamic Period, Pre-Islamic Society, Arab Tribes, Poetry and Prose.*

INTRODUCTION

History of Arabic literature has its own importance along with other Arabic art forms. This literature is used by students of Arab literature to learn about the history of Arabic literature in different ages. It contains the most important flags of poets and writers. It also deals with literary purposes such as poetry, story, drama, establishment, essay, and literary phenomena.

Arabic Literature is a storehouse of the best of linguistic creation. Through the mighty instrument of language, we can change our cultural, educational, economic and social environment. We can convey thoughts and emotional experiences in written form and that too in a manner that is aesthetically satisfying. To make it meaningful to our readers, we not only record, but contemplate and interpret the experiences. When an artistic form is created through the medium of language, it is known as literature.

There is no doubt that the historians of Egypt did their best to write history since the Pre-Islamic period to the modern period. Each one of them had his/her unique style. Among these outstanding historians Dr. ShawqiZaif () is one of the illustrious and critical historians. In his paper we are discussing about The History of Arabic Literature "Pre-Islamic Period" by Dr. ShouqiZaif, and we will present the summary of this book and its importance.

The word Literature (ii):

The author referred to some of the narrators' and their acquaintances about the meaning of literature.

Nalino says: "This word is used in the Pre-Islamic Period in the sense of the Sunnah and the virtues of ethics and divinity".

Ibn al-Mutaz says: "The word" literature "refers to the knowledge of the poetry of the Arabs and their news."

Social conditions and Arab tribes:

The author explains that the geography of Greece and the Rome suggests that there are three sections 1) Arabs live in desert, 2) Arabs live in rock or stone, 3) Arabs in Saïdia. The Arab geographers divide the island into five sections: 1) Tihama, 2) Najad, 3) Arooz, 4) Hijaz, 5) Yemen. These regions are dotted with series of mountains, sandylands, ponds and markets where literary fests used to be held. The author mentions different destinations and weather, agriculture and animals related to them.

Then the author gives an account of wars (among Arabs in Pre-Islamic era. There were many wars between different tribes, they were shedding blood and were depriving themselves of wine until they avenge from their enemies. The most important wars are Basoos war, (سوسب برح) between Bakar and Taglab, Das and gabra war (ءاربغ و سحاد برح) between Abas and Zubiyan and Zilkarwar (راق يذ موي) between Bakar and Furs.

After that the author represents knowledge about Arab Tribes () Firstly he discusses about (نبيي ماسلا) Sameezpeople a group of people in the Middle East who speak the Semitic language. Its roots are attributed to Sam bin Nouh, from which different Aramaic, Canaanite and Arabic, Asoyrian, Syriac, Babylonian, Chaldean, Phoenician and Hebrew languages originate. The Babylonians and the Asoyrians came out of the island to Iraq and the people of these languages are spread in the Arab countries. After that the author mentions the southern Arabs, their living, civilization and kingdom, such as: a certain kingdom the kingdom of Qutban, the kingdom of humanity, the kingdom of Hazarmout, and the Kingdom of Sheba. And the author also describes northern Arabs, who lead a nomadic life, grazing sheep and camels. Then he mentions the Ancient ruins, landmarks and the activity of writing Arabic. The Arabs were writing the names of their gods and idols on the stones, and the names of their families on the graves to remember.

The author then discusses about the nomadic tribes () which are the northern tribes of Adnan, Mudar, Nazar and Qahtan, among the most important tribes of Adnan are Quraish in Makkah, Taqif in Taif, Abd al-Qays in Bahrain, Banu Hanifa in Yamamah, Tamim and Daba in the desert of Dahna.

Pre-Islamic Society (vi):

They were living a Bedouin life, the luxurious and entertained life. Although wine was common among them as was the looting, theft and bloodshed. Yet they were the ardent followers of generosity. The reason might be the famed generosity of Hatem-al-Taie in that era. And their women used to equally participate in every work by accompanying them in wars and singing songs of valor. Among the most important, women were enthusiastic advocates such as: Khansaa, and Kbshah sister of Amr bin Muadi Kerb and they were urging them to revenge, while Aljawari performs the house chores like cooking and weaving dresses.

Their livelihoods were agriculture and trade. They were immersed in them. They convoy toured the desert and loaded their goods from the Indian Ocean basin and the Mediterranean Sea. They established trade markets in Mecca for their trade center.

As for religion, (paganism), the Arabs in Pre-Islamic era were pagan worshipping idols such as planets, sun, stones, trees, and wells. This worship was widely spread, and the Holy Quran refers to it as "مدي أرفأ" "There were about three hundred sixty idols such as Hubble and Manaf which were worshiped by Quraysh and Manaf respectively.

Arabs dialects:

As for the dialects of the ancient Arabic, the author discusses about it in detail that there are four dialects of ancient Arabic (), the dialect of Thamoudia (ثي دومت), Laheya (ةين اي حل), Safawi (ةي و فص), and Nabatiyeh (ةي طنبن). The first three are written in the southern Musnid Writings (ي بون جلا دن سمل ا طخل), and Nabatian dialect in Aramaic writings (ي م ا ر ا ل ا طخل), while the Thamodic dialect refers to the Thamud (دومت) The Holy Quran indicates about them saying "داول اب رخصلا اوباج ني ذل ا دومتو" As for the lahyaniya dialect (ةين اي حل ل ا ة ج ل ل ا), it has a relation to its inhabitants from Bani Lahyan and the Safavid dialect, It has a relation to the Safat Mountain (ءافصل ل ب ج), which is located in the east of Horan in Badia al-Sham, and the Nabataean dialect is rooted in the northern Arabs. The northern Arabs spoke North Arabia but were mixed with the Aramaic.

In addition to the dialects of Pre-Islamic era, the dialect of Qarishia (ةيش ي ر ق ل ا) () prevailed over all the dialects of the Arabic language, and conclusive proof is that that the Holy Quran and Hadith came down in this dialect and it is the literary dialectic. Quraish was the finest Arabs selection of the most

eloquent words and the easiest on the tongue.

Characteristics of Pre-Islamic Poetry and Its Poets:

Poetry in the Pre-Islamic era grew up in a wide range of activities. The poets expressed their memories of the ruins, abandoned houses and desert, as Labeed Ben Rabia describes in his poetry (اهل حمرا يدل التفح) (اهم اجرف اهل وغب دبات ين عمب -- اهم اقمف) and as did the Imra-UI-Qais. He describes in his verse about the horse (اهت انكو يف ريطل او يدتغ دقو -- لكيه دباو أل اديق درج نمب) they also describe about camels and birds.

According to Westerners Greece had four different types of poetry which include Epic, Educational, Lyrical and Representative. Epic poetry has long poems stretching to thousands of verses, in which the poet speaks about the hero. In educational poetry, a wide range of knowledge is mentioned. As for representative poetry, it is a self-poetry that represents its whims and the poet does not talk about his feelings but speaks of things that are beyond him. The representative poetry was not known to the ancient Arabs, despite its rooted in the cultures of nations and people of the past. While in Lyric poetry the poet expresses his emotions and feelings, and they had different musical instruments such as the flower and the daffodil and cymbals, and singing and music were common among them.

The main topics of pre-Islamic poetries are: enthusiasm, lamentations, literature, satire, spelling, praise, about qualities of things and persons, about women disgrace and analogy. Some important poets of Pre-Islamic poetry are Poets of Mualaqat (تاقل عمل اءار عش) Imra-UI-Qais, Zuhair, Nabga, Labid Bin Rabi, Umar Bin Qalloom, Haris Bin Hilza, Antra Bin Shaddad. And the Raids Poets (ءار عش) are Taabot Shara, Shanfara, Urwa Bin AL- Absi, Hajari Al- Azadi and Abu Tahman. The writers also paved the attention to describe the biographies of these poets in detail.

The writer also discusses about the impersonation in the Pre-Islamic poetry as the Taha Hussain practice on it and write a complete book on Pre-Islamic Poetry (يل هاجل رعشل ا يف) he indicates the impersonation in Pre-Islamic poetry saying "The absolute abundance of what we call the Pre-Islamic literature is not ignorance in anything, but it is dissolved after the emergence of Islam ()". "المال سأل رومظ دعب قل حتنم يه امن او، ئيش يف ةيل هاجل انم تسيل ايل هاج ابدا هي من ام قتل طملا ةرثكل ن". In the light of book of Taha Hussain. There are some narrators who directly borrow some verses from the Pre-Islamic poetry in their own work and used to add some of their own verse in that poetry as done by Hammad al-Rawi, Jannad, and Ibn Ishaq (). He also counts some of the collections of poetry such as Asmaieyt (تاي عمص أل) collected by Asmayeem, Mufazaliyat (تاي لضم لم) collected by Mufazal Zabi, Mualaqat (تاقل عمل) collected by Hamad-Al Rawiya, Jamharat-UI Ashar Al Arab (برعل راعشأ ةرمج) collected by Abu Zaid Al Qarshi, Hamsa-e-Abi Tamam (امت يبأ ةسامح) and Hamasa-e-Bhotri (يرت حبل ةسامح).

Pre-Islamic Prose and its development:

The pre Islamic prose literature based on genealogy, history and polite and elegant literature comprises of proverbs, maxims, stories, legends and descriptions. The language of the pre Islamic prose literature was mutually corresponded with its own themes. Pre-literature societies, by definition, have no written literature but possess rich and varied oral traditions such as folk, folklore and folk songs that effectively constitute an oral literature. Literate societies may continue an oral tradition - particularly within family (for example; bed time stories) or informal social structures.

The author goes to the prose (), firstly he defines the normal prose in which the writer addresses people in the affairs of their daily lives, then he has worked on artistic prose in order to improve the drafting and impression which his literary work convey. There are some literary traces found in the Pre-Islamic period, for example, it was narrated about Suwayd ibn al-Sattam (تم اص نب ديوس), that he had a newspaper, some of which were attributed to Luqman (نام قل) Some of the narrators were interested in writing some war stories. Arab days such as Al-Manathira, Al-Ghasanah (ةن اسغل او ةرذان لم رابخ), and the kings of the Hamera state, and next to them there are stories about their priests and poets, and the Arabs narrate lot about the jinn and the devil.

The second form of Pre-Islamic prose is proverbs, it is the prose which has influential and heart touching speech. The writer mentions some of the important books related to this form such as: The proverbs of the Arabs (برعل لاثم) by Mufazal Zabi and Ubaid Bin Sariya, (باتك حرش يف لاقم لاصف) by Ubaid Al-Bakri, mass of proverbs (مال س نب مس اقل ا ديبع يبأل لاثم أل) by Abi Hilal Al- Asqary and Collection of Proverbs (لاثم أل عمج) by Maidani. The writer also indicates some of the

important proverbs used by Arab in Pre-Islamic era such as: "ماتت كفا هيف سيل مال كل ابر" and "ابر" "The Lord of the wheel is blowing forth," "No group of those who disagree," "عاج ال" "Justice is not the speed of humiliation," "فلت خا نمل" "The Lord of speech is not in it," "Do not cover everything you hear" "عمطت ال" "عمست ام لك يف" and "the fastest penalty prostitute penalty" "ي غبلا قيقوق عتابوق عل عرسا". ().

Then the author presents about the preachers of the Pre-Islamic Period (), the Arabs and their preachers deliver speeches in the councils and literary markets such as the market of Okaz, and Zul-Majna, and some of them are addressing the death of the princes, and they advise their people and guide them, as did the some of the priests such as: Qus Bin Sad Al-Eyadi, Amer bin Zarb, Aktham bin Saifi, Qais bin Shammas, and Saad ibn al-Rabee. On the other hand there are famous preachers of Mecca, such as: Hashim, Umayya, and Nuail bin Abdul-Izza, and Abdul Muttalib bin Hashim, and Harb bin Umayya, Ibn Abi Rabia, Suhail ibn Amr, Rabia bin Hazzar was famous in Asad, and Omar bin Qalloom in the Taglab, which is the famous poets of the pendants (تاقل عم), Hani ibn Qubaisah in Shiban, and Zuhair bin Jann in the Tribes of Kalab.

At the end of book Dr. ShouqiZaif defines about the "priests" (فن امكلا) (). In the pre-Islamic community a class known as the "priests", used to claim about these knowledge of the unseen and their intermediaries like Jinns who have adorned them with a hallow of uniqueness which influenced the people to flock around them in order to consult about their travelling plan, marriages and many other things. At that time, the community accepted such beliefs because there was no other source of comfort and reassurance. The priests exploited this to make their opinions and spiritual control over the community.

CONCLUSION:

Dr. ShouqiZaif has realized the history of Arabic literature well, and that he is looking at the simplified parts of the pre-Islamic era in extensive research, so that Pre-Islamic era reveals full exposure to all its borders. His field of historical and analytical research spans along the finest poetic and prose work of different poets and writers.

Therefore, Dr. ShouqiZaif does not favour the study of literature in a single way, believing that the nature of literature is complex and needs to employ several methods in order to achieve the literary goal and to follow the appropriate methodological approach in the study of literature. He holds a very eminent position amongst the Arab Historian. He has unique style of writing, and mostly he elaborates every part related to the History of Arabic literature. He is considered one of the most influential Arab intellectuals in the 20th century.

ENDNOTES

- i. Dr. ShauqiZaif, one of the most prominent historian in the modern Period in Egypt, (Born in the village of Um Hamam in northern Egypt in 1910 A.D and died in 2005 A.D) authored more than 50 books dealing with a wide range of aspects of Arabic language, literature and arts. One example of his seminal contributions to the study of ancient Arabic literature is his book on the development and renovations in Arabic poetry during the Umayyad era, which is regarded as the most important reference hitherto written in Arabic on that subject. Another example is his extensive series, History of Arabic Literature, which covers poetry, anthology, literary criticism, rhetoric and other aspects of literature during pre-Islamic such as Abbasid and later eras. Zaif worked for more than 30 years on this mammoth series which consisted of 100 volumes. An indispensable reference for students and scholars of Arabic literature, some volumes of this series were reprinted more than twenty times. (Dr. TahaWadi: ShouqiZaifSiratunwa Tahiyatu.P-64.)
- ii. It is a rhetorical speech that is meant to influence the emotions of readers and listeners, be it poetry or prose, and other phrases that call for food and moral refinement. In the hadeeth of the Prophet (peace be upon him), "My Lord taught me, and I am good in my discipline". He is also called to know the poetry of the Arabs and their news. (Dr. ShouqiZaif: History of Arabic literature, Pre-Islamic Period. P -7.)

- iii. Dr. ShouqiZaif: History of Arabic literature, Pre-Islamic Period. P -62.
- iv. Dr. ShouqiZaif: History of Arabic literature, Pre-Islamic Period. P -22-26-30.
- v. Samira SadiqSalan and Khalid Mustafa: ShouqiZaif Fi SafwatuminalAalam. P-117.
- vi. (Dr. ShouqiZaif: History of Arabic literature, Pre-Islamic Period. P-67-76-89.
- vii. (Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P-111- 117.
- viii. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P- 132.
- ix. Dr. Abdul Aziz Dasuqi: ShouqiZaifRiyad-Ul- NaqadWaDirasat-e-Adbiya. P-49.
- x. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P-237.
- xi. The pendants are among the most famous of what the Arabs wrote in poetry and called Mualqat. It has been told hangers because they are like precious contracts attached to the mind. It is said that these poems were written with gold water and attached to the center of the Kaaba before the advent of Islam. And these poems are the coolest and the souls of what was said in the ancient Arabic poetry so people cared forit, which usually begins with the recall of the ruins and remember the beloved. These pendants of his love have his own motto... (Taha Hussain: History of Arabic Literature. P-28.)
- xii. Those who do not have money and are barren for raids and roadblocks show the author that "there are three category in them, the first are the caliphs who were taken away by their tribes for the multitude of their crimes, and the second class of the Black Abyssinians whom their fathers rejected and did not inflict upon them for the shame of their birth. And the third categories, which was professionally painted..(Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P- 375.)
- xiii. Taha Hussain: Fil- AdabilJahili. P-64.
- xiv. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P-164.
- xv. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P-397.
- xvi. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P-405.
- xvii. Dr. ShouqiZaif: History of Arabic Literature, Pre-Islamic Period. P- 417.

DISPARITY IN THE LEVEL OF LITERACY: CURRENT SCENARIO AND CHANGES SINCE 2001 TO 2011 IN HARYANA

Taufeek

Research Scholar Department of Geography, A.M.U. Aligarh

ABSTRACT

The quantity and quality are one of the significant elements of population study. Quality of population is depends on social status. Literacy is one of key of socio-economic progress and all round development in modern society and important aspect of Indian society. Being one of the most important indicators of socio-economic change, study of literacy pattern and trend of an area is quite important. According to Census of India a person who can both read and write with understanding in any language has been taken as literate. An attempt has been made to analyze the spatio-temporal pattern of literacy in districts of the Haryana state. The study is based on the secondary sources of data collected from census of India and presents that overall there is significant increase in literacy rates in the state, which has increased from 67.91 % to 76.64 % between the years 2001 to 2011. There is a significant difference in literacy rates between males and females in the both rural and urban area of the district. Male literacy rates are substantially higher compared to females in both rural and urban area in every district. However, in rural area male literacy is higher than female. Thus, females are lagging far behind males in literacy rate both in rural as well as urban areas.

Keywords: *Spatio-Temporal, Literacy, Disparity, Male-Female, population, Lagging etc.*

INTRODUCTION

Literacy refers to the capability of a person to read and write with understanding in at least one language. According to the Census of India, a person who can read and write with understanding in any language is considered as literate. All children below the age of 6 years have been treated as illiterate (Census of India). Education is recognized to be instrumental in facilitating holistic development of an individual and of the society as a whole. The modern concept of education means to develop the inherent capacities of a child in the social environment. The mind is a dynamic self-adjusting and self leading force which needs proper guidance for growth and development. Thus modern education seeks to develop the mind according to its own capacities in social environment (Saxena, 1998).

Literacy is considered as one of the most important social aspects of any society's development, especially of rural areas and it denotes essential criterion of human development. It indicates the socio-cultural status of any society in any geographical unit and the change in literacy reflects the socio-cultural and economic transformation of the society. Literacy is essential for eradicating poverty and mental isolation for cultivating peaceful and friendly international relations and for permitting the play of demographic processes (Chandna, 1980 & Krishan, 1978).

Gill (1992) analyzed the literacy differentials in Punjab in terms of castes, age- groups, rural and urban residence and regions. It was found of duration of availability of educational facilities, and socio-economic accessibility to these institutions emerges as the most important determinants of spatial and social equalities of literacy in Punjab. Literacy influence attributes of population such as fertility, mortality, mobility, occupations etc. The developing countries like India are not only characterized by low literacy level but also by a great differential in level of literacy between rural and urban, between males and females and between young and the aged. Therefore, the study of literacy pattern and trends is of immense significance.

Objectives:

- * To analyze the spatial pattern of literacy in rural and urban areas in Haryana state.
- * To study the spatial pattern of gender differences in literacy in the state.
- * To find out the trend of literacy rate during the decade 2001 to 2011 in the state.

Database and Research Methodology: -

The present study is mainly based on secondary source of data, which is collected from District Census Handbook, Census of Haryana and Statistical Abstract of Haryana. Period between 2001 and 2011 is selected for study purpose. An attempt has been made to tabulate process, analyze and interpret the data by applying suitable statistical techniques. District wise spatial variation in literacy rates has been shown on maps by using choropleth method. Literacy rate has been calculated by using the following formula:

Literacy in % = Number of literates (above 6 years) x 100/Total Population

For the measurement of male female and rural urban disparity in literacy, Sopher's Disparity Index (1974) modified by Kundu and Rao (1983) has been employed:

$Ds = \log (X2 / X1) + \log (100 - X1) / (100 - X2) \dots (I)$

Kundu and Rao's modified disparity index formula, as follows:

$Ds = \log (X2 / X1) + \log (200 - X1) / (200 - X2) \dots (II)$

X2 is considered for male and X1 for female literacy rates.

STUDY AREA

The present study relates to the state of Haryana, A state in north India, which covers an area of about 44212 square km. It constitutes 1.44 percent of the total geographical area of the country. It extends from 27°39' to 30°55'51" north latitudes and from 74°27'80" east to 77°36'05' east longitudes. It is situated in the north-western part of India which is a part of Indo-Gangtic plain. It is bounded by Himachal Pradesh in the north, Uttar Pradesh and Delhi in the east and by Punjab and Chandigarh on the northwest. The state of Rajasthan lies in the south and west.

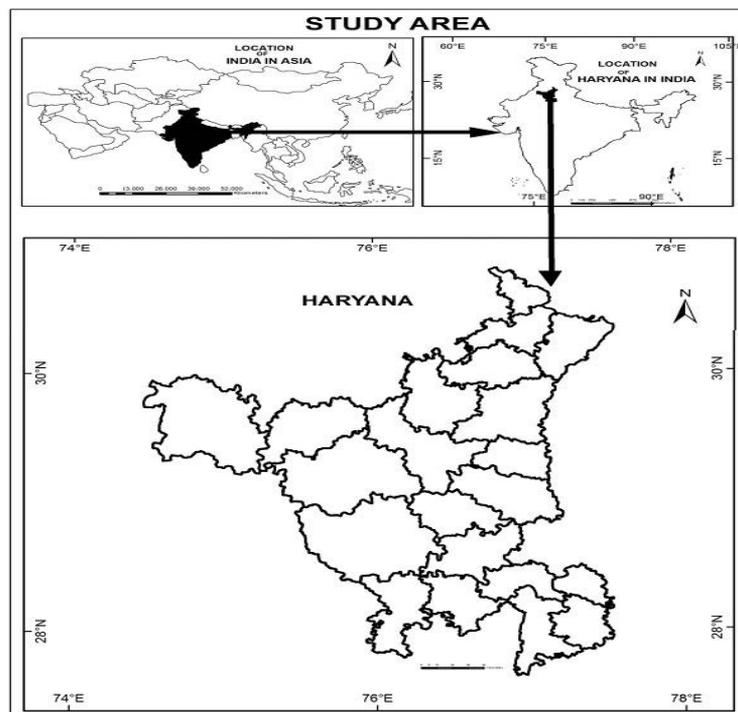


Figure 1 Source: Statistical Abstract of Haryana, 2008-2009

Discussion:**TABE-1:** Pattern of Literacy and Decadal Change in Literacy Rate (2001-2011) in Haryana

Districts	2011	2001	Percentage changes
Ambala	82.89	75.31	7.58
Panckula	83.44	74.00	9.44
Yamunanagar	78.93	71.63	7.3
Kurukshetra	76.70	69.88	6.82
Kaithal	70.56	59.02	11.54
Karnal	76.44	67.74	8.7
Panipat	77.46	69.17	8.29
Sonipat	80.83	72.79	8.04
Rohtak	80.37	73.72	6.65
Jhajjar	80.83	72.38	7.45
Faridabad	83.04	76.29	6.45
Palwal	70.32	59.19	11.13
Gurgaon	84.44	78.51	5.93
Mewat	56.14	43.51	12.63
Rewari	82.23	75.25	6.98
Mahendragarh	78.87	69.89	8.98
Bhiwani	76.74	67.45	9.29
Jind	72.73	62.12	10.61
Hisar	73.24	64.83	8.41
Fatehabad	69.13	57.98	11.15
Sirsa	70.35	60.55	9.8
Haryana	76.64	67.91	8.73

Source: Computed from the data of District Census Handbook, Census of India

The above table - 1 introduces a general picture of education rate. The rate of literates to aggregate population in the state has gone up from 67.91 in 2001 to 76.64 % in 2011. The least education rate in 2001 and in addition in 2011 has recorded in Mewat district (Nuh) 43.51 percent and 56.14 percent individually. It is a result of pre-strength of in reverse Muslims populace in the areas which give less consideration towards training. In 2001 and 2011 most astounding proficiency rate is found in Gurgaon area, because of National Capital Region. High proficiency rate is seen in the areas of Panchkula, Gurgaon, Fridabad, Ambala and Rewari in 2001 and additionally in 2011. Proficiency rate is similarly low in the

areas of Palwal, Mewat, Kaithal, Fatehabad and Sirsa. Most astounding rate change in proficiency rate (12.63 %) is seen in Mewat area between 2001 to 2011. Kaithal, Palwal, Jind, and Fatehabad likewise have encountered high rate change in proficiency rate over 10 percent.

TABLE-2: Districts- wise Male and Females Literacy Rates (2001-2011) in Haryana.

Districts	Percentage of Literates					
	2001		2011		Percentage Change	
	Male	Female	Male	Female	Male	Female
Ambala	82.21	67.39	88.47	76.64	6.16	9.25
Panchkula	80.87	65.65	88.65	77.48	7.78	11.83
Yamuna Nagar	78.82	63.39	85.06	71.99	6.24	8.60
Kurukshetra	78.06	60.61	83.46	69.18	5.40	8.57
Kaithal	69.15	47.31	79.33	60.69	10.18	13.38
Karnal	76.29	57.97	83.73	68.29	7.44	10.32
Panipat	78.50	57.91	85.45	68.23	6.95	10.32
Sonipat	83.06	60.68	89.40	70.88	6.36	10.20
Rohtak	83.23	62.59	88.42	71.19	5.19	8.60
Jhajjar	83.27	59.65	89.44	70.96	6.17	11.31
Faridabad	85.14	65.63	89.94	75.17	4.80	10.54
Palwal	75.10	40.76	82.60	56.40	7.50	15.64
Gurgaon	87.97	67.49	90.27	77.64	2.30	10.15
Mewat	61.18	23.89	72.98	37.58	11.80	13.69
Rewari	88.45	60.83	92.92	70.54	4.47	9.71
Mahendragarh	84.72	54.08	91.26	67.25	6.54	13.17
Bhiwani	80.26	53.00	87.39	64.60	7.13	11.60
Jind	73.82	48.51	82.49	61.58	8.67	13.07
Hisar	76.57	51.08	82.79	62.31	6.12	11.23
Fatehabad	68.22	46.53	78.10	59.29	9.88	12.76
Sirsa	70.05	49.93	78.64	61.16	8.59	11.23
Haryana	78.49	55.73	85.38	66.77	6.89	11.04

Source: Computed from the data of District Census Handbook, Census of India

Table-2 shows trend, pattern and percentage change in literacy rate among male and female population

of Haryana for both the study periods. For the state as a whole, the literacy rate for males is much higher than that of females, 78.49 % of males are literates, while females account only 55.73 % (2001) where as the literacy rate among male and females are recorded 85.38 % and 66.77 % respectively in the year 2011. It indicates that gap between male and female literacy rate is narrowing down from 23.24 percent in 2001 to 18.61 percent in 2011. The pattern of literacy reveals that highest and lowest literacy rate for males is registered in Rewari (88.45%) and Mewat (61.18%) districts respectively in 2001, while for female, it is found in Gurgaon (67.49%) and Mewat (23.89%) districts respectively. In 2011, Rewari district tops in male literacy (92.92%), while in case of female Gurgaon stands at top with 77.64 % literacy rate. Mewat district stands at bottom with 72.98 % and 37.58 % male and females literacy rates respectively. It is clear from the pattern of literacy that districts adjoining to NCR have recorded high literacy rate during both study periods. It is because of better educational facilities and awareness of peoples towards education. It is clear from the table that highest percentage change in literacy rate for males is experienced in Mewat (11.80 %), while for females in Palwal (15.64 %) district. Those districts, which have low literacy rates, have registered high percentages change in literacy rate for both male and females, which include Kaithal, Mewat, Palwal, Jind, etc. Districts having higher rate of literacy have experienced lesser percentages change in literacy rate for both male and females, including Rewari, Gurgaon, Faridabad, Rohtak, etc.

TABLE-3 Sex-wise Literacy Rate In Rural And Urban Areas (2001-2011) In Haryana

Districts	Percentage of Literates							
	2001				2011			
	RURAL		URBAN		RURAL		URBAN	
	Male	Female	Male	Female	Male	Female	Male	Female
Ambala	78.05	60.25	89.74	80.48	86.01	70.48	91.47	84.35
Panchkula	75.49	55.39	87.61	77.47	84.59	69.10	91.96	84.06
Yamuna Nagar	74.13	55.32	86.26	76.37	82.39	66.60	89.14	80.37
Kurukshetra	75.01	55.64	86.32	74.51	80.99	64.86	89.27	79.82
Kaithal	66.60	43.25	79.67	63.90	77.60	57.80	85.46	70.77
Karnal	72.92	52.01	85.31	73.96	81.50	63.70	88.75	78.59
Panipat	75.81	50.48	82.30	68.84	83.69	62.97	87.48	74.31
Sonipat	81.50	56.59	87.64	72.50	88.07	67.35	92.42	78.73
Rohtak	81.07	55.87	87.19	74.48	88.13	66.32	88.83	77.68
Jhajjar	82.14	56.72	87.12	70.10	88.25	68.22	92.94	78.98
Faridabad	75.56	47.34	86.89	70.67	87.76	61.97	90.48	78.46
Palwal	73.20	35.33	82.76	62.33	81.37	52.53	86.63	68.96
Gurgaon	86.82	62.13	90.03	76.93	91.31	69.63	89.82	81.33
Mewat	59.45	21.03	80.64	56.56	71.61	34.63	83.03	59.34
Rewari	88.06	58.24	90.14	73.04	92.88	67.91	93.02	78.71
Mahendragarh	84.06	52.18	88.82	66.35	91.15	63.66	92.05	74.69
Bhiwani	79.10	49.72	85.02	66.90	86.79	62.21	89.76	75.20
Jind	71.06	43.93	84.51	65.96	80.63	58.15	88.77	73.01
Hisar	73.54	44.54	84.96	69.31	81.13	57.40	86.28	72.87
Fatehabad	65.61	42.23	80.17	66.27	76.47	56.03	84.95	72.95
Sirsa	66.33	44.09	80.25	66.07	75.98	56.81	86.66	74.25
Haryana	75.37	49.27	85.83	71.34	83.20	60.97	89.37	77.51

The table 3 shows the sex-wise differences in literacy rates in rural and urban areas during 2001-2011. In 2001, male-females literacy rate in rural areas is 75.37 % and 49.27 % respectively, while in urban areas, it is 85.83 % and 71.34 % for male and females respectively. In the state as a whole, 83.20 % and 89.37 % male literacy rate is registered in rural and urban areas respectively in 2011, while females' literacy rate in rural and urban areas is recorded 60.97 % and 77.51 %. Thus, there is a wide gap between male-female's literacy rates in rural and urban areas. In 2001, highest literacy rate in rural and urban areas is recorded in Ambala (88.06%) and Gurgaon (90.04%) districts respectively for males and Gurgaon (62.13%) and Ambala (80.48%) districts for females. In 2011, highest male and females literacy rates in rural areas are found in Rewari (92.88 %) and Ambala districts respectively, while in urban areas highest literacy rates among male and females is found in Rewari (93.03%) and Ambala districts respectively.

Male Female-Disparity (2001-2011)

The traditional view point regarding the importance of female literacy, as it seems, has not go much importance even at the end of the 20th century, especially among backward communities, because there has been still a very large disparity between male and female literacy rates (Ramotra, 2003). The male-female disparity in the state as a whole is observed 0.223 in 2001, which comes down as much as 0.172 in 2011.

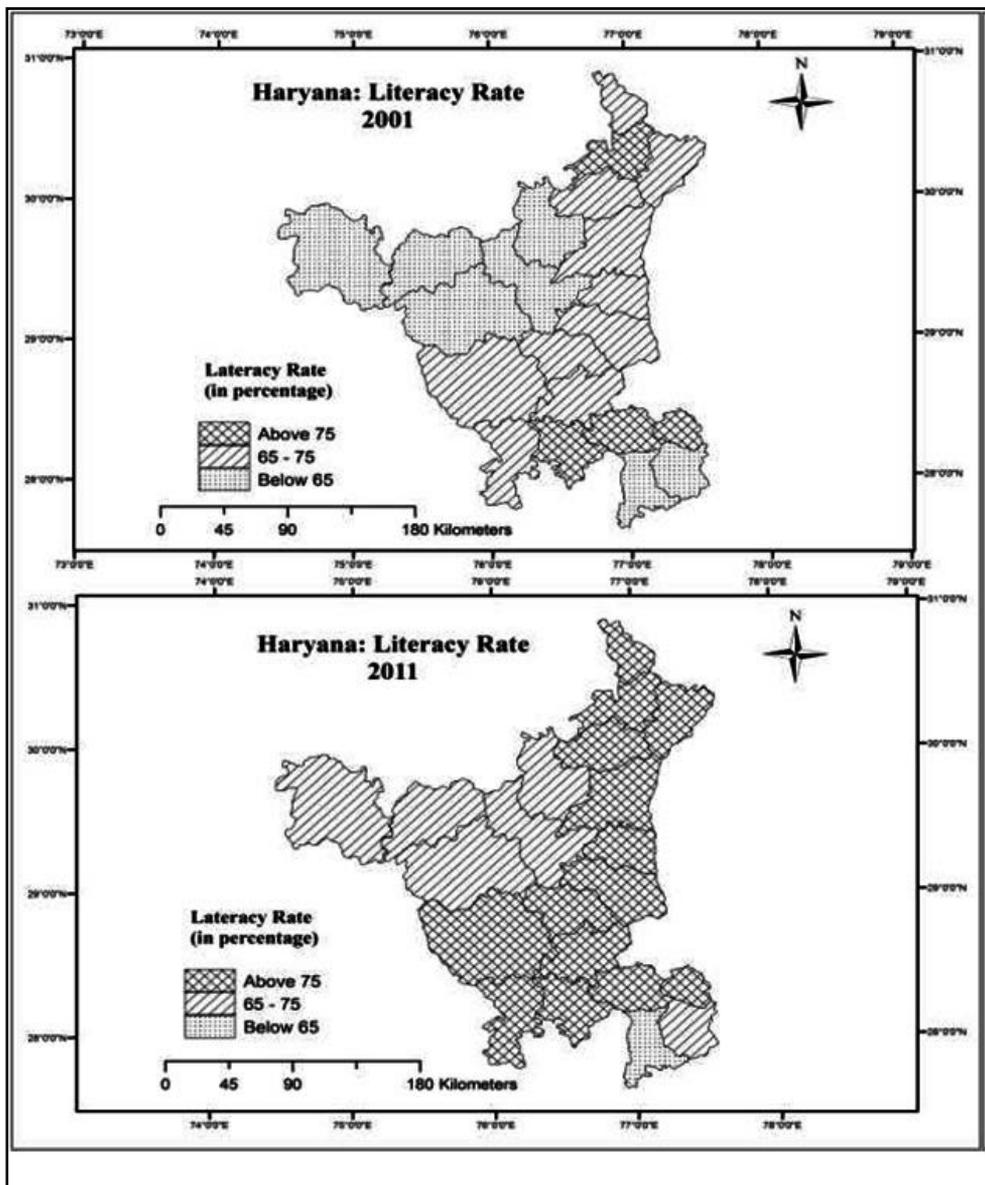


TABLE-4: Male-Female Disparity in Haryana, 2001-2011

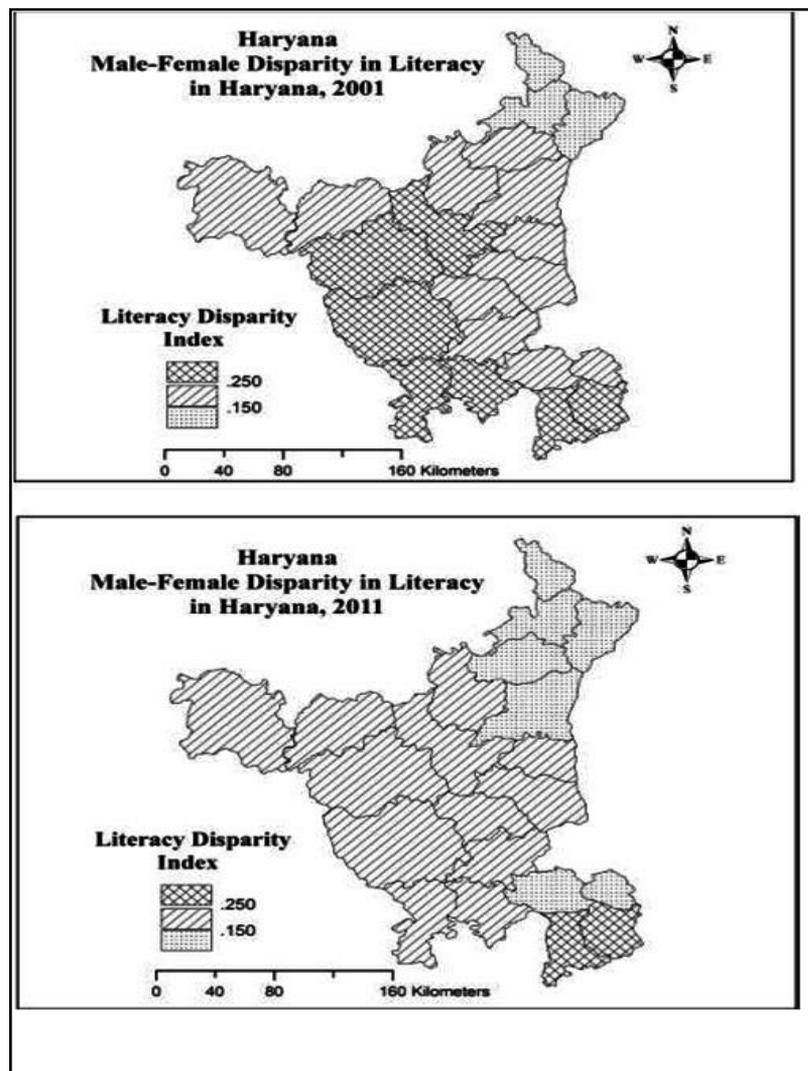
	Male-female disparity indices	
	2001	2011
Ambala	0.139	0.106
Panchkula	0.143	0.100
Yamuna Nagar	0.147	0.119
Kurukshetra	0.168	0.132
Kaithal	0.232	0.179
Karnal	0.179	0.143
Panipat	0.200	0.159
Sonipat	0.212	0.168
Rohtak	0.194	0.156
Jhajjar	0.225	0.168
Faridabad	0.181	0.133
Palwal	0.371	0.253
Gurgaon	0.188	0.113
Mewat	0.512	0.395
Rewari	0.259	0.202
Mahengargarh	0.297	0.219
Bhiwani	0.269	0.211
Jind	0.262	0.198
Hisar	0.257	0.193
Fatehabad	0.232	0.182
Sirsa	0.210	0.168
Haryana	0.223	0.172

Source: Computed from the data from Census handbook of Haryana.

The male-female disparity in the study area is very high as the disparity index is as high as 0.512 in Mewat district in 2001, while lowest in Ambala (0.139) district. The maximum male-female disparity in 2011 is observed in Mewat (0.395) district and minimum in Panchkula (0.100) in 2011. It is observed that there are nine districts in the state, which have male-female disparity above the state average 0.172. Disparity in literacy generates a number of social, economic and political problems which may threaten the very foundation of development (Singh and Chauhan, 2010). Hence, the male female disparity found in the study area is cause of concern and should be prime priority in the development planning.

CONCLUSION

The above discussion reveals that overall there is significant increase in literacy rates in the state, which has increased from 67.91% to 76.64% between the years 2001 to 2011. There is a significant difference in literacy rates between males and females in the both rural and urban area of the district. Male literacy rates are substantially higher as compared to females in both rural and urban area in every district. However, in rural area, male female literacy rates disparity is higher than the corresponding male-female's literacy rates as compared to urban areas. Thus, females are lagging far behind males in literacy in both rural and urban areas. Disparity in literacy generates a number of social, economic and political problems which may threaten the very foundation of development (Singh and Chauhan, 2010). Hence, the male-female disparity found in the study area is cause of concern and should prime priority in the development planning. The female literacy level as a whole needs to be increased as to bring them at par for their overall development.



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TRIBES AND INDIAN CONSTITUTION: A STUDY OF TRIBAL COMMUNITIES

Ahmad Belal

Research Scholar, Centre for Fedral Studies, Jamia Hamdard, New Delhi, belalmsw29@gmail.com

DEFINING THE TRIBES

Tribal history of India had started with the time of Indian civilisation. It is found that the tribal are integral part of Indian civilisation. There are number of evidences and elements in ancient civilisation of India were contributed by the tribal. The term 'tribe' has derived from Latin root. The middle English term tribute meaning the three divisions into which they early Romans were grouped, to evolve into the modern English 'Tribe'.¹ According to the Oxford Dictionary, tribes are "a race of people; now applied especially to a primary aggregate of people in a primitive or barbarous condition, under a headman or chief"² and according to imperial Gazetteer of India, "a tribe is collection of families bearing a common name, speaking a common dialect or professing to occupy a common territory and though originally it might have been so".³ The term of tribe commonly signifies a group of people, speaking a common language observing uniform rules of social organisation and working together for common purpose. The other typical characteristics of tribes include a common name, a contiguous territory, a relatively uniform culture or way of life and tradition of common descen

All these communities have their own ethics and cultural characteristics, most of tribal communities are recognised as backwards communities in socio-economic background. All the people of tribes communities have firm faith in their cultures and traditions. Therefore they have their own unique identities of wearing dress, religious activities, festival celebrating and their food habitation and some others activities. There are three main zones of tribal regions, (i) North Zone (ii) Central Zone (iii) Southern Zone.

(i) **North Zone:** -Consists of sub-Himalayan region and mountain valleys of the eastern frontiers of India. The tribal people of Assam, Manipur and Tripura may be included in the eastern part of this geographical zone while in the northern part are included the tribal of eastern Kashmir, eastern Punjab, Himachal Pradesh and Northern Uttar Pradesh.⁴

(ii) **Central Zone:-** Consists of plateaus and mountainous belt between Indo-Gangetic Plain to the North and roughly the Krishna River to the South and this is separated from the North-eastern zone by the gap between the Garo hills and the Rajmahal Hills. In this zone, Madhya Pradesh, Southern Rajasthan, Northern Maharashtra, Bihar, Orissa and southern Maharashtra are the peripheral areas of this zone.⁵

(iii) **Southern Zone:-** Consists of Southern India which falls south of the Krishna river stretching for Wynaad to Cape Camorin, Andhra Pradesh, Karnataka, Coorg, Cochin, Tamil Nadu are included in this zone.⁶ In the southern zone of tribal communities are also more popular unit of tribal societies in India.

According to the 2011 census there were 650 tribal communities for this total number of tribe communities. The main characteristics which are common to all scheduled tribes are (i) Tribal origin (ii) Primitive way of life (iii) habitation in remote and less easily accessible area and (iv) general backwardness in all respects.⁷ The group is a distinct social unit. It comprises a number of families, living in a common settlement, to whom general language called "tola" or a mood of village, which perform certain their function and ceremonies.

CONSTITUTIONAL PROVISION

Affirmative action is not merely compensatory justice, but it is also distributive justice seeking to

ensure that community resources are more equitably and justly shared among all classes of citizens. All these provisions are important for protection to tribal rights and development the conditions of these communities, it means that protection from social and economic exploitation.

Provision for safeguard to tribal communities, article 15 prohibits any discrimination on grounds of religion, race, caste, and birth place. Article 15(4) of this article provision provides an exception to this. It empowers the state to make any special classes of the citizen of scheduled castes and scheduled tribes. Article 46 of Directive principle of state policy has somehow related with this that the state should promote with special care educational and economic interests of the weaker sections and tribal communities and protected them social injustice. But article 15 (4) does not make any mandatory provision for the reservation and power under this article. This article is special provision of advancement of socially and educationally for the backward classes and scheduled tribes and scheduled castes people.

The state may reserve any post or appointment in favour of any backward classes and communities who are in opinion of government and state, are not adequately represented in the service under the state article 16(4). This is provided socio-economic equality to the disadvantage groups of the society. Under this article 16 (4), are reservation in the state employment to be provided for a backward classes of scheduled castes and scheduled tribes in the services. This reservation is for specific classes and scheduled tribes also.

Article 19(5) the right of free movement and residence throughout the territory of India and of acquisition and dispersion of property are guaranteed to every citizen, special restrictions may be imposed by the state for protection of the interests of the scheduled tribes under this article, they are vulnerable to all sort of exploitation, there are various provisions disabling them from alienating even their own property except under special conditions. In their own interest, laws may be made restricting the right of the ordinary tribal and other weaker groups, to move and settle in particular area.

It is not allowed to trafficking of any human beings and bounded labour and forced labours in India. Article 23(1) human trafficking and other similar forms of forced labour are prohibited. This is very important article because the scheduled tribes being much vulnerable to economic exploitation may be made bounded.

This has brought an article for the protection of their culture and tradition of particular group and community of the society. "The sphere of cultural autonomy in India can be located different but interrelated contexts: (a) freedom of religion and conscience as ensured in the articles 25 to 28 (b) cultural and educational rights guaranteed to the minorities groups in article 29 and 30 with special context and (c) cultural autonomy guaranteed to the tribal groups both for the territorially concentrated and territorially dispersed covered under the provisions of the these articles".⁸ According to article 29 deals a cultural or linguistic minority has a right to conserve its language or culture. This article provides the protection to scheduled tribe communities to preserve their languages, dialects and cultures.

Articles 244 and 244(1) under the part-X of the Indian constitution have provided special rights for administration of scheduled area and the tribal areas. Under the constitution the terms the scheduled tribes and scheduled areas have defined in the special contexts of the fifth and sixth schedule. In the article 244 has provided the provision to administration and control of scheduled areas. Article 244(1) has given autonomous councils for maintaining the autonomous states of tribal communities.

Article 335 of the Indian constitution has also given certain kinds of rights in regarding to protecting the rights of tribal, in the article 335 is in a mandatory cast. It became necessary to make the additional provision of reservations for scheduled castes and scheduled tribes under the article 335 because there are some more articles which is same as related with the rights of tribal communities it has given in the article belong to the family of articles in part XVI which make "special provisions relating to certain classes".

PANCHAYAT (EXTENSION TO THE SCHEDULED AREA) ACT, 1996 (PESA)

The Provisions of the Panchayat (Extension of the Scheduled Area) Act, 1996, come into force in 24th December, 1996. This Act extends Panchayats to the tribal area. It intends to enable tribal societies to assume control over their destiny and to preserve and conserve their traditional rights over natural

resources. A special effort was made to provide tribes the opportunity to exercise their right to self-governance through the enactment in 1996 of a special law which well known as the name of PESA. When 73rd constitutional amendment was brought in the many states extended it area which has substantial tribal populations. These areas were covered by the Fifth Schedule.

Fifth Schedule

Provisions as to the administration of Scheduled Caste and Scheduled Tribes have been given in Article 244(1) of Indian Constitution. Executive power of a state in schedule area the provisions of this scheduled, the executive power of a state extends to the scheduled areas therein.⁹ Administration and Control of Scheduled Areas and Scheduled Tribes are given Part (B) of 5th Scheduled through Tribes Advisory Council (I). There shall be established in each state having scheduled areas therein and, if the president so directed areas therein, a tribes advisory. As nearly as may be, three-fourths shall be representatives of the scheduled tribes in the Legislative Assembly of the State.¹⁰

The Governor may make regulations for the peace and good government of any area in a state which is for the time being a scheduled area. In particular and without prejudice to the generality of the foregoing power, such regulations may –

- Prohibit or restrict the transfer of land by or among member of scheduled tribes in scheduled area.
- Regulated the allotment of land to members of the scheduled tribes in such area.
- Regulate the carrying on the business as money-lender by persons who lend money to members of the scheduled tribes in such area.¹¹

Sixth Schedule

Provisions as to the administration of tribal area in the states of Assam, Meghalaya, Tripura and Mizoram, the articles of the sixth scheduled are 244(2) and 275(1), it has been give the provision of Autonomous districts and autonomous regions. If there are different scheduled tribes in an autonomous district, the governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.¹²

Power of district councils and regional councils to make laws, the Regional Council for an autonomous region in respect of all area within such region and the district council for an autonomous district in respect of all area within the district except those which are under the authority of regional councils, if any, within the district shall power to make laws with respect to;

- The allotment, occupation or use, or the setting apart, of land, other than any land which is reserved forest, for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interest, of the inhabitants of any village or town.
- The management of any forest not being a reserved forest.
- The regulation of practice of Jhum or other form of agriculture.
- Any other matter relating to village or town administration, including village or town police and public health and sanitation.
- Social customs.¹³

CONCLUSION

India is the largest democratic nation of the world. Despite being to diverse, India has been combating with several kinds of societal and economical problems. The constitution of India seeks to ensure the justice, liberty, equality and dignity among these diverse groups, and the fundamental rights of the constitution ensured for protecting promotion these marginalised groups. Directive Principles of State Policies has given certain direction for starting the action, policies and programmes for insuring the social and culture rights of the individual, so that these communities can fulfil their basic needs such as food, health, and education. Tribal rights has discussed in the context on constitutional provisions for status of tribal communities in socially, and culturally activities. It is ensured to sustaining the welfaresism in society of tribal communities of the nation.

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ETHICS OF UPANISHADS AND POST-HUMANISM: A PHILOSOPHICAL APPROACH

Md. Moklesur Rahaman

Research Scholar, Department of Philosophy, Aligarh Muslim University, Aligarh-202002, U.P,
Mobile. No. +91 8126039363, Email id: moklesur4u.amu@gmail.com

ABSTRACT

The Upanishads laid vital impact on almost every philosophical system of Indian philosophy, and gradually developed spiritual growth of man. The Upanisadic ethics are basically that of the Vedic. Not only do the ethics of the orthodox and heterodox systems of Indian philosophy draw their inspiration from the Upanishads, but even their metaphysics, which are the bases of every system in Indian ethics. Therefore, Upanisadic thought is the very foundation of the metaphysical as well as the ethical concepts of all the systems of Indian philosophy. And consequently, upanisadic ethics leads towards humanism for social, cultural, political and religious claims of human dignity. While affirming the self-esteem of human being, it supports the maximization of individual freedom and opportunity consonant with social and terrestrial sensibility. It advocates the development of an open society confirming human rights and social justice. But, humanism may be coming to an end and is being replaced by a relevant source of explanations something one must helplessly call it post-humanism. The role of machines in everyday life made the distinction between humans and non-living entities more offensive and machine also became an object of human interest, a means to an end, especially as weapons, which were used to spread personal and political power or freedom and then human dignity is degrading day by day. Post-humanism is a paradigm shift here than can be even richer when it appears in its appealing interdisciplinary profile impacting influential work. Although, the emphasis of this paper is to identify, highlight and compare the featured values or ethics of Upanishads with that of the post-humanism as well as human destiny in the contemporary era.

Keywords: Ethics, Upanishads, Post-Humanism and Human Destiny.

INTRODUCTION

Ethics may, therefore, be defined as the science of the Highest Good. It is the science of the supreme ideal of human life. It is the science of the highest end or purpose of human life. Mackenzie defines Ethics as “the study of what is right or good in human conduct” or “the science of the ideal involved in human life” (J.S. Mackenzie, 1990). Ethics is the science of rightness and wrongness of human actions. It is the science of moral evaluation of the voluntary actions of persons. The idea involved in human life includes Truth, Good and Beauty. Ethics is the science of the Moral good of man. Ethics which is concerned with the propriety of human conduct; it is most difficult to draw the lines of demarcation, because behaviour is so vast that it can be studied by various sciences from various points of view. In spite of this, it can be said that ethics is that study of human behaviour which propounds the supreme good or the *summum bonum* of human life, and which formulates the judgments of right and wrong and good and evil. In order to make this definition more explicit, it would be desirable to explain the words ‘right’, ‘good’, and ‘science’ respectively.

The word right is undoubtedly related to character. This word is similar to the Greek word *ethos*, which also means character. Similarly the term 'moral philosophy', which is a synonym of 'ethics', is based on the Latin word *mores*, meaning habits or customs. Thus from the point of view of philosophy, ethics is that science which is concerned with moral behaviour or with the right and wrong and good and evil of human behaviour. Dowey says that “the subject matter of ethics is to point out what is right and good in conduct” (F.H. Bradley, 1952). Ethics propounds those principles which make our conduct

moral. This becomes clearer when we explain the derivation of the words right and good. The word right is derived from the Latin word *rectus*, which literally means 'straight'. Thus when we define ethics as the science of the rightness of conduct, what we mean human is that it is concerned with those principles which make our conduct right or straight.

Humanism is a term that denotes intellectual or moral conception representing a system of thought concerned with human interrelations and interactions. It is an approach that demands credit for social, political and cultural man, his faculties, aspirations, growth, performance, freedom and ingenuity. Humanism is also an action against the dehumanizing spirit of modern technological progress and industrialization. However, humanism is not a religion and therefore not a dogma or faith. Foucault remarks that "*humanism has its own dogma*" (M. Foucault., 1974). In the sense that the term "human" constantly naturalizes the differences that comprise it. Humanism claims a progressive life perspective without invoking supernaturalism and claims an affirmation of human abilities and responsibility to lead a meaningful and ethical life capable of adding to the greater good of humanity.

UPANISHADS

The Bhagavad-Gita, which is rightly regarded as the quintessence of the Upanishads, has remarked that "*Atmavat-Sarvabhutesu you pasyati, which means that, a person who considers all living creatures equal to his own self is the seer*" (Kathaupanishad,1, cited, C.D. Sharma, 1987). Thus we find in the Upanishads the germs of all those ethical doctrines which were propounded later on by orthodox as well as heterodox systems. The doctrine of Karma is envisaged in the Upanishads. Similarly the Upanishads reveal the three paths of knowledge, action and devotion which are later on elaborated in the Bhagavad-Gita. How far the Upanisadic thought has influenced the ethics of the classical schools is evident when we study the ethics of those schools. Presently we are mainly concerned with the ethical implications of the Upanishads. So far as the attainment of Moksa, spiritual perfection, is concerned, it should not be forgotten that it is only in the Upanishads that the concept of Moksa is made explicit, and it is this concept of the 'Summum Bonum' which makes Indian ethics unique.

The Upanishads hold that, "*morality is an inner growth*" (Taittiriya Upanishad, 1). The aim of both the outer laws as well as the internal purity is undoubtedly the same; the integrated development of the personality of man and the attainment of the state of Moksa. That is why the Upanisads do not contradict the authority of the Vedas, nor do they repudiate the Varna Dharmas or the Asrama Dharmas. But they give a real meaning to the caste system by pointing out that all the social and ethical rules are made for man, and that they are subsidiary to his well-being i.e., Moksa. In the Upanisadic period emphasis was laid on learning and spiritual acumen rather than on birth. As Radhakrishnan remarked, "*laws and regulations are necessary for those men who do not naturally conform to the dictates of conscience. But for those who have risen above their selfish egos, morality becomes the very condition of their being, and law is fulfilled in love*" (Dr.S. Radhakrishnan, 1957).

The supreme good accepted by the Upanishads is self-realization, the oneness of the individual self (Atman) with the Universal Self, Brahman. It is quite evident that the four purusarthas that means 'Artha' (Wealth) 'Kama' (the fulfilment of desires), and 'Dharma' (duty) have been thought of as means to the attainment of Moksa (liberation). Kathaupanisad says, "*No man can be made happy by wealth. The hereafter never rises before the eyes of the careless youth, be fooled by the delusion of wealth. This is the world he thinks, there is no other? Thus he falls again and again into the power of death*" (Kathaupanisad, 1, 2.6).

Wealth which means that only to the attainment of Moksa. But wealth becomes evil only when it is misused on account of lack of wisdom. The concept of duty or Dharma in the Upanishads is not negative but out and out positive. Dharma does not command us to give up, but rather to engage in the worldly strife, because our aims are always spiritual and subordinating all other desires to the strongest desire, or love of God. Thus Kama, or desire, here is divinized, because even the Lord Himself desired in the beginning to become the world. The Upanishads says, he desired, "let me be many". Dr. Radhakrishnan has commented upon the Upanisadic notion of Kama, "*which we are asked to renounce, is not desire as such, but only the animal desire, lust the impulsive craving of the brute man. Freedom from Kama is*

enjoined, but this is not blank passivity”(Chandoyoga Upanishad,4, Cited, Dr.S. RadhaKrishnan, 1957)

The above aspect of the Upanisadic notion of desire is the longing of the aspirant for union with God. The Upanisadic philosophy of keynote of the union for the identification of the self with the Brahman. Because the goal is attainable not only by a strong desire, purification of heart and virtuous life are the prerequisites of an aspirant but also the development of soul force by resorting to spiritual and ethical discipline. Chandoyoga Upanishad mentions that, *“the inculcation of the five virtues of self renunciation (tapas), charity or philanthropy (Dana) right conduct (Arjavam), non-violence (Ahimsa) and adherence to truth (Satyavacanam) are the necessary virtues to be practiced by an aspirant”*(Chandoyoga Upanishad). Thus Dharma or virtue has a very prominent place in the ethics of the Upanishads. We may say that Artha, Kama, Dharma and Moksa are instrumental values but at the same time essential methods for the attainment of Supreme Good i.e., realization of the unity of Atman and Brahman.

POST-HUMANISM

Humanism is claimed to be a coherent thesis informed by science, enthused by art, and motivated by compassion. While affirming the self-esteem of human being, it supports the maximization of individual freedom and opportunity consonant with social and terrestrial sensibility. It advocates the development of an open society confirming human rights and social justice. But at the same time, humanism recognizes humans as part of nature holding religious, ethical, social and political source in human experience and culture. However, humanism may be coming to an end as a thesis and is being replaced by a relevant source of explanations something one must helplessly call post-humanism. However, some claim that post-humanism is an ethically ambiguous concept referring to social activities and ideas about transcending the concept of human, may be affected by technological manipulation. The skeptics fear new forms of subjugation with a pending environmental crumble, transforming humans beyond humanity is the only option of securing our species' endurance. Michel Foucault's concluding that, *“the archeology of our thought easily shows man is an invention of recent data”* (M. Foucault., 1974). Post-humanism addresses a multiplicity of approaches and viewpoints and serves as an introduction to the hermeneutical authority of these theories and thus acts as an invitation to further work.

By the end of the 1990s post-humanism developed into a philosophical inquiry through a newly gained awareness of the restrictions of prior humanistic assumptions. Post-humanism is frequently referred to the end of humanism and it is “post” to the concept of the human to historical incidence of humanism based on hierarchical social constructs and human centric assumptions. Cary Wolf says that *“post-humanism interferes both prior to and after humanism, post-humanism also names contemporary historical movement -such as technical, medical, informatics and economic networks”* (C. Wolf., 2010). Post-humanism, its rising reputation as a compassionate outline for dialogue is also about medical enhancements and more generally a number of contemporary ideas about ethics can be framed around it. Post-humanism overcoming human primacy is not to be replaced with other types of primacies such as the one of the machines. This humanism can be seen as post-exclusivity i.e., beyond the politics and culture of exclusion, an empirical philosophy of arbitration that offers an understanding of existence in its broadest significations.

The philosophers and ethicists have been addressing post-humanism as an in the perspective of the relation of animals and humans, ghosts and holiness for decades. Peter Singer has focused, *“on the relationship between humans' life and animal's life has to attention the intersection”* (P. Singer., 1981). Post-humanism are extensively explored in philosophy and literary theory. Several other philosophers of religion, ethics, theology, comparative religion, history of religion have also engaged with these ideas, chiefly incorporating animal studies into their own ideas and life. For Luhmann's slogan that, *“a system engages with its environment precisely because it is closed to it, that he depicts as “openness from closure”, which has become a Post-Human life”* (N.K. Hayles., 1999). The issue of post-human life is raised by Cary Wolfe on metaphysics of voice to provide coherence for the subject and therefore retains humanistic elements. The commitment to the problematic of ‘thought’ is consistent with Wolfe's application of the principle of “openness from closure” in the kingdom of academic disciplinarily. The Post-Humanists argue that there should not be an interdisciplinary complication but a set of heterogeneous disciplines enriching each other by knowing their own material.

UPANISHADS AND POST-HUMANISM: A COMPARATIVE

The Upanishads not only advocate the path of knowledge is the sole gateway to self-realization but also the path of action, which enjoins upon the aspirant to control his senses and to subordinate the sensual self or the intellectual self to the rational. From this the Upanishads point out the necessity of true knowledge as well as purity of character and also the nature of Moksha, which means freedom from the transmigration of the soul. The Upanishadic code of conduct was already point out the ethics and active aspect is the subsidiary, but the means of, the attainment of the highest state of infinite existence, infinite consciousness and infinite bliss (Sachchitananda).

The ethics of the Upanishads, there is no doubt that the Upanishads implicitly contain the three fold path of knowledge, action and devotion, where knowledge stands for the knowledge of the Ultimate Reality, action stands for self-control and devotion represents Brahma Jigyasa or passion for Brahman. Thus Upanishadic ethics is not only universalistic, but cosmic and anti-individualistic.

Post-humanism attempts to unite academicians, artists, writers, and scientists, who are originally engaged with the emerging new discourse and theoretical constructs of post- structuralism. They share the views that Post-humanism is a shifting area than can be even richer when it appears in its appealing inter disciplinary profile impacting influential critique. What does it mean to be human? Now-a-days, the question is being asked with increased urgency. Technological and global economic challenges, threatening environmental disaster and the wasting of traditional limitations among human and non-human have been producing new and alternative ways of thinking about humanity. In Robert sense, "nothing can be external to a human because the extent of a human can't be fixed" (R. Pepperell., 1995).

The classification of categories and the survival of the eligible, hypothesis reduced the difficulty of life to neat and fair relationship. This era of redefining the human condition as distinct from other entities is not limited to any explicit technology. It surround biotechnologies, but also comprises such originalities are artificial intelligence, life extension and genetic or nano-technological engineering. The mechanic takes place in its most extreme form though the structure of humans with medical technology, allowing transplantation of organs and reconstructing of life, which utilizes technology and biology. Due to the fast advancement in biotechnology and in other sciences, we are observing that the human dignity is greatly impacted suffering a loss of identity. Conclusion:

The human beings are rational, intellectual, communicative, but animals are devoid of these qualities, but have the ability to respond. The ethics of the Upanishads confirms this view and proves that the goal of ethics is humanistic and metaphysical. The Upanishads is established that the individual self or Atman is ultimately identical with the Universal Self or Brahman, it goes that the aim of life is not self interest in the sense of seeking satisfaction of individual desires. The arguments that challenge the idea that humanness is a fixed concept also question the humanist ideology itself. Moreover, the applications that have constituted the political rise of post-humanism, as a challenge to established ethico principles. Therefore, Upanishads and post-humanism are discuss to the human conduct for this society in future generations.

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“IMPACT OF CASHLESS POLICY ON INDIAN ECONOMY”

ShakeebaTaqdees

Research Scholar, Department of Economics, Aligarh Muslim University, Aligarh

Email: shakeebataqdees123@gmail.com, Phone No.8266828605

ABSTRACT

India has witnessed a high growth in its service sector in last few decades and its industrial sector has tended to stagnate in this period. Economist termed this acceleration in services as service-revolution. The emergence of services as an important source of growth has raised questions and a major criticism against service-led growth emerges from the disproportional relation between income and employment in the sector. With the recent implementation of demonetization and the goal of making country a Digital Economy. The central government is promoting the use of cashless payments in the country. Present study tries to understand the impact of cashless payments on Indian economy specifically on the service-revolution. It is being identified in the study that the usage of cashless transactions in the country will have positive impact on service-led growth and service sector is expected to grow more vigorously in the future. Apart from this cashless economy seems to create more unemployment in the country, as electronic banking will reduce the number of employees needed to handle the banking transactions as most work that is usually done by workers will be handled by machines. This paper argues that the question of stagnant employment in the service-revolution as well as the expected loss of jobs with the advent of electronic banking should be incorporated within the broader purview of concerns before making India a cashless economy.

Keywords: *Service-revolution, Indian economy, Electronic banking, Cashless economy, Unemployment and Technological advances..*

1. INTRODUCTION

The process of economic development has been associated with structural changes. Every economy predominates in agriculture in the initial stages of development. The economy relies on agriculture not only for consumption but also for earning livelihood. Therefore, agricultural sector is termed as Primary Sector. As the economy develops, industries began to establish, the share of industrial sector in economic activities began to rise. Industrial sector, thus coined as Secondary Sector. The development of industries in turn promotes a wide range of activities in the service sector like trade, transportation, banking etc., leading to establishment of Service Sector, which is generally known as Tertiary Sector. On the basis of this observed development pattern, the economies grow under three-stage process.

The pioneering work of Fisher (1935), Clark (1940) and Kuznets (1971) provides a set of theoretical literature relating to the industrialized countries. They suggest that once countries have reached an advanced stage of economic development the share of the services sector increases, while the share of the manufacturing sector declines. A similar description of the patterns of structural change in today's advanced economies is provided by Rowthorn and Wells (1987), focusing on employment. A section of the literature also suggests that the increasing share of services in total employment is attributable to a slow increase in productivity, relative to the industrial sector (Rowthorn and Wells, 1987; Baumol, 1967). The case of India is unusual in the context of literature on structural change. The contribution of industrial sector in India had witnessed stagnation in the last few decades and the high growth in recent years is due to service sector dynamism. Services now contribute almost 60% to India's GDP. This growth trajectory, which has been termed "services-led" industrialization, or even a "services revolution" (Gordon and Gupta, 2004), seems to stand out from the previous experience of economic development, which followed the traditional path from agriculture to manufacturing, with services becoming important at a later stage.

In India, the demonetisation of currency is implemented as a tool to measure the stock of black money hoarded in the high denomination currencies, and to curb terrorist activities in the country. The government aimed to bring the unaccounted money back to the formal banking sector. Therefore, after Demonetization the Centre government is making a big push to achieve its target of becoming a largely cashless economy by promoting use of online and card based transactions in the country. The RBI has recently unveiled a document “Payments and Settlement Systems in India: Vision 2018” setting out a plan to encourage electronic payments and to enable India to move towards a cashless society or economy in the medium and long term. Apart from this “The Digital India Programme” of government of India have the vision to transform India into a digitally empowered and knowledge-based economy. “Faceless, Paperless, Cashless” is the goal of Digital India. The introduction of Cash-less economy policy by the Central Government also aimed at reducing cost of cash management, increasing efficiency of the payments system and driving financial inclusion. Reducing economy’s dependence on cash is desirable for a variety of reasons like high cost of running a cash-based economy and enabling transparency in transaction and enhancing tax compliance. Against this backdrop, the study tries to analyse the impact of cashless transactions on Indian Economy. In the context of India, cashless transaction drive seems to provide a boon to tertiary sector. As the digitisation of transactions will result in telecommunication reforms, such as increased usage of internet and reduced connectivity costs that will expand the scope for supply of services. Digitisation of payments also promotes the role of banks and mobile wallet companies to expand their business that will further contribute to the growth of tertiary sector. Therefore, present paper tries to analyse the impact of cashless economy or digitization of payments on Indian economy and more specifically to service-led growth.

2. LITERATURE REVIEW

Earlier study by Fox (1986) stated that during the 1960-1970, the adoption of electronic fund transfer would serve as a substitute for cheques and cash as the primary mode of payment in the United State. Today, the use of electronic payment has continued to increase due to its convenience, safety and swift mode of payment. Oyewole, El-Maude and Abba (2013) discovered that adopting electronic payment will positively affect economic growth and trade in Nigeria. Hasan, De and Schmiedel (2012) examined the fundamental relationship between the adoption of electronic retail payment and overall economic growth across 27 European countries from the period 1995–2009. They discovered that migration to an effective electronic retail payment would stimulate the overall economic growth, consumption, and trade. However, the impact of credit and debit card payment, fund transfers and cheque payment on the economy are relatively low. The adoption of electronic transaction is essential for transparency, accountability and reduction of cash related fraud, the fundamental elements of economic growth and development (Mieseigha and Ogbodo. 2013). Electronic payments will replace cheque payments extensively but cash-based payment will persist to a substantial extent (Liao and Handa 2010). Although technological advancement has enabled improvement and innovation in electronic payment system (Oyewole et al. 2013), from the basic ATM card transaction to online credit transfer, direct debit, card payments and cheques, security related issues, non-IT savvy users and phishing emails are some of the shortcomings of the adoption of cashless payments. The loss of money and the compromise of private information weaken the confidence of consumers to make payment electronically. Park (2012) studies more than 70 countries around the world, from the less developed Bangladesh to the developed United States for the period 2002–2004. He found that corruption in the banking sector could distort economic growth because the allocation of fund for private investment will be biased. Consequently, private investment will take its toll on economic growth. Moreover, Ezuwore-Obodoekwe, Eyisi, Emengini and Chukwubuo. (2014) discovered that as Nigerians moved from a cash-base to a cashless society, its Central Bank would lose its autonomy on monetary policy. When the central bank loses its ability to control money supply, the increase in the velocity of money will produce an exponential increase in prices, causing the economy to experience inflation (Al-laham and Al-tarawneh 2009).

There is no conclusive evidence on how the adoption of cashless payment might affect an economy. Cashless payment might have a positive impact on economic activities (Hasan et al. 2012; Oyewole et al. 2013) but it also provide an opportunity for corruption (Park 2012), caused bankruptcy among youth (Noordi, Zakaria and Mohamed. 2012) and reduced policy control of the monetary system (Al-laham and Al-tarawneh 2009; Ezuwore-Obodoekwe et al. 2014).

The motivation of this paper is to analyse how cashless payment policy will bring changes in working of the economy. This study examines particularly the impact of adoption of various cashless payments on India's service-led growth.

3. NEED AND OBJECTIVE OF THE STUDY

The recent implementation of demonetization of high denomination currency and the country's agenda of making India a cashless economy, demands to study the impact of cashless payment policy on Indian economy. Apart from this, limited research work has been done in analyzing the implications of cashless policy in India. Today digitisation of payment has become a global phenomenon not only developed but also the developing countries are going cashless. The emergence of cashless societies globally also requires a lot of research work to be done in this field.

The objective of study is therefore to analyse the impact of cashless payment policy on Indian economy. The study aims at examining what cashless policy is all about and why the policy should be introduced in the country. Rational of the study is to find out the challenges confronting cashless policy in India. The study also aims to suggest policy implications that should be undertaken to make cashless policy a worthy policy in India.

4. SCHEME OF THE STUDY

The structure of the paper is as follows: The next Section provides details about the sources of collected data and methodology adopted for the study. After that in section 5 a brief overview of India's overall growth experience has been taken, followed by a more detailed examination of the contribution of the service other sectors to employment growth. Section 6 discusses the mechanism of cashless payment system and understanding the rationale for going cashless. Section 7 subsumes the interpretation that how cashless payment policy will affect Indian Economy and what will be the future growth momentum by adopting the cashless payment system. In section 8 conclusion and some policy implication has been drawn by analyzing the implication of cashless transaction policy in economy.

5. SOURCES OF DATA AND METHODOLOGY

A descriptive research design has been adopted for the study and the collected data is being analyzed by content analysis. The study relies on secondary data and the relevant data has been collected from reliable sources. Employment data has been collected by NSSO 68th round. The information on the workforce is taken from Economic Tables published by the Census of India. Data on private final expenditure in services has been taken from CSO (Central of Statistical Organisation). Various government reports have also been used for accessing the accurate and trustworthy data. The study makes use of research paper published in various journals. Apart from this the information has also been taken from online sources.

6. INDIA'S GROWTH EXPERIENCE: OVERVIEW

For analysing properly the impact of cashless policy on Indian Economy, it is imperative to go through the nature and pattern of growth India had achieved in past. Therefore, this section deals with an overview of India's growth experience. It will help to create an understanding of what growth pattern the cashless transactions will lead in future. In India the pattern of growth in recent years has been an unconventional one. Almost all labor-abundant developing countries saw the shares of manufactures in GDP rise and those of agriculture fall during their high-growth phases as witnessed in case of Taiwan, South Korea, and China. In contrast, India has experienced the share of manufactures in GDP stagnate despite a decline in the share of agriculture in its high growth phase. Moreover, the movement of workers out of the agricultural sector has been extremely slow, with the absolute number of workers in agriculture still rising due to the rising size of the workforce. While countries like Taiwan, South Korea, and China saw labour-intensive manufactures products share of GDP and employment on rise, India experienced no such change during its high-growth phase. In India, services have grown more rapidly than manufactures. The somewhat exceptional pattern of growth in India has raised several questions on sustainability of growth of the country. Table 1 shows Indian economy has grown at a robust rate during last few years and India's pattern of growth has been skewed toward the service sector.

TABLE 1: Sectorial Growth Rate

Sectors	1951-80	1981-90	1991-2000	1992-97	1997-2002	2002-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Agriculture	2.1	4.4	3.1	4.8	2.5	2.5	5.8	0.1	0.8	7.9	3.6	1.8
Industry	5.3	6.8	5.8	7.3	4.3	9.2	9.7	4.4	9.2	9.2	3.5	3.1
Services	4.5	6.6	7.5	7.3	7.9	9.3	10.3	10	10.5	9.8	8.2	6.6
GDP at Factor cost	3.5	5.8	5.8	6.6	5.5	7.8	9.3	6.7	8.6	9.3	6.2	5

Source: From 1951-1991, Jim Gordon and Poonam Gupta, "Understanding India's Service Revolution", *International Monetary Fund Working Paper*, 2003, Table 1; from 1992-2002, Shankar Acharya, "Macroeconomic Performance and Policies", in Shankar Acharya and Rakesh Mohan (Ed.) *India's Economy: Performance and Challenges* (New Delhi, 2010), Table 4.1, p. 119; and from 2007-10, *PMEAC Report Review of Economy 2012-13* (Delhi, 2013), Table 1, P. 6

Table 1 shows that service sector grew faster than industrial sector. Growth of services picked up in the 1980s, and accelerated further in 1990s when it is averaged 7.5% and industry and agriculture grew up at an average of 5.8% and 3.1% respectively in this period. The slowdown in 1997 was confined to agriculture and industry with the services registering remarkable growth rate of 7.9%. The expansion of services increased even after 2002. Services grew at high growth of 10% per annum in the year of 2008-09 but the growth rate of GDP declined to 6.7%. In the year of 2009-10, services recorded highest growth rate of 10.5%. The rate of growth of GDP fell considerably to 6.2% in 2011-12 due to sharp deceleration in the rate of growth of Agriculture and Industry. Services recorded a good rate of growth at 8.2% in this year. The year 2012-13 recorded slowest growth rate of 5.0%, as growth in agriculture sector declined considerably in this year. The growth rate of services and industry is recorded at 6.6% and 3.1% respectively during 2012-13. Table 1 clearly shows that Indian Economy has witnessed "service-led growth" especially after 1991. But this service revolution has experienced relatively jobless service sector growth. According to Gordon and Gupta, this is unlike the experience of other countries, where service sector has tended to gain a larger share of employment over time. India has witnessed considerably low share of service employment, when compared to other countries.

Table 2 shows that during the period from 1983 to 2009-10, the share of the agriculture in total employment declined by about 15 percentage points. On the other hand, the share of the industrial and services sectors in total employment increased by only about 7.7 percentage points. While this indicates that the workforce has shifted very slowly towards services it is not commensurate to the case of total output. For instance, while the share of GDP rose from 38% in 1980-81 to 57.2% in 2009-10, its share in employment rose from 17.6% in 1983-84 to just 25.3% in 2009-10. From the above discussion we may conclude that India's service revolution fails to absorb excess labour from agricultural sector and agriculture sector is still facing the problem of disguised unemployment.

TABLE 2: Sectorial Shares in Total Employment: 1983 to 2009-10

Sectors	1983-84	1987-88	1993-94	1999-2000	2004-05	2009-10
Agriculture	68.6	65	64.7	59.9	56.6	53.2
Manufacturing	13.8	15.9	14.8	11.1	18.7	21.5
Services	17.6	19.1	20.5	23.7	24.7	25.3
Total	100	100	100	100	100	100

Source: National Sample Survey Organisation, *Surveys on Employment*.

7. UNDERSTANDING THE CASHLESS SOCIETY MECHANISM

This section provides an insight on the working of Cashless society. Before analyzing the impact of cashless policy on service-led growth, it is important to have an understanding on the working of cashless payment policy and the need of its implementation in an economy. Instead of using money in the form of notes or coins in a cashless society financial transactions are conducted by transfer of digital information between the transacting parties. Earlier cashless societies have existed based on barter and other methods of exchange but now cashless transactions become possible through the use of digital currencies. Electronic banking becomes popular in 1990s leading towards an increasing trend to the use

of non-cash transactions and settlement in daily life. By 2010s, the digital payment methods become widespread. Today, world is experiencing a rapid and increased use of digital payment methods for recording, managing and exchanging money in commerce, investment and daily life. In a cashless society cash is replaced by some digital equivalent. Legal tender is recorded and exchanged only in electronic digital form. According to Omotunde et al (2013), Cashless economy is an economy where transaction can be done without necessarily carrying physical cash as a mean of exchange of transaction but rather with the use of credit or debit card payment for goods and services. Cashless transactions policy provides an efficient and modern payment system enabling economic growth and economic development.

7.1 Why to go Cashless?

The Primary aim of going cashless is to uncover the registered transactions. Cashless transactions policy reduces the cost of banking services and drive financial inclusion by providing more efficient transaction options and greater reach. It also helps to improve the effectiveness of monetary policy in managing inflation and driving economic growth. With the digitization of payment negative consequences associated with the high usage of physical cash in the economy can be avoided. Cashless payment policy aims to avoid the high cost of running cash-based economy. Approximately 83.6 billion pieces of currency gets replaced annually in India. The Reserve Bank of India prints 23 billion new notes at the cost of ₹38.6 billion in 2014-15. The average cost of producing one currency piece is estimated to ₹1.7 in the country. Reduction in use of cash can also check the grey economy and money laundering besides increasing tax compliance. According to Rogoff (2015), if cashless policy is implemented slowly and with appropriate infrastructure it could help to check exploitation of migrant laborers working in more developed countries, who usually gets hidden payments that leaves employers unaccountable. Rogoff is of the view that cash must remain for the unseen event of power or digital disruptions. According to him currency is also useful for making small purchases and for transactions where privacy is preferred.

8. INTERPRETING THE IMPACT OF CASHLESS TRANSACTION DRIVE ON INDIAN ECONOMY

Availability and affordability of telecom and financial services like bank accounts and electronic payment products are the prerequisites for going cashless. Therefore it is being expected there would be a greater use of cellular phone services with the digitization of payments resulting in an upward shift of growth momentum of telecom industry. Similarly cashless payments also call for greater use of bank accounts as well as of debit and credit card, making banking services more robust. India has less than 40 million mobile banking users and less than 5% of all payments are done electronically, analysts expect mobile banking users to exhibit a growth of seven times along with a growth of four times in smart phone market. In this context it is being interpreted that cashless payment policy will give a boost to service sector contributing more to service-led growth. In this section, the factors that can explain observed service sector growth in India are discussed and how the introduction of cashless society can help in adding up of these factors is also being analysed.

8.1 Understanding how Cashless Transactions will add to Service-led Growth

Gordon and Gupta (2004) have identified several reasons that contribute to growth of services and its sub-sectors in last few decades. We are analysing here how cashless transactions will add to these factors and leading to an expansion of service sector further.

8.1.1 Technological Advances

In recent years growth in services are explained by several technological advances including increased use of internet, expansion of IT industry, greater use of cellular services, and debit and credit cards. Continued telecommunication reforms, such as reduced connectivity costs and lower tariffs expand the scope for supply of services. With recent advances in technologies, digital payments have led an increasingly profound impact on our daily lives by offering interesting and advantageous new services. Cashless payment options have created an innovative environment enabling providers of financial services to seek out new modes of service delivery to their customers. These advancements have changed the very nature of buying and selling. Use of mobile devices is amongst the newest channels of service delivery by banks to their customers. While a cashless economy is not exactly a new phenomenon, the technological innovations in this field have significantly accelerated a society-wide transformation. Large financial institutions like banking as well as non-banking are regularly challenged by smaller competitors that have quickly adopted a cashless technology, the pressure to adapt technological advances grows in turn for

banks and other institutions. Providing banking services through mobile devices to the customers is an emerging channel of service delivery for commercial banks. To survive in this fast-moving environment banks need to implement new technologies that allow more efficient and convenient payment processes. Digital transactions will provide a more user-friendly environment for potential customers and expected to increase growth and revenue projections. Thus, digitisation of transactions will give stimulant to the use of the various technological advancements and a step towards cashless India will also be a step towards innovations and technological advancements. Thereby, enhancing service sector share of the economy in turn.

8.1.2 Splintering

With the expansion of industries, services components of manufacturing activity such as accounting, legal and security services, research and development, or logistics used to be outsourced and splintered off to other firms and this service component of manufacturing is generally taken as service sector contributions to GDP, rather than being accounted in manufacturing value added. Therefore, splintering can alter the aggregate accounting. Cashless payments will add to the process of splintering. To make online or card-based payment industrial units will have to rely on some banks or other online payment mode thus tends to outsource or splintered their payment processes which were previously undertaken by themselves. This increased splintering will thus add to service sector share in overall Gross Domestic Product (GDP) of the economy.

8.1.3 High Income Elasticity of Demand

Along with increased splintering, another reason that has been witnessed for increasing share of services is greater than one income elasticity of demand for services. Final demand for services had grown faster than the demand for goods as income rises. After the liberalization of 1990s, the demand side impetus is identified in favour of services. Private final expenditure is particularly striking in education, communication, and medical care and health services as shown in Table 3. Due to cost advantage foreign companies have also started outsourcing Information Technology and Information Technology Enabled Services. All these factors thus contribute to demand side impetus for services. Cashless transactions are now usually preferred by people due to convenience, and this will result in an increased demand for telecom and banking services. Mobile banking and plastic money is fulfilling the need of fast seamless anytime and anywhere banking. There has been a big build-up in the payments infrastructure due to spike in demand. Mobile banking had shown a rapid growth in last few years in the country. In India, transactions in mobile banking increased from 4.72 million in November 2012 to 27.11 million in September 2015. In spite of such a growth in mobile banking transactions, India is not withstanding with growing digitisation era. India is still among the most cash-intensive economies in the world. Increased demand of digitization is encouraging upfront investment in digital payment infrastructure. Therefore, it can be said that this demand side impetus is expected to result in growth of service sector.

TABLE 3: Private final consumption expenditure in Services at Constant Price up to 2012-13

Figures are in (crore)

ITEMS	2004-05	2005-06	2006-7	2007-8	2008-9	2009-10	2010-11	2011-12
1. Medical Care and Health Services	95560	103925	113008	118077	126204	137407	147876	157102
2. Transport and Communication	371800	3933365	429003	463077	498914	559187	615292	675369
2.1 Personal Transport Equipment	35995	32376	37569	40341	42178	53505	66630	72050
2.2 Operation Of Personal Transport Equipment	124528	130378	136701	142912	148237	155331	160217	171315
2.3 Purchase Of Transport Services	180040	190976	203611	214498	224288	238321	249682	273938
2.4 Communication	31237	39635	51122	65326	84211	112030	138763	158066
3. Recreation and Education and Cultural Services	57213	63488	68839	75583	80717	83972	93868	101496
3.1 Equipment and Paper and Stationery	22522	26850	30798	36463	41365	45796	56192	60822
3.2 Recreation and Cultural Service	2136	1362	1407	1491	1713	1626	1501	1849
3.3 Education	32555	35276	35276	36634	37639	36550	53617	38825

Source: Central Statistics Office

8.1.4 Privatisation

Reforms of 1990s has considerably liberalised the industrial and trade policies and opened up transport, communication, banking and insurance sectors to private participation. Privatization in these sectors thus paved the way for growth of services in the economy. Sunil Jain and T.N. Ninan have shown that the fast growth areas in services in post-reform period have been those that have witnessed significant liberalization. The removal of government imposed constraints in technology driven sectors (such as IT and communication) has also been important for service growth. The telecom liberalization of 1994 years has considerably raised the share of communication services in GDP in recent years. From just 5% share in 1999 the share of private sector in total telephonic connection has raised to 86.3% in 2012. Similar trend has been visible in wireless connection, the number of wireless connection rose from 35.62 million in March 2004 to 919.17 million in 2012. This has been primarily due to increased role of private players. The share of banking sector in GDP gets doubled after reforms of 1990, it was 3.4 in 1990 and 6.7 in 2010-11. As a result of policy liberalization, private banks have started playing an important role in extending banking facilities. India has been mainly driven by cash, this is largely due to the shortage of banking facilities. Digitisation of payments will give a boost to the use of debit and credit cards, thus expanding the scope of banking services. The banking sector is expected to grow in future, digitization of payments will not only expand the role of existing private banks but also will attract new entrants in this sector. In the era of digitization, many new mobile wallet companies seem to capture a considerable amount of market share. The cashless payment policy has been working largely in the favor of digital wallet startups. There has been a phenomenal increase in the number of digital wallets in recent times and India is slowly moving towards being a cashless country. Paytm, PayMate, PayUmoney, Oxigen, Ola Money are some emerging private digital wallets in India. From paying mobile bills to buying movie tickets, there's almost nothing that cannot be done with these wallets. Thus, it seems that the step towards a cashless India will boost private sector participation in service sector in the area of banking, digital wallets and others.

Thus considering the above facts it can be said that India's move towards a cashless economy will contribute to tertiary sector growth and it will add the present service revolution.

9. CONCLUSION

By analyzing the above content one can expect that the cashless payment policy will lead to a spike in tertiary sector translating it more to present service-led growth. As it is discussed earlier the growth pattern of service as well as industrial sector failed to absorb the excess of labour employed in agricultural sector (Table 2). Unlike other countries, India has witnessed considerably low share of service employment. For a country like India with huge working population of more than 40 crore which is expected to cross 50 crore by 2020 (census 2011), catering the need of employment at large is of utmost important. Therefore, a well-grounded and coordinated services policy, parallel to the industrial and agricultural sector is the need of the hour. Reforms should be taken to encourage the services that have large potential for employment, e.g. construction, transport, and professional services. Sectors such as health and education have high trade potential therefore they should also be exploited.

While there is a need to increase employment opportunities by bringing systematic changes in the economy to overcome the present bottlenecks of the observed growth momentum, Cashless society seems to be going in opposite direction. Electronic banking will reduce the number of employees needed to handle the banking transactions as most work that is usually done by workers will be handled by machines thereby translating to increase in the rate of unemployment in the country. Indian banking sector consists of wide a network of banks, with 26 public sector banks, 25 private sector banks, 43 foreign banks, 56 regional rural banks, and a large number of urban and rural cooperative banks. Banks are encouraging their customers to use mobile banking. In such a wide network of banks expulsion of workers from their jobs will lead to huge unemployment in the country. Many banks in the country have deployed system wide robotics that uses artificial intelligence of machines to do humans job. This policy will not increase unemployment in banking sector only it will also hurt the employment opportunities associated in related spheres as well. Printing and transportation of currency every year provides employment opportunities to many in the country. When the printing of notes get halted the people associated with it will also lose their job. There might be spike in employment of service based industry like mobile banking, customer

service through online portals but those cannot generate enough jobs to match the jobs lost. Even these jobs can also be replaced by computers in future. All technology based companies are expected to flourish in cashless economy that does not have high employment creating potential.

The transformation of the current payment method to a total cashless might have positive impact on economic growth but it also entails some serious issues. Unemployment creating aspect is one among them that needs to be tackled before switching to cashless economy. We are living in the digital era and adoption towards latest technology is inevitable and so in case of cashless transactions too. The study finds that economy is not yet ready to face challenges of cashless payment policy. First the economy should work on foreseen threats of cashless payment like employment issue and then promote the cashless transactions. Thus, the study suggests that systematic and comprehensive policy is needed to be implemented first only then the benefits of cashless economy can be reaped.

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“A ROUTE WISE ANALYSIS OF FOREIGN DIRECT INVESTMENT (FDI) IN INDIA: AN EMPIRICAL STUDY”

Mohd. Tausif Anavar

Research Scholar, Department of Commerce

Aligarh Muslim University, Aligarh (UP), India-202002, Email-tausif03mfc@gmail.com

ABSTRACT

FDI has been instrumental in the economic growth of the developing countries. India has come up as the most liberal economy on the global map. FDI inflows in India have been on the rise since the beginning of the decade 2000s. The increasing trend continued till the emergence of global financial crisis in 2008. In 2008, FDI inflows to India accounted for 3 per cent of the world total trends of FDI inflows. Foreign direct investment in India comes across the world from the different routes of entry i.e., FIPB/SIA route, RBI/automatic route and acquisition of share route. The present paper makes a humble attempt to analyse the FDI inflow among the selected routes in India and suggest how FDI would be an effective medium to promote growth and development of the country and how it can help to attain global competitiveness.

Keywords: *FDI, RBI/Automatic Route, FIPB/SIA Route, Acquisition of Share Route.*

INTRODUCTION

FDI is treated as an important mechanism for channelizing transfer of capital and technology and thus perceived to be a potent factor in promoting economic growth in host countries. Moreover, MNCs consider FDI as an important mean to reorganize their production activities across borders in accordance with their corporate strategies and the competitive advantage of host countries (RBI Bulletin 2012). Historically, India has followed very cautious and selective approach regarding foreign capital, but after economic reforms in 1991, it has liberalized the foreign direct investment (FDI) Policy. Number of measures were undertaken to promote FDI, Thus Government of India (GOI) has been succeeded in attracting more FDI in India. From the year 1991-1992 to 2011-12, India has fetched 4, 26,318 US \$ million FDI inflows (considering estimates made by RBI for the year 2010 to 2012). According to UN report, India is the third most favored destination for investment after China and the US for major global companies. The report further expects that foreign investment in India could increase by more than 20% in 2012-2013. India needs foreign capital due to inadequate domestic capital and also for economic development.

FDI is a type of investment that involves the injection of foreign funds into an enterprise that operates in a different country of origin from the investor. It is as an important vehicle for economic development as far as the developing nations are concerned. The important effect of FDI is its contribution to the growth of the economy. It has an important impact on country's trade balance, increasing labor standards and skills, transfer of technology and innovative ideas, skills and the general business climate. It also provides opportunity for technology transfer and up-gradation, access to global managerial skills and practices, optimal utilization of human capabilities and natural resources, making industry internationally competitive, opening up export markets, access to international quality goods and services and augmenting employment opportunities. It plays an

important role in the process of globalization during the past two decades. The rapid expansion in FDI by multinational enterprises (MNEs) since the mid-eighties may be attributed to significant changes in technologies, greater liberalization of trade and investment regimes, and deregulation

And privatization of markets in many countries including developing countries like India. Capital formation is an important determinant of economic growth. While domestic investments add to the capital

stock in an economy, it also plays a complementary role in overall capital formation and in filling the gap between domestic savings and investment. At the macro-level, it is a non-debt-creating source of additional external finances. At the micro-level, FDI boosts output, technology, skill levels, employment and linkages with other sectors and regions of the host economy.

FOREIGN DIRECT INVESTMENT (FDI) IN INDIA:

FDI is generally known to be the most stable component of capital flows needed to finance the current account deficit. India has become an investment hub over the last decade. The major areas of FDI are oil, mining, coal and gas, banking, insurance, transportation, finance, manufacturing, retailing etc. FDI is significant to India as an engine of growth. Foreign Direct Investment (FDI) is an investment directly into production and services in a country by a company located in another country, either by buying a company or by expanding business in that country. It is another mode of doing business in a foreign country. Foreigners may subscribe to shares and debentures of another country's concerns. Foreigners may subscribe to shares and debentures of another country's concerns. Basically, total FDI includes the following types of investments:

a) Foreign direct investment- which includes the share of investment in equity through SIA / FIPB, RBI, NRI, acquisition of shares of Indian companies by NRIs under FEMA, equity capital of unincorporated bodies and other capital.

b) Foreign portfolio investment- which consists of Global Depository Receipts (GDR), American Depository Receipts (ADR), Foreign Institutional Investors (FIIs), offshore funds and others.

ROUTES OF FOREIGN DIRECT INVESTMENT (FDI) IN INDIA:

Foreign Direct Investment introduces modern technologies, transfers of knowledge, skill and provides access to export markets along with investment and managerial expertise. It provides the much needed foreign exchange to help reduce the deficit of balance of trade. When foreign enterprises enter into competition with local firms, the latter are forced to improve their technology, quality and management. There are four major routes of FDI inflow in India which are as follows:

1. **RBI/Automatic Route:** It is a route through which foreign direct investment has been injected in the economy without the prior approval of either the Government of India or the Reserve Bank of India in all sectors. Reserve Bank of India notified this route on January 5, 1990.
2. **Non-automatic/Government Route/(FIPB/SIA) Route:** Non-automatic activities (activities which are not covered under the automatic route) require prior approval of the Government, which is considered by the Foreign Investment Promotion Board (FIPB), Department of Economic Affairs and Ministry of Finance of India. They are referred to the Foreign Investment Promotion Board (FIPB) which accords clearance on a case-by-case basis. Once the proposal is put forward to the FIPB, it consults the concerned administrative ministry. Then, depending upon the quantum of the investment and other details of the proposal, clearance is given. This route is fully controlled by the Indian Government.
3. **Acquisition of Existing Share Route:** The acquisition of shares has been included as a part of foreign direct investment since 1996 (under section 29 of FERA 1973 as also mentioned under section 5 of FEMA 1999). Under this, companies are considering the FDI proposal for acquisition of shares when the application is made by Indian companies or while the proposal is supported by board resolution of an Indian company. Under this category, there are three components of foreign direct investment, i.e., equity capital, reinvested earnings and intra-company loans. In which equity capital is the share of an enterprise in a country which is purchased by a foreign investor, whereas reinvested earnings comprise the share of direct investors of earnings not distributed as dividends by affiliates and intra-company loans are also known as intra-company debt which refers to all short and long-term borrowings between present and affiliated enterprises.
4. **RBI's Various NRI Scheme Route:** Some industries are eligible for NRI investment like small-scale industries, banking services, telecommunication, export trading houses etc. Since 2003, inflows received under this scheme are included under the head of RBI/Automatic Route.

REVIEW OF EARLIER STUDIES

This section reviews the empirical and theoretical studies on the foreign direct investment in India overall in terms of growth and route wise in terms of policy measures which includes substantive findings as well as theoretical and methodological contribution to this particular study. Which are as follows:

Dommar (1950) in his paper found that the Government have played a key role in foreign investment. On one hand, new investment generates income and effective demand. On the other, it increases productivity capacity of the economy by expanding capital stock. The theory said that the economic growth depends on the amounts of labor and capital. More physical capital generates economic growth. Net investment leads to more capital accumulation, which generates higher output and income. Then higher level of income allows higher level of saving.

Banga, Rashmi (2003) highlighted in his paper entitled "impact of Government policies and investment agreements on FDI inflows to Developing countries: An Empirical Evidence" that the last two decades had witnessed an extensive growth in foreign direct investment (FDI) flows to developing countries. This had been due to an increase in competition among the developing countries to attract FDI, resulting in rise in fiscal incentives offered by the host governments, removal of restrictions and signing of bilateral and regional investment agreements.

R Nagraj (2003) in his paper concluded that the liberal policy regime, industrial labour market reforms, and infrastructure investment are needed to increase foreign direct investment in India. While infrastructure improvement surely merits a close attention, one is not so sure if the extent of the reforms and the quantum of foreign investment inflow are positively related. Moreover, there is little evidence that greater FDI inflow ensures faster output and export growth. Such simplistic associations, usually based on cross-country analysis, seem to have support neither in principle nor in comparative experience. What is needed is a strategic view of foreign investment as a means of enhancing domestic production and technological capability, and as also to access the external market for labour intensive manufactures.

Alfaro (2003) has reviewed a study of FDI inflow of 47 countries for a period from 1981 to 1999 in 47 countries and found that FDI vary greatly across the primary, manufacturing and services sectors hence it exerted different effects on economic growth as amount of FDI inflows attracted into different sectors of the economy (namely primary, secondary and services). FDI flows into the primary sector tends to have negative effects on economic growth, whereas FDI inflows in the manufacturing sector, a positive and in the service sector the impact was ambiguous.

Chakraborty and Nunnenkamp (2006) have reviewed in their paper that FDI inflow has boomed in post-reform India. At the same time, the composition and type of FDI has changed considerably. Even though manufacturing industries, too, have attracted rising FDI, the services sector accounted for a steeply rising share of FDI stocks in India since the mid-1990s. While FDI in India continues to be local-market seeking in the first place, its world-market orientation has clearly increased in the aftermath of economic reforms.

Virmani and Collins (2007) have empirically studied India's economic growth experienced during 1960-2004 focusing on the post 1973 acceleration and tried to find the unusual dimensions of it. They found that India would need to broaden its current expansion to provide manufactured goods to the world market and jobs for its large pool of low skilled workers.

Anita (2012) in his paper entitled "Foreign Direct Investment and Economic Growth in India" observed that FDI has played an important role in the long-term development of a country not only as a source of capital but also for enhancing competitiveness of the domestic economy through transfer of technology, strengthening infrastructure, raising productivity and generating new employment opportunities.

Pichumani (2014) in his empirical study found that the India has received a small amount of FDI inflow largely due to poor business environment prevailing in the country. The process of economic

reforms which was initiated in July 1991 to liberalize and globalize the economy had gradually opened up many sectors of its economy for the foreign investors. It might be of interest to note that more than 50% of the total FDI inflows received by India during the period from 1991-2010 came from Mauritius and the USA. Investors based in many countries have taken advantage of India. Investors are showing their growing confidence in the immediate and medium term prospects of Indian Economy. FDI of course might be one of the important sources of financing the economic development. However, one should not forget that FDI alone is not a solution for poverty eradication, unemployment and other economic.

Teli (2014) has undertaken a study and found that FDI inflows in India has positive trend in which Gross inflows of FDI include 63% share of direct investment in equity and 37% share of portfolio investment. FDI increased due to adoption of more liberal foreign policy and series of measures are undertaken by Government of India. It is observed that Mauritius and Singapore had 48% cumulative inflows of FDI. While, studying sectoral perspective, it is found that service sector tops in attracting highest FDI in equity inflows, followed by manufacturing sector.

Vyas (2015) in his article, "An Analytical Study of FDI in India" have emphasised that FDI in India has a significant role in the economic growth and development of India. FDI in India to various sectors can attain sustained economic growth and development through creation of jobs, expansion of existing manufacturing industries. The inflow of FDI in service sectors and construction and development sector, from April, 2000 to June, 2015 attained substantial sustained economic growth and development through creation of jobs in India. Computer, Software & Hardware and Drugs & Pharmaceuticals sector were the other sectors to which attention was shown by Foreign Direct Investors (FDI). The other sectors in Indian economy the Foreign Direct Investors interest was, in fact has been quite poor.

Objectives of Study:

The main objectives of the study are as follows:

To analyse the FDI inflow among the selected routes in India.

Hypothesis of Study:

The study aims to test the following hypothesis:

H01: There is no significant difference in FDI inflows among selected routes in India.

Methodology of the Study:

The empirical analysis carried out in this paper is based on the annual route wise data for FDI inflow in India over the period from 2003 to 2015 covering the three route of FDI inflow i.e. RBI/Automatic Route, Non-automatic/Government Route/ (FIPB/SIA) Route and Acquisition of Existing Share Route. The annual FDI inflows data released by Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, government of India. The one way ANOVA is used for the purpose of analysis and to test the hypothesis. For the test of significance t-test has been used. The Scheffe test is used for route wise multiple comparison of FDI inflow in India while Levene's test is employed to evaluate the tenability of homogeneity of variances.

Analysis and Findings:

Descriptive Statistics: Interpretation

It can be observed from the following table that the highest mean of the FDI inflow was registered in RBI/automatic route which is Rs. 70789.85 Crore with Standard deviation of Rs. 57479.014 Crore followed by acquisition of share route which are Rs. 24190.46 Crore and Rs. 18058.800 Crore respectively. Whereas the lowest mean of the FDI inflows is Rs. 11548.23 Crore for FIPB/SIA route along with standard deviation of Rs. 6052.548 Crore. The results reveals that the mean of the total FDI inflow from all the three route is Rs. 35509.51 Crore which is approximate half of the mean of the FDI inflows received in RBI/automatic route alone.

TABLE-1: Descriptive Statistics

FDI Inflow	N	Mean	Standard Deviation	Standard Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
FIPB/SIA Route	13	11548.23	6052.548	1678.675	7890.71	15205.75	4296	22971
RBI/Automatic Route	13	70789.85	57479.014	15941.81	36055.63	105524.07	2340	209981
Acquisition of Share Route	13	24190.46	18058.8	5008.61	13277.64	35103.28	2928	58634
Total	39	35509.51	42707.587	6838.687	21665.31	49353.71	2340	209981

Source: Appendix 1

Test of Homogeneity of Variances: Results and discussion

The assumption of normality was checked by using histogram (table-1) and found tenable for all the groups. It can be observed from the table-2 that the assumption of homogeneity of the variance was tested and found tenable using Levene's test $F(2, 36) = 10.342$ and $p = 0.000$ ($p < 0.05$). Further, it is pertinent to note that the Levene's test for Homogeneity of variance with significance value of 0.00 indicate that the variances in FDI inflows in various routes are significantly different from each other. It is worth mentioned that the above selected routes shows a narrow variance in RBI/automatic route of $(57479.014)^2$ and much wider variance of $(6052.675)^2$ for FIPB/SIA route.

TABLE-2: Test of Homogeneity of Variances

FDI Inflow			
Levene Statistic	df1	df2	Sig.
10.342	2	36	0

Source: Appendix 1

Testing of the Hypothesis: Results and discussion

H01: There is no significant difference in FDI inflows among selected routes in India.

The one way Analysis of Variance (ANOVA) is employed to test the null hypothesis that there is no significant difference in FDI inflows among selected routes in India. The independent variable route included three groups i.e., FIPB/SIA route, RBI/automatic route and acquisition of share route in terms of FDI inflow as a dependent variable.

TABLE-3: Result of ANOVA Analysis between and within the Groups

ANOVA					
FDI Inflows					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	25310556435	2	12655278217	10.355	000
Within Groups	43999087163	36	1222196866		
Total	69309643598	38			
Result: Null Hypothesis is rejected.					

Source: Appendix 1

It can be observed from the foregoing table that the F-value is 10.355 and P-value ($= 0.000 < 0.05$) indicate that there is a significant evidence to reject the null hypothesis and conclude that there is a statistically significant difference in FDI inflows among the selected routes of India. Hence the Null hypothesis has been rejected. However, the actual difference in mean of FDI inflow from selected routes of India is quite small. Moreover, we conclude that the mean of FDI inflows is significantly different for at least one of the route ($F(2, 36) = 10.355$, $p = 0.000$). Note that the ANOVA alone does not tell us specifically which means were different from another. To determine that, we would need to follow up with multiple comparisons (or post hoc) tests.

Post hoc Scheffe test for Multiple Comparisons: Results and discussion

In table-4, multiple comparison is concluded to evaluate the pairwise difference among group means with the use of post hoc Scheffe test since equal variances were tenable. Scheffe test reveals the significant pairwise difference between means of FDI inflow in the selected routes of India. The result reveals that there is only one pair of group whose mean are not significantly differ at the (P<0.05 level) from each other which is certainly be the pair of FIPB/SIA route and acquisition of share route. According to the data, the results reveals that only RBI/Automatic Route in each group are significantly differ from each other.

TABLE-4: Multiple Comparison of Route wise FDI inflows in India

Dependent Variable: FDI Inflows						
Scheffe						
(I) Group Route	(J) Group Route	Mean Difference (I-J)	Std. Error	Sig.	95% Confidence Interval	
					Lower Bound	Upper Bound
FIPB/SIA Route	RBI/Automatic Route	-59241.615	13712.414	0.001	-94252.32	-24230.91
	Acquisition of Share Route	-12642.231	13712.414	0.657	-47652.93	22368.47
RBI/Automatic Route	FIPB/SIA Route	59241.615	13712.414	0.001	24230.91	94252.32
	Acquisition of Share Route	46599.385	13712.414	0.007	11588.68	81610.09
Acquisition of Share Route	FIPB/SIA Route	12642.231	13712.414	0.657	-22368.47	47652.93
	RBI/Automatic Route	-46599.385*	13712.414	0.007	-81610.09	-11588.68

*The mean difference is significant at the 0.05 level.

Source: Appendix 1

Output:

In the following table the output for post hoc Scheffe test has been shown. The result reveals that the mean of FDI inflow in RBI/automatic route is statistically significant than other as associative significance value is 0.00. Factually, overall ANOVA result shows significantly difference (P=0.00). The result shows that no route are significantly differing, except the only RBI/automatic route.

TABLE-5: FDI Inflow in Different Routes in India (By Scheffe Method)

Scheffe			
Group Route	N	Subset for Alpha=0.05	
		1	2
FIPB/SIA Route	13	11548.23	
Acquisition of Share Route	13	24190.46	
RBI/Automatic Route	13		70789.85
Sig.		0.657	1

*Means for groups in homogeneous subsets are displayed.

Source: Appendix 1

CONCLUSION AND SUGGESTIONS

It can be concluded from the foregoing analysis that the foreign direct investment in India comes across the world from the different route of entry. The highest FDI inflow in India is received through the RBI/Automatic Route followed by acquisition of share route while Government Route/ (FIPB/SIA) is received lowest amount of FDI inflow in India. It could have been due to the Government strict policy for the sectors and activities specified in the consolidated FDI policy in non-automatic route. The study is made an attempt to analyses the impact of FDI inflows on various routes in India. The route which have received highest FDI inflow is RBI/Automatic Route in India. The result reveals that there is only one pair of group whose mean are not significantly differ at the (P<0.05 level) from each other which is certainly be the pair of FIPB/SIA route and acquisition of share route. According to the data, the results reveals that only RBI/Automatic Route in each group are significantly differ from each other.

Appendix 1:Route-Wise FDI Equity Inflow from Jan 2003 to Dec 2015

Year	Govt. Approval Route (FIPB/SIA)	RBI/Automatic Route	Inflows through Acquisition of Existing Shares Route	Cumulative Total/ India's Total FDI Equity Inflows
2003	4296	2340	2928	9564
2004	4852	5422	4507	14781
2005	4967	6874	7429	19270
2006	6968	32176	11213	50357
2007	10787	36100	18608	65495
2008	13559	100468	45502	159529
2009	22972	91985	16023	130980
2010	11597	65552	18866	96015
2011	13478	87822	58635	159935
2012	15955	84529	21107	121591
2013	7866	74418	47198	129482
2014	10998	122601	41714	175313
2015	21832	209981	20748	252561
Grand Total	150127	920268	314478	1384873

(Amount in Crore)

Source: RBI, (FED) Central Office, Mumbai & SIA Newsletter, DIPP, April 2016 Issue.

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HISTORICAL BACKGROUND OF SETTLEMENT OF MUSLIMS IN ASSAM

Md.Sirajul Hoque

(Ph.D Research Scholar), BAMU Aurangabad

India is a vast and populous country where centuries of racial fusion cultural inter mingling have endowed its multi faceted society with an extreme richness of variety and colour in respect of religion language, custom, tradition, costume, art and crafts etc. While Hinduism accounts for the majority of the population, the Muslims constitute the single largest religious minority community in secular and independent India. Their strength the total population of this country is 14.2 percent as per 2011 census report. They are an integral part of the Indian politico-economic and socio-cultural milieu. They are scattered and settled in all the states of India ranging from a high concentration of 68.03 percent of the total population in Jammu and Kashmir to a low destiny of 0.1 percentage points in Meghalaya, Orissa and Arunachal Pradesh. It appears that when two communities with different religions and cultures come into close contact there is bound to develop a significant socio-cultural interaction obviously the contact of Muslims and the Hindu, which constitutes a landmark in Indian history and has significantly affected the political fabric of India, resulted in the development of a new synthetic culture.

The Muslims of Assam have been playing a very significant and positive role in the formation and development of the Assamese society and its composite culture being integrated by the various socio-economic factors, they are spread over the length and breadth of the state particularly in the Brahmaputra valley which is the homeland of the Assamese culture. The contemporary Assamese society is fundamentally a multi-religious, multi-racial, multi-ethnic, multi-caste, multi-class and dominantly unilingual, composite and by and large a secular society. The Assamese Muslims are well integrated and assimilated with the larger Assamese society due to various geographical and historical reasons.

The origin of the Muslim of Assam can be clearly traced back to the last decade of the 12th century. Since then, this community has been evolved gradually over a very long stretch of time. However, the history of origin growth and development of the Muslims of Assam can be attributed to different major developments.

The entrance of Muslim in Assam can be stressed at the time when Mohammad Bin Bakhtiar wanted to conquer China through Assam. It was the year 1206 AD. Mohd.Bin Bakhtiar attacked Kamrup (Assam) and was himself defeated. The Muslims come as invaders, some of them were defeated while others could establish their rule in some parts of Assam, especially in Hajo. Thus some Muslims in Assam remained willingly, while others remained as captives. Once they got mixed with local Assamese and married their girls to live there permanently. Muslims thus, entered Assam as conquerors, administrators, preachers and invites of the local king. Most of them settled in Assam Permanently. Due to the propagation of Islam by different 'Peers' preachers and saint hundreds of lower castes Hindus and Tribals embarrassed this religion(Islam). In this way the number of Muslims in Assam was increased during the medieval India. The influx of Muslim into Assam was ended for the time being, when Mughals were defeated at Itakhuli (near Gauhati) in 1682. This was the last war between Ahoms (Assamese) and Mughals after which Mughals did not try to regain Eastern Part of Assam. During that time, the Mughal administration of Delhi was on the decline. The administration of Bengal also collapsed due to the British occupation of Bengal. However Western part of Assam was still under the administration of Muslims.

Assam was completely a sovereign country, ruled by the Ahoms for more than 600 years. Though some portions of it were occupied by Muslim rulers, yet they could not establish permanent rule. Assam was for a few years under the Burmese invaders who were invited by an Assamese General (Badan Barphukan) to help him in this war against the ailing Prime Minister of a minor King. The Ahom King there upon sought

the help of the British, who were in the neighboring Dacca to Purge Assam of the plundering Burmese. In order to increase revenues and taxes and also for administration, the British Government brought some literate Bengali Hindus to different posts, poor labourers for tea cultivation and Bengali Muslims for jute cultivation in Assam. Almost all the Bengali Hindus and Bengali Muslims were from Bengal. A few of them came from Bihar, Madyapradesh and Orissa. With the beginning of the 20th century, it was seen that there was the Bengali galore in the state of Assam in various fields of administration railway, Post Office, Law, Teaching and Primary medicine. The British Government encouraged them to settle in Assam permanently. At that time Assam was very thinly populated. Local Assamese were not sufficient and well-up for the different purposes of the British Government. Muslims of East Bengal were expert in cultivation. The soil of Assam was very fertile, where varieties of crops were expected to be produced. There were thousands of acres of wasteland in Assam. So Bengali Muslims cultivators were invited by the British Government to settle in Assam for cultivation. After giving allotment of permanent patta of the occupied land, the British Government levied revenue taxes on them. These opportunities attracted Muslims of Bengal to migrate to Assam. In this way Muslims of Bengal started to come to Assam for permanent settlement, like the Hindus. This inter-state migration continued till the independence of India.

The Muslims are either in big or small in number, scattered in all the district of Assam, with a high concentration of 75 % of the total population in Dhubri district, the Westernmost part of Assam, and the lowest density of 1.96% in Dhemaji district as per 2011 census report.

In the light of the above discussion, we may come to that the Muslim population of Assam, whose origin dates back to the last decade of 12th century was not evolved within a country. It was rather a composition of slow and spasmodic process which occurred during a very long period of time i.e. since 1198 A.D. These Muslim settlers had with this land their permanent home, assimilated with the local people, adopted Assamese as their mother tongue, accepted local habits and customs as their own, and identified themselves as Assameses with the local people, and through this process they have enriched the socio-cultural life of the total stock.

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GENDER JUSTICE AND INDIAN LABOUR

“Just as a bird could not fly with one wing only,
a nation would not march forward if the women are left behind
Swami Vivekananda

Harpreet Kaur

Research Scholar, Punjabi University Patiala, Punjab

Almost half of the population of every society is women and it is supposed that women are the best creators. But however it is a cruel truth that women have been ill treated in all most every society for ages and India is also not an exception to it almost all the societies in the world are male dominating.¹

Historically sati and child marriage are a few traditions reflective of gender imbalance in Indian society though these practices are largely stopped now due to legal reforms. But till today gender injustice is practiced through domestic violence, trafficking, dowry death, female infanticide, sexual objectification, sexual harassment at work places last but not the least rape etc².

Reasons for discrimination is as the women are deprived of economic resources and are dependent on men for their living in the form of father, husband or son, her work is normally confined to domestic sphere which is unpaid and not recognized. But today in modern world situation is different today she is coming out for work and is working in a dual capacity both at home and at work place. But alas! To say that she is under the command of several problems such as discrimination at work places, domestic violence with family etc³.

MEANING OF GENDER JUSTICE

It means equality of sexes, giving equal value and treatment to both male and female. It is not a very old concept it is a recent discovery of law and is frequently used with reference to promote women interest in social and economic policy. However the term cannot be given a précised definition it is oftenly used with the view of gender equality, women empowerment, women right etc. when we talk about gender justice it does not means that we are simply talking about relationship between man and women. In a spirit of social justice it means making few laws and strategies so that society must be changed into just and safe place for women where men and women are treated equally⁴.

Gender justice and constitution maker of the constitution have incorporated many provisions in constitution for the protection of women. Few of them are Art.14 which talks about equality, Article 15 guarantee the right against discrimination, Art. 15(3) Prevents the State from making special provisions for women, Art. 16 provides right to equal opportunity in public employment irrespective of the sex of person. In 77th Amendment of the Constitution, 33% seats have been reserved in panchayts for women's. The 73rd Constitutional Amendment Act, passed in 1992 by parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural area or urban area. Art. 39 talk about equal pay for equal work; Art. 42 require the state to make provisions securing humane conditions of work and maternity relief⁵.

Not only our constitution makers but our Indian judiciary have also played a very good role in eradicating gender injustice. In *C. B. Mathamma v. Union of India*⁶ the validity of Indian Foreign Services (Conduct and Discipline) Rule of 1961 was challenged in this it was said that female employer will have to obtain written permission of the government before her marriage and at any time after her marriage a women member of the service may be require to resign from service. The Supreme Court held

that such a provision is discriminatory against women and hence unconstitutional. In *Vishakha & Others v. State of Rajasthan*⁷ the Supreme Court held that the harassment of women at work places amount to violation of gender justice and right to life and liberty which is clear violation of Art 14, 15 and 21.

Gender justice and labour law under labour law also there are many provisions incorporated taking care of physical, mental and biological character of women. Some Acts were passed during British period some after independence which not only talks about working hours but also about health, safety, welfare of women workers. Most of these laws are based on conventions adopted by I.L.O.

Few Important Labour Legislations Covering Women Are

The Factories Act 1948 under this act measures have been laid down to be adopted for health, safety, welfare, working hours of employed women and young persons. Few special provisions for women have also been incorporated in this act keeping in view soft and tender personality of women such as:

- Provision for women welfare.
- Prohibition of women employee during night hours.
- Fixation of daily working hours at night.
- Fixation of maximum permissible load.
- Provision of crèche.
- There should be bathing and washing rooms for women's.

All These Provisions Are Also Mentioned Under-Plantations Labour Act 1951, Mines Act 1952, The Beedi And Cigarette Workers (Condition And Employment) Act 1966, The Contract Labour (Regulation & Abolition) Act 1970.

The Employees State Insurance Act 1948 under this act the insured women workers gets sickness benefit, disablement benefit, medical benefit, they also get maternity benefit in case of certain contingencies arise out of pregnancy, miscarriage, sickness arising out of pregnancy, premature birth of child or miscarriage and death.

As I said above the main cause of discrimination against women is her dependent on man economically. Economically she is weak so to remove such discrimination the woman must be made economically independent, to become economically independent it is required that she should participate in business sector today. Problem faced by women in economic sphere of life are mostly relating to unequal wages, discrimination on the basis of their biological role in nature child bearing. To curb such problem and protect economic right of women the legislature introduced The Equal Remuneration Act, 1976 & Maternity Benefit Act, 1961.

The Maternity Benefit Act aim, to regulate employment of women for certain period before and after child bearing and for providing maternity benefits. From time to time this act has been amended recently it is amended in 2017 by this amendment maternity leave has been extended amendment has been made in section 3 and 5 of this act section 11 A is also added which talks about providing crèche facility in the organisation where more fifty employees are there. This act also provides social security to woman workers employer cannot discharge and dismissal during maternity leave and have to pay maternity benefit if he fails to pay the maternity benefit he will be punished for imprisonment of not less 3 months which may extend to 1 year and fine of Rs 200/- which may extend to Rs 500/-.

Equal Remuneration Act 1976 equal pay for equal work for man and women is of great concern. Generally it is felt that women's are physically weak and should be paid less even if they are engaged in the same work as the man. Earlier when the laws for the protections of women's was not made factory owners used to take advantage of poverty and backwardness use to recruit women on large scale at low wages and were used to work under inhuman conditions. Indian labour organization has evolved many conventions to provide protection to employed women. Many conventions of I.L.O. have been ratified by India. The principle of I.L.O has been incorporated in the Constitution of India under Art. 39 (a) which direct the state to secure equal pay for equal work. To give effect to this constitutional provision the parliament has enacted the equal remuneration act.

The Minimum Wages Act 1948 was passed for the welfare of workers. It provides for the fixation of

minimum wages for the employs. Section 46(1) (b) prohibits employment of women in any mine above ground except between 6 a.m. to 7 p.m. It also prohibits employment of women in any part of mine which is below ground.

National Policy for the Employment of Women 2001 the goal of this policy is to bring about the improvement, growth and empowerment of women. The policy will be widely disseminated so as to encourage active participation of the entire stakeholder for achieving its goal. The objectives of this policy include creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential:

- Equal access to participation and decision making of women in social ,political and economic life of the nation
- Strengthening legal system aimed at elimination of all forms of discrimination against women
- Changing societal attitudes and community practices by active participation and involvement of both men and women
- Mainstreaming a gender perspective in the development process
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupation health, safety and social security etc.

Mahatma Gandhi National Rural Employment Guarantee Act was notified on September 7,2005the main objective of this act is to enhance livelihood security in rural area by providing at least 100 days of guaranteed wage employment in a financial year to every household whose adult member volunteer to do unskilled work. Priority is given to women in allocation of work. Gender equality is one of the core elements of this poverty reduction plan which stipulates that at least 1/3 of the labour force should be women with equal wages for both man and women. Various genders related objects are emphasized such as:

- Safe drinking water
- Hygienic work environment
- Child care facilities at work places
- Distance of work places not exceeding two miles from home
- Health care and nutrition is emphasised⁸.

Child Care Leave the central government, in 2008, consequently to recommendation of the sixth pay commission, has introduced child care leave for its women employees for maximum period of 2 years during their entire service. Women are allowed to take C.C.L. to take care of two minor children, whether for rearing or to look after any of their need like examination sickness etc⁹.

Empirical evidence related to female work participation according to the information provided by68th round of the National Sample Survey Organisation (NSSO) there is a decline in female labour force participation in rural area in 2011-12 though there was marginal increase in urban areas this clearly shows that woman continues to remain in a disadvantageous position even if so many laws have been made. Because of low female labour force participation rate overall LFPR has fallen down out of 184 countries of which the data was collected India was ranked 42nd in male LFPR but 165th and 143rd in Female LFPR¹⁰.

Analysis If we analyse that why female labour force participation is declining even though GDP of India is increasing the main reason is Gender pay gap in India across industries female workers are getting 48% less wages than their counter male part. Secondly harassment at work place is also another reason for decline of female labour force participation. Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal Act) Act 2013 and many other laws were passed to remove gender injustice but they fail to take account of the pathetic conditions of rural women's and to adhere male oriented custom which create the obstacle in the execution of gender justice laws. Enacting gender just laws do not means an end to the exploitation of any discrimination against women numbers of laws are made to check gender discrimination but due to mentality and social environment they failed to accomplish the goal.

A law without public opinion is nothing but a bundle of paper. The gap between men and women cannot be shortened by just enacting laws as it a social engineering law which are enacted to provide social justice, social equity and social security to workers and which is different from penal laws basically these laws are enacted for uplifting the norms of the society and are progressive in nature, therefore it must be backed with the will of the people for whom it is enacted .However guaranteeing a right in law does not mean that it has the ability to access the right in reality. It is rightly said by **Wendell Phillips** *“law is nothing unless close behind it stand a warm living public opinion”*.

Conclusively gender justice is genuine equality among human being where neither man is superior nor woman is superior .they should be treated equally but the law alone cannot do much. All the sectors of society have to work for this cause whether it be NGO’s or people representatives.

As it is rightly said by **Swami Vivekananda**

“Just as a bird could not fly with one wing alone a nation would not march forward if the women’s are left behind”.

So for the progress of the nation women’s have to be treated equally!

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WOMEN EMPOWERMENT THROUGH SELF HELP GROUP AND SUSTAINABLE DEVELOPMENT

Taiyab Hussain Ansari
Research Assistant, AMU, Aligarh

According to United Nations, the women make up nearly 31 per cent of the official labour force In the Developing countries and nearly 47 per cent worldwide. Women who constitute nearly half of the world's population receive just one-tenth of the world's total income and less than one-hundredth of the world's total property. Women contribute to 68 per cent of the food production, are the driving force behind 70 per cent of the small scale enterprises with nearly 35 per cent of the family's dependant on their earnings.

Increasing population pressures, economic compulsions and changing social attitudes have compelled women to enter the labour market in large numbers. While women still constitute a chunk of the agricultural sector, they are now taking advantage of the increasing employment provisions in the urban areas. Increasing globalization and liberalization has had an impact on the employment patterns in general and on women's work patterns in particular. There is a phenomenal growth in the serviced sector such as telecommunications, tourism as also the informal sector, such as home based enterprises, outsourcing, part time work wherein the women are playing a major role. While on one hand the women's participation in the workforce is increasing, on the other the conditions under which they work are not getting any better. Our Indian Constitution bestows equal rights on men and women at work place, in reality the work places continue to subject the women to unequal treatment and discrimination, despite the prevailing laws that govern women's rights at workplace. Most of these laws are based on Constitutional provisions and are guided by the ILO conventions. India has ratified the convention on the Elimination of this ratification in that India now is under an obligation and commitment to address inequality and discrimination against women through its policies and legislative measures.

The workers of the unorganized sector are by and large subject to a legal apathy, more so the women, who constitute a large part of this sector as there are hardly any special laws to protect their rights. The government has somehow ignored the unorganized sector their rights. The government has somehow ignored the unorganized sector, may be because of the peculiarities and complexities which characterize this sector, making the administration, monitoring and implementation of laws difficult, albeit, an impossible task. However, the Government has extended the application of some of the laws of the organized sector to the unorganized sector, but this has not helped the situation due to ineffectiveness of the enforcement machinery. In the organized sector, however, the women enjoy more protection under the various laws, such as equal remuneration, under the various labour laws such as the Factories Act, Minimum Wages Act, Plantation labour Act etc. there are two laws from among them with specific focus on women, namely, the Maternity Benefit Act, 1961 and the Equal Remuneration Act. 1976. In the Factories Act. 1948 there are special provisions for women's rights at work place. Women empowerment lies at the very root of democratic society, the socio-economic condition of women in India is satisfactory at least 50% of women are anemic and 45% children are malnutrition.

It is the watch ward in the context of poverty alleviation and rural development because rural poor, especially the rural women are too unorganized, powerless, unawareness, illiterate, Ignorance, to be individually able to better their lot in societies. The benefits of growth Failed to trickle down to the poor who are often marginalized if not excluded from the mainstream of development process. Empowering rural poor enhances the self confidence, dignity and self determination capacity of the women to eliminate the implicit and explicit socio-economic disadvantages and there by provides a means to improve the effectiveness of development policy initiatives and programmers.

As India is an agrarian society women under the Indian rural setup were not able to actively participate in decision-making income generation economic activities and experience in public and political life due to historical Socio-cultural and political reasons. Our culture using the double standard to imparting the human resources.

Women have double burden of being women and being the poor. She is an unpaid worker or underpaid worker outside. She does not own land or other assets. She is dependant and has no say in decision making process. Illiteracy, low level of skills, lack of access for training and credit facilities, coupled with lack of entrepreneurship, invisible contribution to family economy, mobility.

The mobilization of women is very important to fight for their equal share in all spheres. Women's development in terms of raising their social and economic status received low priority in government programmes till the mid-seventies the government organizations GOs, Nongovernment organizations NGOs and other extension departments are trying to develop the women through Self Help Groups.

It is the watch- ward especially in the contest of rural development because rural women are too unorganized and powerless to be individually able to better their lot in societies.

This context, Self Help Group (SHG) has emerged as the most successful strategy, in the process of participatory development and empowerment of women. Today, Self Help Group movement is being increasingly accepted for the empowerment and active participation of the rural women in development process.

The Self Help Group may be defined as a collection of individuals belonging to interest needs, socio-economic condition, location, kinship to achieve a common goal, who can take over the charge of development after the withdrawal of project. SHGs are voluntary associations of women/men residing in the same area, formed democratically and without any political association. The basic principles on which SHGs function are group approach, material association. The basic principles on which SHGs function are group approach material trust, manageable small group, cohesiveness, spirit of thrift demand based leading, collateral free peer group pressure in repayment. Organized Skill training and capacity building for women's empowerment.

The primary objective of Self Help Group is as follows

1. To develop the cooperative among the community.
2. To develop the leadership among the member of SHGs
3. To improve the socio-economic condition of the marginalized women.
4. To grow the habits of saving among the community
5. To enable people to pool their own resources in the form of their savings in order credit needs.
6. To develop the Unity and collectivism.
7. To develop the volunteerism
8. To enable self help group to mature as institutions where the people may discuss and find solutions to their common problems and gain confidence by developing managerial skill and educational status.

The primary strength of the programme is that its foundations are based on poor people's own resources, where they save and contribute to group funds. Collective savings have been used as the basis for group formation at the hamlet level. The impact of converting individual savings into group funds not only provides the rationale for group formation but also enables the social utilization of poor people's resources for their own development.

The experience in developing countries shows that provision of small credit to the poor through the linkage process has contributed to the process of rural development by creating conditions that are conducive to human development. It is reported that significant changes in the living standards of SHG members have taken place in terms of increase in income levels assets, saving at the household and society level is increasing and is making the rural development process participatory, domestic and sustainable.

Most of the group members are actively participating in " Local self Government" (Panchayat) activities. Thereby, the women group members are becoming politically aware normally, the group members organized meetings once in a week. Group participation is one of the major elements of SHG. Interaction in meeting help to develop friendship, express solidarity with the problems of others, nature

leadership and enhance one's own capacity in development. Women find a new identity through SHGs and provided efficient social support system of the community. Self Help Groups are a potential source to empower and institutionalize participatory leadership among the marginalized and to identify plan and initiative development activities.

One of the important strategies followed is to promote and sustain learning opportunities among women. All the members took part in different training and awareness programmes which helped them to tackle the problems in their lives and their work. Through the group discussion, training and awareness programmes they realized that they have knowledge and capacity and that they are able to be creative if they take initiative. Throughout these awareness and training programmes the group members are gathering knowledge and applying it in their day-to-day life.

The SHG member are actively participated in the social movement and development of the rural village communities.

That SHGs members are directly involved in National pulse Polio eradication campaign and immunization, they have been also actively participated in literacy campaign, population education, women's right, mother and child immunization camp etc. the members are sending their children including girls to the school.

Alcoholism was a major problem in the village. After the formation of SHGs all the women group member discussed this issue and stated campaign against drinking and compelled the liquors to close their shops.

The SHGs are also directly involve in government programmers at various stage.

The paradigm Mumtaj Self Help Group (SHG) in Aligarh many of the members were found to have achieved the basic competencies in different sectors. The group members sometimes organized *Mahila Vigyan Mela, Kishori Vigyan Mela, Bal Sowasth Mela*, for improvement of awareness, Knowledge, and create scientific temperament among the masses, as well as eradication of myth and superstition among the people. This group helps to formation of *Kishori Manch, Bal Manch*, and monitoring its functioning and moral, ethical, cultural, social, transformational development has been accelerated.

In the rural area the members including their children and other village people participate in the programmes. Participation in the games sports, rally, *parbhat fery, kala jatha, pustak jatha, social, mobilization, school chalo aviyan, symposium, (Goshth)*, and other social and cultural activities definitely promote an atmosphere of amity cooperation and encouragement for socio-economic and cultural development.

In this way all way the group members are involved in many such social and community development activities. The groups help women to establish a common participatory platform to raise voice and solve their problems.

The members of SHGs normally they use to keep this fund in the custody of the group leaders so that the group members even the villagers can get the money for emergency needs.

The self Help Groups enhance equality, we fillings unity, integrities, and identities the status of women as participants, decision makers and the beneficiaries in the democratic, economic, social and cultural spheres of life.

CONCLUSION:

The group or the team activities or action encourage mutual or interdependency among the members. The active participation of group members shows that they can train others in capacity building, generate their own resources and ask for help to the government for social economic and physical development of their communities. The women are trained to identify their needs and necessities and accordingly they are participating in rural welfare activities after becoming the members of SHGs such things has given a positive and significant impact in the socio-economic life of rural women's

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